Responses to Comments for Tentative Order No. R9-2016-0149

**Waste Discharge Requirements for the Closure,
Post-Closure Maintenance, and Monitoring of
Forster Canyon Landfill, Orange County**

Comments were received from Orange County and Advanced Group 99-SJ, LLP (AG 99-SJ).

Comment No.	Tentative Order No. R9-2016-0149 Section	Comment	Reponses
Orange County Waste and Recycling Comments, dated November 9, 2016			
1.	Attachment C (Information Sheet), Section B	In reference to Attachment C, Section G, of the Order, OC Waste & Recycling respectfully requests that the San Diego Regional Water Quality Control Board exercise its authority in requiring financial assurances such that County resources will no longer need to be relied upon for long-term maintenance and monitoring of the Landfill should the proposed private development proceed. Attachment C, Section B states: *The San Diego Water Board may choose to revisit the designation of the County of Orange as a discharger after the Financial Assurance instrument (in this case, a Geologic Hazard Abatement District or GHAD; see Section K – Financial Assurances) has been established and becomes*	Revision not made. The Dischargers (i.e. AG 99-SJ and the County of Orange) entered into a settlement agreement that establishes the financial responsibilities of the two parties. The San Diego Water Board is not part of this settlement agreement. The language in Attachment C provides the County of Orange with the opportunity to ask the Board to remove the County from the Order once financial assurances are established and solvent, and once the Dischargers have demonstrated that the financial assurances will provide a continuing source of funding for future activities at the Landfill. The decision to remove the County of Orange from the Order will be made after consideration of all the facts at the time the future request is made.

		financially solvent. At that time, the San Diego Water Board may find that the GHAD is a viable long-term mechanism for ensuring that post-closure maintenance and monitoring will be effectively implemented at the Forster Canyon Landfill without the financial resources of the County of Orange. The County suggests the following revised text: *After the Financial Assurance instrument (including a Geologic Hazard Abatement District, or GHAD, or other instrument; see Section K – Financial Assurances) has been established and becomes financially solvent, the San Diego Water Board shall remove the County of Orange as a discharger, as the GHAD or other instrument will be a viable long-term mechanism for ensuring that post-closure maintenance and monitoring will be effectively implemented at the Forster Canyon Landfill without the financial resources of the County of Orange.*	
Tetra Tech BAS, on behalf of Advanced Group 00-SJ, dated November 8, 2016			
2	Order No. R9-2016-0149, Part A – End of Findings (page 6)	The following revision to the text is suggested: ***IT IS HEREBY ORDERED**. That this Order supersedes order No. 94-106, as*	Revision made. The revision eliminates duplicative text.

		amended upon the effective date of this Order ~~except for the enforcement purposes~~. In order to meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and applicable regulations, it is further ordered that the Dischargers comply with the requirements of this Order. This action does not prevent the San Diego Water Board from taking enforcement actions for past violations of the previous Order. In order to meet the provisions contain in division 7 of the Water Code, and regulations adopted thereunder, the Dischargers must comply with the following: It is suggested that the end of the first sentence be deleted. The exception proposed to be deleted is addressed in the highlighted sentence.	
3	Order No. R9-2016-0149, Part C – Excavation and Relocation of Refuse (page 7)	The following revision to the text is suggested: ***C. EXCAVATION AND RELOCATION OF REFUSE.*** *The Joint Technical Document (JTD) estimates that approximately 250,000 cubic yards of waste (the project's Environmental Impact Report (EIR) evaluated a range of 225,000 to 275,000 cubic yards) must be removed from the perimeter of the landfill and*	The language is clarified as follows: ***C. EXCAVATION AND RELOCATION OF REFUSE.*** *The Joint Technical Document (JTD) estimates that approximately 250,000 cubic yards of waste must be removed from the perimeter of the landfill and relocated to the front face of the landfill. The range of volumes of wastes to be excavated from the perimeter of the Landfill evaluated in the EIR was 225,000 to 275,000 cubic*

		relocated to the front face of the landfill. The relocation of waste ~~is necessary~~ ~~to~~ boundaries meet the County of Orange Department of Environmental health Local Enforcement Agency's (County LEA) setback~~s~~ requirements between the residential community and the landfill boundary. Details of the activities associated with the excavation, management, and discharge of wastes shall be documented in the Final Construction Quality Assurance (CQA) Report in accordance with the ***Final Cover Design and Execution of the Construction Quality Assurance Plan D.8***[5] The suggested text revision is provided to clarify what has been evaluated and discussed in the Joint Technical Document as well as provide clarification as to what variation in the refuse removal quantity would be considered significant and require revision to the final closure design. In light of this it is suggested that text on Page C-6 of Attachment C (Information Sheet Order No. R9-2016-0149) of Tentative Order No. R9-2016-0149, Part E – Closure (first paragraph) be revised as follows:	*yards. A range of volumes was evaluated in the event that site conditions encountered during excavation activities warrant a smaller or larger volume of waste removal. The relocation of waste is necessary to meet the County of Orange Department of Environmental health Local Enforcement Agency's (County LEA) setback~~s~~ requirements between the residential community and the landfill boundary. Details of the activities associated with the excavation, management, and discharge of wastes shall be documented in the Final Construction Quality Assurance (CQA) Report in accordance with the* ***Final Cover Design and Execution of the Construction Quality Assurance Plan D.8***[5] Similarly, the language in Attachment C would be modified as follows: ***E. CLOSURE*** *The closure of the Landfill will be completed in two phases. Phase one involves the excavation and relocation of wastes. In order to meet the final grading requirements for the Landfill and the average 100-foot easement for the proposed adjacent residential development,*[4] *approximately ~~245~~250,000 cubic yards of waste will be excavated from*

		E. CLOSURE *The closure of the Landfill will be completed in two phases. Phase one involves the excavation and relocation of wastes. In order to meet the final grading requirements for the Landfill and the average 100-foot easement for the proposed adjacent residential development,[4] approximated 245,000 cubic yards of waste (the project's Environmental Impact Report (EIR) evaluated a range of 225,000 to 275,000 cubic yards) will be excavated from the north, south, and eastern perimeter of the upper deck and placed on the west-facing front slope within the existing footprint of the Landfill.*	*the north, south, and eastern perimeter of the upper deck and placed on the west-facing front slope within the existing footprint of the Landfill. The actual volume excavated could be within the range of volumes evaluated in the EIR, which was 225,000 to 275,000 cubic yards. The slope stability evaluation in an appendix to the JTD showed that excavation volumes within this range complied with applicable slope stability requirements.*
4	Order No. R9-2016-0149 Part D – Final Cover Design and Execution of the Construction Quality Assurance Plan, Item 3, Final Cover Materials, Sub-items a and d (page 9)	The following revision to the text is suggested: *a. Have a maximum hydraulic conductivity of 1 x 10-5 and an average hydraulic conductivity of 1 x 10 -6 centimeters per second or less as determined through field and laboratory testing.* *d. If at any time the Grain-Size Distribution tests (ASTM D422) indicate that the final cover soils contain particles in excess of three (3) inches and/or have a minimum fines content (defined by No. 200 sieve) less than 37 percent for any*	Revision made.

		individual test and an arithmetic mean for ten (10) consecutive tests of less than 42 percent, these materials shall be rejected for use in the final cover system. In addition, final cover soils shall have a minimum of 20 percent finer than 5-microns for an individual test and 25 percent for the mean of ten (10) consecutive tests. *The added text for sub-item a provides flexibility for an average permeability for soils while meeting performance criteria. The suggested text for sub-item d correlates with the specifications from the Earthwork Construction Quality Assurance Plan for Construction of the Monolithic Final Cover included in Appendix D of the Joint Technical Document from which this specification was derived.*	
5	Order No. R9-2016-0149, Part D – Final Cover Design and Execution of the Construction Quality Assurance Plan, Item 4 – Final Cover Grade (Page 10)	The following revision to the text is suggested: 4. ***FINAL COVER GRADE.*** *The final cover of the Landfill shall be designed, graded and maintained to prevent ponding and soil erosion due to high run-off velocities. In compliance with title 27, section 21090(b), all portions of the final cover shall have a slope of at least*	The text has been clarified as follows: 4. ***FINAL COVER GRADE.*** *The final cover of the Landfill shall be designed, graded and maintained to prevent ponding and soil erosion due to high run-off velocities. In compliance with title 27, section 21090(b), all portions of the final cover shall have a slope of at least three percent unless otherwise ~~approved~~ specified in the JTD*

		three percent unless otherwise approved in the JTD by the San Diego Water Board. Any slopes that are steeper than a horizontal to vertical ratio of 3:0 (at 33 percent slope) shall have their design supported by a slope stability analysis, as required by title 27, section 21705(f)(5). The added text is suggested to clarify that there are two areas with slope gradients of two percent which are approved as part of the JTD; therefore not requiring San Diego Regional Water Quality Control Board approval for those areas.	*and approved by the San Diego Water Board. Any slopes that are steeper than a horizontal to vertical ratio of 3:0 (at 33 percent slope) shall have their design supported by a slope stability analysis, as required by title 27, section 21705(f)(5).*
6	Order No. R9-2016-0149, Part D - Final Cover Design and Execution of the Construction Quality Assurance Plan, Item 5 – Final Cover Vegetation Comment (page 10)	The following revision to the text/schedule is suggested: *5. **FINAL COVER VEGETATION.** Upon completion of construction of the final cover system, a native seed mix shall be applied to the upper deck, and the slopes shall be planted with shrubs and grasses to provide protection against soil erosion. Only the side slopes shall be irrigated, temporarily, to establish the vegetative cover. The vegetative cover should be established on the side slopes in approximately three to five years. Because California is*	Revision made.

		facing long-term drought conditions, the Dischargers shall provide the San Diego Water Board with a contingency plan for providing side slope protection against erosion should the vegetative cover fail to become established within five years of the initial application of the seed mix and planting of vegetation. This contingency plan shall be submitted to the San Diego Water Board ***within 180 days of ~~adoption of this Order~~ completion of construction of the final cover.*** This revision is suggested as it seems more reasonable to prepare the requested contingency plan once construction is complete and all vegetation placement details are known, thus a proper contingency plan can be prepared.	
7	Order No. R9-2016-0149, Part D – Final Cover Design and Execution of the Construction Quality Assurance Plan, Item 8 – Final CQA Report (page 11)	The following revision to the text/schedule is suggested: 8. ***FINAL CQA REPORT.*** *~~Within **90 days** of completing~~ Upon completion of construction of the Landfill final cover system, the Dischargers shall provide the San Diego Water Board with a Final CQA Report, containing all of the information required by title 27,*	The text in this section of the WDR was modified as follows: 8. ***FINAL CQA REPORT.*** *~~Upon completion of~~ Within **180 days** of completing construction of the Landfill final cover system, the Dischargers shall provide the San Diego Water Board with a Final CQA Report, containing all of the information required by title 27, section 20324(d).*

		section 20324(d). The deletion of the 90day time period is suggested to maintain consistency with the reporting schedule included on Table D-1 of Attachment B to the Waste Discharge Requirements which indicates that submittal of the CQA Report be (Upon completing construction of final cover". Additionally, in Attachment B, Part III, Item C, sub item 2 – Construction Quality Assurance Report also indicates "The CQA Report shall be submitted upon completion of construction activities associated with the final closure of the Landfill." No specific time period is indicated.	There may be project specific circumstances that delay the completion of the Final CQA Report. Therefore, the original 90-day window has been modified to provide additional time to submit the final report. However, as the closure of the Landfill is part of a much larger redevelopment project, Order retains a compliance window in order to ensure the timely submittal, review, and eventual approval of the Final CQA Report so as not to delay other parts of the redevelopment project. Table D.1: Reporting Schedule of Attachment B has been modified to reflect the 180-day compliance window. Additionally, Part III, Item C, sub-item 2 - Construction Quality Assurance Report of Attachment B will be modified to include the 180-day compliance window.
8	Order No. R9-2016-0149, Part E – Post-Closure Maintenance Specification, Item 3 – Cover Maintenance (Page 12)	The following revision to the text is suggested: *3.* ***COVER MAINTENANCE.*** *The structural integrity and effectiveness of all containment structures and the final cover system shall be maintained as necessary to correct the effects of settlement or*	Revision made.

		other adverse factors. Annually, the Dischargers shall provide the San Diego Water Board ~~with a report which~~ documentation~~s~~ of the activities undertaken at the site to maintain the integrity of the Landfill cover system as part of the Annual Site Certification Report. The suggested text revision provides clarification as to which report these maintenance activities should be discussed.	
9	Order No. R9-2016-0149, Part E – Post-Closure Maintenance Specifications, Item 4 – Management of Soil Stockpiles (page 13)	The following added sub-item e is suggested: *e. Any changes to permanent stockpile locations shall be identified in the Annual Site Certification Report.* This added sub-item is suggested to provide flexibility for any changes to permanent stockpile locations that may be necessary or advisable in the future.	Revision made.
10	Order No. R9-2016-0149, Part E – Post-Closure Maintenance Specifications, Item 7 – Storm Water Management (page 15)	The following revision to the text is suggested: *c. On the north and northwestern face of the Landfill, intermediate, ~~20~~ 15-foot wide benches located at intervals of ~~40~~ 35-feet in elevation shall contain flange~~d~~ nestable corrugated steel pipe drains and channels to direct*	Revision made.

		storm water flows from the front face of the Landfill towards the detention basins. The suggested text revision is provided to make this description consistent with the final grading plan design provided in the Joint Technical Document.	
11	Order No. R9-2016-0149, Part F – Financial Assurances – Geologic Hazard Abatement District (second Paragraph) (page 17)	The following revision to the text/schedule is suggested: *The Dischargers must establish the GHAD and provide the San Diego Water Board proof of adequate financial assurance mechanisms sufficient for the completion of closure of the Landfill, post-closure operations, maintenance and monitoring, and for the corrective actions in the event of a release from the Landfill. The GHAD must be established and the proof provided within* ***one year*** ***~~from the date of adoption of this Order~~*** ***of completion of final cover construction.*** The suggested text/schedule revision is provided as this is the earliest reasonable time for establishment of the GHAD. The GHAD funds will not be required until post-closure maintenance operations begin and the application has funds available for the first few years of post-closure maintenance	Revision made. Funds necessary for the closure of the landfill, as well as the initial few years of post-closure maintenance were established through the settlement agreement between the two Dischargers. Therefore, funds from the GHAD (or other financial assurance instrument) are not needed until after closure of the landfill is completed.

		during which the GHAD will be funding.	
12	Order No. R9-2016-0149, Part G – Provisions, Item 10 – Landfill Disclosure Statement (second paragraph) (page 20)	In regards to the following paragraph: *The landfill disclosure statement provided to the homeowners shall provide the necessary details, including information regarding the GHAD (or other financial assurance mechanism) and its oversight of the Landfill. In aAdditionally, the owner shall provide a copy of this Order, a copy of the Plan of Control, a copy of the most recent fee invoice for the property, and contact information for the GHAD and San Diego Water Board as attachments to the disclosure statement to any potential future owner of the landfill property. These actions are consistent with the San Diego Water Board's Practical Vision for Proactive Public Outreach and Communication.* The highlighted items in the above paragraph are more appropriately provided to any potential future owner of the landfill property and are not viewed as necessary items to provide to future homeowners. Relevant information from the Plan of Control (i.e., responsibilities of GHAD) can be provided in the disclosure statement. The above suggested text revisions differentiate between disclosure	The language in this section should be modified so that the appropriate documentation is provided to the homeowners and potential purchasers of the Landfill. Therefore, the language in this section was modified as follows: *The landfill disclosure statement shall provide the necessary details, including information regarding the GHAD (or other financial assurance mechanism) and its oversight of the Landfill. Additionally, the owner shall provide a copy of this Order, ~~a copy of the Plan of Control, a copy of the most recent fee invoice for~~ and contact information for the GHAD and San Diego Water Board as attachments to the potential homeowner's disclosure statement. The Discharger shall also provide a copy of the Plan of Control and the most recent fee invoice as additional attachments to the disclosure statement for any potential purchaser of the Landfill. These actions are consistent with the San Diego Water Board's Practical Vision for Proactive Outreach and Communication.*

		requirements for future homeowners versus potential future landfill property owners.	
13	Order No. R9-2016-0149, Part H – Reporting Requirements, Item 2 – Site Certification Report, Sub-item j (page 23)	The following revision to the text is suggested: ~~*j. The volume of liquids collected from any waste containment structure, recorded at a minimum on a quarterly basis.*~~ It is suggested that this sub item be deleted as no liquids are collected from any waste containment structures as the landfill is unlined and there is no leachate collection system~~.~~	To provide clarity, the language was revised as follows: *j. The volume of liquids collected from a ponded seep, or as a result of periodic leak detection surveys or the accumulation of condensate or leachate in landfill gas probes, recorded at a minimum on a quarterly basis*.
14	Order No. R9-2016-0149, Part H – Reporting Requirements, Item 2 – Site Certification Report, Sub-items M and N (pages 23 and 24)	The following revision to the text is suggested: *m. Eroded portions of the final cover ~~erosion resistant layer~~ requiring regrading, repair, replacement, or (for areas where the problem persistently reoccurs)~~,~~ increased erosion resistance.* ~~*n. Eroded portions of the low-hydraulic conductivity layer needing repair or replacement.*~~ Since the final cover design for landfill closure is a monolithic cover there is no distinction between the erosion resistant	Revision made.

		layer, low-hydraulic conductivity layer, and foundation layer. Based on this, the two items appear to be indicating the same thing which is to repair eroded portions of the final cover. Therefore, it is suggested that items m and n be combined into one item m.	
15	Order No. R9-2016-0149m, Part H – Reporting Requirements, Item 9, - Reporting of Slope Failure (page 25)	The following revision to the text is suggested: *9.* ***REPORTING OF SLOPE FAILURE.*** *The San Diego Water Board shall be* ***immediately*** *notified of, and ~~any slope failure occurring at the Landfill.~~ t~~T~~he Dischargers shall promptly repair any failure that threatens the integrity of containment structures, or structures that control surface drainage or erosion, groundwater monitoring wells, or the landfill gas collection system. A written summary of the actions that were implemented to correct the slope failure shall be prepared and submitted with the next Annual Compliance Report ~~monitoring report~~.* The text revision is suggested to remove duplicative text and provide clarification as to the report this information should be included.	The text has been revised as follows: *9.* ***REPORTING OF SLOPE FAILURE.*** *The San Diego Water Board shall be* ***immediately*** *notified of, and ~~any slope failure occurring at the Landfill.~~ t~~T~~he Dischargers shall promptly repair any failure that threatens the integrity of containment structures, or structures that control surface drainage or erosion, groundwater monitoring wells, or the landfill gas collection system. A written summary of the actions that were implemented to correct the slope failure shall be prepared and submitted with the next ~~Annual Compliance Report monitoring report~~. semi-annual detection groundwater monitoring report.* Depending on the nature of the slope failure, the San Diego Water Board may require subsequent actions to be taken at the site to prevent similar slope failures in the future. The timely reporting of slope failures is essential for the long-term protection of water quality and beneficial

			uses.
16	Order No. R9-2016-0149, Part H – Reporting Requirements, Item 12 – Reporting of Leachate Production or Change in Production (page 26)	The following revision to the text is suggested: *12.* ***REPORTING OF LEACHATE PRODUCTION OR CHANGE IN PRODUCTION.*** *Pursuant to title 27, section 21710(c)(3), the Dischargers shall notify the San Diego Water Board within* ***7 days*** *if fluid is detected in any unsaturated zone monitoring system (i.e., landfill gas migration monitoring probes), or if a progressive increase is detected in the volume of fluid in any unsaturated zone monitoring system.* The text revision is suggested to clarify which monitoring system applies to the reporting item.	Revision made.
17	Attachment B (Monitoring and Reporting Program R9-2016-0149) of Tentative Order No. R9-2016-0149, Part I – Sampling and Analysis Plan, Item D – Slope Stability Monitoring (page B-10)	The majority of settlement of the front face slope is expected to occur within the first year and it is anticipated that the settlement will be progressively less from then on. Based on this, it is suggested that after the first year of monthly monitoring, the frequency be reduced to annual visual inspection only thereafter. The following revision to the text/schedule is suggested: ***D. SLOPE STABILITY MONITORING.*** *The Sampling and Analysis Plan shall*	While the majority of settlement of the front face slope may in fact occur during the first few years after closure, closure of the landfill will likely be completed a few years prior to build-out of the remaining redevelopment project. The redevelopment project includes a residential community sewer lines, potable water lines, irrigated landscapes, and likely pools that will be located hydrologically, and topographically directly up-gradient and cross –gradient from the Landfill. These liquid-bearing features are likely sources of water that

		include a Slope Stability Monitoring Program for the slopes in the final cover of the Landfill. The Slope Stability Monitoring Program shall incorporate a combination of inclinometers and/or permanent surface monuments for measuring the displacement or slope movement of the final cover slopes, and a schedule for periodic visual inspections. The Slope Stability Monitoring Program must include activities adequate to determine if the integrity of final cover system has been compromised such that it no longer functions as designed. The Dischargers shall provide the San Diego Water Board with revisions to the Slope Stability Monitoring Program warranted by changing conditions at the Landfill. Monitoring frequency shall be monthly for the first year after closure of the landfill is completed and visual inspection ~~quarterly~~ annually thereafter. Additionally, Note 2 for Table D.1 (Reporting Schedule) should be revised as follows: *[2]For the first year after closure of the Landfill, the Dischargers shall monitor slope stability on a monthly basis and report on a quarterly basis. After the first year of closure, the Dischargers*	pose a potential risk to the integrity of the Landfill containment systems. Should any of these features leak in the future, the result may be a rise in groundwater elevations and impacts to the wastes contained within the unlined Landfill. Therefore, the Dischargers will need to continue to monitor for slope stability for the foreseeable future in order to prevent slope failures due to the potential adverse impacts from the surrounding development. The slope stability monitoring and reporting schedule may be reconsidered at a future date, and administrative changes may be made by the Executive Officer, as authorized by the Board.

		shall visually inspect the ~~monitor~~ slope ~~stability~~ on an ~~quarterly~~ annual basis and report the results ~~on a semi-annual basis~~ as part of the semi-annual monitoring reports.	
18a	Attachment B (Monitoring and Reporting Program R9-2016-0149) or Tentative Order No. R9-2016-0149, Part III – reports to be filed with the San Diego Water Board, Item C – Other Reports to be filed with the San Diego Water Board, Sub-Item 3 – Five year Dewatering Effluent Constituents of Concern Report	The following revision to the text/schedule is suggested: 3. ***Five Year Dewatering Effluent Constituents of Concern Report.*** *Every five years, the Dischargers shall sample the dewatering effluent (when effluent is present) for all COCs found in Appendix II of title 40, Code of Federal Regulations part 258. The first COC report shall be received within **~~no later than~~** the first COC reporting period (April or October) upon completion of **~~5:00 p.m. on April 30, 2017~~** installation and operation of the dewatering system and in conjunction with the Five yearly COC Scan for the detection monitoring program groundwater monitoring system (per Part I, Item A9). ~~and~~ Ssubsequent COC reports shall be due every fifth year alternately by ~~October~~ April 30 and ~~April~~ October 30 in conjunction with the detection monitoring program groundwater monitoring system Five Yearly COC Scan. The COC Report shall be submitted as*	Revision not made. The text was not revised to eliminate a starting year for the Five-Yearly COC scan because an initial date is necessary for the Dischargers to plan subsequent sampling and analysis events, and so that staff can accurately track the Five-Yearly COC scans. During the review of this specification, it came to staff's attention that references to the detection groundwater Five-Yearly COC analysis had unintentionally been omitted from the M&RP. To remedy this and provide clarification of monitoring requirements, the following language was added to this section of the M&RP: 3. ***Five Year Detection Groundwater Monitoring and Dewatering Effluent Constituents of Concern Report.*** *Every five years, the Dischargers shall complete a COC analysis on groundwater samples to update and verify the COC list included in the semi-annual monitoring reports. Furthermore, the Dischargers shall*

		an appendix to any Detection Groundwater Monitoring Report or Annual Compliance Report having a reporting period that ends at the same time. At this time, the applicant is not certain as to when the dewatering system will be in-place. In order to avoid violations before the closure construction is complete, it is suggested that the first five year dewatering effluent COC report be provided as presented in the proposed text. It is suggested that Table D.1 – Reporting Schedule and footnotes also be revised as indicated below: **Table D.1: Reporting Schedule** ***Report Type:*** *Initial Five0Yearly Dewatering COC Scan.* ***Report Due Date:*** ~~*April 30, 2017*~~ *April or October*[4] [4]*The first COC report shall be received within the first COC reporting period (April or October) upon completion of installation and operation of the dewatering system and in coordination with the Five Yearly COC Scan for the detection monitoring program groundwater monitoring system.*	*complete a COC analysis on the dewatering effluent every five years. The COC analysis shall include all COCs found in Appendix II of title 40, Code of Federal Regulations part 258. The first COC report shall be received* ***no later than 5:00 p,m, on October 30, 2018.*** ~~*within*~~ ~~***no later than***~~ ~~*the first COC reporting period (April or October) upon completion of*~~ ~~***5:00 p.m. on April 30, 2017***~~ ~~*installation and operation of the dewatering system and*~~ ~~*in conjunction with the Five yearly COC Scan for the detection monitoring program groundwater monitoring system (per Part I, Item A9). and*~~ ~~*S*~~*s*~~*ubsequent*~~ *Subsequent COC reports shall be due every fifth year alternately by* ~~*October*~~ *April 30 and* ~~*April*~~ *October 30 in conjunction with the detection* ~~*monitoring program*~~ *groundwater monitoring* ~~*system*~~ *program Five Yearly COC Scan. The COC Report shall be submitted as an appendix to any Detection Groundwater Monitoring Report or Annual Compliance Report having a reporting period that ends at the same time.* Table D.1 has been revised to reflect the change in the initial COC Report due date, as well as the subsequent reporting periods and due dates for Five Yearly COC scans

			for both dewatering and the detection groundwater monitoring program.
18b		Additionally, the applicant requests that COC sampling not be required for the dewatering effluent since any COC constituents would be detected in the Detection Monitoring Program groundwater monitoring system before those constituents would reach the much deeper aquifer from which dewatering wells are drawing.	Revision not made. The requirement to analyze the dewatering effluent comes from title 27, section 20415 which requires that a sufficient number of Monitoring Points and Background Monitoring Points be installed at appropriate locations and depths to yield ground water samples from portions of the zone of saturation, including other aquifers, not monitored pursuant to ¶(b)(1)(B)1. and ¶(b)(1)(B)2., to provide the best assurance of the earliest possible detection of a release from the Unit;
19	Attachment C (Information Sheet Order No. R9-2016-0149) of Tentative Order No. R9-2016-0149, Part A – Introduction (second paragraph) (page C-1)	The following revision to the text is suggested: *Monitoring and Reporting Program No. R9-2016-0149 (M&RP) requires the Discharger to furnish certain technical and monitoring program reports to demonstrate compliance with the WDRs in the Order. The M&RP also prescribes performance standards for a detection monitoring program as required by title 27, California Code of Regulations, sections 20415 and 20420. This program will ensure early detection of any releases of waste constituents*	Revision made.

		from the landfill for the protection of water quality and beneficial uses of groundwater and surface waters within the Lower San Juan Hydrologic Subarea (HAS 901.27) of the San Juan Hydrologic Unit (901.00). The M&RP also requires ~~landfill gas~~, dewatering effluent~~,~~ and slope stability monitoring and summary reports on landfill gas monitoring required of the County local enforcement agency (LEA) and CalRecycle. The suggested text revision provides clarification that landfill gas monitoring is required by the LEA and CalRecycle.	
20	Attachment C (Information Sheet Order No. R9-2016-0149) of Tentative Order No. R9-2016-0149, Park K – Rationale for Financial Assurance Requirements (paragraphs 5 and 6) (pages C-12 and C-13)	The following revision to the text is suggested: *The Dischargers have chosen to establish a Geologic Hazard Abatement District (GHAD), a publicly financed assessment entity, to collect, manage, and allocate financial assurances for post-closure costs. The proposed GHAD will be administered as an independent public agency and in accordance with California Public Resources Code Section 26500 et. Seq. ~~by members of the City of San Juan Capistrano City Council.~~* *To manage the post-closure funds, the*	Revision made.

		GHAD will develop a Plan of Control and an Engineer's ~~Plan~~ Report. The Plan of Control will define the responsibility, funding mechanism(s), and physical boundaries of the GHAD. The Plan of Control will require the GHAD to provide post-closure operations, maintenance, and monitoring of the closed Landfill, and implement corrective actions as necessary should a release or slope failure occur. The Plan of Control must be submitted to the San Diego Water Board, the County of Orange Local Enforcement Agency (LEA), and any other local regulatory agency for review and comment prior to the formation of the GHAD. The purpose of setting up the GHAD as a state level agency is to ensure that it has an independent administrator and that its funds cannot be used by any local agency for uses other than for what they are assigned. Please note that all references in Order No. R9-2016-0149 (including Attachments B and C) to the "Engineer's Plan" should be revised to "Engineer's Report."	