

**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 5, 2014

**Action By:** October 15, 2014

**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), Bass Hill Landfill, Lassen County (18-AA-0009)

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**SUMMARY**

On September 6, 2011, the Bass Hill Landfill was placed on the Inventory for ongoing violations of 27 CCR 20921 – Gas Monitoring and Control. On October 6, 2011, the Lassen County LEA (LEA) issued a compliance schedule to the operator with a final compliance date of September 6, 2012.

On September 5, 2012, the LEA granted an extension with a compliance date of September 6, 2013. The extension was needed to give the operator, Lassen Regional Solid Waste Management Authority (LRSWMA), additional time to investigate the extent of gas migration.

On June 26, 2013, the operator LRSWMA obtained a Right of Entry Permit from CDFW to install two new gas monitoring wells outside the landfill boundary in order to investigate the extent of landfill gas migration. Methane levels in these two new wells were also found to be above regulatory limits.

In August 2013, the LEA requested CalRecycle to grant LRSWMA *a twelve month* extension to September 6, 2014, due to these findings.

CalRecycle granted LRSWMA *two* conditional six month extension; on September 23, 2013 until March 6, 2014 and on May 29, 2014 until September 6, 2014. These extensions were granted because

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the operator has made a good faith effort to bring the facility back into compliance. Additionally, the landfill gas issue was more extensive than originally assessed and some aspects of the "Land Swap" are out of the operator's control. Furthermore the operator has met the conditions set forth in the approval letters (see below for details).

On September 5, 2014, CalRecycle received the LEA's a **third extension request, dated August 29, 2014**, with a compliance date of September 6, 2015. 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 to reflect the changes in the permitted facility boundary and the new perimeter compliance LFG monitoring wells.

### OPTIONS:

1. Approve the one year extension for the final compliance due date of September 6, 2015.
2. Conditionally approve the one year extension for the final compliance due date of September 6, 2015.
3. Deny the extension to the final compliance due date. Direct the LEA to take specific further enforcement action.

### ANALYSIS AND FINDINGS

#### Background

The Bass Hill Landfill is operated by LRSWMA on land owned by Lassen County and the 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 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.

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 a 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** (1<sup>st</sup> extension) on **September 23, 2013 until March 6, 2014**.

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After the 1<sup>st</sup> *conditional extension request* was approved, LRSWMA prepared and submitted monthly status reports and an updated landfill gas remediation plan on January 29, 2014, as recommended, in the September 23, 2013 CalRecycle approval letter. 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 March 21, 2014, the LEA submitted to CalRecycle the operator's March 6, 2014 *second six month extension request*, and on May 29, 2014 CalRecycle approved the *extension until September 6, 2014*, with conditions since the landfill gas issue was more extensive than originally assessed, and some aspects of the land acquisition are outside of the operator's control.

### Analysis

#### *Recent Actions the Operator has taken to Comply*

On September 5, 2014, CalRecycle received the LEA's a **third extension request, dated August 29, 2014, with** a compliance date of September 6, 2015. Since the 2<sup>nd</sup> *conditional extension request* was approved, LRSWMA has accomplished the following:

- 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. The details of the probe installations were provided in a June 10, 2014 compliance report. 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.
- The landfill manager continues to prepare and submit monthly 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 2014/2015. In May 2014, BLM staff conducted a cultural survey of the landfill in preparation for an environmental document for the (NEPA). The LRSWMA anticipates the final transfer and swap of the properties to be completed within the next twelve months

### **RECOMMENDATION:**

Due to the following facts, CalRecycle staff recommend that the operator be granted a *second* one year extension, until September 6, 2015 if the LEA issues a revised Compliance Schedule with new

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milestones, including requiring the operator to submit an application for permit revision by date certain.

1. The LEA needs to update its Compliance Schedule to include updated milestones including, requiring the operator to submit an application for permit revision.
2. The operator made measurable progress and good faith efforts, to correct ongoing violations of 27 CCR 20921 – Gas Monitoring and Control as demonstrated above.
3. The extent of the landfill gas migration at the site has proven to be more extensive than was originally thought.
4. The installation of the new probes LFG-5 and LFG-6, at the eventual property boundary hold promise that the violation will be corrected, when the land swap is completed.
5. The “land swap” process, to some extent, is out of the operator’s full control.
6. Based on the factors set forth in 14 CCR 18084 (Criterion 1), the operator has made discernable progress towards compliance and the LEA is taking appropriate enforcement steps, as measured by the following major accomplishments since the time of the listing in the Inventory:
  - The LEA directed and the operator developed and issued a plan to evaluate the extent of the LFG migration, east and south of the Bass Hill Landfill.
  - Before the landfill was listed in the Inventory, Bass Hill Landfill only had one LFG monitoring probe (LFG-1). Since then, the LEA stated that because of their enforcement actions, the landfill now has six monitoring probes that the LEA monitors during their inspections.
  - The LEA directed and on June 26, 2013, the operator installed LFG-3 and LFG-4 some 95 feet east of the permitted landfill property boundary, on adjacent CDFW property, to determine the extent of LFG migration.
  - The operator met with representatives of the CDFW to acquire buffer space along the eastern and southern boundaries of the landfill, held various conferences and meetings and otherwise worked with stakeholders, including: CDFW, Department of Parks and Recreation and the LEA, to develop documentation for the transfer of jurisdiction of 51 acres of the Bass Hill Wildlife area property from CDFW to the LRSWMA.
  - The operator has been working closely with CalRecycle’s Engineering Support Branch staff to ensure that the placement and installation of the new LFG monitoring probes satisfy all CalRecycle requirements.
  - Per staff conversation with staff of the Engineering Support program on October 3, 2014, a Remediation Plan was submitted to CalRecycle and the LEA. The Plan consists of the installation of two new monitoring probes (LFG-5 and LFG-6) in the buffer area on the east and south. CalRecycle apparently, has plans to install two additional push probes on the north and west locations of the site soon.
  - On June 3, 2014, the operator installed LFG migration monitoring probes LFG-5 and LFG-6, on the proposed landfill buffer space and eventual landfill property boundary.

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- The operator continues to prepare and submit monthly status reports, as directed and has now requested for change to quarterly submittals.
- On October 7, 2014, by phone, the LEA stated to CalRecycle staff that they have closely worked with the operator on the issue since the beginning. The LEA further stated that the operator is highly motivated and wants to achieve compliance in the shortest time possible.
- There are no businesses or residences within 4,800 feet of the facility, as stated in a letter from LRSWMA to LEA, dated October 6, 2011.
- The LEA, stated in its August 29, 2014 request letter, that LRSWMA has conducted a good faith effort in attempting to bring the Bass Hill Landfill into compliance with the gas monitoring and control requirements.

**FINDINGS:**

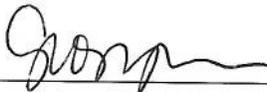
The operator has demonstrated progress in bringing the facility back into compliance. Additionally, the landfill gas issue was more extensive than originally assessed and some aspects of the "Land Swap" are out of the operator's control. Based on the factors set forth in 14 CCR 18084, the operator has made a good faith effort and the LEA is taking appropriate enforcement. Therefore, it is reasonable to grant the additional time to bring the facility into full compliance and to insure that their improvements to the facility's gas monitoring system, combined with changes to the permitted facility boundary, will be sufficient to adequately control the facility's methane gas generation.

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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, Section 18365(b), approval of a one year extension beyond two years to the owner and operator of the Bass Hill Landfill (18-AA-0009) to September 6, 2015.

Dated:



Georgianne Turner  
Branch Chief  
Waste Evaluation and Enforcement Branch

Attachment (Request Letter)



18-AA-0009

101-B



# LASSEN COUNTY

## Health and Social Services Department

ADMINISTRATION • 1445 Paul Bunyan Road • Susanville, CA 96130 • (530) 251-8128

■ ENVIRONMENTAL HEALTH/  
PUBLIC HEALTH  
1445 Paul Bunyan Road  
Susanville, CA 96130  
(530) 251-8528/Fax 251-2668

□ Community Social Services  
Lassen Works  
720 Richmond Road  
Susanville, CA 96130  
(530) 251-8152

□ PUBLIC GUARDIAN  
720-A Richmond Rd.  
Susanville, CA 96130  
(530) 251-8337

□ Behavioral Health  
555 Hospital Lane  
Susanville, CA 96130  
(530) 251-8108 / 8112

□ Veterans Services Office  
1205 Main Street  
Susanville, CA 96130  
(530) 251-8192

August 29, 2014

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

RECEIVED  
SEP 05 2014

BY: \_\_\_\_\_

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 lease adjacent property on the south and east sides of the landfill from the California Department of Fish and Wildlife (DFW) and to revise the Solid Waste Facility Permit to extend the site boundary. The plan also included installing two new gas monitoring wells on the leased property to demonstrate compliance. The end date for the compliance schedule was September 6, 2012. On September 5, 2012, an extension was granted by this department with the compliance date of September 6, 2013. The extension was needed to give LRSWMA additional time to finalize the lease agreement with DFW and install the new gas monitoring wells.

On June 26, 2013, LRSWMA installed the monitoring wells (LFG-3 & LFG-4) on DFW property 95' east of the existing landfill property line. Unfortunately, both wells show methane in excess of the regulatory threshold of 5% by volume in air. Given the sampling results of the new monitoring wells, LRSWMA asked for additional time to negotiate the lease of more land from DFW than was originally anticipated. On September 23, 2013 CalRecycle conditionally approved the request to extend the compliance schedule to March 6, 2014. Based on the LRSWMA good faith effort to come into compliance with the gas monitoring requirements, and the fact that the negotiations to obtain the land from the State is a slow and arduous process, the Lassen County LEA requested and received approval from your office to extend the compliance deadline to September 6, 2014.

Since that extension, Tom Valentino, LRSWMA Manager has continued to work with the California Department of Fish and Wildlife staff to transfer jurisdiction of the land surrounding the Bass Hill Landfill. After an onsite meeting, representatives from the California Department of Fish and Wildlife have decided they would prefer to trade the 50 acres within the permitted boundary of the landfill for the 50 acres of land held by their Department. Before the transfer of the DFW property to the LRSWMA can be finalized, the transfer of 160 acres of the 200 acre permitted Bass Hill Landfill leased from the Bureau of Land Management (BLM) must first be completed. The BLM anticipates completion of the NEPA document during the winter of 2014/2015 to complete the land conveyance to the LRSWMA. The LRSWMA anticipates the transfer of said properties within the next twelve months.

On June 23, 2014, the LRSWMA obtained Monitor Well Permits from this office and installed two additional gas monitoring wells in the proposed buffer space to be acquired from DFW east and south of the Bass Hill Landfill. Both wells have been tested, and no detectable concentrations of methane have been found.

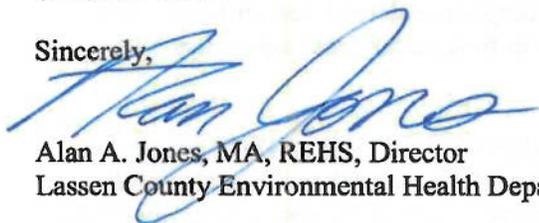
In addition, Tom Valentino, LRSWMA Manager has been preparing and submitting monthly status reports to the LEA as recommended in the September 23, 2013 CalRecycle letter. Mr. Valentino has proposed, and this office supports, the proposal to reduce the status reports to a quarterly basis.

The above mentioned information, as well as the information presented in the LRSWMA extension request, details the steps the operator has made to comply with the gas monitoring requirements for Bass Hill Landfill. The LRSWMA has successfully installed two new gas monitoring wells in the proposed buffer zone, which indicates that when the lands transfers are complete, this facility will no longer be in violation of the gas monitoring requirements. Also, the delay in compliance has been due in part to extenuating circumstances (i.e. government land trades, DFW/BLM, are involved processes that takes months and or years to complete, and these delays are out of the control of the operator).

The Lassen County Environmental Health Department (LEA) believes the LRSWMA has more than conducted a good faith effort in attempting 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 an additional one year extension to LRSWMA to help them finalize the land transfers from the respective State and Federal agencies. The new final compliance date will be September 6, 2015.

I am enclosing a copy of the LRSWMA letter requesting an extension of the compliance deadline for your review. If you have any questions, or if you need additional information, please contact me at (530) 251-8528.

Sincerely,



Alan A. Jones, MA, REHS, 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

August 12, 2014

Mr. Alan Jones, Director  
Lassen County Department of Environmental Health  
1445 Paul Bunyan Road  
Susanville, CA 96130

RECEIVED  
SEP 05 2014

BY: \_\_\_\_\_

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

Dear Mr. Jones:

The Lassen Regional Solid Waste Management Authority herein respectfully requests an extension for compliance with 27 CCR Article 6 regulations at Bass Hill Landfill. The extension request – for the reasons stated below – is for one year to September 6, 2015.

### Progress to Achieve Compliance

Over the past six months, the Authority has made the following progress to achieve compliance with the landfill gas regulations:

- ▶ On March 6, 2014 Authority staff met with representatives of the state Department of Fish and Wildlife to discuss the transfer of jurisdiction process for the Authority's acquisition of approximately 50 acres of land abutting the eastern and southern boundaries of Bass Hill Landfill to create buffer space from the landfill footprint to an enlarged property boundary. During that visit, and through subsequent discussions, DF&W staff expressed their desire to forego transfer of jurisdiction of the land from the DF&W to the Authority and instead trade the buffer space area for 50 acres of land currently within the permitted property boundary of Bass Hill Landfill. The land swap would involve the northern 50 acres of Bass Hill Landfill for the 50 acres of land currently held by DF&W.

See the attached map – prepared by DF&W – for proposed trade areas.

With the desired change for buffer space acquisition by the DF&W, the Authority will need to complete the process to acquire 160 acres of the 200 acre Bass Hill Landfill property from the federal Bureau of Land Management. The northern section of Bass Hill Landfill proposed for trade with the DF&W is currently leased from the BLM.

- ▶ On May 5, 2014, staff of the BLM conducted a cultural survey of Bass Hill Landfill as part of the 160 acre conveyance process from the BLM to the Authority, under the federal Recreation and Public Purposes Act. The next step for the BLM is to complete a National Environmental Policy Act environmental document for the conveyance. This process is similar to California Environmental Quality Act (CEQA) procedures in scope and substance. BLM staff are working to complete the NEPA document for the land conveyance during the winter 2014/2015.
- ▶ On June 3, 2014, two additional gas monitoring probes – LFG-5 and LFG-6 – were installed along the boundary of the proposed buffer space east and south of Bass Hill Landfill (see attached map). The details of the probe installations were provided in a June 10, 2014 report. Testing of probes LFG-5 and LFG-6 to date have resulted in no detectable concentrations of methane in either probe.

#### Path to Achieve Compliance

The Authority's plan to achieve compliance with the 27 CCR Article 6 regulations for landfill gas emissions is to acquire land to establish increased buffer space from the refuse footprint to the permitted site boundary. Exchange of approximately 50 acres of land currently within the site boundaries of Bass Hill Landfill for 50 acres of land abutting the eastern and southern boundaries of the site will accomplish compliance, based on the results of testing gas monitoring probes LFG-5 and LFG-6 for methane concentrations.

The process to acquire the buffer space will require a land conveyance of 160 acres of Bass Hill Landfill from the BLM to the Authority. When the conveyance is made and recorded, the trade between the Authority and the DF&W of 50 acres of land within the northern portion of the currently permitted Bass Hill Landfill property for 50 acres of land outside the current eastern and southern property line of Bass Hill Landfill will be performed. After that land exchange is completed and recorded, and Solid Waste Facility Permit No. 18-AA-0009 is amended, the landfill will be in compliance with state regulatory requirements for landfill gas emissions at the permitted site boundary.

Mr. Alan Jones  
August 12, 2014

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Basis for Extension Request

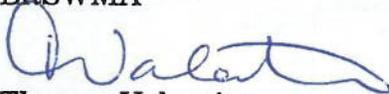
The Lassen Regional Solid Waste Management Authority has established a path for compliance with the 27 CCR Article 6 regulations at Bass Hill Landfill through establishment of buffer space along the existing eastern and southern property lines of the facility. The process involves conveyance of 160 acres of Bass Hill Landfill currently leased from the BLM, from the BLM to the Authority. That process should be completed winter/spring 2015.

Following that, the Authority will exchange 50 acres of the northern portion of the Bass Hill Landfill site with the DF&W for 50 acres of land abutting the eastern and southern property boundaries of the landfill. We anticipate this process will be completed during the summer of 2015.

With this schedule, an extension to September 6, 2015 for compliance with the landfill gas regulations is appropriate.

Thank you for consideration of our request. Please contact us if you have any questions.

Sincerely,  
LRSWMA

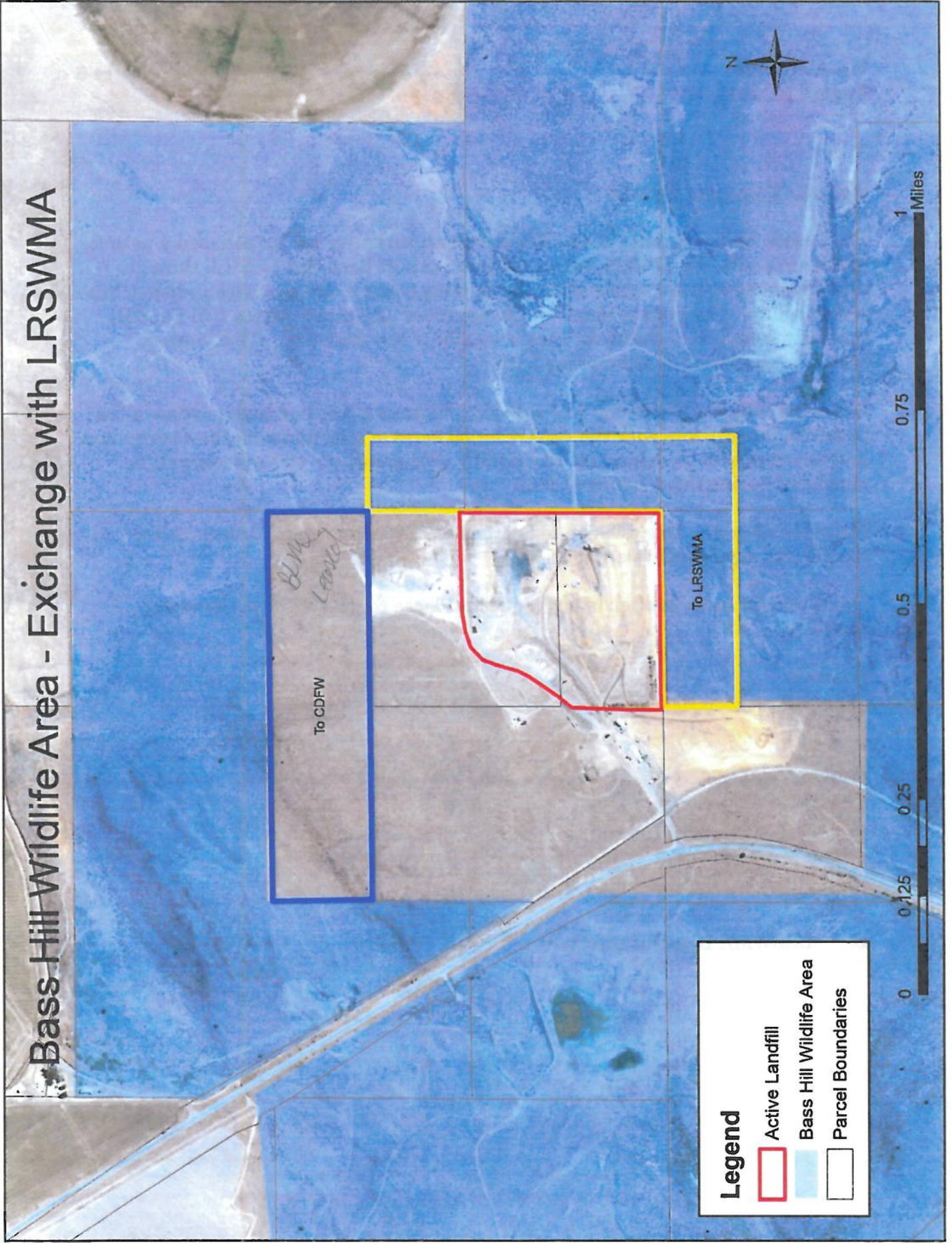


Thomas Valentino  
Manager

encl.

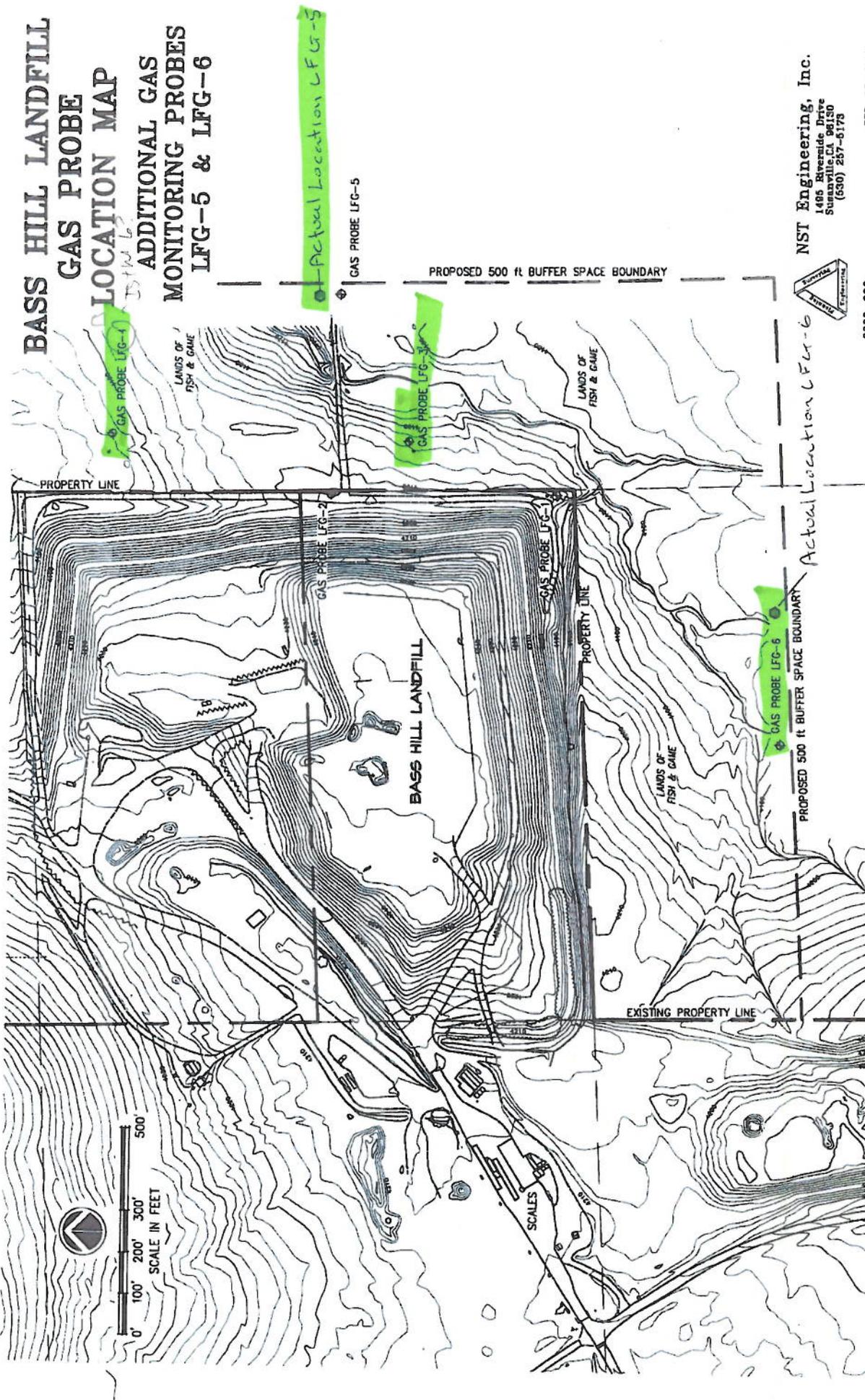
cc: LRSWMA Board of Directors

# Bass Hill Wildlife Area - Exchange with LRSWMA



# BASS HILL LANDFILL GAS PROBE LOCATION MAP

## ADDITIONAL GAS MONITORING PROBES LFG-5 & LFG-6



NST Engineering, Inc.  
1486 Riverside Drive  
Susanville, CA 96150  
(530) 257-6178



Actual Location LFG-6

FEB. 18, 2014

2002-092

