

**Regional Water Quality Control Board  
Central Valley Region Board Meeting  
20/21 June 2024**

Response to Written Comments for the County of Lake  
Public Services Department's Eastlake Sanitary Landfill  
Tentative Waste Discharge Requirements and  
Tentative Monitoring and Reporting Program

At a public hearing scheduled for 20/21 June 2024, the Regional Water Quality Control Board, Central Valley Region, (Central Valley Water Board) will consider adoption of revised Waste Discharge Requirements (WDRs) and revised Monitoring and Reporting Program (MRP) for the County of Lake Public Services Department's (Discharger) Eastlake Sanitary Landfill (Facility) in Lake County. This document contains responses to written comments received in response to the public notice circulated on 1 February 2024 from interested persons regarding the tentative WDRs and MRP. To receive full consideration written comments to the public notice were required to be received by the Central Valley Water Board by 4 March 2024.

Comments received were from (1) the Discharger, (2) the Koi Nation of Northern California (Koi Nation), and (3) the Yocha Dehe Wintun Nation.

The comments received are summarized below, followed by responses from Central Valley Water Board staff and details of any changes made in response to the comments received. In addition, staff has made minor changes to the tentative WDRs to improve clarity and fix typographical errors which are also shown summarized at the end of these responses to comments.

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**DISCHARGER COMMENTS ON TENTATIVE WDRS**

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**DISCHARGER COMMENT NO. 1:** Finding 3, Table 1. The planned acreage of Phase 1 is 7.1 acres, not 8.1 acres.

**RESPONSE:** The area of Phase 1 has been changed to 7.1 acres.

**DISCHARGER COMMENT NO. 2:** Finding 3, Table 1, Note 2. The planned acreage of Phase 4 is 3.7 acres, not 5.0 acres. Additionally, it would be more accurate to say that Phase 4 is a lateral expansion and vertical expansion over the Area 1 footprint, and a small portion of Area 2.

**RESPONSE:** Note 2 has been changed as requested to reflect the proper size of Phase 4 of 3.7 acres and that it is a lateral and vertical expansion over Area I and Area II.

**DISCHARGER COMMENT NO. 3:** Finding 19.a. The planned acreage is 19.5 acres, not 20.5 acres.

**RESPONSE:** The finding has been changed to reflect that the planned acreage is 19.5 acres.

**DISCHARGER COMMENT NO. 4:** Finding 19.b. The new entrance road and utilities are required due to the Phase 4 expansion, not the Phase 1 expansion.

**RESPONSE:** The finding has been changed to Phase 4 expansion.

**DISCHARGER COMMENT NO. 5:** Finding 48. The stormwater sedimentation basin discharges to Molesworth Creek, not the unnamed tributary to Cache Creek. The sedimentation basin constructed during Phase II will continue to intermittently discharge to Molesworth Creek.

**RESPONSE:** The finding has been changed in accordance with the Discharger's Joint Technical Document pages 67-68 to reflect that the current Facility discharges to both Molesworth Creek a tributary to Clear Lake and an unnamed tributary which discharges to Cache Creek, a tributary to the Yolo Bypass. Once the new stormwater detention basin is constructed during the lateral expansion the Facility will only discharge stormwater that falls on the Facility to the Molesworth Creek which eventually discharges to the Clear Lake.

**DISCHARGER COMMENT NO. 6:** Finding 52. SWMS-3 should be listed as "Background" (Upstream).

**RESPONSE:** The finding has been changed to identify SWMS-3 as an upstream background surface water monitoring point.

**DISCHARGER COMMENT NO. 7:** Finding 65. It is important to note that the Central Valley Water Board's March 30, 2018, letter to the County, "Review of Engineering Feasibility Study Revision 2 and 2017 Monitoring Data" required an additional action to CAO R5-2015-0713 of a workplan to install landfill gas extraction wells. The County submitted the workplan on May 31, 2018, which is currently being evaluated by Central Valley Water Board staff.

**RESPONSE:** The following language has been added to the Finding to address the status of the CAO, "In response to a Central Valley Water Board staff letter dated 30 March 2018 the Discharger submitted a workplan on 31 May 2018 to install additional landfill gas extraction wells to address the VOC releases to groundwater. Following review of the workplan, Central Valley Water Board staff on 27 March 2024 sent a letter to the Discharger outlining three potential pathways that Central Valley Water Board staff believes will address the groundwater impacts from both leachate and LFG. On 4 April 2024 the Discharger in a letter selected the pathway where it would submit an updated Engineering Feasibility Study by 15 July 2024 that evaluates potential corrective action measures to remediate the groundwater VOC and inorganic plume related to leachate impacts with an estimation of the length of time to clean up the release from leachate and LFG."

**DISCHARGER COMMENT NO. 8:** Finding 68. The first sentence ends in an ellipsis.

**RESPONSE:** The ellipsis has been deleted from the finding.

**DISCHARGER COMMENT NO. 9:** Finding 79. The floor of Phase 1 as designed has

a minimum separation of approximately 20-ft from groundwater, consequently the design does not include an underdrain or central collection sump.

**RESPONSE:** The finding states that the Discharger must maintain minimum 5-foot separation between waste and groundwater including capillary fringe. During detailed design and/or during construction if the Discharger discovers intermittent springs or groundwater seeps the Discharger will install an underdrain where necessary as stated in the Discharger’s Joint Technical Document. Therefore, no changes to the Finding are necessary.

**DISCHARGER COMMENT NO. 10:** Finding 91. The County’s current fund balances (financial assurances) are now as follows:

Requirement	Current Balance
Closure and Post-Closure Maintenance	\$13,154,755
Corrective Action	\$1,078,315

**RESPONSE:** Table 9 has been updated to reflect current fund balances.

**DISCHARGER COMMENT NO. 11:** Page 52. Following this page, the pagination reverts back to 31.

**RESPONSE:** The page number has been corrected.

**DISCHARGER COMMENT NO. 12:** Requirement D.34. This requirement seems to conflict with Requirement D.1, which authorizes preparatory earthmoving and grading for liner construction. Please clarify.

**RESPONSE:** The requirement has been changed to allow earth moving and rough grading in preparation for liner construction. Final grading shall not be performed until the Discharger receives approval of the minimum drainage slope of the base liner system.

**DISCHARGER COMMENT NO. 13:** Requirement I, Table 11 (Time Schedule), Item No. 4. The “Task” should include reference to the workplan to install landfill gas extraction wells (described in the comment to Finding 65 earlier) that is awaiting approval.

**RESPONSE:** Reference to Finding 65 has been added to Item No. 4.

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### DISCHARGER COMMENTS ON TENTATIVE MRP

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**DISCHARGER COMMENT NO. 14:** Provision B.3. The stormwater sedimentation basin discharges to Molesworth Creek, not the unnamed tributary to Cache Creek.

**RESPONSE:** The Provision has been changed to reflect that the current sedimentation basins either discharge to Molesworth Creek which discharges to Clear Lake or to an unnamed tributary to Cache Creek which discharges to the Yolo Bypass.

**DISCHARGER COMMENT NO. 15:** Provision B.3.a, Table 11. SWMS-3 should be listed as “Background” (Upstream).

**RESPONSE:** SWMS-3 has been changed to a upstream background surface water monitoring point.

**DISCHARGER COMMENT NO. 16:** Provision C. It is challenging for the County to comment on this entire section, Corrective Action Monitoring Program (CAMP) for CAO R5-2015-0713 when the County is waiting on a response from the Central Valley Water Board to the CAO workplan submitted by the County to the Central Valley Water Board on May 31, 2018. However, the County offers the following preliminary suggestions:

- Provision C.4, Table 19. Recommend changing the term “Plant” to “Flare Station”. Recommend changing the sampling frequency of methane in influent from “Daily” to “Monthly”.
- Provision C.4.a, Table 21. Recommend the unit measurement for static pressure in the wellhead be changed from Inches Hg to Inches WC.

**RESPONSE:** The Discharger’s concerns are noted since the Discharger to date has not received approval of its technical reports and/or work plans necessary to implement corrective action measures. The Central Valley Water Board staff has committed to expeditiously review and provide necessary feedback/approval of the submitted technical reports and/or work plans.

Provisions C.4, Table 19 has been changed to identify the “Plant” as the “Flare Station”. Monitoring of methane percentage in the influent into the flare has not been changed since it is critical that the landfill gas extraction system is being operated optimally on a daily basis to extract methane at significant concentrations such that the flare station can be operated consistently to reduce greenhouse gas emissions.

Provision C.4.a Table 21 has been changed to indicate units in inches of water column (WC)

**DISCHARGER COMMENT NO. 17:** Provision E.2.m. It is challenging for the County to comment on this section related to ongoing Corrective Action for CAO R5-2015-0713 when the County is waiting on a response from the Central Valley Water Board to the CAO workplan submitted by the County to the Central Valley Water Board on May 31, 2018.

**RESPONSE:** Please see responses to Item No. 16 above.

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### KOI NATION COMMENT ON TENTATIVE WDRS

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**KOI NATION COMMENT NO. 1:** Due [to] the cultural sensitivity of the project APEs the Koi Nation would like to initiate a formal consultation with the lead agency. At the time of consultation, please provide the Koi Nation's Cultural Resources Department with a project timeline, detailed ground disturbance plan. The Koi Nation is requesting a copy of the project's most recent cultural resource study at your earliest convenience for our review. We highly recommend cultural monitors during ground disturbance. In addition, we recommend cultural sensitivity training for all project personnel.

Please contact the following individual to schedule a consultation meeting and set up a monitoring agreement:

Robert Geary, Tribal Historic Preservation Officer (THPO)  
Koi Nation of Northern California  
Office: (707) 900-6923  
Email: Robertgeary@koination.com

Please refer to identification number HP-20240205-04 in future correspondence concerning this project.

**RESPONSE:** Finding 93 has been changed to indicate that the Discharger is required to implement the Mitigation and Monitoring Plan (MMP) issued on 11 June 2020 by Lake County Planning Commission (see attached). The MMP requires the following mitigation for cultural and tribal cultural resources:

**a. Cultural Resources.**

1. If cultural resources, such as chipped or ground stone, or bone are discovered during ground-disturbance activities, work shall be stopped within 50 feet of the discovery, as required by the California Environmental Quality Act (CEQA; January 1999 Revised Guidelines, Title 14 California Code of Regulations [CCR] 15064.5 (f)).
2. Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the material and offered recommendations for further action.
3. If in the event that previously unidentified evidence of human burial or human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5) The Lake County Coroner must be informed and consulted, per State law. If the coroner determines the remains to be Native American, he or she shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent. The most likely descendent will be given an opportunity to make recommendations for means of treatment of the human

remains and any associated grave goods. when the commission is unable to identify a descendant or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Section 5097 .94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. Work in the area shall not continue until the human remains are dealt with according to the recommendations of the County Coroner, Native American Heritage Commission and/or the most likely descendent have been implemented.

**b. Tribal Cultural Resources.**

1. A minimum of seven calendar days prior to the initiation of ground-disturbing activities, the County or its designee shall send a written notice to the Elem Indian Colony with an initial start date, safety protocols, and contact information for the facility to provide the tribe with the opportunity to send a tribal representative to observe, at its own discretion, liability, and expense, any or all ground-disturbing activity throughout the lifetime of the facility's operations. Should the tribe choose not to send an observer, facility activities may continue as scheduled, as long as the initial notification was made and documented.
2. If any potential tribal cultural resources, such as unusual amounts of bone or shell, artifacts, or human remains, are encountered during ground disturbing activities, work shall be suspended within 100 feet of the find, and the construction supervisor shall immediately notify the County representative, who shall immediately notify the Elem Indian Community. If the find includes human remains, or remains that are potentially human, the County shall also immediately notify the Lake County Coroner so that the procedures in Section 7050.5 of the California Health and Safety Code and, if applicable, Section 5097 .98 of the Public Resources Code, are followed. The County shall consult with the Elem Indian Community and Most Likely Descendent, if identified by the California Native American Heritage Commission for human remains (if applicable), to develop, document, and implement appropriate and feasible management recommendations, should potential impacts to newly discovered tribal cultural resources be found by the County to be significant. Possible management recommendations could include documentation, data recovery, or (if deemed feasible by the County) preservation in place. The facility operator shall implement any measures deemed by County staff to be necessary and feasible to avoid, minimize, or mitigate significant effects to the Tribal Cultural Resources.

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**YOCHA DEHE WINTUN NATION COMMENTS ON TENTATIVE WDRS**

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**YOCHA DEHE WINTUN NATION COMMENT NO. 1:** The Cultural Resources Department has reviewed the project and concluded that it is not within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we respectfully decline any comment on this project. However, based on the information provided, please defer correspondence to the following:

Elem Indian Colony  
Attn: Alix Tyler  
P.O. Box 757  
Lower Lake, CA 95457

Please refer to identification number YD-02022024-01 in any future correspondence with Yocha Dehe Wintun Nation concerning this project.

**RESPONSE:** Your comment has been received and is welcomed. In the event any cultural or tribal resources are discovered the Discharger will notify the Elem Indian Colony in accordance with the mitigation measures identified in its Mitigation and Monitoring Plan dated 11 June 2020 (see attached).

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**CENTRAL VALLEY WATERBOARD CHANGES TO TENTATIVE WDRS TO PROVIDE CLARIFICATION OF FINDINGS, PROHIBITIONS, AND SPECIFICATIONS**

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**WATERBOARD CHANGE NO. 1: Finding 34.** The beneficial use criteria for Clear Lake were added to distinguish its beneficial uses from that of the Yolo Bypass. The revised finding reads as follows:

Currently, most of the surface water drainage from the site discharges to Molesworth Creek to the west, a tributary to Clear Lake. According to the Central Valley Water Board's *Water Quality Control Plan for the Sacramento and San Joaquin River Basins* (Basin Plan), the beneficial uses of Clear Lake include: municipal and domestic use (MUN); agricultural supply (AGR); water contact recreation (REC1); non-water contact recreation (REC2); warm freshwater habitat (WARM); potential cold freshwater habitat (COLD); wildlife habitat (WILD); and warm water spawning, reproduction, and/or early development (SPAWN). A small portion of the northeast area of the Facility drains to the unnamed tributary to Cache Creek to the east and south as shown in **Attachment I** which eventually drains to the Yolo Bypass. Both creeks are ephemeral streams that primarily carry surface water in the winter and early spring months. According to the Basin Plan, the beneficial uses of the Yolo Bypass include: municipal and domestic use (MUN); agricultural supply (AGR); water contact recreation (REC1); non-water contact recreation (REC2); warm freshwater habitat (WARM); potential cold freshwater habitat (COLD); wildlife habitat (WILD); wildlife migration (MIGR); and warm water spawning, reproduction, and/or early development (SPAWN). Following construction of the new stormwater detention basin during the Facility's lateral expansion as shown in **Attachment J** non-contact surface water which falls on the Facility will drain from the new stormwater detention basin to Molesworth Creek. Monitoring and Reporting Program R5-2024-XXXX requires monitoring of both Molesworth Creek and the unnamed tributary to Cache Creek.

**WATERBOARD CHANGE NO. 2: Finding 48.** The finding was changed to clarify that once the new stormwater detention basin is constructed during lateral expansion of the Landfill the Facility will intermittently discharge to Molesworth Creek. The revised finding reads as follows:

A stormwater detention basin is currently situated in the southeast portion of the Facility, as depicted in **Attachment I**. Usually dry during summer months, this stormwater basin discharges to Molesworth creek, a tributary to Clear Lake. The basin also includes an emergency overflow spillway to the unnamed tributary to Cache Creek. During construction of the lateral expansion, the stormwater detention basin will be relocated as shown in **Attachment J**. The relocated stormwater detention basin will intermittently discharge to Molesworth Creek. The Facility is covered under the State Water Board's operative *General Permit for Storm Water Discharges Associated with Industrial Activities*, NPDES Permit No.



CAS000001 (Industrial General Permit). Stormwater drainage from the western portion of the Facility will continue to drain to Molesworth Creek.

**WATERBOARD CHANGE NO. 3: Finding 65.** The Finding has been changed to update additional work that has been done since issuance of tentative WDRs to address the VOC releases to groundwater. The revised finding reads as follows:

Through implementation of the CAO program, the vertical and horizontal delineation of the VOC plume in groundwater has been completed. The extent of groundwater monitoring wells impacted by VOCs is described as a lobate-shaped plume that extends west, north, and south from the general area of wells MW-16 and MW-17, as shown in **Attachment H**. VOC detections are suspected to have been caused by the interaction of LFG with groundwater in the western Facility perimeter. Corrective action to address the VOC releases to groundwater has been proposed through expansion of the LFG capture and control system. In response to a Central Valley Water Board staff letter dated 30 March 2018 the Discharger submitted a workplan on 31 May 2018 to install additional landfill gas extraction wells to address the VOC releases to groundwater. Following review of the workplan, Central Valley Water Board staff on 27 March 2024 sent a letter to the Discharger outlining three potential pathways that Central Valley Water Board staff believes will address the groundwater impacts from both leachate and LFG. On 4 April 2024 the Discharger in a letter selected the pathway where it would submit an updated Engineering Feasibility Study by 15 July 2024 that evaluates potential corrective action measures to remediate the groundwater VOC and inorganic plume related to leachate impacts with an estimation of the length of time to clean up the release from leachate and LFG.

**WATERBOARD CHANGE NO. 4: Finding 79.** The Finding has been changed to clarify that there is some uncertainty as to depth to groundwater due to well spacing, topography, and hydrogeologic conditions. The revised finding reads as follows:

The depth to groundwater in the area proposed for landfill expansion Phase 1-4 areas currently varies from about 10 to 40 feet below the existing ground surface according to information provided by the Discharger, however there is some uncertainty due to well spacing, topography, and hydrogeologic conditions. Design base grades for expansion Phases 1-4 have been set to be a minimum of 10 feet above the highest groundwater elevation. Proposed landfill expansion cell base grades maintain this physical separation based on previously mapped highest groundwater elevations. The Discharger has proposed an engineered alternative for groundwater separation in the expansion areas, where the Discharger is unable to maintain 5 feet of separation between waste and highest anticipated groundwater, including capillary fringe and any intermittent springs or groundwater seeps. The proposed engineered alternative to the 5-foot groundwater separation requirement (see Title 27, § 20240(c)) entails construction of an underdrain below Phases 1-4, where necessary. In floor areas of the new cells, the underdrain system will consist

of a 1-ft thick granular rock layer with permeability equal to or greater than 1.0 cm/sec, placed as a blanket drain over the prepared subgrade. The drain rock layer will be overlain by a geotextile filter fabric. The drain rock layer will be fitted with perforated HDPE pipe that drains to central temporary collection sumps in Phases 1 and 2, and permanent sumps in Phases 3 and 4. The base liner system would be constructed above the underdrain.

**WATERBOARD CHANGE NO. 5: Finding 83.** The Finding has been changed to clarify that the Discharger must submit a seismic analysis for each new waste management unit. The revised finding reads as follows:

The Discharger shall submit a seismic analysis for each proposed new WMU that demonstrates that each new WMU will be able to withstand MPE seismic events described in **Finding 45.** (Title 27, § 20370.)

**WATERBOARD CHANGE NO. 6: Discharge Prohibition 6.** The prohibition has been changed to clarify that the prohibition also applies to discharge of liquids to Class III solid waste management units. The revised prohibition reads as follows:

The Discharge of any waste to any newly constructed Class II surface impoundment or Class III WMU is prohibited unless and until the Discharger has (a) submitted a final construction report, (b) completed an electronic leak survey of the primary and/or secondary geomembrane liners used for waste containment, (c) received Central Valley Water Board approval of the construction, and (d) received Central Valley Water Board approval of all associated financial assurance documents.

**WATERBOARD CHANGE NO. 7: Facility Specification C.1.** The specification has been changed to clarify that any new waste management unit constructed must provide 5-foot separation between waste and waters of the state in accordance with Title 27 section 20240(c). The revised specification reads as follows:

For new Class III landfills, the Discharger shall provide minimum 5-foot separation between nonhazardous solid waste and waters of the state. (Title 27, § 20240(c).) Existing WMUs shall be operated to maintain the required separation to ensure protection of the background quality of groundwater and surface water.

**WATERBOARD CHANGE NO. 8: Unit Specification D.2.** The specification has been changed to clarify that the submittal of a design report for a new WMU or expansion must also include a monitoring and operations system plan in accordance with Title 27 section 21760. The revised specification reads as follows:

Prior to construction of any new WMU or expansion of any existing WMU(s), the Discharger shall submit, for Central Valley Water Board staff review and concurrence, a design report, plans, and specifications, including the following:

- a. A CQA Plan meeting the requirements of Title 27, section 20324;

- b. A geotechnical evaluation of the area soils, evaluating their use as the base layer; and
- c. A monitoring and operations system plan, which is demonstrated to remain effective throughout the active life, closure, and post-closure maintenance periods of the Unit in accordance with Title 27, section 21760.

**WATERBOARD CHANGE NO. 9: Unit Specification D.5.** The specification has been changed to clarify that any new Class III waste management unit constructed must provide 5-foot separation between waste and waters of the state in accordance with Title 27 section 20240(c). The revised specification reads as follows:

For new Class III landfills, the Discharger shall provide minimum 5-foot separation between nonhazardous solid waste and waters of the state. (Title 27, § 20240(c).) Existing WMUs are to be “operated” to maintain the required separation to ensure protection of the background quality of groundwater and surface water.

**WATERBOARD CHANGE NO. 10: Unit Specification D.10.a.ii.** The specification has been changed to clarify that the underdrain system must operate over the lifespan of the WMU if it is anticipated that less than 5-foot separation is anticipated between waste and highest anticipated groundwater elevation, including capillary fringe, intermittent springs, and/or groundwater seeps. The revised specification reads as follows:

Underdrain System (i.e., perforated HDPE pipe embedded in 1-foot granular material layer) if over the lifespan of the unit including operating, closure, and post closure phase less than 5-foot separation is anticipated between waste and highest anticipated groundwater elevation, including capillary fringe, intermittent springs, and/or groundwater seeps;