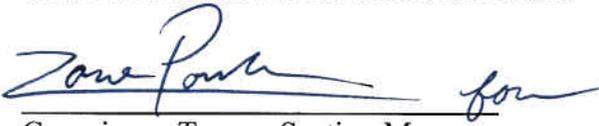


**WASTE EVALUATION & ENFORCEMENT BRANCH CHIEF
ACTION REQUEST**

To: Lorraine Van Kekerix, Branch Chief
Waste Evaluation and Enforcement Branch

From: 
Georgianne Turner, Section Manager
Solid Waste Enforcement Section

Prepared By: Zane Poulson, Solid Waste Enforcement Section

Request Date: February 13, 2012

Decision Subject: Consideration of an Additional Extension to the Final Compliance Schedule Due Date for a Facility included on the Inventory of Facilities that Violate State Minimum Standards (Inventory), Benton Crossing Landfill (26-AA-0004)

SUMMARY

On February 27, 2009, the facility was placed on the Inventory for ongoing violations of 27 CCR, Section 20921 – Gas Monitoring and Control. In response, the Mono County LEA issued a Compliance Schedule to the operator, with a final compliance date of November 27, 2009. The operator was unable to meet the timeframes outlined in the original compliance schedule, in part due to the landowner not approving the operator’s plans to remediate the landfill gas violation. The LEA submitted a letter, dated February 24, 2010 notifying CalRecycle that the LEA had extended the compliance schedule timeframes for an additional year, to February 27, 2011. In response to CalRecycle’s assistance, on April 19, 2010 the LEA issued a revised Compliance Schedule to the operator and the owner with the final compliance due date of February 27, 2011.

Because the ongoing violation for gas monitoring and control is related to waste discovered outside of the permitted disposal footprint of the facility, the operator is seeking to revise the permit and related lease agreement so that they can install a gas monitoring well in a new compliance point, outside of the waste. Although several of the steps outlined in the compliance schedule were completed, there were unexpected delays in mapping the waste and in revising the facility’s permit and related lease agreement. In February of 2011 the owner and operator requested an additional year in order to complete all of the steps necessary to revise the permit, install a new gas monitor well, and take all steps necessary to bring the facility back in to compliance.

WASTE EVALUATION & ENFORCEMENT BRANCH CHIEF ACTION REQUEST

On June 1, 2011 CalRecycle conditionally approved a six month extension for the compliance due date to August 27, 2011, with the option to extend the compliance due date for an additional six months, if the owner and operator are adequately meeting a schedule as outlined in a compliance schedule. On October 5, 2011, CalRecycle granted an additional six month extension to February 27, 2012 to achieve compliance.

The LEA submitted a letter dated February 13, 2012, stating that the owner and operator need additional time to complete the remaining items in their compliance schedule. Once the owner and operator have submitted a new solid waste facility application package they still need to receive approval from the LEA and CalRecycle and they need to complete the installation of new perimeter gas monitoring wells. The LEA is requesting an additional six months to allow the owner and operator to complete all required tasks to bring the facility into compliance.

OPTIONS

1. Approve the six month extension for the final compliance due date to February 27, 2012.
2. Deny the extension to the final compliance due date. Direct the LEA to take specific further enforcement action.

ANALYSIS AND FINDINGS

Background

The Benton Crossing Landfill (26-AA-0004) was placed on the Inventory on February 27, 2009. Per 14 CCR, Section 18365, the LEA is required to issue a compliance schedule with a final compliance due date within one year from the date of the letter placing the facility on the Inventory. The enforcement agency may issue a compliance schedule for more than one year but not to exceed two years, after informing the executive director in writing. 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, or his or her designee.

In 2008, the facility installed perimeter gas monitoring wells to comply with requirements of 27 CCR, Section 20921. After installation, the facility discovered elevated levels of methane at perimeter gas monitoring wells GW-6 and GW-7. The facility hired a consultant, SRK Consulting to investigate the elevated gas levels. The consultant provided a Report of Findings, dated February 20, 2009, in which they reported that GW-7 was placed in waste that extends beyond the boundary of the facility's permitted waste footprint.

As a result of the Report of Findings from the consultant, the operator conducted trenching to discover the actual boundary of the waste. It was discovered that the waste extended not only beyond the permitted waste footprint but well beyond the facility's permitted boundary. The operator consulted with the Regional Water Quality Control Board (RWQCB) to determine if the waste would need to be moved or if it could remain in place. The RWQCB determined, since the facility is an unlined landfill and disturbing the waste has the potential to cause more harm to the environment than leaving it in place, the waste may be left where it is currently buried. To obtain compliance the operator decided that they would amend their permit to include the newly discovered waste within the permitted waste footprint and move GW-7 to a location near the new proposed facility boundary.

WASTE EVALUATION & ENFORCEMENT BRANCH CHIEF ACTION REQUEST

On April 10, 2009, the LEA issued the operator a compliance schedule requiring the operator to take the steps necessary to amend the permit and bring the facility into compliance by November 27, 2009. The operator was unable to meet the timelines specified in the compliance schedule due to coordination challenges with the property owner, Los Angeles Department of Water and Power (LADWP). Specifically the owner would not sign the permit revision application form, nor would they extend the expired lease unless certain conditions were met.

Based on this, it was determined that the owner, LADWP, is a critical partner in bringing the facility into compliance and that they need to be involved in the compliance schedule process. As a result, the LEA facilitated monthly meetings involving the LEA, the LADWP, the operator (Mono County Public Works Department), and CalRecycle staff. The LEA consulted with these parties in developing and issuing a second compliance schedule to the owner and the operator, dated April 19, 2010, with a final compliance date of February 27, 2011.

Part of the operator's proposed solution to the ongoing violation involves a revised solid waste facility permit and an associated new lease agreement with the owner. The owner demanded that the operator conduct investigations by trenching around the entire permitted waste footprint to confirm the actual waste footprint before they would agree to sign a new lease agreement and revised permit application.

On June 1, 2011, CalRecycle approved a six month extension to August 27, 2011 with an option for approving an additional six month extension if the owner and operator demonstrate significant progress toward achieving compliance. The LEA amended the compliance schedule to reflect the new timeframes for achieving compliance. CalRecycle approved the second six month extension to February 27, 2012 for achieving compliance.

To date the owner and operator have completed seven of twelve steps outlined in the April 2010 and most recently amended August 2, 2011, compliance schedules. Items that have been completed include:

- LADWP identified issues that need to be resolved for the owner to enter into a new lease agreement for the facility,
- the operator submitted a potholing plan for the owner's approval,
- LADWP submitted comments regarding the potholing plan,
- following acceptance of the potholing plan the completed exploratory trenching around the facility disposal footprint and conducted a survey of the waste disposal footprint,
- the operator reviewed the CEQA documents that had been prepared for the project and filed a draft addendum to the CEQA documents,
- The operator has submitted a draft permit application package, including a draft Report of Disposal Facility Information (RDSI) and a draft Preliminary Closure Postclosure Maintenance Plan (PCPMP). The operator submitted a draft lease agreement.
- The draft permit application package has gone through three review cycles between November 4, 2011, and February 13, 2012. The operator is in the process of incorporating all of the necessary changes and preparing to submit the application for approvals. The owner and operator have negotiated a draft lease agreement. Currently the lease has been submitted by LADWP's legal office for County Board of Supervisors' approval.

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

FINDINGS:

During the last six month extension the owner and operator have made progress toward finalizing a permit application package. The owner and operator have completed three review cycles of the permit and associated Report of Disposal Site Information (RDSI) and have worked out issues related to approving a new lease agreement.

The owner still needs to complete a Corrective Action Plan, and Non-water Corrective Action Plan and make minor changes to the permit application package before it is ready for approval. Once it is complete the Mono County Board of Supervisors and the LADWP will need to approve the addendum to the CEQA Report and the final lease agreement before a complete solid waste facility permit application package can be submitted to the LEA for approval.

The facility will not be in compliance until the LEA and CalRecycle approve the new permit with its associated boundary changes. The operator will also need to install new perimeter gas monitoring wells and verify compliance at the new boundary.

On February 13, 2012, the LEA submitted a request to extend the Compliance Schedule for the Benton Crossing Landfill for an additional six months, to August 27, 2012. The LEA indicated that the owner and operator have made significant progress toward achieving compliance and that an additional extension for six months is justified.

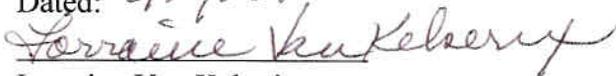
RECOMMENDATION

The owner and operator have demonstrated significant progress toward achieving compliance. Therefore, CalRecycle staff recommend that the facility be granted an additional six months extension for achieving compliance, to August 27 2012.

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 an additional six month extension to the owner and operator of the Benton Crossing Landfill (26-AA-0004) to August 27, 2012.

Dated: 3/2/2012



Lorraine Van Kekerix

Branch Chief

Waste Evaluation and Enforcement Branch