

Bonzi Sanitation Landfill

Regional Water Quality Control Board
Central Valley Region Board Meeting
22/23 August 2024

Response to Written Comments for the Bonzi Sanitation Landfill

Tentative Waste Discharge Requirements

At a public hearing scheduled for 22/23 August 2024, the Regional Water Quality Control Board, Central Valley Region, (Central Valley Water Board) will consider adoption of revised Waste Discharge Requirements (WDRs) and a revised Monitoring and Reporting Program (MRP) for the Bonzi Sanitation Landfill in Stanislaus County. This document contains responses to written comments received from interested persons regarding the tentative WDRs (TWDRS) and tentative MRP (TMRP) circulated on 13 February 2023. Written comments were required by public notice to be received by the Central Valley Water Board by 16 March 2023 to receive full consideration. Public comments were only received from California Department of Resources Recycling and Recovery (CalRecycle) on 16 March 2023.

Written comments are summarized below, followed by responses from Central Valley Water Board staff. In addition to the changes noted below, substantial changes were made to all findings related to the application of treated groundwater to the Land Application Area. These changes were made to be more consistent with State Water Board Resolution 68-16, Policy with Respect to Maintaining High Quality Waters of the State (Antidegradation Policy). A few minor other changes have also been made to the tentative WDRs to improve clarity and fix typographical errors.

CALRECYCLE GENERAL COMMENTS ON TWDRS AND TMRP

CALRECYCLE COMMENT NO. 1:

With respect to the named dischargers, while the larger landfill parcel (APN 017- 041-36) is owned by Ma-Ru Holding Company, Inc., the smaller landfill parcel (017-041-042) is owned by the Estate of Rudy Bonzi and the Mary Bonzi 2007 Novation Trust dated January 27, 2007. CalRecycle has questions as to whether these owners should be named as dischargers as well.

RESPONSE:

Finding 1 was modified to clarify the ownership of the individual parcels.

CALRECYCLE COMMENT NO. 2:

With respect to the proposed financial assurances increases and related financial assurances requirements, CalRecycle is currently in discussions with the Central Valley Regional Water Quality Control Board (CVRWQCB) regarding its questions pertaining thereto.

RESPONSE:

Bonzi Sanitation Landfill

Title 27 section 22211 describes the amount of required coverage for postclosure maintenance activities the Discharger must demonstrate it has available in order to ensure that a third party if necessary, can fulfil postclosure maintenance activities. Title 27 section 22220 describes the amount of required coverage for corrective action activities the Discharger must demonstrate it has available in order to ensure that a third party if necessary, can fulfil corrective action activities. The Discharger's 2022 Closure and Post Closure Maintenance Plan (see WDRs Finding 47 and Table 8 estimated that approximately \$12.2 million dollars).

CALRECYCLE COMMENTS ON TWDRS

CALRECYCLE COMMENT NO. 3:

Pages 1-2; Finding #3 With respect to reported acreages this finding notes the site is situated on approximately 156 acres, with four Waste Management Units (WMUs) comprising approximately 115 acres of the 156 acre site and the remaining 41 acres containing the Groundwater Treatment System (GTS), Landfill Gas (LFG) extraction system, the treated groundwater retention basin (TGRB), and a 21 acre land application area (LAA). However, Table 1 in the TWDRs states that the WMUs total 93 acres. CalRecycle is in the process of reviewing site documents, including the 2022 Postclosure Maintenance Plan, to determine the total site acreage (134.4 or 156 acres) and disposal acreage (85.9 or 93 acres) to be included in the solid waste facility closure permit. Since CalRecycle's authority extends to the permitted property boundary, CalRecycle and the CVRWQCB should work together to resolve these questions and be in accord with respect to the disposal area and acreage subject to postclosure maintenance.

RESPONSE:

Findings related to the acreage of the facility and various WMUs have been updated.

CALRECYCLE COMMENT NO. 4:

Page 2; Table 1 - Summary of Waste Management Units (WMUs) Permitted under Order – In this Table it is noted that the Site's Unit Statuses of all of the disposal Units are Closed. However, the CVRWQCB's correspondence regarding the certification report dated June 21, 2022 noted that while the active construction work is complete, final cover installation for WMU-II, III, and IV will not be considered complete until sufficient vegetation growth is established to provide adequate stabilization and protection of the final vegetative cover layer. CalRecycle has questions as to whether, from the CVRWQCB's perspective, the site is currently considered closed or will the site be considered closed upon approval of the WDRs.

RESPONSE:

The WDRs note in several instances (see Finding 4, Table 1, Finding 13a, Finding 41a, Finding 44, Discharge Prohibitions 1, and Facility Specifications C.8) that the Facility is closed as it relates to receiving waste in the future as all permitted WMUs are closed.

CALRECYCLE COMMENT NO. 5:

Bonzi Sanitation Landfill

Page 5, Item #14 – states that the Landfill isn’t subject to RCRA Subtitle D. CalRecycle has questions as to whether this is inconsistent with Paragraph 16. CalRecycle would like to discuss if Subtitle D needs to be referenced.

RESPONSE:

In accordance with 40CFR258.1(c) the Subtitle D criteria does not apply to landfills that did not receive municipal solid waste (MSW) after 9 October 1991. The Discharger ceased receiving and disposing of MSW WMU-1 and WMU-2 in 1978 and 1984 respectively. WMUs III through IV reportedly did not receive MSW waste and therefore were not subject to Subtitle D requirements. As a result, the reference in Finding 16 (paragraph 16) is inconsistent with Finding 14 and has been changed to reference Title 27 section (20080(d) instead as shown below:

16. → The landfills in **Table 2** are categorized as **Existing Units** under Title 27 (see Title 27, §20080(d)164). ~~The “existing footprint” is the area of the landfill covered by waste as of the date that the landfill became subject to federal “Subtitle D” regulations. (See Title 27, §20164.)~~ Additional WMUs at the site are discussed in the Information Sheet.

Table 2—Landfills as “Existing Units” under Title 27

Unit	Type of Construction
WMU-I	Unlined
WMU-II	Unlined

See Glossary for definitions of terms and abbreviations in table.

CALRECYCLE COMMENT NO. 6:

Page 20, Item #50 - states the Landfill is subject to the June 2022 Final Closure and Post-Closure Maintenance Plan – CalRecycle has questions regarding when that plan will receive final approval.

RESPONSE:

The June 2022 Final Closure and Post-Closure Maintenance Plan was used in conjunction with the Discharger’s 2021 Critical Operations Plan to establish minimum monitoring for postclosure maintenance and corrective action requirements at the time of adoption of the WDRs. The Discharger may have additional monitoring requirements necessary to satisfy other regulatory agencies that were not included in the TWDRS and TMRP. That additional monitoring would be conducted under separate permitting activities. The Central Valley Water Board staff has affixed its approval of the June 2022 Final Closure and Post-Closure Maintenance Plan to any CalRecycle approval of the June 2022 Final Closure and Post-Closure Maintenance Plan.

CALRECYCLE COMMENT NO. 7:

Pages 35-36; Table 11 – Time Schedule: Item #4 – By January 1, 2024 the discharger is required to submit a workplan for upgrading, repairing or replacing the landfill gas extraction system. CalRecycle supports this concept but has questions regarding: (a) the

Bonzi Sanitation Landfill

timing of the workplan submittal; (b) whether this requirement needs to be in the time schedule order; and (c) the interplay with this requirement and the existing plans to upgrade, repair, and replace the LFG system.

RESPONSE:

Since this comment was received, it is staff's understanding that the LFG system has been repaired and is operational, therefore this requirement has been removed from the new tentative WDRs.

CALRECYCLE COMMENT NO. 8:

Pages 35-36; Table 11 – Time Schedule: Item #5 – By August 23, 2023, the Discharger shall determine if groundwater monitoring wells 90-1, 84-13R, and 86-9 are properly installed and monitored. CalRecycle has questions regarding: (a) whether this date affords a reasonable time frame to have these wells evaluated; (b) the impact this would have on Groundwater monitoring wells 84-13R and 86-9, as they were likely inadvertently destroyed during the closure; (c) the status of Groundwater monitoring well 90-1; and (d) whether the above three wells should be removed from the MRP if they are indeed no longer present.

RESPONSE:

Since this comment was received this concern has been resolved, therefore this requirement has been removed from these new tentative WDRs.

CALRECYCLE COMMENT NO. 9:

Pages 35-36; Table 11 – Time Schedule: Item #6 – By October 1, 2023 the Discharger must obtain coverage under the Industrial Storm Water General Permit. CalRecycle has questions regarding whether, based on the facts that the site is closed, no industrial activities are occurring, and there is no SIC code for enrollment, should this requirement be removed.

RESPONSE:

SIC code 4953 is used for Refuse Systems which includes landfills. The NAICS code is 562212 for Solid Waste Landfills. Even at closed landfill units leachate seeps have developed that have the potential to contaminate stormwater which if allowed to leave the property. Such off-property discharges are regulated under an NDPDES Industrial Storm Water Permit unless the Discharger can demonstrate that no seeps and/or exposure of waste will occur and under historical weather conditions the Discharger is capable of retaining all stormwater onsite. The time schedule either allows the Discharger to make the demonstration or seek coverage under the Industrial Storm Water General Permit.

CALRECYCLE COMMENT NO. 10:

Pages 35-36; Table 11 – Time Schedule: Item #7 – By August 1, 2024 the Discharger shall increase the financial assurances fund balance in the amount of \$6,444,948. CalRecycle is in communication with the CVRWQCB staff regarding this issue.

RESPONSE:

As noted in response to comment No.2, Title 27 requires the discharger to maintain the funding to match the Post-Closure Maintenance and Corrective Action costs outlined in the

Bonzi Sanitation Landfill

most recent CPMP, however given the difficult nature of the current funding sources it is unlikely this will occur soon, therefore the requirement has been removed from the Time Schedule table. This does not absolve the discharger of the obligation however. Additionally please see response to Comment No. 2.

CALRECYCLE COMMENT NO. 11:

Pages 41–43; Standard Facility Specifications – Under this section of the TWDR there are numerous references to what appear to be an active landfill operation. This landfill is not receiving waste, therefore CalRecycle recommends that the CVRWQCB use Standard Facility Specifications for Closed Landfills. CalRecycle also recommends that the revised version of these draft WDRs and MRPs should be reposted for public review after such significant changes have been made.

RESPONSE:

The Standard Provisions and Reporting Requirements (SPRRs) include standards for all facilities regulated by the Central Valley Water Board and are intended to provide additional direction if needed regarding standard requirements, as such, not all requirements in the SPRRs apply to all facilities. The WDRs in Finding 7 gives direction on order of precedence in using the Standard Provisions when there appears to be a conflict in interpreting WDRs requirements. Finding 7 states: *“To the extent there are any material inconsistencies between the provisions of this Order, the operative MRP, and the SPRRs, the provisions of this Order shall be controlling. However, to the extent a revised MRP contains new or different factual findings reflecting changed conditions or circumstances at the Facility, the revised MRP findings shall be controlling.”* Furthermore, Standard Provisions section A.4 through A.6 provide further instruction how the Standard Provisions shall be interpreted and applied. The WDRs note in several locations (see Finding 4, Table 1, Finding 13a, Finding 41a, Finding 44, Discharge Prohibitions 1, and Facility Specifications C.8) that the Facility is closed as it relates to receiving waste in the future as all permitted WMUs are closed. However, the Facility is still operating as it relates to postclosure maintenance, monitoring, and corrective action. These activities may involve additional construction, repairs, etc. For these activities if any of the Standard Provisions apply the Discharger shall comply with them.

CALRECYCLE COMMENT NO. 12:

Pages 43-48; Standard Construction Specifications – Under this section of the TWDR there are numerous references to what appear to be an active landfill operation. This landfill is not receiving waste, therefore CalRecycle recommends that the RWQCB use Standard Facility Specifications for Closed Landfills. CalRecycle also recommends that the revised version of these draft WDRs and MRPs should be reposted for public review after such significant changes have been made.

RESPONSE:

Please see response to Comment No. 11.

CALRECYCLE COMMENT NO. 13:

Pages 48-52; Standard Closure and Post-Closure Specifications – Under this section of the TWDR there are numerous references to what appear to be an active landfill

Bonzi Sanitation Landfill

operation. This landfill is not receiving waste, therefore CalRecycle recommends that the CVRWQCB use Standard Facility Specifications for Closed Landfills. CalRecycle also recommends that the revised version of these TWDRs and TMRPs should be reposted for public review after such significant changes have been made.

RESPONSE:

Please see response to Comment No. 11.

CALRECYCLE COMMENT NO. 14:

Page 52: Standard Financial Assurance Provisions - With respect to the proposed financial assurances requirements, CalRecycle is currently in discussions with the CVRWQCB.

RESPONSE:

Section H- Standard Financial Assurance Provisions in the Standard Provisions & Reporting Requirements (page 52 of WDRs) is standard language included in all Waste Discharge Requirements Orders adopted by the Central Valley Regional Water Quality Control Board. These standard provisions incorporate Title 27 requirements into WDRs since Title 27 section 21720(a) states that "*the RWQCB shall adopt waste discharge requirements (WDRs) that implement the applicable provisions of this title.*"

CALRECYCLE COMMENT NO. 15:

Pages 73-76, Items # 3-18 of the INFORMATION SHEET – Description of Waste Management Units – describes previous enforcement actions but does not discuss the most recent lawsuits filed by the CVRWQCB and CalRecycle in 2009 and 2014, as well as the 2016 Stipulated Judgment, which resolved the 2014 lawsuit.

RESPONSE:

The Information Sheet has been updated to include more recent enforcement actions.

CALRECYCLE COMMENTS ON TMRP

CALRECYCLE COMMENT NO. 16:

Page 21; Table 15—Landfill Gas Corrective Action Monitoring, Control System Performance –The LFG system vacuum might be better measured in the industry standard of "inches of water column" as opposed to "millimeters of mercury" as the vacuums are anticipated in be quite low and the landfill reports to the local air district in inches of water column vacuum.

RESPONSE:

Table 15 has been changed to indicate the units of measurement shall be in inches of water column.

CALRECYCLE COMMENT NO. 17:

Page 22-23; Table 17—Landfill Gas Corrective Action, Extraction Well Network Monitoring Parameters –The frequency of monitoring the extraction wells can be reduced to weekly and reported monthly. At the same time daily checking on the flare station operation will be

Bonzi Sanitation Landfill

appropriate, until the current flare station is repaired, upgraded or replaced. Then frequency might be altered after reaching a more steady state of operation. CalRecycle is currently in discussions with the CVRWQCB regarding its questions pertaining to monitoring frequency.

RESPONSE:

As stated in TMRP Section C.4.a “LFG samples shall be collected only from the appropriate LFG extraction wells in Table 16 identified in the Discharger’s approved corrective action plan and analyzed for the Monitoring Parameters specified in Table 17. (eph. added) The extraction wells identified in the Discharger’s corrective action plan are those used to perform corrective action to address any exceedance at groundwater monitoring well and/or any LFG perimeter probe(s) listed in Table 6 where methane gas concentrations at any of the facility’s perimeter LFG probes exceed 5% methane by volume OR organic vapors (total VOCs) exceed 1 ppm. LFG wells not associated with an exceedance at an LFG probe at the facility boundary or groundwater monitoring well shall be monitored quarterly and reported semiannually. Once the exceedance at the LFG probe is eliminated and the Discharger demonstrates that the LFG extraction system is functioning properly to prevent an exceedance of concentration limits at a point of compliance monitoring well or perimeter gas probe from occurring in the future the Discharger may cease daily monitoring the LFG extraction wells used as corrective action and return to quarterly monitoring of said LFG extraction wells used to address a release from a WMU.” The MRP requirement is that only LFG extraction wells associated with providing correction action for an exceedance of LFG at the Facility perimeter or for VOCs in groundwater beyond the Facility boundary shall be monitored at the higher frequency of “daily”. All other LFG extraction wells shall be monitored on a quarterly basis. This requirement gives the Discharger incentive to implement corrective action measures that bring the Facility back into compliance such that it will realize cost savings from not having to perform more frequent monitoring as part of a corrective action program. Therefore, daily monitoring of LFG extraction wells associated with a release of LFG beyond the Facility boundary is warranted.

CALRECYCLE COMMENT NO. 18:

Page 22-23; Table 17—Landfill Gas Corrective Action, Extraction Well Network Monitoring Parameters –The pressure readings should be changed to inches of water column.

RESPONSE:

Table 17 has been changed to indicate the units of measurement shall be in inches of water column.

CALRECYCLE COMMENT NO. 19:

CalRecycle has questions pertaining to: (a) the expansion of sampling to include residential wells, and whether this is needed or if property owners will consent to sampling; and (b) whether the TWDRs and TMRPs need to be translated into Spanish.

RESPONSE:

In accordance with a 20 January 2021 Scope of Work letter submitted on behalf of the Bonzi Landfill Trust in Attachment 1 (2021 Critical Operations Plan) the Discharger

Bonzi Sanitation Landfill

indicated that in Table 2 the Discharger would be monitoring these residential wells. Furthermore, historically the Discharger has been monitoring these residential wells as part of its self-monitoring program for corrective action monitoring. The Discharger shall continue to monitor these residential wells as part of its corrective action program until a time when the Discharger can demonstrate that the known release from its Facility no longer poses a threat to the beneficial use or waters in these residential wells.

The revised TWDRs will be reposted and a bilingual Notice of Public Hearing will be sent to the surrounding community.