

**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: December 10, 2014

Action By: January 5, 2015

Decision Subject: Consideration of an Extension to the Compliance Schedule Due Date for a Facility included on the Inventory of Facilities that Violate State Minimum Standards (Inventory), American Avenue Landfill, Fresno County (10-AA-0009)

SUMMARY

The American Avenue Disposal Site is owned and operated by the County of Fresno. The total landfill property encompasses approximately 440 acres, of which 361 acres is designated for waste disposal. The site is located on American Avenue near Kerman approximately 18 miles SW of Fresno. All adjacent land use is zoned agricultural. The nearest residences are approximately 200 feet north and west of the disposal area.

The American Avenue Disposal Site, Facility (No. 10-AA-0009) was added to the Inventory on October 13, 2010 and a Notice and Order (N&O) was issued by the LEA on November 2, 2010. Title 14, California Code of Regulations (CCR) allows the 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 the operator's commitment to continually seek solutions to correct the violation even after initial efforts failed.

The LEA is now requesting *a third Extension to the compliance due date to October 13, 2015*. The LEA has determined that the operator continues to make a good faith effort due in part to the completion of the expansion of the landfill gas collection and control system, installation of a new

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flare, replacement of defective extraction wells (several others still need replacement), and a steady decline of methane levels from 54% in April 2010 to 5.6% in December 2014.

OPTIONS

1. Approve the one-year extension for the proposed compliance due date to October 13, 2015.
2. Conditionally approve the extension request.
3. Deny the extension request and direct the LEA to take increased enforcement action.

ANALYSIS, AND FINDINGS

Background

The landfill gas monitoring and control plan was approved on July 13, 2009. An extension to the implementation due date was approved on September 3, 2009, and installation of the new compliance probes was completed on April 2, 2010.

The operator's first quarterly monitoring report, dated April 2, 2010, documented that perimeter monitoring probes GP-35, CP-36, GP-37, and GP-39 were above 5 % methane by volume. The LEA cited a violation of 27 CCR 20921 in their April 19, 2010 inspection report.

The operator submitted a gas migration remediation work plan (remediation plan) on May 26, 2010 and an amended remediation plan was approved by June 29, 2010. The remediation plan proposed a phased approach, with Phase 1 maximizing and optimizing the existing landfill gas collection and control system (LGCCS). Phase 2 would include expansion of the system, if necessary.

On October 13, 2010, the facility was placed on the Inventory for ongoing violations of 27 CCR 20921. On November 2, 2010, the LEA issued a N&O to the operator, with a final compliance date of October 13, 2012.

Prior to the compliance date of October 13, 2012, the operator determined that they would be unable to meet the final compliance date specified in the original N&O. Site assessment during implementation of Phase 1 of the approved remediation plan determined that a much larger control system was necessary. Therefore, Phase 2 of the remediation plan would need to be implemented, which would take an extended length of time to design, permit, and install.

On June 20, 2011, the operator requested an extension on the compliance schedule until October 13, 2013. On June 30, 2011, the LEA submitted a one year extension request with a compliance due date of October 13, 2013. On July 14, 2011, CalRecycle granted *the first one year compliance extension* until October 13, 2013.

On November 6, 2012, the Fresno County Board of Supervisors (BOS) awarded a contract to Construction Development System (CDS) to complete both Phase 1 and Phase 2 of the remediation plan. CDS completed Phase 1 on May 17, 2013.

CDS did not complete Phase 2 of the project due to its contractor's license being suspended for nonpayment of its worker's compensation insurance. CDS ceased working on the project on August 1, 2013. The BOS found CDS in breach of contract on September 10, 2013. On September 12, 2013, the

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contract between the County of Fresno and CDS was formally terminated. On October 22, 2013, the operator submitted an Agenda Item to the BOS requesting authorization to proceed with a formal bid for completion of the work on the LGCCS.

On October 31, 2013 the operator submitted a request to the LEA for an extension to the N&O deadline. The operator's request included documentation of completed and remaining tasks and a demonstration of unforeseen extenuating circumstances outside the control of the landfill operator.

On November 8, 2013, the LEA submitted a one year extension request with a compliance due date of October 13, 2014. On December 9, 2013, CalRecycle granted *the second one year compliance extension* until October 13, 2014.

Construction of Phase 2 of the landfill gas collection and control system was implemented during the second one year extension, which included installing gas collection laterals and a new flare. In May of 2014, an analysis of the extraction well field was conducted in preparation of the new flare. The analysis revealed several extraction wells were not functioning properly requiring replacement. Five extraction wells identified as "Priority" have since been replaced and another 27 "Priority II" wells are scheduled to be replaced next year.

Due to the discovery of defective extraction wells installed by the previous contractor, the operator will be unable to meet the revised final compliance date of October 13, 2014. However, since the new flare became operational in June 2014, flows to the new flare have been increased steadily, and methane levels in all probes except one have declined below 5% over time, with probe GP-39 continuing to decrease from 11.4% on 6/27/2014 down to 5.6% on 12/1/2014

On October 14, 2014, the operator submitted a request to the LEA for an extension of the N&O compliance deadline. The operator's extension request demonstrated action that has been taken to achieve compliance in addition to an updated remediation plan to replace the remaining defective extraction wells. The operator's request emphasizes that they will continue to make every effort to achieve compliance at the earliest possible date.

On October 21, 2014, the LEA submitted *the third one year extension request with a compliance date of October 13, 2015.*

Analysis

Recent Actions the Operator has taken to Comply

On October 21, 2014, *a third extension request* was submitted with a compliance date of October 13, 2015. Since *the second conditional extension request* was approved, the American Avenue Disposal Site has accomplished the following:

- A new larger flare was installed and became operational in June 2014

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- Since the new larger flare was commissioned in June 2014, methane readings at perimeter monitoring probe G-39 have been on a decreasing trend from 11.4% on 6/27/2014 down to 5.6% on 12/1/2014. All other perimeter monitoring probes have been below 5% methane since June 2012.
- A Notice of Substantial Completion for the American Avenue Disposal Site Landfill Gas Collection Control System expansion project was accepted by the County on July 28, 2014.
- Landfill Gas Collection and Control System well field analysis was completed in June 2014, documenting actions taken during the commissioning and functional testing of the new larger flare. The well field analysis recommended replacement of 33 extraction wells.
- Five extraction wells identified as Priority I have since been replaced, while 27 wells identified as Priority II will be replaced once the county issue an RFQ to replace the wells.

RECOMMENDATION:

Due to recent actions by the operator described above, the downward trend in gas levels, and the unexpected recent discovery of improperly installed extraction wells, CalRecycle staff recommends the operator be granted a third one year extension, until October 13, 2015. CalRecycle staff has reviewed the operator's extension request, including documentation of good faith effort and extenuating circumstances, and agree with the LEA's determination that it is reasonable to extend the compliance date, allowing the operator time to procure a contractor and to complete any additional work and to replace the defective extraction wells.

FINDINGS:

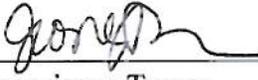
The owner and operator have demonstrated progress and good faith effort in bringing the facility back into compliance. Additionally, the operator is continuing with the remediation plan activities as outlined in the original proposal. The operator has also demonstrated that the percentage of CH₄ has decreased over a period of time, and is expected to continue to decrease as additional improvements are made to the gas extraction system. Based on the factors set forth in 14 CCR 18084, the operator has made a good faith effort and the LEA is taking appropriate enforcement action. Therefore it is reasonable to grant the additional time to bring the facility into full compliance.

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BRANCH CHIEF ACTION:

On the basis of the information in this Request for Action, I hereby issue, pursuant to 14 CCR 18365(b), approval of a one-year extension to the owner and operator of the American Avenue Landfill (10-AA-0009) to October 13, 2015.

Dated: 1/6/2015



Georgianne Turner
Branch Chief
Waste Evaluation and Enforcement Branch

Attachment:

Third Extension Request Letter
Second Extension Request



County of Fresno

DEPARTMENT OF PUBLIC HEALTH
DAVID POMAVILLE, DIRECTOR

October 21, 2014

FA0168785
PR0030443
PE 4430

Georgianne Turner
Cal-EPA Building
Department of Resources Recycling and Recovery
Waste Evaluation and Enforcement Division
P.O. Box 4025
Sacramento, California 95812-4025

Dear Ms. Turner:

Subject: Notice & Order, Third Extension Request
Site: American Avenue Landfill
18950 West American Avenue
Kerman, California
SWIS#: 10-AA-0009

American Avenue Landfill was issued a Notice and Order on October 27, 2010 for violation of California Code of Regulation §20921 Gas Monitoring and Control for the migration of landfill gas in excess of regulatory requirements. A one-year extension was granted in July 2011 extending the compliance deadline from October 13, 2012 to October 13, 2013. A second one-year time extension was granted in November 2013 due to extenuating circumstances that required a re-evaluation and returning to the County Board of Supervisors for approval and direction to continue with workplan activities moving toward compliance.

Installation of the Landfill Gas Collection and Control System consisting of landfill gas collection laterals and Flare #2 was substantially completed in July 2014. In May 2014 an analysis of the extraction well field was conducted in preparation of Flare #2 commissioning. The analysis revealed several extraction wells were not functioning properly and required replacement. Five extraction wells were identified for immediate replacement, which has been completed. Flows to the new Flare (Flare #2) were increased steadily. Monitoring probe GP-39 results have showed a steady decline over time with the October 13, 2014 reading at 6.7%.

It is the intention of the operators to replace the deficient landfill gas extraction wells through the County required process of generating a "Request for Proposal" (RFP), then go through the bid process and selection of a contractor to complete the work. Replacing the deficient landfill gas extraction wells, and maintaining the Landfill Gas Collection and Control System is key to ensuring landfill gas does not migrate across the landfill boundary.

The LEA has determined the operators are making a good faith effort to comply with regulatory requirements. Recognizing the time requirements of the County to process an RFP and select a contractor to complete the work, the LEA believes the requested extension date of October 31, 2015 is reasonable and respectfully requests CalRecycle concur with a one year extension making the new deadline date October 13, 2015.

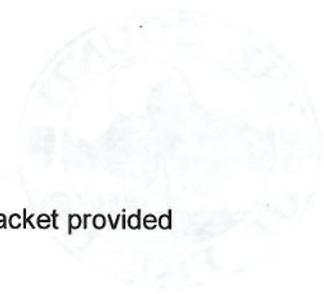
Promotion, preservation and protection of the community's health

1221 Fulton Mall / P.O. Box 11867 / Fresno, California 93775 / Phone (559) 600-3271 / FAX (559) 455-4646

Email: EnvironmentalHealth@co.fresno.ca.us ❖ www.co.fresno.ca.us ❖ www.fcdph.org

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Please see the attached "Compliance Status / Notice and Order No. 2010-01" packet provided by the landfill operators.

If you have any questions, please feel free to contact me at (559) 600-3271.

Sincerely,

A handwritten signature in cursive script, which appears to read "Janet Gardner", is written over a horizontal line.

Janet Gardner, R.E.H.S.
Environmental Health Specialist III
Environmental Health Division

Enclosure

cc: Glenn Allen, Supervising Environmental Health Specialist
Jon Whitehill, Department of Resources Recycling and Recovery (via e-mail)
Cathy Blair, Department of Resources Recycling and Recovery (via e-mail)