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## Department of Toxic Substances Control

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**RESPONSE TO COMMENTS  
WEST COUNTY LANDFILL, INC.  
ONE PARR BOULEVARD  
RICHMOND, CALIFORNIA  
EPA ID NO. CAD041844002**

The Department of Toxic Substances Control (DTSC) received a letter from Mr. Allan Keown, post-marked March 10, 2009, regarding the Draft Hazardous Waste Post Closure Facility Permit for the West County Landfill Inc.'s facility located in Richmond, California. The Public Comment Period for the Draft Permit began on January 23, 2009 and ended on March 11, 2009. The following is DTSC's response to Mr. Keown's comments:

**Comment:** 1) Is this the same type of post-closure permit application that the corporate parent of West County Landfill, Republic Services, Inc. (Republic) applied for on December 20, 2005, via a letter submitted to DTSC by area engineer Paul Nuti?

**Response:** No. The December 20, 2005 correspondence referred to a request for a Class 2 permit modification which was different from the post closure permit renewal application that was reviewed by DTSC in this permit decision.

**Comment:** 2) What was the result of that application?

**Response:** The request for a Class 2 permit modification was superseded by the subsequent post closure permit renewal application, as indicated in DTSC's Initial Completeness Review letter to the facility dated December 7, 2006.

**Comment:** 3) Assuming that it was denied, did DTSC provide written reasons for the denial?

**Response:** As stated in Response to Comment No. 2, the request for a Class 2 permit modification was neither denied nor approved.

**Comment:** 4) If the application had been approved by DTSC, would Republic have received the line of credit funds that were backing it up at that time, and in what amount?

**Response:** As stated in Response to Comment No. 2, the request for a Class 2 permit modification was neither denied nor approved. The permit applicant for this permit decision is West County Landfill, Inc., not Republic Services, Inc. West County Landfill, Inc. and Republic Services, Inc. are two separate legal entities. DTSC does not track a company's financial arrangements, other than those directly related to financial assurance for closure, post-closure or liability required under applicable regulations.

**Comment:** 5) Assuming that it was denied, did the complaint investigation that resulted in the Enforcement Order which was served on Republic on February 2, 2006 play a part in the denial?

**Response:** As stated in Response to Comment No. 2, the request for a Class 2 permit modification was neither denied nor approved. The permit applicant for this permit decision is West County Landfill, Inc., not Republic Services, Inc. West County Landfill, Inc. and Republic Services, Inc. are two separate legal entities.

**Comment:** 6) In general, what improvements to the WCL hazardous waste site have been made by Republic since February 2006?

**Response:** All the improvements have been made by West County Landfill, Inc. West County Landfill, Inc. and Republic Services, Inc. are two separate legal entities.

**Comment:** 7) What has been the general amount of the cost of those improvements?

**Response:** West County Landfill, Inc. is required for make the improvements at its own costs. DTSC does not have sufficient information about the amount of such costs to respond to this comment.

**Comment:** 8) Have those improvements been of sufficient size and scope to protect the health of the citizens of the Bay Area and the environment surrounding the site involving the San Francisco Bay Area waters from the kinds of dangers/carcinogens set forth in the February 2, 2006 Enforcement Order.

**Response:** The improvements made by West County Landfill, Inc. provide adequate or additional protection of public health and the environment. The

improvements include, but are not limited to, the following:

- Expansion of the leachate extraction and monitoring well network in the Hazardous Waste Management Facility (HWMF),
- Increases in leachate extraction volume from the HWMF,
- Real time leachate monitoring,
- Detailed monthly compliance reporting,
- Integrity investigations of the Corrective Action Management Unit, and
- Detailed hydrogeologic investigations.

**Comment:** 9) If this application is approved, will Republic receive the line of credit funds that are currently backing it up, and in what amount?

**Response:** The permit applicant for this permit decision is West County Landfill, Inc., not Republic Services, Inc. West County Landfill, Inc. and Republic Services, Inc. are two separate legal entities. DTSC does not track a company's financial arrangements, other than those directly related to financial assurance for closure, post-closure or liability required under applicable regulations.

**Comment:** 10) What ongoing regulatory oversight will DTSC exercise over the WCL site if this permit application is approved?

**Response:** DTSC will continue to oversee the operations at the facility to ensure that West County Landfill complies with all the applicable hazardous waste management requirements.

**Comment:** II) On page 13 of the DTSC-approved Post Closure Permit Application, Part VI CORRECTIVE ACTION requires Republic to provide the following types of notification:

1. In the event the Permittee identifies an immediate or potential threat to human health and/or the environment, discovers new releases of hazardous waste and/or hazardous constituents, or discovers new Solid Waste Management Units (SWMUs) not previously identified, the Permittee shall notify DTSC orally within 48 hours of discovery and notify DTSC in writing within 10 days of such discovery summarizing the findings including the immediacy and magnitude of any potential threat to human health and/or the environment.

What is the legal basis for this requirement?

**Response:** California Health and Safety Code section 25200 authorizes DTSC to impose permit conditions necessary to protect human health and the environment. This particular condition is a general requirement based on US EPA's and DTSC's guidance documents and standard scopes of work for corrective action.

**Comment:** 12) For how long has Republic been under this requirement?

**Response:** The requirement applies to West County Landfill, Inc., not to Republic Services, Inc. West County Landfill, Inc. and Republic Services, Inc. are two separate legal entities.

**Comment:** 13) If a citizen became concerned about environmental or health issues arising from the WCL site, pursuant to this permit or another DTSC process how could such a citizen make his/her concerns known to DTSC?

**Response:** Citizens could do one or more of the following:

- Call DTSC's complaint hot-line (800) 698-6942
- File a complaint on the California Environmental Protection Agency's (Cal/EPA) web site, DTSC's web site, or the web sites of other Departments, Boards or Offices under Cal/EPA.
- Send a letter to DTSC
- Call DTSC directly, or
- Meet DTSC staff in person at one of the regional offices located in California.

**NO REVISION TO DRAFT PERMIT:** DTSC has determined that no revision to the draft Permit is necessary.