

**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: January 21, 2015

Action By: February 20, 2015

Decision Subject: Consideration of a Third Extension to the Compliance Schedule Due Date for a Facility included on the Inventory of Solid Waste Facilities Which Violate State Minimum Standards (Inventory), Coalinga Disposal Site, Fresno County (10-AA-0006)

SUMMARY

The Coalinga Disposal Site is operated by the County of Fresno. The facility is located approximately one mile south of the City of Coalinga on property owned by Chevron USA, Inc. Surrounding land is owned by Chevron USA, Inc. and Holmes Oil Co. and is used for cattle grazing, agriculture, and oil exploration.

The Coalinga Disposal Site has been on the Inventory and under a Notice and Order (N&O) by the LEA since 2010 for failing to implement its landfill gas plan in accordance with Title 14, California Code of Regulations (CCR) Section 20921. Title 14, 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 operators commitment to complete final closure of the site and the construction necessary to correct the violation.

The operator's delay in implementing its approved landfill gas plan has been due to the fact that the site ceased accepting waste on November 10, 2009 prior to implementing the approved landfill gas monitoring and control plan, **and the operator proposed to install new perimeter monitoring probes in**

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coordination with final site closure. The pre-existing perimeter gas probes continue to be monitored quarterly and off-site landfill gas migration has not been detected to-date.

The LEA is now requesting *a third Extension to the compliance due date to June 1, 2015*. The LEA has determined that the operator continues to make a good faith effort due in part to their continued implementation of the closure process, securing additional funds for financial assurances, obtaining a third party consulting engineer to perform review of project plans, and commencing construction for final closure.

OPTIONS

1. Approve the extension for the proposed compliance due date to June 1, 2015.
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

The gas monitoring and control plan was approved on November 12, 2008. On June 25, 2009, the operator submitted a request for an extension of the October 18, 2009 deadline for implementation of the approved landfill gas plan. On September 9, 2009, the CIWMB notified the operator that the extension request had been granted until no later than April 18, 2010.

However, the disposal site ceased accepting waste on November 10, 2009, due to declining tonnages, increased operating costs, and competition from other landfills. At that time, the Final Closure and Postclosure Maintenance Plan (FCPMP) had not yet been submitted. Therefore, the operator could not implement final closure of the landfill until the FCPMP had been approved by the Regional Water Quality Control Board (RWQCB), the LEA and CalRecycle. This directly impacted the operator's ability to implement the landfill gas plan, since the gas collection and monitoring system would be installed as part of final closure construction.

The LEA first cited a violation of 27 CCR 20921 on May 14, 2010 when the operator did not meet the April 18, 2010 deadline for implementation of the approved landfill gas plan. The landfill was added to the Inventory on November 2, 2010. The LEA issued an N&O for ongoing violations of 27 CCR 20921 on November 18, 2010 with a compliance due date of November 2, 2012.

It should be noted that, on May 14, 2010, the LEA also cited a violation for 27 CCR 21780, which requires submittal of a FCPMP two years prior to the anticipated date of closure. Title 27 CCR 21780 is not a state minimum standard as defined by Title 27 for which CalRecycle can list a facility on the Inventory. However, since the operator is proposing to implement the landfill gas monitoring plan during site closure, the status of the FCPMP is relevant to this extension request.

On December 6, 2010, the LEA issued a second, separate N&O for consecutive violations of 27 CCR 21780. The N&O required the operator to submit a FCPMP to the LEA, the RWQCB and CalRecycle by February 3, 2012. On January 20, 2012, the LEA extended the N&O deadline for submittal of the FCPMP

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to February 3, 2013, based on the operator's supporting demonstration of good faith effort and extenuating circumstances that lead to delays in preparing the FCPMP.

First Extension Request

On October 3, 2012, the LEA submitted a request to extend the N&O deadline for implementation of the gas monitoring and control plan. The operator determined that they would be unable to meet the final compliance date specified in the original N&O due to unforeseen delays in preparation and submittal of the FCPMP. The proposal of an "evapotranspirative" (ET) type final cover design required a preliminary review by RWQCB staff which took an additional six months. Further delays were caused by the departure of the project manager of the County's consultant hired for preparation of the closure plan.

On November 5, 2012, CalRecycle granted *the first one year compliance extension* until November 2, 2013.

Second Extension Request

On November 19, 2013, the Operator submitted a request to the LEA for a second one-year extension of the N&O deadline. The letter outlined completed actions and issues encountered since the previous extension, including extenuating circumstances.

On May 29, 2013, the operator's Closure Fund Distribution request was denied due to insufficient closure funds based on the updated closure cost estimates contained in the FCPMP. Due to circumstances unforeseen by the operator, the updated closure cost estimate was significantly higher than the previously submitted cost estimate, and all activities were stopped until the funding could be secured.

On December 3, 2013, after reviewing the operator's request, the LEA submitted a Compliance Schedule Deadline Extension Request, determining that the operator continues to make a good faith effort to comply with requirements set forth in the N&O, and that there is no significant threat to public health and safety associated with granting the extension request.

On January 7, 2014, CalRecycle granted *the second one year compliance extension* until November 2, 2014.

On March 12, 2014, financial assurance deficiencies in the FCPCMP were identified. On July 29, 2014, the Fresno County Board of Supervisors (BOS) transferred money to cover deficiencies for financial assurances, and to award the construction contract to Whitaker Construction Group Inc. (WCGI).

On September 2, 2014, WCGI began closure construction at Coalinga Disposal Site. The construction schedule estimated that the landfill gas control and monitoring system would be installed by December 2014.

Third Extension Request

On January 14, 2015, the operator submitted a request to the LEA for a third extension of the N&O deadline. The operator's extension request letter outlined actions taken and issues encountered since the previous extension. On January 16, 2015, after reviewing the operator's request, the LEA submitted a Compliance Schedule Deadline Extension Request, determining that the operator continues to make a good faith effort to comply with requirements set forth in the N&O, and that considerable progress was made

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until adverse winter weather conditions and unexpected shortage of final cover soil material delayed construction activity that resulted with the landfill gas probes not being installed by the expected date. Currently, the placement of final cover is approximately 75% complete. The approved remediation plan proposed implementing the landfill gas plan in coordination with final closure of the landfill, with installation of the new perimeter probes occurring immediately following final grading and placement of final cover.

On January 16, 2015, the LEA submitted *the third one year extension request with a compliance date of June 1, 2015.*

Recent Actions the Operator has taken to Comply

On January 16, 2015, *a third extension request* was submitted with a requested compliance date of June 1, 2015. During the past year since *the second extension request* was approved, the Coalinga Disposal Site has accomplished the following:

- January 20, 2014 – CalRecycle approval of non-water corrective action plan (CAP)
- March 12, 2014 - LEA informed operator of deficiencies in the FCPCMP
- April 15, 2014 – The operator opened the bidding process for contracts
- June 11, 2014 - LEA approval of the FCPCMP
- July 29, 2014 – County BOS awarding of construction contract
- July 29, 2014 – The County BOS made the required transfer of funds to the closure and postclosure maintenance funding mechanism
- September 2, 2014 – Start of closure construction at the Coalinga Disposal Site
- September 3, 2014 – CalRecycle approval the FCPCMP.
- October 23, November 24, and December 22, 2014 - CalRecycle approval of Closure Fund Disbursement Requests
- December 4, 2014 – Notification by contractor of insufficient quantity of final cover material

FINDINGS:

The owner and operator have made progress and a good faith effort in bringing the facility back into compliance, including submittal of the FCPMP, recognizing deficiencies in the FCPCMP, and increasing closure funding in response to the updated cost estimates, and beginning application of the final cover.

However, adverse weather conditions and an unexpected shortage of final cover soil material delayed final closure construction activity that resulted in the landfill gas probes not being installed by the originally scheduled date.

As of the date of the operator's request, additional final cover material had already been identified, tested, and approved. The landfill gas perimeter monitoring network is tentatively scheduled to be installed on February 17, 2015, upon completion of final cover placement.

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. Furthermore, many of the delays have been caused by extenuating

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circumstances outside the operators and LEAs control. Therefore, it is reasonable to grant the additional time to bring the facility into full compliance.

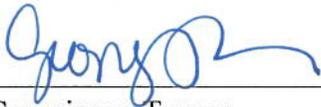
RECOMMENDATION

CalRecycle staff recommends that the facility be granted an extension until June 1, 2015.

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 extension to the owner and operator of the Coalinga Disposal Site (10-AA-0006) to June 1, 2015.

Dated: 2/13/2015



Georgianne Turner
Branch Chief
Waste Evaluation and Enforcement Branch

Attachments:

LEA Request Letter, Dated 1/16/2015
Second Extension Request



County of Fresno

DEPARTMENT OF PUBLIC HEALTH
DAVID POMAVILLE, M.B.A., R.E.H.S.
DIRECTOR

January 16, 2015

FA0168792
PR003041
PE4430
CX

Ms. Catherine Blair
CalRecycle
Compliance and Enforcement Division
801 K Street, MS 19-01
Sacramento, California 95814

Dear Ms. Blair:

Subject: Compliance Schedule & Final Closure Activity Deadline Requests
Site: Coalinga Disposal Site
30825 Lost Hills Road
Coalinga, California 93210
Facility No: 10-AA-0006

Please find attached a request from the operator of Coalinga Disposal Site for an extension of the compliance schedule for Stipulated Notice and Order No. 2010-02, and a corresponding request to extend the final closure activities deadline date of March 1, 2015 in order to complete the full implementation of the perimeter Landfill Gas monitoring network and final closure of the disposal site.

On January 7, 2014 CalRecycle granted Coalinga Disposal Site an extension until November 2, 2014 to achieve final compliance for the LFG monitoring network. The operator incorporated the installation of the LFG probes as a part of final closure activity to minimize construction costs. Closure construction activities started on September 2, 2014 and the contractor and operator stressed that the LFG probes were scheduled to be installed once the ET cover was completed and the site was graded. Considerable progress was made until adverse winter weather conditions and an unexpected shortage of ET cover material delayed construction activity that resulted with the LFG probes not being installed by the deadline date. Currently, the ET cover is about 75% completed. With the submittal of this extension request, the operator assured additional ET material is now available to resume closure activities and to achieve full compliance by June 1, 2015.

The Fresno County LEA has determined that the operator of the Coalinga Disposal Site continues to make a good faith effort to comply with the requirement set forth in the Notice and Order, and that there is no significant threat to public health and safety of the landfill with granting the compliance schedule and final closure activities deadline extensions.

Dedicated to Public Health

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The operator is requesting for an extension with an assurance that compliance will be attainable by June 1, 2015. The Fresno County LEA agrees that the operator's request is reasonable and respectfully requests CalRecycle to concur with granting an extension making the final compliance date June 1, 2015.

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

Sincerely,



Hoa Gip, R.E.H.S
Environmental Health Specialist
Environmental Health Division

HG/bbj

Enclosure

cc:  Glenn Allen, Supervising Environmental Health Specialist
Jon Whitehill, CalRecycle (Jon.Whitehill@CalRecycle.ca.gov)

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