

# *Solid Waste Industry Group*

July 10, 2007

Bobbie Garcia  
California Integrated Waste Management Board  
1001 I Street  
P.O. Box 4025  
Sacramento, CA 95812-4025

Via Email: bgarcia@CIWMB.ca.gov

Subject: SWIG Comments on Financial Assurances Contract: Draft Work Plan for Study

Dear Bobbie:

Thank you for the opportunity for the Solid Waste Industry Group (SWIG) to provide comments to the California Integrated Waste Management Board on the Draft Work Plan and Methodology proposed by ICF International. SWIG is an informal coalition of providers of comprehensive solid waste and recycling services – including the ownership and operation of solid waste landfills.

This letter comprises the general comments of SWIG. Attached to this letter are additional comments provided by Waste Management (including additional attachments and by Allied Waste and Norcal Waste Systems, Inc.

General Comments:

1. Because of the importance of this project and everything that depends on its outcome, it is critical that the project have a formalized technical advisory committee (TAC) that will review all interim, draft, and final deliverables, including a requirement that the CIWMB's contractor formally respond and address TAC comments, and convene several meetings throughout the project term where TAC input and comment can be received. SWIG requests that such an advisory committee be convened at the earliest opportunity.
2. It is apparent from the work plan that the "Day of Reckoning" report is not a final document that has gone through a full public, stakeholder, and agency review and vetting process. SWIG is not aware that this report has been finalized and available for public distribution and review. If it has not, then it should not be used as a reference document for this study. SWIG strongly requests that that this document not be used as a reference document for this study until it has been finalized and an opportunity has been provided for peer review and comment.
3. As pointed out by Waste Management in their attachment to this letter, there are a number of other publicly disseminated documents that are much more appropriate to reference in this study. SWIG is providing several references attached to this letter and will be providing additional references in the future that have been peer reviewed

and should be incorporated as references in this study being conducted by the CIWMB and ICF.

4. Under Task 3, there is mention of the period of time for which the cost of PCM or CA should be evaluated. One hundred years is listed as an example with no documentation. This is an extremely important parameter that should be selected in this work plan with adequate justification. We are not aware of any substantiated evidence that anything other than 30 years is necessary for post-closure care as a general rule. There may be specific situations where longer post-closure care is warranted on a case-by-case basis – but certainly not as a general rule of application. Existing federal Subtitle D regulations already provide for a means to extend post-closure care and financial assurance for those specific situations requiring longer PCC periods.
5. The key landfill factors listed under Task 3 include size, proximity to populations, and years of operation. We do not believe these are the most important factors for landfills. Instead, the key parameters should at a minimum be those listed under Task 6, Step 2.
6. Under Task 3, Step 1, the major question of which landfills should be included in the study is left unanswered. Again, this is an important issue that should be defined and justified in this work plan. SWIG requests that this work plan not be finalized until this issue is addressed and provided for comment.
7. Under Task 3, Step 4, the work plan suggests a bounding concept that all landfills will require Corrective Action (CA) eventually. We do not see this as a reasonable assumption. Many sites have never entered into CA even over an already long history. Also, the amount of sites entering CA in the future should be reduced as more and more sites are designed to current regulatory standards. ICF must be required to provide a basis for determining the likelihood that existing landfills will require CA based on current experience – and adjusted to take into account improved minimum standards for landfills that have been implemented over the past several decades.
8. The scope for Task 6 suggests that the study will not conduct site-specific risk assessments; however, Task 6 indicates that a methodology will be proposed to rank sites. SWIG doubts that any proposed methodology to rank sites will likely be substantially lacking in its ability fully assess the complicated nature of landfills and their potential impact on the environment. As such, we recommend that the study include the identification of a risk assessment methodology that would be used to evaluate sites.
9. The reason stated to justify not conducting site-specific risk assessments in the work plan is that it would require use of industry experts who would have inherent conflicts of interest. This is a poor reason that is not justified. Industry experts have been used for years to evaluate landfill conditions and recommend approaches for their safe and secure management. The best technical experts should be part of this project, regardless of where they are from, and their presence should not require altering the

scope to avoid conflict. The CIWMB is fully capable of ensuring that no such conflict will affect the final work product. No specific landfill sites should be evaluated unless conducted by firms or individuals qualified to conduct such evaluations.

10. The initial screening of sites under Task 6, Step 1 relies on lists of sites, which will not provide the necessary information to adequately rank the state's landfills. We suggest a more robust methodology or simply foregoing the initial ranking and rely instead on developing a thorough methodology for conducting site evaluations.
11. Task 6, Step 1 also suggests that the sites be ranked with pre-determined percentages on how many sites should be in each category (e.g., low, medium, high, etc.). SWIG is not aware of any basis for assuming that any landfills pose a substantial risk to human health or the environment – let alone an artificial assumption that the upper quartile provide “high risk”. There should be no artificial efforts to set the benchmarks higher or lower than they should be to achieve predetermined datasets. Instead, benchmarks should be set based on current regulations and good science.
12. The benchmarks to be used for Task 6 are another set of key factors for this study. These benchmarks should be developed with significant input from the proposed TAC (see comment 1 above).

As noted above, we have attached additional comments provided by Waste Management, Norcal Waste Systems, Inc. and Allied Waste. They are attached separately because there was not sufficient time to thoroughly distribute these comments for SWIG review and comment given the extremely short review period provided by the CIWMB for these comments (5 working days over the 4<sup>th</sup> of July week. We strongly request that a minimum of 10 working days be provided for review and comment as part of future tasks and steps.

Please do not hesitate to contact me if you have any questions about these comments and attachments.

Sincerely

*Original Signed by:*

Charles A. White, P.E.  
Director of Regulatory Affairs  
Waste Management/West

For: Solid Waste Industry Group

Attachments:

- Waste Management Comments 7.10.07 with Attachments
- Norcal Waste Systems, Inc. Comments 7.10.07
- Allied Waste Comments 7.10.07

Ms. Bobbie Garcia  
SWIG Comments on ICF Work Plan  
July 10, 2007

Page 4 of 4

cc: Bill Orr, CIWMB, [borr@ciwmb.ca.gov](mailto:borr@ciwmb.ca.gov)  
Bernie Vlach, CIWMB, [bvlach@ciwmb.ca.gov](mailto:bvlach@ciwmb.ca.gov)  
Garth Adams, CIWMB, [gadams@ciwmb.ca.gov](mailto:gadams@ciwmb.ca.gov)