

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

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

From: 
Jon Whitehill, Acting Section Manager
Solid Waste Enforcement Section

Prepared By: Zane Poulson, Solid Waste Enforcement Section

Request Date: October 11, 2013

Action By: November 8, 2013

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), Loyalton Landfill (46-AA-0001)

SUMMARY

In November 2010 CalRecycle staff detected methane levels above the regulatory limit of 5% by volume in air at the subject facility's northern boundary during a routine periodic CalRecycle inspection. In addition, per Title 27, California Code of Regulations (27 CCR), Section 20921, the facility was required to implement an approved Perimeter Gas Monitoring and Control Plan by September 21, 2010. At the time of the CalRecycle/Sierra County LEA 18-month joint inspection, the facility did not have an approved Gas Monitoring and Control Plan. Perimeter gas monitoring was conducted on three existing Air-SWAT probes, which were installed as part of a 1991 Air Resources Board study.

The LEA began citing a violation for 27 CCR 20921 – Gas Monitoring and Control, beginning in March 2011, continuing until present. On January 1, 2012, the facility was placed on the Inventory for ongoing violations of 27 CCR 20921 – Gas Monitoring and Control. In response, on March 8, 2012, the Sierra County LEA issued a Notice and Order (N&O) to the operator, with a final compliance date of January 1, 2013.

The operator's proposed solution to the ongoing violation involves expanding the facility's northern and eastern boundary beyond the area affected by landfill gas migration. The property is owned by the City of Santa Clara. The purchase of the property must be approved by both the City of Santa Clara

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

(City) and Sierra County (County). The operator was unable to meet the timeframes outlined in the original N&O due to the timeframes involved in completing a purchase between the City and County.

On August 28, 2012, the LEA issued the facility operator an amended N&O, extending the final compliance due date to August 31, 2013. On February 15, 2013, The LEA amended the N&O a second time, extending the final compliance due date to April 1, 2014.

On October 3, 2013, the operator submitted a request to the LEA to extend the compliance due date for an additional six months, to October 1, 2014.

OPTIONS

1. Approve the six month extension for the final compliance due date to October 1, 2014.
2. Conditionally approve the extension for a period less than six months.
3. Deny the extension to the final compliance due date. Direct the LEA to take specific further enforcement action.

ANALYSIS AND FINDINGS

The Loyalton Landfill (46-AA-0001) is owned and operated by Sierra County Department of Public Works. The facility is located in Sierra County, one mile east-southeast of the town of Loyalton. The landfill is surrounded by undeveloped land, currently used as open range land. The property to the north and east are owned by the City of Santa Clara. The property to the south is Tahoe National Forest land. The nearest structures, beyond the landfill property, are located more than 2,000 feet west and northwest of the landfill. The landfill is the only disposal facility within Sierra County and serves as the County's primary disposal facility.

The facility boundary encompasses 27.58 acre, with an unlined 21-acre permitted disposal area. Waste has only been placed in the northern 10.9 acres of the permitted disposal area. The Regional Water Quality Control Board has ordered that no waste be placed in the remaining disposal area without the facility first installing a liner system. The facility does not have a maximum daily limit, but the landfill is restricted to only accepting waste that originates from within Sierra County. The landfill typically receives between 12 and 22 tons each operating day.

The initial gas monitoring probes were installed at the landfill in 1991 as part of a California Air Resources Board study and are referred to as Air-SWAT probes. Three probes, GP-1, GP-2, and GP-3 were placed around the perimeter of the landfill. Each had an approximate depth of 14 feet. A fourth probe, GP-5 was placed within the waste and is not used for detecting landfill gas migration. In June of 2011, CalRecycle staff installed an additional three shallow push probes around the perimeter of the existing landfill footprint to a depth of approximately 10 feet. CalRecycle staff took samples from the Air-SWAT probes and the CalRecycle installed push probes and sent the samples to a laboratory for analysis. The laboratory results confirmed the presence of landfill gas at some of the perimeter gas monitoring probes, especially along the landfill's northern boundary. To better understand the full extent of landfill gas migration around the landfill, in November 2011, the operator installed 19 shallow probes (P-1 through P-19) outside the permitted boundary of the landfill, with a depth of approximately 9 feet. The majority of these probes are to the north of the landfill's existing boundary

WASTE EVALUATION & ENFORCEMENT BRANCH CHIEF ACTION REQUEST

on property owned by the City of Santa Clara, one probe, P-9 is to the east of the existing footprint and two probes, P-11 and P-12 are to the south.

Although the facility does not have a tonnage limit it was determined that the facility was required to meet the same submittal and implementation deadlines for a Perimeter Gas Monitoring and Control Plan as facilities that are permitted to receive less than or equal to 20 tons of waste per operating day. The operator should have submitted a Perimeter Gas Monitoring and Control Plan by September 21, 2009, and fully implemented the approved plan by September 21, 2010.

Beginning in March 2011, the LEA began citing violations for 27 CCR 20921 – Gas Monitoring and Control, because the facility had not submitted or implemented a Gas Monitoring and Control Plan and because one of the perimeter gas monitoring wells along the northern boundary of the landfill, GP-2 had methane levels consistently higher than 5% by volume in air. Other perimeter gas monitoring probes, installed in June 2011 and November 2011 confirmed that landfill gas was migrating beyond the facility's northern permitted boundary.

The facility was placed on the Inventory of Facilities that Violate State Minimum Standards (Inventory) on January 3, 2012. The LEA issued a Notice & Order to the facility on March 8, 2012, requiring the facility to submit a Remediation Plan and an interim Perimeter Gas Monitoring and Control Plan and implement the Remediation Plan to bring the facility into compliance.

The operator submitted a Gas Remediation Plan and an Interim Perimeter Gas Monitoring and Control Plan on March 15, 2012. CalRecycle staff reviewed the operator's Remediation Plan and Interim Gas Monitoring and Control Plan and determined that they were not adequate. On June 27, 2012, CalRecycle staff met with the operator to assist in preparing acceptable plans. On September 1, 2012, the operator submitted a revised Remediation Plan and Perimeter Gas Monitoring and Control Plan. The LEA approved the revised plans and CalRecycle staff concurred.

The approved Remediation Plan and Interim Perimeter Gas Monitoring and Control Plan propose the following:

- The county will continue to monitor all existing gas monitoring wells, including the Air-SWAT wells, the CalRecycle-installed wells, and the 19 new wells installed mainly in the proposed property acquisition area.
- The County will acquire approximately a 200 foot wide swath of property to the north and east of the existing landfill boundary.
- After the land acquisition, the County will install three new, multi-level landfill gas monitoring wells which comply with 27 CCR 20925 requirements. Two of the wells will be located along the new northern landfill boundary and one well will be located on the south side of the landfill.
- The County will submit an application for a new solid waste facility permit, to incorporate the new property into the landfill's permitted boundary and a new Perimeter Gas Monitoring and Control Plan which includes the new boundary and new gas monitoring wells.

The land to the north and east is owned by the City of Santa Clara (City). Sierra County (County) entered into negotiations with the City to purchase the property so that they can expand their northern

WASTE EVALUATION & ENFORCEMENT BRANCH CHIEF ACTION REQUEST

and eastern boundary. The County and City are working together through a friendly condemnation process to allow the County to purchase the land.

The Sierra County LEA issued the initial N&O to the operator on March 8, 2012, with a final compliance date of January 1, 2013. The LEA amended the N&O twice, on August 28, 2012 and on February 15, 2013. The current N&O requires that all of the following requirements be completed by the operator:

1. Continue to submit monthly progress reports to the LEA;
2. Continue to monitor all perimeter landfill gas monitoring wells quarterly and submit the results to the LEA within 15 days of monitoring;
3. Submit required financial assurances plans and documents by May 1, 2013;
4. Take all steps necessary to have an agreement for appraisal services approved by the Sierra County Board of Supervisors for the City of Santa Clara property by March 20, 2013;
5. Take all steps necessary to require that the appraisal of the City of Santa Clara property is completed by April 30, 2013;
6. Take all steps necessary to facilitate the preparation of an Agreement for Purchase of the City of Santa Clara Property and have it placed before the Sierra County Board of Supervisors by May 21, 2013;
7. Take all steps necessary to make sure the Agreement for Purchase is approved by Sierra County and submitted to the City of Santa Clara by June 1, 2013 for their review and approval;
8. Take all steps necessary to insure that the signed purchase contract be approved by Sierra County and the City of Santa Clara by August 1, 2013, with a final recording date by September 30, 2013;
9. Complete the CEQA process for the proposed revised Solid Waste Facilities Permit (SWFP) by September 30, 2013;
10. Submit an updated final Perimeter Gas Monitoring and Control Plan to incorporate the City of Santa Clara property acquisition by August 1, 2013;
11. Implement an approved Perimeter Gas Monitoring and Control Plan by September 30, 2013;
12. Submit a draft application for a SWFP by July 1, 2013;
13. Submit a complete and correct SWFP application by October 1, 2013;
14. Take all necessary and appropriate actions to insure that Loyalton Landfill obtains a SWFP by April 1, 2014.

Items 1 and 2 are ongoing requirements throughout the compliance process. To this point the operator has been fulfilling the responsibilities related to these two requirements.

The operator completed items 3 through 7, and 12 of the current N&O within the timeframes specified within the order. Item 8 is contingent upon the City of Santa Clara agreeing to an appraisal value and purchase contract with Sierra County. The operator was notified on August 30, 2013 that the City of Santa Clara had rejected the purchase price offered by Sierra County. The City and County have since met to discuss the purchase. The City is proposing to conduct an independent review of the property appraisal and then meet with the County to further negotiate a purchase price.

Items 9 through 11, 13, and 14 of the N&O cannot be completed until the operator is able to complete item 8, the purchase of the Santa Clara property. The operator has requested a six-month extension to

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

the remaining compliance due dates to provide adequate time for the City and County to complete the land acquisition.

FINDINGS:

The operator has complied with 7 of the 14 compliance requirements in the facility's N&O. The implementation of the remaining milestones have been delayed due to factors outside the control of the operator. The remaining compliance requirements are contingent upon the City of Santa Clara agreeing to a land purchase agreement with Sierra County.

The operator has made significant progress toward compliance, but will require some additional time to bring the facility into full compliance. Based on the factors set forth in 14 CCR 18084, the operator has made a good-faith-effort to achieve compliance and the LEA is taking appropriate enforcement action. Therefore it is reasonable to grant the additional time to bring the facility into full compliance and to insure that the ongoing violation for 27 CCR 20921 – Gas Monitoring and Control, is fully corrected.

RECOMMENDATION

CalRecycle staff recommend that the facility be granted a six-month extension.

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 6-month extension to the owner and operator of the Loyalton Landfill (46-AA-0001) to October 1, 2014.

Dated:



Georgianne Turner

Branch Chief

Waste Evaluation and Enforcement Branch

CalRecycle

