

**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:** Michael Payan, Solid Waste Enforcement Section

**Request Date:** October 22, 2015

**Action By:** November 10, 2015

**Decision Subject:** Consideration of a Fourth Extension to the Compliance Schedule Due Date for a Facility included on the Inventory of Solid Waste Facilities Which Violate State Minimum Standards (Inventory), Bass Hill Landfill, Lassen County (18-AA-0009)

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**SUMMARY**

The Bass Hill Landfill site is operated by the Lassen Regional Solid Waste Management Authority (LRSWMA) on land owned by Lassen County and the Bureau of Land Management (BLM). The landfill site encompasses approximately two hundred acres and is located at Johnsonville Dump Road and Highway 395 near Susanville. Lassen County owns forty acres and the other one hundred sixty acres is leased from BLM. Adjacent land use is zoned rural and is bordered on the East and South by State land controlled by California Department of Fish and Wildlife (CDFW), and to the North and West by land owned by the Federal Government. There are no businesses or residences within 4,800 feet of the facility.

The Bass Hill Landfill Site has been on the Inventory and under a Notice and Order (N&O) by the LEA since 2011 for ongoing violations of 27 CCR 20921 Gas Monitoring and Control. 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 three times due to the operator's good faith effort in negotiating and finalizing the completion of the "Buffer Space Acquisition" with Federal and State agencies, and to revise the Solid Waste Facility Permit (SWFP) to reflect the changes in the permitted facility boundary, and the new perimeter compliance landfill gas monitoring wells.

## WASTE EVALUATION & ENFORCEMENT BRANCH CHIEF ACTION REQUEST

The LEA is now requesting *a Fourth Extension to the compliance due date to September 6, 2016*. The LEA has determined that the operator continues to make a good faith effort due in part to their continued efforts to achieve compliance by increasing the landfill boundary through the "Buffer Space Acquisition" process.

### OPTIONS

1. Approve the extension for the proposed compliance due date to September 6, 2016.
2. Conditionally approve the extension request.
3. Deny the extension to the compliance due date, and direct the LEA to take specific further enforcement action.

### ANALYSIS

#### Background

In 2010, LFG-1 and LFG-2 monitoring wells were installed along the Eastern boundary of the site as part of the implementation of the approved gas monitoring plan. By April 2011, methane levels were measured above the 5% regulatory limit in both LFG-1 and LFG-2 wells. As a result, the facility was eventually added to the Inventory and the LEA issued an N&O and compliance schedule in December 2011 with a due date of September 6, 2012. On September 5, 2012, the LEA granted an extension until September 6, 2013, in order for the operator to obtain approval from CDFW to install two additional gas monitoring wells.

On June 26, 2013, after obtaining a Right of Entry Permit, LRSWMA installed monitoring wells LFG-3 and LFG-4 on adjacent CDFW property 95 feet east of the existing landfill property line. When monitored for landfill gas, both new wells were shown to contain methane in excess of the regulatory threshold of 5% by volume in air.

Given these results, LRSWMA asked for additional time to negotiate the lease/purchase of more land from CDFW than was originally anticipated. CalRecycle granted LRSWMA a conditional six month extension (first extension) on September 23, 2013 until March 6, 2014. During this time, the operator also continued negotiations to acquire land from CDFW. On March 6, 2014 the operator met with CDFW, regarding the transfer of jurisdiction of approximately 50 acres to create a five hundred foot buffer zone and allow the installation of additional gas monitoring wells. During this time CDFW informed the operator that they no longer wished to transfer the property, but instead wanted to trade the buffer areas for 50 acres within the Bass Hill Landfill boundary. This change would result in a significant time delay, since LRSWMA leases 160 of the 200 acres of the Bass Landfill property from BLM. In order to fulfill the remediation plan BLM has to transfer the 160 acres to the LRSWMA, prior conducting the "land swap" between LRSWMA and CDFW.

On June 3, 2014 LRSWMA installed two LFG migration monitoring probes LFG-5 and LFG-6 along the boundary of the proposed buffer space (currently still owned by owned by the CDFW), east and south of Bass Hill Landfill. Testing of probes LFG-5 and LFG-6 to date, have resulted in no detectable concentrations of methane gas in the probes, which ultimately are intended to be the compliance point probes following the completion of the land swap and revision of the SWFP.

## WASTE EVALUATION & ENFORCEMENT BRANCH CHIEF ACTION REQUEST

The landfill manager continues to prepare and submit quarterly compliance status reports. According to the LEA's August 8, 2014 inspection report, the negotiations for the "land swap" are proceeding. The National Environmental Policy Act (NEPA) document is needed for completion of the land conveyance between LRSWMA and BLM. BLM is scheduled to complete a NEPA document for the land transfer during the winter of 2015. The LRSWMA anticipates the final transfer and swap of the properties to be completed within the next twelve months.

On September 17, 2015 LRSWMA submitted a letter to the LEA that provided updates on the "Buffer Space Acquisition" and revised SWFP. Also included were documents from the following Agencies and Boards: Lassen County Board of Supervisors letter dated September 15, 2015 to BLM addressing potential acquisition by Lassen County for the Bass Hill Landfill site. BLM letter dated September 15, 2015 requesting Patent Application and Purchase Funds from Lassen County.

### **First Extension Request**

On October 6, 2011, the LEA issued an N&O with a compliance schedule to the operator with a final compliance due date of September 6, 2012.

On September 5, 2012, the LEA granted the operator their first extension with a compliance due date of September 6, 2013. The extension was needed to give the operator, LRSWMA, additional time to investigate the extent of gas migration.

### **First Approved Conditional Six Month Extension Request**

On August 2, 2013, the operator submitted to the LEA a request for a twelve month extension from September 6, 2013 due date, to September 6, 2014.

On August 12, 2013, the LEA submitted a request to CalRecycle to extend the September 6, 2013 due date, to September 6, 2014.

On September 23, 2013, CalRecycle granted *the first conditional six month extension until March 6, 2014*, rather than the requested twelve months.

### **Second Approved Conditional Six Month Extension Request**

On March 6, 2014, the operator submitted to the LEA a request for an additional six month extension from the March 6, 2014 due date, to September 6, 2014.

On March 21, 2014, the LEA submitted a request to CalRecycle to grant an additional six month extension to LRSWMA to September 6, 2014.

On May 29, 2014, CalRecycle granted *the second conditional six month extension until September 6, 2014*.

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### Third Extension Request

On June 3, 2014, LRSWMA installed two LFG migration monitoring probes LFG-5 and LFG-6, along the boundary of the proposed buffer space (currently still owned by owned by the CDFW), east and south of Bass Hill Landfill.

On August 12, 2014, the operator submitted a request to the LEA for a third extension of the N&O deadline. The letter outlined completed actions and issues encountered since the previous two conditional six month extensions, and also included extenuating circumstances beyond the control of the operator. The extension is needed to provide LRSWMA time to finalize negotiations with the Federal and State agencies for the completion of the “land swap” and to revise the solid waste facility permit with supporting documents, and approvals to reflect the changes in the permitted facility boundary and the new perimeter compliance LFG monitoring wells.

On August 29, 2014, the LEA submitted the third one year extension request with a compliance due date of September 6, 2015

On October 17, 2014, CalRecycle granted *the third one year compliance extension* until September 6, 2015.

### Fourth Extension Request

*On September 17, 2015, the operator submitted documentation to the LEA that was intended to support a fourth extension of the N&O deadline.* The submitted documents included updates on “Buffer Space Acquisition”, SWFP revisions, CEQA and JTD updates. Also included were letters and statements from Lassen County Board of Supervisors, BLM and letter from LRSWMA to Lahontan RWQCB addressing revision to Bass Hill Landfills Preliminary Closure and Post-Closure Maintenance Plan. However, the e-mailed message didn’t contain a request to extend the compliance due date for the compliance schedule. On September 30, 2015 CalRecycle staff contacted the operator and advised them to submit a letter to the LEA, requesting to extend the final compliance due date for the compliance schedule.

On September 30, 2015, the LEA submitted to CalRecycle *the fourth one year extension request with a compliance due date of September 6, 2016.*

### Recent Actions the Operator has taken to Comply

On September 30, 2015, CalRecycle received the LEA’s **fourth extension request, dated September 30, 2015**, with a compliance date of September 6, 2016. Since *the third extension request* was approved, LRSWMA has accomplished the following:

- On November 3, 2014, as per CalRecycle’s approved third extension request, the LEA sent a letter to LRSWMA revising the compliance schedule to require that the LRSWMA submit an application for permit revision.

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- The landfill operator continues to prepare and submit quarterly compliance status reports. The National Environmental Policy Act (NEPA) document is needed for completion of the land conveyance between LRSWMA and BLM. BLM is scheduled to complete a NEPA document for the land transfer during the winter of 2015.
- On March 5, 2015, the landfill operator submitted a Revised Preliminary Closure and Post-Closure Maintenance Plan to the LEA with indices for both CalRecycle and the Loahontan RWQCB.
- On August 4, 2015, the Loahontan RWQCB provided to the landfill operator comments on the Revised Preliminary Closure and Post-Closure Maintenance Plan and requested a revised report for the Waste Discharge for the facility.
- On September 10, 2015, LRSWMA responded to Lahontan Regional Water Quality Control Board addressing the revised Preliminary Closure and Post-Closure Maintenance Plan for Bass Hill Landfill.
- On September 17, 2015, the landfill operator submitted to the LEA updates for the “Buffer Space Acquisition”, including several steps the operator is undertaking to submit updates for the SWFP revision (preparations of CEQA documentation and JTD). The landfill operator anticipates the final submittals to be completed by April 2016. The landfill operator notes that because the “Buffer Space Acquisition” process involves multiple agencies (County of Lassen, BLM, and CDFW), full attainment will likely not be until the Spring of 2016.

### **FINDINGS**

The operator has made steady progress and a good faith effort in bringing the facility into compliance, including the installation of compliance probes LFG-5 and LFG-6 of which are exhibiting no detectable amounts of methane gas to date.

However, extenuating circumstances beyond the control of the operator in working with multiple agencies on the “Buffer Space Acquisition” process has caused delays in achieving full compliance (by the currently approved compliance due date of September 6, 2015).

Based on the criteria set forth in 14 CCR 18084, the operator has made a good faith effort and the LEA is taking appropriate enforcement action. Furthermore, the operator has submitted a revised Preliminary Closure and Post-Closure Maintenance Plan as part of their revised JTD document. LRSWMA is preparing the JTD document in-house and has asked for a submittal date of April 1, 2016. Therefore, it is reasonable to grant the additional time to bring the facility into full compliance.

### **RECOMMENDATION**

CalRecycle staff recommends that the operator be granted an extension for full compliance until September 6, 2016.

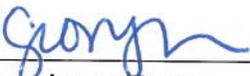
**WASTE EVALUATION & ENFORCEMENT BRANCH CHIEF  
ACTION REQUEST**

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**BRANCH CHIEF ACTION:**

On the basis of the information in this Action Request, I hereby issue, pursuant to 14 CCR 18365(b), approval of the *Fourth Extension Request* to the owner and operator of the Bass Hill Landfill Site (18-AA-0009) to September 6, 2016.

Dated: 11/10/2015

  
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Georgianne Turner  
Branch Chief  
Waste Evaluation and Enforcement Branch

Attachments:  
LEA Extension Request Letter  
LRSWMA Extension Request Letter



# LASSEN COUNTY

## Health and Social Services Department

- HSS Administration**  
1445 Paul Bunyan Road  
Susanville, CA 96130  
(530) 251-8128
- Grant and Loans Division**  
1445 Paul Bunyan Road  
Susanville, CA 96130  
(530) 251-2683
- Behavioral Health**  
555 Hospital Lane  
Susanville, CA 96130  
(530) 251-8108/8112  
**Chestnut Annex**  
1400-A & B Chestnut Street  
Susanville, CA 96130  
(530) 251-8112
- Patients' Rights Advocate**  
720 Richmond Road  
Susanville, CA 96130  
(530) 251-8322
- Public Health**  
1445 Paul Bunyan Road  
Susanville, CA 96130  
(530) 251-8183
- Environmental Health**  
1445 Paul Bunyan Road  
Susanville, CA 96130  
(530) 251-8183
- Public Guardian**  
720-A Richmond Road  
Susanville, CA 96130  
(530) 251-8337
- Community Social Services**  
**LassenWORKS**  
PO Box 1359  
1616 Chestnut Street  
Susanville, CA 96130  
(530) 251-8152  
**Business & Career Network**  
1616 Chestnut Street  
Susanville, CA 96130  
(530) 257-5057  
**Child & Family Services**  
1445 Paul Bunyan Road  
Susanville, CA 96130  
(530) 251-8277  
**Adult Services**  
720 Richmond Road  
Susanville, CA 96130  
(530) 251-8158
- HSS Fiscal**  
PO Box 1180  
Susanville, CA 96130  
(530)251-2614

September 30, 2015

Department of Resources Recycling & Recovery  
Waste Permitting, Compliance and Mitigation Division  
Waste Evaluation and Enforcement Branch  
Georgianne Turner  
MS 10A-17  
1001 "I" Street  
P.O. Box 4025  
Sacramento, CA 95812

Re: Extension of Approved Landfill Gas Compliance Schedule, Bass Hill Landfill,  
SWIS # 18-AA-0009

Dear Ms. Turner,

On September 6, 2011, Bass Hill Landfill was included on the state inventory of solid waste facilities that are in violation of state minimum standards, specifically, Title 27, Section 20921- Gas Monitoring and Control.

On October 6, 2011, the Lassen County Environmental Health Department (LEA) approved the compliance schedule proposed by the Lassen Regional Solid Waste Management Authority (LRSWMA). The LRSWMA plan to bring Bass Hill Landfill into compliance was to obtain adjacent property on the south and east sides of the landfill from the federal Bureau of Land Management (BLM) and the state Department of Fish and Wildlife (DFW), and to revise the solid waste facility permit to extend the landfill site boundary. The end date for the compliance schedule was September 6, 2012. To allow LRSWMA the time needed to complete a land conveyance from BLM and a land exchange with DFW, LRSWMA has requested and received extensions to the compliance schedule from CalRecycle each year from September 6, 2013, through September 6, 2015.

LRSWMA has installed two gas monitoring wells (LFG-5 & LFG-6) in the buffer zone close to the proposed property boundary. Repeated sampling of these monitoring wells has not detected the presence of methane in either well. The sampling results demonstrate that when the land transfers and permit revision are complete, this facility will no longer be in violation of Title 27, Section 20921.

The LEA believes that LRSWMA has conducted a good faith effort in working to bring the Bass Hill Landfill into compliance with the gas monitoring requirements. With this in

mind, and as per Title 14, Section 18365(b), the LEA is submitting a request to CalRecycle to grant a one year extension to allow LRSWMA to finalize the land conveyance and exchange with the respective federal and state agencies, and complete the facility permit revision. The final compliance date will be September 6, 2016. I am confident that the above violation will be corrected by that date.

If you have any questions, or if you need additional information, please contact me at (530) 251-8528.

Sincerely,



Doug Ames, Acting Director  
Lassen County Environmental Health Department

cc: Tom Valentino, Manager LRSWMA  
Michael Payan, CalRecycle  
Jon Whitehill, CalRecycle



## LASSEN REGIONAL SOLID WASTE MANAGEMENT AUTHORITY

(a California public agency)

### Board of Directors:

Lino Callegari, Chairman  
Jim Chapman, Vice Chairman  
Phil Bertanzoni  
Kathie Garnier  
Tom Hammond  
Robert Pyle (County Alternate)  
Mary Fahlen (Public Alternate)

### Staff:

Manager: Tom Valentino  
Program Coordinator: Paula Wesch  
Counsel: James Curtis  
Landfill Manager: Paul Payne  
Clerk of the Board: Deborah Rivas

September 29, 2015

Mr. Douglas Ames, Acting Director  
Lassen County Department of Environmental Health  
1445 Paul Bunyan Road  
Susanville, CA 96130

*Re: Extension Request for Landfill Gas Compliance, Bass Hill Landfill*

Dear Mr. Ames:

Earlier today I spoke to Michael Payan of CalRecycle. Mr. Payan stated that CalRecycle is in receipt of our letter we sent to you on September 17, 2015 regarding plans for compliance with 27 CCR Article 6 regulations for emissions of landfill gas at Bass Hill Landfill. However, he asked that we specifically request an extension for landfill gas compliance.

A copy of the September 17<sup>th</sup> letter is enclosed (without it's attachments). In the letter, we describe our plan to reach compliance with the Article 6 regulations and the milestones we have achieved to advance that goal. We stated that it appears we may acquire the landfill buffer space during spring 2016, however we cautioned that we do not control the actions of either the federal Bureau of Land Management or the state Department of Fish and Wildlife (the two agencies that we are working with on the buffer space acquisition).

The last compliance date was September 6, 2015. While we think we will achieve compliance early in 2016, we respectfully request an extension to September 6, 2016. We believe that compliance will be achieved well in advance of that date.

Sincerely,

LRSWMA

Thomas Valentino  
Manager

