

**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: December 5, 2014

Action By: January 13, 2015

Decision Subject: Consideration of a Second 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) Sierra County.

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 3, 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.

WASTE EVALUATION & ENFORCEMENT BRANCH CHIEF ACTION REQUEST

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 (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.

Therefore, on August 28, 2012, the LEA amended the N&O, extending the final compliance due date to August 31, 2013; and then again on February 15, 2013, extending the 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.

On October 11, 2013, the LEA requested CalRecycle for the six month extension.

On November 1, 2013, CalRecycle approved the extension of the final compliance due date to October 1, 2014.

On October 3, 2014, the operator submitted a second request to the LEA via electronic email to extend the compliance due date for an additional ten months, to July 31, 2015.

On October 6, 2014, the Sierra County Board of Supervisors Public Works, Roads & Solid Waste Standing Committee convened and approved Item 4: Discussion and Recommendation on Current Enforcement Actions involving the County Landfill, Actions Taken to Request an Extension of the Notice and Order (methane monitoring program), and RWQCB Well Construction (groundwater monitoring). The committee was also updated on the purchase lands from the City of Santa Clara.

On October 31, 2014, the LEA submitted a request to CalRecycle for a second extension to extend the final compliance due date to July 31, 2015, for implementation of the Gas Monitoring Plan and obtaining the revised Solid Waste Facility Permit.

OPTIONS:

1. Approve the ten month extension for the final compliance due date to July 31, 2015.
2. Conditionally approve the extension.
3. Deny the extension of the final compliance due date. Direct the LEA to increase its enforcement action.

ANALYSIS AND FINDINGS

Background

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.

WASTE EVALUATION & ENFORCEMENT BRANCH CHIEF ACTION REQUEST

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. In November 2011, the landfill 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 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.

WASTE EVALUATION & ENFORCEMENT BRANCH CHIEF ACTION REQUEST

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. The County entered into negotiations with the City to purchase the property so that they can expand their northern and eastern boundary. The County and City are working together through a friendly condemnation process to allow the County to purchase the land.

Analysis

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;

WASTE EVALUATION & ENFORCEMENT BRANCH CHIEF ACTION REQUEST

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.

Since the last extension request items 8 and 9 have been completed:

- Item 8 of the current N&O was completed on October 21, 2014. The monthly progress reports submitted by the operator for September and October 2014 clearly state that all steps necessary to insure the final purchase agreement has been completed as of the October 21, 2014 County Board of Supervisors meeting approving the deposit of purchase funds in escrow for payment by the County Auditor.
- Item 9 of the current N&O, regarding CEQA was completed. The monthly progress report for October 2014, indicates that all documentation was completed and a formal filing of the decision will be filed with the County Clerk-recorder completing the CEQA process. On December 30, 2014, a Notice of Exemption was completed and filed with the Sierra County Clerk's office.

The remaining items 11, 13, and 14 of the N&O could not be completed until the operator is able to complete item 8. Now that the property acquisition is finished, the operator has requested a ten-month extension to prepare and implement a revised Landfill Gas Monitoring Plan and apply for a permit revision.

RECOMMENDATION:

Due to the following facts, CalRecycle staff recommend that the operator be granted a ten-month extension, until July 31, 2015, if the operator continues to submit monthly progress reports, and updated milestones to the LEA that address the following completion dates for: Recording date for the property acquisition, CEQA process, landfill gas monitoring plan and implementation (installation of new perimeter wells), and completed application date to revise the Solid Waste Facility Permit.

FINDINGS:

The operator has demonstrated progress toward compliance and has been consistently making good faith efforts to comply with deadlines. Due to extenuating events and circumstances beyond the control of the operator regarding the acquisition of the City of Santa Clara property, the operator has not been able to comply with the deadlines identified in the Notice and Order No 2013-02.

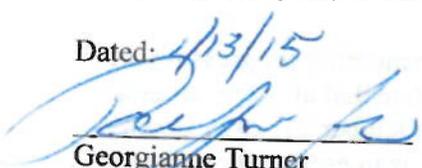
**WASTE EVALUATION & ENFORCEMENT BRANCH CHIEF
ACTION REQUEST**

The LEA proposes to grant the operator an extension of the compliance deadlines in accordance with the request in order to allow the operator additional time need to install landfill gas monitoring wells and apply for a revised Solid Waste Facility Permit. Installation of the perimeter monitoring wells are scheduled for early summer 2015 when the weather and ground conditions allow the well driller to gain access to these locations. This extension will provide a final date of July 31, 2015 for implementation of the monitoring plan and obtaining the revised Solid Waste Facility Permit.

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 ten-month extension to the owner and operator of the Loyaltan Landfill (46-AA-0001) to July 31, 2015.

Dated: 4/13/15


Georgianne Turner
Branch Chief

Waste Evaluation and Enforcement Branch

Attachment: LEA Request Letter, dated October 31, 2014

Sierra County Human Services

Environmental Health

P.O. Box 7

Loyalton, CA 96118

Phone: (530) 993-6716

Fax: (530) 993-6790

Envhealth@sierracounty.ca.gov



Sierra County

Darden Bynum, LCSW, Director

Sierra County Human Services

Celia Sutton-Pado, MD

Health Officer

October 31, 2014

Georgianne Turner, CalRecycle Branch Chief

Georgianne.Turner@CalRecycle.ca.gov

Waste Permitting, Compliance and Mitigation Division

Waste Evaluation and Enforcement Branch

1001 I Street, MS 10A-17

P.O. Box 4025

Sacramento, CA 95812

SUBJECT: Request for Deadline Extension for Compliance with the Sierra County Solid Waste LEA Notice and Order No. 2013-02 – Loyalton Landfill (Facility # 46-AA-0001)

Dear Ms. Turner:

Pursuant to California Code of Regulations, Title 14, Section 18365, the County of Sierra Local Enforcement Agency is requesting approval from CalRecycle to extend the compliance date(s) of Notice and Order 2013-02.

Background

On March 8, 2012, the Sierra County Local Enforcement Agency issued a Notice and Order No 2012-01 and then on August 28, 2012 issued an Amended Notice and Order No. 2012-02. Since the Operator was not able to meet the deadlines identified in Amended Notice and Order No 2012-02, another Amended Notice and Order No. 2013-01 was issued by the Sierra County Local Enforcement agency on February 15, 2013. The Operator was not able to meet the deadlines in the Notice and Order No. 2013-01 and requested an extension in October 2013. Sierra County LEA sent a request for approval of the Extension of the Compliance Schedule to Cal Recycle in October 2013 and this was approved by CalRecycle on November 1, 2013. An Amended Notice and Order No. 2013-02 was issued by Sierra County LEA on November 27, 2013 providing an extension of the compliance schedule until October 1, 2014.

The Operator has not been able to meet the deadlines in the Notice and Order No. 2013-02 and has requested that the Sierra County LEA amend the Notice and Order to allow the County to accomplish all of the tasks that are required. Attached is a copy of the October 3, 2014 Operator's request for extension of Notice and Order LEA 2013-02.

In accordance with California Code of Regulations, Title 14, Section 18365, a one-year extension beyond two years may be made prior to the expiration of the two-year period upon approval by the executive director. As this request for an extension of time to comply exceeds the two-year period (since March 8, 2012); the extension must be approved by the executive director.

Findings

The LEA has determined that the Landfill Operator has taken significant steps toward compliance and has been consistently making good faith efforts to comply with deadlines. Unfortunately, due to extenuating events and circumstances beyond the control of the Operator regarding the acquisition of the City of Santa Clara property, the Operator has not been able to comply with the deadlines identified in the Notice and Order No 2013-02.

The LEA has reviewed the request submitted by the Operator to amend the Notice and Order No 2013-02 and has determined that the dates requested by the Operator are reasonable and realistic.

Request for Approval for Extension of the Compliance Deadlines

In light of these findings, the LEA proposes to grant the Loyalton Landfill an extension of the compliance deadlines in accordance with the request from the Operator. Escrow has been opened and this extension would provide the time required for completion and recording of the acquisition of the City of Santa Clara property. This extension will also enable the County to proceed with completing the other tasks that are required as part of the Notice and Order. Since implementation of the landfill gas monitoring plan will require the installation of the perimeter monitoring wells, this task will need to wait until early summer 2015 when weather and ground conditions will enable a well driller to gain access to these locations. This extension will provide a final date of July 31, 2015 for implementation of the monitoring plan and obtaining the revised Solid Waste facility permit.

Pursuant to California Code of Regulations, Title 14, Section 18365 ("Compliance Schedule"), the LEA requests approval by the Executive Director of CalRecycle to grant this additional extension. Upon approval by CalRecycle, the LEA will prepare an additional Amended Notice & Order No. 2014-01 to reflect the revised time schedule and tasks that need to be completed.

The LEA looks forward to your decision and will provide you additional information as necessary to complete a formal review. If you have any questions, please feel free to contact me directly at (530) 993-6716 or by email at emorgan@sierracounty.ca.gov

Sincerely,



Elizabeth Morgan, MPH, REHS
Sierra County Local Enforcement Agency

cc: Tim Beals, Loyalton Landfill Operator - Sierra County Director of Public Works tbeals@sierracounty.ca.gov
Michael Payan, CalRecycle Waste Permitting Compliance and Mitigation Division Michael.Payan@calrecycle.ca.gov