



Department of Toxic Substances Control



Response to Comments

Acme Landfill North Parcel

Draft Hazardous Waste Post Closure Facility Permit

May 2015

**Response to Comments
Acme Landfill North Parcel
Draft Hazardous Waste Post Closure Permit
May 2015**

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**Response to Comments
Acme Landfill North Parcel
Draft Hazardous Waste Post Closure Permit
May 2015**

PART II. PUBLIC COMMENTS



MARTINEZ ENVIRONMENTAL GROUP

September 18, 2014

Peter Bailey, Project Manager
 8800 Cal Center Drive
 Sacramento, CA 95826
Peter.bailey@dtsc.ca.gov

RE: Request for Hearing on Post-Closure Permit for Acme Fill Corporation

Dear Mr. Bailey,

We are writing on behalf of the Martinez Environmental Group, a grassroots organization of local residents focusing on environmental health in and around our town.

We would like to request a public hearing on the proposed Hazardous Waste Facility Post-Closure Permit for the Acme Fill Corporation facility located at 950 Waterbird Way in Martinez. Our group has a number of concerns about this permit. First, the Hazardous Waste Facility is very close to a densely populated, low income neighborhood that is home to many people of color. The property's proximity to such a vulnerable residential area should trigger closer public scrutiny as a matter of environmental justice. 1-1

Second, the Facility is adjacent to a number of delicate natural environments, including the Waterbird Regional Preserve, the mouth of Pacheco Creek, and surrounding wetlands including Point Edith. It is important to have a full examination of the site's current and cumulative damage on these ecosystems, and identify how the continuing operation of the site might need to be mitigated. 1-2

As you know, the CEQA process is designed to allow the public to ask questions and shed light on environmental decisions that affect our health and environment. Martinez residents' questions on this project include the following:

- 1-3 • What safeguards are in place to ensure that nearby waterways are not contaminated by handling and transport of the facility's toxic byproducts? Does the facility do any soil or water testing in Waterbird Regional Preserve, Pacheco Creek or Point Edith?
- 1-4 • Is the groundwater adjacent to the site currently being tested for contamination? How often is it tested and what are the results of those tests?
- 1-5 • How often is the leached water runoff tested? What toxic substances are in the leached water runoff and how are they disposed of?

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MARTINEZ ENVIRONMENTAL GROUP

- 1-6 • What gases are released from the landfill and how are they analyzed and contained? What toxics have been found in the gasses coming off the facility?
- 1-7 • Has a full study been done on air quality of the surrounding area? Is there an air monitor in the facility as well as in the nearby residential neighborhood?
- 1-8 • Instead of the current post-closure activities, what research has been done to find out if are there other more effective means of mitigating, containing or cleaning up the toxic substances produced by the landfill?
- 1-9 • How many people are employed at the facility and have they experienced health problems related to exposure to toxic substances?
- 1-10 • Will dumping still be allowed within the interior of this site as it is now or will the transfer station be the only active facility?
- 1-11 • What measures are in place to address a wind-driven methane fire, should one occur?
- 1-12 • Were residents of the surrounding neighborhood notified about this process? How was the notice delivered and was that notice made in any language other than English?

According to the public notice issued in August of 2014, the Department of Toxic Substances Control has already prepared a Notice of Exemption on this permit “which concludes that activities will not result in any impact to human health or the environment.” However, with a hazardous waste dump of this size and toxicity it is imperative that you take the time to provide our local residents with information about the project, allow us to ask questions, and adequately demonstrate that the approval of this permit and the continuation of this project “as is” is not a danger to our health or the natural environment. For these reasons, we request that the hearing be held in Martinez, during a weekend or evening, with adequate language translation appropriate to the surrounding neighborhood.

1-13

Sincerely,

Aimee Durfee
Tom Griffith
Nancy Peacock
Kathy Petricca
Bill Nichols
Guy Cooper
Cate Cook
Jim Neu

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ACME FILL CORPORATION

“Contra Costa County’s Pioneer Sanitary Landfill”

LANDFILL OFFICE:
950 Waterbird Way
Martinez, California 94553

Phone: 925-228-7099
Fax: 925-228-4484

MAILING ADDRESS:
P.O. Box 1108
Martinez, California 94553

September 22, 2014

Mr. Peter Bailey
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

**Subject: Comments to Draft Hazardous Waste Post Closure Permit
Acme Fill Corporation, North Parcel
Contra Costs County, California**

Dear Mr. Bailey:

The following comments are in response to the Draft Hazardous Waste Post Closure Permit (Permit) received by Acme Fill Corporation (Acme) on August 6, 2014. To assist the reader, the format for this letter presents the Permit section in "**bold**" print and the corresponding responses in "standard" print.

PART II. DESCRIPTION OF THE FACILITY AND OWNERSHIP:

5. Description of Facility Operations

2-1

The East Parcel is a Class III Landfill and the South Parcel is closed, not inactive.

The closure date of the of the North Parcel should be added as shown *italics* below:

2-2

“This is the initial Hazardous Waste Post Closure Permit since the closure of the North Parcel *which was certified closed by DTSC on June 23, 1999.*”

The fourth paragraph should read as follows with text added in *italic* and deleted by ~~strikeout~~:

2-3

Activities on the North Parcel include leachate collection and treatment; landfill gas collection; and post closure monitoring and maintenance. Existing environmental control systems include groundwater and leachate monitoring wells, leachate extraction sumps and wells, a perimeter leachate barrier, the leachate treatment plant, and the landfill gas collection system. The ~~inactive~~ closed parcel has been covered with ~~a variable amount of interim~~ soil cover *material approved by DTSC for the foundation, barrier and vegetated layers.*

PART IV. PERMITTED UNITS AND ACTIVITIES:

Unit Name:

- 2-4** The Permit should be consistent with the name of the Acme Landfill North Parcel. There are paragraphs within the report that call it the North Parcel and others that call it the North Parcel Landfill. Acme's preference is: Acme Landfill North Parcel.
-

Activity Type and Description:

This paragraph should read as follows with text added in *italic* and deleted by ~~strikeout~~:

- 2-5** The North Parcel Landfill consists of a hazardous waste landfill cover, perimeter drain, and a *perimeter subsurface bay mud barriers, consisting of bay mud barriers on the west, north and east sides and a slurry wall on the south.* The North Parcel is ~~inactive~~ closed. However, numerous extraction wells are installed to extract liquids from within the *perimeter subsurface bay mud* barriers of the North Parcel. The liquids are pumped through a network of conveyance pipes to the LTP for treatment. In addition, numerous monitoring wells and data gathering points inside and outside of the *perimeter subsurface bay mud* barriers are used to gather liquid levels and water quality data to continually assess the efficiency of the network of liquid extraction wells (also known as the Liquid Extraction System).
-

Waste Types:

- 2-6** Please delete trichloroethane.
-

PART V. SPECIAL CONDITIONS:

4. Waste Discharge Requirements

- 2-7** Please reference Acme's current permit number, Order No. 01-042 instead of Order No. 96-161. Order No. 01-042 amended Order No. 96-161 and was adopted by the California Regional Water Quality Control Board, San Francisco Bay Region during April 2001.
-

6. Financial Assurance and Compliance Schedule

- 2-8** The finite insurance policies from AIG were originally obtained by Acme at the suggestion of staff counsel for DTSC, who thought it might be a useful mechanism for dealing with Acme's shortfall in closure and post-closure funding back in the 1990s. DTSC counsel directed me to Tom Ramirez, an insurance broker in Los Angeles who put us in contact with AIG, which was one of the insurance companies then writing finite insurance policies.

2-8

The finite insurance policies were reviewed in form with counsel for DTSC and accepted by DTSC as adequate for closure and post-closure care for Acme's North Parcel. DTSC staff may recall that the funding for the insurance policies was obtained in part through a cost recovery action filed by Acme, which named generators of waste that had contributed to the North Parcel, several public agencies in Contra Costa County whose waste had been deposited in the North Parcel, as well as the shareholders of Acme-- all of whom contributed millions of dollars to help fund the AIG policies.

When the financial assurances for Acme were accepted by DTSC and the policies were fully funded, Acme closed the North Parcel. Acme was allowed by DTSC to draw down on the North Parcel closure policy to pay for the closure construction. As soon as certification of Acme's closure was granted by DTSC, which occurred on June 23, 1999, Acme commenced drawing down on the post-closure policy for the North Parcel for post-closure activities covered by the post-closure plan. The AIG policies required that DTSC approve each invoice generated by Acme to reimburse it for post-closure expenses, and DTSC was required to affirm to AIG that Acme's expenditures were performed in accordance with Acme's approved post-closure plan. DTSC staff, first in its Berkeley office and later in Sacramento, regularly accepted and approved Acme's invoices to draw down on the post-closure policies for the North Parcel. This practice has continued without abatement since June 23, 1999.

Delete the following paragraph

2-9

~~1. DTSC agrees to discontinue approval of any further postclosure maintenance activity reimbursements until the financial assurance mechanism for the revised postclosure cost estimate of \$18,534,525 (Cost Estimate from February 2013 revised Post Closure Permit Application) is sufficiently funded.~~

Acme is requesting the above paragraph be removed because any funds that are not disbursed from the AIG policy during its term are forfeited by Acme and remain the property of AIG. Therefore, withholding approval of post-closure invoices results in the permanent loss of funding for post-closure activities of Acme that are consistent with the approved post-closure plan. This would only contribute to Acme's difficulties in funding post-closure, and provide no benefit to the environment or DTSC.

7. New Well Installation

2-10

Acme requests that the schedule for installation of the new wells be extended from six months of issuance of the permit to nine months. Depending on when the permit is issued, inclement weather could significantly affect mobilization and drilling activities at the North Parcel. A nine month well installation schedule will allow for installation of the new wells during dry weather conditions. Please also extend the schedule for the new well installation report to twelve months from permit issuance.

In addition, Acme has reviewed the boring log for DPZ-7 in greater detail. DPZ-7 which has been characterized as a leachate monitoring point for lateral hydraulic gradient pairing, was not installed

2-10 in refuse. The lithology for this well appears to be similar to MW-106. Acme is proposing to abandon the existing DPZ-7 well and install a new well (DPZ-7R) inside the leachate perimeter drain and bay mud barrier. DPZ-7R will then be used as an appropriate leachate pair with MW-106.

9. 1,4-Dioxane

2-11 Acme's contract laboratory, Curtis & Tompkins, Ltd. (C&T) In Berkeley, California, will analyze for 1,4-Dioxane in a semivolatile organic compound (SVOC) scan and have indicated that they can achieve a detection limit of 1 microgram per liter with selective ion monitoring. Curtis & Tompkins does not analyze 1,4-Dioxane as a volatile organic compound because it does not purge well, so the resulting high detection limits make it a poor candidate for volatile organic compound (VOC) analysis. Acme therefore requests that the duplicative requirement to analyze for 1,4-Dioxane as both a VOC and SVOC be removed from this special condition and that this compound be added to the SVOC list.

Curtis & Tompkins also reviewed the Table 4-1 constituents and had the following comments:

1. **VOCs:** C&T analyzes for all the compounds on this list.
2. **SVOCs:** C&T routinely analyzes for all the compounds on this list, but please note that Tetrahydrofuran will be reported as a VOC instead of an SVOC.
3. **INORGANICS and OTHER COMPOUNDS:** All routine with the exception of Silicon, which is not included in the metals scan. Silica is included in the metals scan and will be substituted for silicon.
4. **PCBs:** C&T analyzes for all the compounds on this list.
5. **CHLORINATED HERBICIDES:** C&T analyzes for all the compounds on this list.
6. **ORGANOCHLORINE PESTICIDES:** C&T reports DBCP as a VOC, and Hexachlorobenzene and Hexachlorocyclopentadiene as SVOCs. Diallate is not included and will be removed from the Table.

A revised Table 4-1 that reflects these changes is attached. Acme requests that the revised Table 4-1 be included in the final permit (see Attachment).

11. Well Abandonment for WPZ-1E

2-12 As with Special Condition 7, Acme requests that the schedule for well abandonment be extended to nine months to allow for completion of all field work during one mobilization.

13. Installation of Low-Flow Pumps

2-13 As with Special Condition 7, Acme requests that the schedule for low-flow well pump (bladder pump) installation be extended to nine months to allow for installation of the new wells.

14. Gradient Pairs

2-14 As described in the comments to Special Condition 7, Acme proposes to use DPZ-7R for lateral hydraulic gradient comparison. Table 4-6 has been revised to reflect this proposal.

15. Quarterly Groundwater and Leachate Level Measurements

2-15 Since the February revision to the GMP was completed, leachate piezometer NPGR-12 has failed and can no longer be monitored. This piezometer is not necessary for the evaluation of inward gradient and Acme recommends that it be removed from the monitoring program. Revised Table 4-5 removes this piezometer from the monitoring network and updates the monitoring frequency for each point to be consistent with the requirements of Special Condition 15.

Should you have any questions, please contact Pat Lacey, Acme's Compliance Manager at (925) 228-7099, extension 16.

Sincerely,

ACME FILL CORPORATION



Nicholas J. Farros, P.E.
President/Engineering Manager

cc: Tom Bruen/Law Offices of Thomas M. Bruen, P.C.
Pat Lacey/Compliance Officer

Attachments:

Revised Table 4-1
Revised Table 4-5
Revised Table 4-6

Table 4-1
SUMMARY OF LEACHATE AND GROUNDWATER CONSTITUENTS
OF CONCERN AND MONITORING PARAMETERS
North Parcel GMP
Acme Landfill, Contra Costa County

PARAMETERS	CONSTITUENTS OF CONCERN		MONITORING PARAMETERS		BASIS FOR CONCENTRATION LIMIT	COMMENT
	Leachate	Groundwater	Leachate	Groundwater		
VOCs						
1,1,1,2-Tetrachloroethane	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
1,1,1-Trichloroethane (1,1,1-TCA)	Yes	Yes	TBD	TBD	PQL	Accepted waste, detected in groundwater and/or leachate
1,1,2,2-Tetrachloroethane	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
1,1,2-Trichloroethane	Yes	Yes	TBD	TBD	PQL	Accepted waste, detected in groundwater and/or leachate
1,1-Dichloroethane	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
1,1-Dichloroethene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
1,1-Dichloropropene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
1,2,3-Trichlorobenzene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
1,2,3-Trichloropropane	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
1,2,4-Trichlorobenzene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
1,2-Dibromoethane (EDB)	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
1,2-Dichloroethane (DCA, EDC)	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
1,2-Dichloroethene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
1,2-Dichloropropane	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
2-Hexanone	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Acetone	Yes	Yes	Yes	Yes	PQL	Detected in groundwater and/or leachate
Benzene	Yes	Yes	Yes	Yes	PQL	Detected in groundwater and/or leachate
Benzene, 1,2,4-trimethyl	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Benzene, 1,3,5-trimethyl-	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Benzene, 1-methylethyl-	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Bromobenzene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Bromodichloromethane	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Bromoform	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Carbon disulfide	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Carbon tetrachloride	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Chlorobenzene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Chlorobromomethane	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Chloroethane	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Chloroform	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
cis-1,2-Dichloroethylene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
DBCP	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Dibromochloromethane	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Dichlorodifluoromethane	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Ethyl tert-Butyl Ether (ETBE)	Yes	Yes	TBD	TBD	PQL	Fuel oxygenate/additive, triggered by detections of DIPE, MTBE, and TBA
Ethylbenzene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Freon 11 (Trichlorofluoromethane)	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Freon 113 (1,1,2-Trichloro-1,2,2-trifluoroethane)	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Isopropyl Ether (DIPE)	Yes	Yes	TBD	TBD	PQL	Detected in MW-501 App. IX sampling
m-Dichlorobenzene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Methyl bromide	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Methyl chloride	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Methyl ethyl ketone (MEK)	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate

**Table 4-1
SUMMARY OF LEACHATE AND GROUNDWATER CONSTITUENTS
OF CONCERN AND MONITORING PARAMETERS**

North Parcel GMP

Acme Landfill, Contra Costa County

PARAMETERS	CONSTITUENTS OF CONCERN		MONITORING PARAMETERS		BASIS FOR CONCENTRATION LIMIT	COMMENT
	Leachate	Groundwater	Leachate	Groundwater		
Methyl isobutyl ketone (MIBK)	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Methyl tert-Amyl Ether (TAME)	Yes	Yes	TBD	TBD	PQL	Fuel oxygenate/additive, triggered by detections of DIPE, MTBE, and TBA
Methyl tert-butyl ether (MTBE)	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Methylene Chloride	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Naphthalene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
n-Butylbenzene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
n-Propylbenzene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
o-Chlorotoluene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
o-Dichlorobenzene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
o-Xylene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
p-Chlorotoluene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
p-Cymene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
p-Chlorotoluene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
p-Dichlorobenzene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
sec-Butylbenzene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
sec-Dichloropropane	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Styrene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
tert butyl alcohol (TBA)	Yes	Yes	TBD	TBD	PQL	Detected in MW-501 App. IX sampling
tert-Butylbenzene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Tetrachloroethene (PCE)	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Tetrahydrofuran	Yes	Yes	Yes	Yes	PQL	Accepted waste, detected in MW-501 App. IX sampling.
Toluene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
trans-1,2-Dichloroethene	Yes	Yes	TBD	TBD	PQL	Triggered by detections of cis-1,2-DCE and TCE.
trans-1,3-Dichloropropene	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Trichloroethylene (TCE)	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Vinyl acetate	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Vinyl chloride	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
Xylene (total)	Yes	Yes	TBD	TBD	PQL	Detected in groundwater and/or leachate
SVOCs						
1,2,4-Trichlorobenzene	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
1,4-Dioxane	Yes	Yes	No	No	PQL	Emergent chemical, associated with 1,1,1-TCA and other chlorinated solvents
2,4-Dimethylphenol	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
2-Methylnaphthalene	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
4-Nitrophenol	Yes	Yes	No	No	PQL	Never analyzed in leachate, included in SW-845 8151 analysis. Laboratory states it analyzes this compound by SW8270 methods.
Acenaphthene	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Aniline	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Anthracene	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Benzo(a)anthracene	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Benzo(a)pyrene	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Benzo(b)fluoranthene	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Benzoic acid	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Benzyl alcohol	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate

**Table 4-1
SUMMARY OF LEACHATE AND GROUNDWATER CONSTITUENTS
OF CONCERN AND MONITORING PARAMETERS**

**North Parcel GMP
Acme Landfill, Contra Costa County**

PARAMETERS	CONSTITUENTS OF CONCERN		MONITORING PARAMETERS		BASIS FOR CONCENTRATION LIMIT	COMMENT
	Leachate	Groundwater	Leachate	Groundwater		
Bis(2-ethylhexyl)phthalate (BEHP)	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Butyl benzyl phthalate	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Chrysene	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Cresols	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Dibenzofuran	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Diethyl phthalate	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Dimethyl phthalate	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Di-n-butyl phthalate	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Fluoranthene	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Fluorene	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Hexachlorobutadiene	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Hexachlorobenzene	Yes	Yes	No	No	PQL	Never detected in leachate. Laboratory states it analyzes this compound by SW8270 methods.
Hexachlorocyclopentadiene	Yes	Yes	No	No	PQL	Never detected in leachate. Laboratory states it analyzes this compound by SW8270 methods.
Naphthalene	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
N-Nitrosodiphenylamine	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
o-Cresol	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
o-Dichlorobenzene	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
p-Chloroaniline	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
p-Chloro-m-cresol	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
p-Cresol	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
p-Dichlorobenzene	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Pentachlorophenol	Yes	Yes	No	No	PQL	Never detected in leachate (included in database as "PCP"). Laboratory states it analyzes this compound by SW8270 methods.
Phenanthrene	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Phenol	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
p-Nitroaniline	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
p-Nitrophenol	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
Pyrene	Yes	Yes	No	No	PQL	Detected in groundwater and/or leachate
INORGANICS						
Antimony	Yes	Yes	No	No	PL	in leachate (14 detections in 60 analyses)
Arsenic	Yes	Yes	No	No	PL	in leachate (126 detections in 158 analyses)
Barium	Yes	Yes	No	No	PL	in leachate (97 detections in 97 analyses)
Beryllium	Yes	No	No	No	PL	not detected in leachate (0 in 19 analyses)
Boron	Yes	Yes	No	No	PL	in leachate (12 detections in 12 analyses)
Cadmium	Yes	Yes	No	No	PL	in leachate (23 detections in 169 analyses)
Chromium	Yes	Yes	No	No	PL	in leachate (66 detections in 164 analyses)
Chromium (hexavalent)	Yes	No	No	No	PL	not detected in leachate (0 in 7 analyses)
Cobalt	Yes	Yes	No	No	PL	in leachate (2 detections in 31 analyses)
Copper	Yes	Yes	No	No	PL	in leachate (23 detections in 79 analyses)
Lead	Yes	Yes	No	No	PL	in leachate (55 detections in 164 analyses)
Mercury	Yes	Yes	No	No	PL	in leachate (9 detections in 148 analyses)

Table 4-1
SUMMARY OF LEACHATE AND GROUNDWATER CONSTITUENTS
OF CONCERN AND MONITORING PARAMETERS
North Parcel GMP
Acme Landfill, Contra Costa County

PARAMETERS	CONSTITUENTS OF CONCERN		MONITORING PARAMETERS		BASIS FOR CONCENTRATION LIMIT	COMMENT
	Leachate	Groundwater	Leachate	Groundwater		
Molybdenum	Yes	No	No	No	PL	not detected in leachate (0 in 13 analyses)
Nickel	Yes	Yes	No	No	PL	in leachate (37 detections in 91 analyses)
Selenium	Yes	Yes	No	No	PL	in leachate (19 detections in 104 analyses)
Silver	Yes	Yes	No	No	PL	in leachate (1 detection in 128 analyses)
Thallium	Yes	Yes	No	No	PL	in leachate (14 detections in 91 analyses)
Tin	Yes	No	No	No	PL	not detected in leachate (0 in 25 analyses)
Titanium	Yes	No	No	No	PL	not detected in leachate (0 in 7 analyses)
Vanadium	Yes	Yes	No	No	PL	in leachate (5 detections in 31 analyses)
Zinc	Yes	Yes	No	No	PL	in leachate (47 detections in 91 analyses)
Cyanide	Yes	Yes	No	No	PQL	in leachate (41 detections in 84 analyses)
OTHER COMPOUNDS						
Total Organic Carbon	Yes	Yes	Yes	Yes	PL	Good indicator of a release, extensive historic data set
Total Kjeldahl Nitrogen	Yes	Yes	Yes	Yes	PL	Good indicator of a release
Sodium	Yes	Yes	No	No	PL	General chemistry parameter
Potassium	Yes	Yes	No	No	PL	General chemistry parameter
Calcium	Yes	Yes	No	No	PL	General chemistry parameter
Magnesium	Yes	Yes	No	No	PL	General chemistry parameter
Chloride	Yes	Yes	No	No	PL	General chemistry parameter
Carbonate	Yes	Yes	No	No	PL	General chemistry parameter
Bicarbonate	Yes	Yes	No	No	PL	General chemistry parameter
Silica	Yes	Yes	No	No	PL	General chemistry parameter
Sulfate	Yes	Yes	No	No	PL	General chemistry parameter
Iron	Yes	Yes	No	No	PL	General chemistry parameter
PESTICIDES, HERBICIDES AND PCBs						
<i>PCBs by EPA SW-846 8082</i>						
Aroclors (7 total)	Yes	Yes	No	No	PQL	Aroclor 1260 detected in MW-107 (outside POC)
<i>Chlorinated Herbicides by EPA SW-846 8151A</i>						
2,4,5-T	Yes	Yes	No	No	PQL	Detected in leachate
2,4-D	Yes	Yes	No	No	PQL	Detected in leachate
2,4-DB	Yes	Yes	No	No	PQL	Detected in leachate, MW-501 during the Appendix IX sampling event in 2004
Dalapon	Yes	Yes	No	No	PQL	Detected in MW-501 during the Appendix IX sampling event in 2004
Dicamba	Yes	Yes	No	No	PQL	Detected in leachate
Dichlorprop	Yes	Yes	No	No	PQL	Detected in leachate
Dinoseb	Yes	Yes	No	No	PQL	Detected in MW-501 during the Appendix IX sampling event in 2004, MW-106
MCPA	Yes	Yes	No	No	PQL	Never analyzed in leachate, included in SW-845 8151 analysis
Mecoprop (MCP)	Yes	Yes	No	No	PQL	Detected in leachate and MW-501
Silvex (2,4,5-TP)	Yes	Yes	No	No	PQL	Detected in leachate
<i>Organochlorine Pesticides by EPA SW-846 8081A</i>						
4,4-DDD	Yes	Yes	No	No	PQL	Detected in leachate
4,4-DDE	Yes	Yes	No	No	PQL	Detected in leachate
4,4-DDT	Yes	Yes	No	No	PQL	Detected in leachate
Aldrin	Yes	Yes	No	No	PQL	Detected in leachate
alpha-BHC	Yes	Yes	No	No	PQL	Detected in leachate

Table 4-1
SUMMARY OF LEACHATE AND GROUNDWATER CONSTITUENTS
OF CONCERN AND MONITORING PARAMETERS
North Parcel GMP
Acme Landfill, Contra Costa County

PARAMETERS	CONSTITUENTS OF CONCERN		MONITORING PARAMETERS		BASIS FOR CONCENTRATION LIMIT	COMMENT
	Leachate	Groundwater	Leachate	Groundwater		
alpha-Chlordane	Yes	Yes	No	No	PQL	Detected in leachate
beta-BHC	Yes	Yes	No	No	PQL	Detected in leachate
delta-BHC	Yes	Yes	No	No	PQL	Detected in leachate
gamma-BHC (Lindane)	Yes	Yes	No	No	PQL	Detected in leachate
gamma-Chlordane	Yes	Yes	No	No	PQL	Detected in leachate
Dieldrin	Yes	Yes	No	No	PQL	Detected in leachate
Endosulfan I	Yes	Yes	No	No	PQL	Detected in leachate
Endosulfan II	Yes	Yes	No	No	PQL	Detected in leachate
Endosulfan sulfate	Yes	Yes	No	No	PQL	Detected in leachate
Endrin	Yes	Yes	No	No	PQL	Detected in leachate
Endrin aldehyde	Yes	Yes	No	No	PQL	Detected in leachate
Heptachlor	Yes	Yes	No	No	PQL	Detected in leachate
Heptachlor epoxide	Yes	Yes	No	No	PQL	Detected in leachate
Isodrin	Yes	Yes	No	No	PQL	Never analyzed in leachate, included in SW-845 8081A analysis
Methoxychlor	Yes	Yes	No	No	PQL	Never detected in leachate, included in SW-845 8081A analysis
Toxaphene	Yes	Yes	No	No	PQL	Never detected in leachate, included in SW-845 8081A analysis

- NOTES:**
1. TBD - To be determined following first and second (as applicable) round of COC analyses after DTSC approval of the GMP and installation of new wells. See Table 4-4.
 2. All wells sampled and analyzed for COCs after installation of new groundwater monitoring wells. See Table 4-4.
 3. New monitoring wells analyzed for COCs next monitoring event after first semi-annual monitoring event. See Table 4-4.
 4. COCs analyzed every five years following installation of new groundwater monitoring wells and completion of the first year of groundwater sampling and analysis.
 5. PQL = practical quantitation limit.
 6. PL = prediction limit.

Table 4-5
SUMMARY OF LEACHATE AND GROUNDWATER ELEVATION MEASUREMENT LOCATIONS
North Parcel GMP
Acme Landfill, Contra Costa County

WELL	PARCEL	UNIT	COORDINATES		REFERENCE POINT ELEVATION (ft MSL)	MONITORING FREQUENCY
			Northing	Easting		
G-21	East	Barrier	560,203	1,545,008	12.75	Quarterly
PC-2E	North/East	Kp	558,922	1,545,012	9.53	Semi-Annual
MW-501	North	Kp	557,837	1,543,620	17.51	Semi-Annual
PC-1E	North	Kp	558,187	1,543,208	23.49	Semi-Annual
PC-25E	North	Kp	TBD	TBD	TBD	Semi-Annual
PC-4E	North	Kp	560,410	1,542,452	8.31	Semi-Annual
PC-5E	North	Kp	560,171	1,544,025	4.83	Semi-Annual
WPZ-30E	North	Kp	559,118	1,542,143	9.83	Semi-Annual
PC-11E	East	Kp	558,334	1,546,644	4.17	Semi-Annual
PC-12E	East	Kp	557,762	1,545,589	4.63	Semi-Annual
PC-10B	East	Qoa	559,581	1,546,974	4.98	Semi-Annual
PC-11B	East	Qoa	558,345	1,546,644	4.42	Semi-Annual
PC-11C	East	Qoa	558,331	1,546,651	4.50	Semi-Annual
PC-2B	North/East	Qoa(1)	558,932	1,545,027	10.49	Semi-Annual
PC-20B	North	Qoa(1)	558,748	1,544,725	20.97	Semi-Annual
PC-21B	North	Qoa(1)	558,173	1,544,014	20.56	Semi-Annual
PC-4B	North	Qoa(1)	560,403	1,542,447	8.48	Semi-Annual
PC-5B	North	Qoa(1)	560,174	1,544,019	5.02	Semi-Annual
PC-12B	East	Qoa(1)	557,766	1,545,579	4.84	Semi-Annual
PC-4C	North	Qoa(2)	560,404	1,542,437	7.75	Semi-Annual
PC-5C	North	Qoa(2)	560,179	1,544,019	4.56	Semi-Annual
PC-2B1	North/East	Qobm	TBD	TBD	TBD	Semi-Annual
MW-126	North	Qobm	560,165	1,543,926	7.92	Semi-Annual
PC-1B(R)	North	Qobm	TBD	TBD	TBD	Semi-Annual
PC-4B1	North	Qobm	TBD	TBD	TBD	Semi-Annual
G-30	East	Qobm	558,071	1,546,553	5.01	Semi-Annual
G-31	East	Qobm	558,069	1,546,544	5.14	Semi-Annual
MW-125	East	Qobm	559,912	1,546,533	3.19	Semi-Annual
PC-9B	East	Qobm	560,510	1,545,463	5.18	Semi-Annual
PC-2A	North/East	Qybm	TBD	TBD	TBD	Semi-Annual
G-20	North	Qybm	560,122	1,544,017	11.54	Quarterly
MW-102	North	Qybm	558,194	1,543,159	19.35	Quarterly
MW-106	North	Qybm	559,613	1,541,349	4.26	Quarterly
MW-107	North	Qybm	559,990	1,541,193	3.60	Semi-Annual
MW-111	North	Qybm	560,624	1,543,226	9.54	Quarterly
MW-113	North	Qybm	560,230	1,543,878	7.01	Semi-Annual
MW-114	North	Qybm	559,890	1,544,249	17.62	Semi-Annual
MW-115	North	Qybm	559,468	1,544,584	18.20	Semi-Annual
MW-127	North	Qybm	560,427	1,542,489	7.92	Semi-Annual
MW-501A	North	Qybm	TBD	TBD	TBD	Semi-Annual
PC-20A	North	Qybm	558,741	1,544,713	20.07	Semi-Annual

Table 4-5
SUMMARY OF LEACHATE AND GROUNDWATER ELEVATION MEASUREMENT LOCATIONS
North Parcel GMP
Acme Landfill, Contra Costa County

WELL	PARCEL	UNIT	COORDINATES		REFERENCE POINT ELEVATION (ft MSL)	MONITORING FREQUENCY
			Northing	Easting		
PC-21A	North	Qybm	558,163	1,544,009	20.45	Semi-Annual
PC-24A	North	Qybm	TBD	TBD	TBD	Quarterly
PC-26A	North	Qybm	TBD	TBD	TBD	Quarterly
PC-27A	North	Qybm	TBD	TBD	TBD	Quarterly
PC-28A	North	Qybm	TBD	TBD	TBD	Quarterly
PC-4A	North	Qybm	560,430	1,542,492	7.17	Quarterly
PC-7A	North	Qybm	559,494	1,543,118	76.30	Semi-Annual
PC-8A	North	Qybm	558,640	1,544,260	38.90	Semi-Annual
WPZ-20A	North	Qybm	558,669	1,544,672	19.68	Semi-Annual
WPZ-30A	North	Qybm	559,020	1,542,437	44.14	Semi-Annual
WPZ-4A	North	Qybm	560,209	1,542,559	26.02	Semi-Annual
G-13	East	Qybm	560,228	1,544,987	4.87	Quarterly
G-14	East	Qybm	560,325	1,545,767	4.25	Quarterly
G-16	East	Qybm	559,095	1,547,148	4.68	Quarterly
G-17	East	Qybm	558,593	1,546,744	5.29	Quarterly
G-18	East	Qybm	558,092	1,546,022	4.42	Quarterly
G-19	East	Qybm	558,028	1,545,373	4.77	Quarterly
G-23	East	Qybm	558,614	1,546,727	11.43	Quarterly
G-24	East	Qybm	558,050	1,545,406	11.21	Quarterly
G-32	East	Qybm	558,132	1,546,500	5.16	Quarterly
MW-121	East	Qybm	559,183	1,547,527	6.03	Quarterly
MW-122	East	Qybm	560,050	1,546,313	3.80	Quarterly
MW-123	East	Qybm	561,045	1,545,141	2.91	Quarterly
MW-124	East	Qybm	558,193	1,545,309	9.89	Quarterly
PC-10A	East	Qybm	559,570	1,546,976	5.31	Quarterly
PC-13A	East	Qybm	559,283	1,545,977	64.48	Quarterly
DPZ-10	North	Qybm/Barrier	560,226	1,543,853	9.37	Quarterly
DPZ-12	North	Qybm/Barrier	558,668	1,544,850	12.80	Quarterly
DPZ-7R	North	Qybm/Barrier	TBD	TBD	TBD	Quarterly
DPZ-9	North	Qybm/Barrier	560,522	1,543,023	11.88	Semi-Annual
G-25	North	Qybm/Barrier	560,100	1,544,022	13.07	Semi-Annual
WPZ-5B	North	Qybm/Qobm?	560,095	1,543,807	19.89	Semi-Annual
DPZ-1	North	Waste	558,020	1,543,496	24.74	Semi-Annual
DPZ-2	North	Waste	558,286	1,543,143	28.34	Quarterly
DPZ-4	North	Waste	558,717	1,542,514	25.64	Quarterly
DPZ-6	North	Waste	559,271	1,542,209	30.76	Semi-Annual
DPZ-8	North	Waste	560,190	1,542,051	16.05	Semi-Annual
LEW-1	North	Waste	560,057	1,542,994	54.43	Semi-Annual
LEW-10	North	Waste	558,553	1,544,333	28.24	Semi-Annual
LEW-12	North	Waste	558,482	1,543,964	48.93	Semi-Annual
LEW-6	North	Waste	559,359	1,543,965	51.99	Semi-Annual

Table 4-5
SUMMARY OF LEACHATE AND GROUNDWATER ELEVATION MEASUREMENT LOCATIONS
North Parcel GMP
Acme Landfill, Contra Costa County

WELL	PARCEL	UNIT	COORDINATES		REFERENCE POINT ELEVATION (ft MSL)	MONITORING FREQUENCY
			Northing	Easting		
LPZ-3	North	Waste	560,039	1,542,729	46.68	semi-Annual
NPDS-1	North	Waste	559,696	1,541,482	12.22	Quarterly
NPDS-2	North	Waste	560,351	1,542,541	16.12	Quarterly
NPDS-3	North	Waste	560,540	1,543,407	12.82	Quarterly
NPDS-4	North	Waste	560,019	1,543,935	12.34	Quarterly
NPDS-5	North	Waste	559,557	1,544,630	13.35	Quarterly
NPDS-6	North	Waste	558,737	1,544,818	14.59	Quarterly
NPDS-7	North	Waste	557,903	1,543,622	20.38	Quarterly
NPDS-8	North	Waste	558,487	1,542,874	25.72	Quarterly
NPDS-9	North	Waste	559,172	1,542,221	23.76	Quarterly
NPGR-1	North	Waste	557,889	1,543,630	20.28	Semi-Annual
NPGR-10	North	Waste	559,613	1,544,616	12.74	Quarterly
NPGR-12	North	Waste	559,489	1,543,127	75.85	Delete
NPGR-8	North	Waste	559,427	1,544,133	33.38	Quarterly
NPGR-9	North	Waste	559,854	1,544,412	13.31	Quarterly
WPZ-21W	North	Waste	558,157	1,544,001	19.76	Semi-Annual
WPZ-31W	North	Waste	559,690	1,541,605	25.34	Semi-Annual
WPZ-32W	North	Waste	560,076	1,541,993	22.50	Semi-Annual
WPZ-33W	North	Waste	560,518	1,543,261	15.84	Quarterly
WPZ-5W	North	Waste	560,084	1,543,815	19.63	Semi-Annual
EPLEW-AE1	East	Waste	559,910	1,545,633	49.68	Quarterly
EPLEW-AW1	East	Waste	559,734	1,545,153	50.66	Quarterly
EPLEW-B1	East	Waste	559,473	1,546,225	53.68	Quarterly
EPLEW-D1	East	Waste	558,966	1,546,717	37.23	Quarterly
EPLEW-E1	East	Waste	558,744	1,546,151	48.60	Quarterly
EPS-1	East	Waste	560,278	1,545,164	13.80	Quarterly
EPS-2	East	Waste	560,097	1,545,952	12.27	Quarterly
EPS-3	East	Waste	558,861	1,546,966	13.20	Quarterly
EPS-4	East	Waste	558,308	1,546,271	15.18	Quarterly
EPS-5	East	Waste	557,910	1,545,535	12.62	Quarterly
EPS-6	East	Waste	558,623	1,545,080	11.38	Quarterly
NE-SUMP	East	Waste	560,409	1,545,403	13.88	Quarterly
NW-SUMP	East	Waste	559,724	1,544,811	13.91	Quarterly

Table 4-5
SUMMARY OF LEACHATE AND GROUNDWATER ELEVATION MEASUREMENT LOCATIONS
North Parcel GMP
Acme Landfill, Contra Costa County

WELL	PARCEL	UNIT	COORDINATES		REFERENCE POINT ELEVATION (ft MSL)	MONITORING FREQUENCY
			Northing	Easting		

NOTES:

1. Qybm - Young Bay Mud
2. Qobm - Older Bay Mud
3. Ooa(1) - Upper Granular Horizon - Older Alluvium
4. Qoa(2) - Lower Granular Horizon - Older Alluvium
5. Kp - Panoche Formation Bedrock
6. All North Parcel elevations are based on July 2004 survey data except NPDS perimeter drain (NPDS survey completed 10/2006).
7. TBD - To be determined following well installation and survey. All North Parcel wells will be resurveyed following installation of the new monitoring wells.
8. East Parcel wells are included in the East Parcel Sampling and Analysis Plan and are not part of the North Parcel GMP. They are included in this table for reference only.

Table 4-6
SUMMARY OF WELL GROUPS TO EVALUATE
INBOARD (LEACHATE) VS OUTBOARD (GROUNDWATER) ELEVATIONS
North Parcel GMP
Acme Landfill, Contra Costa County

LOCATION AND GROUPS		WELLS	UNIT
NW Corner	Pair 1	DPZ-7R	Leachate
		MW-106	YBM
	Pair 2	NPDS-1	Leachate
		MW-106	YBM
NNW Corner	Pair 1	DPZ-8	Leachate
		PC-28A (New)	YBM
North Center	Pair 1	NPDS-2	Leachate
		PC-4A	YBM
NE Corner	Pair 1	WPZ-33W	Leachate
		MW-111	YBM
	Pair 2	NPDS-3	Leachate
		MW-111	YBM
NE Side	Pair 1	NPDS-4	Leachate
		G-20	YBM
E Side	Pair 1	NPGR-9	Leachate
		PC-26A (New)	YBM
SE Corner	Pair 1	NPDS-6	Leachate
		DPZ-12	YBM
SW Corner	Pair 1	NPDS-7	Leachate
		MW-501A (New)	YBM
SW Side	Pair 1	DPZ-2	Leachate
		MW-102	YBM
W Side	Pair 1	DPZ-4	Leachate
		PC-27A (New)	YBM
WNW Side	Pair 1	NPDS-9	Leachate
		PC-24A (New)	YBM

NOTES:

1. Leachate monitoring points are all located adjacent and inboard of landfill perimeter.
2. YBM wells are all located adjacent and outboard of landfill perimeter.

In the Matter Of:

MATTER OF ACME LANDFILL NORTH PARCEL, DRAFT POST CLOSURE PERMIT,

PUBLIC HEARING

November 05, 2014

Reported By: Raquel R. Sanz CSR No. 11947

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DEPARTMENT OF TOXIC SUBSTANCES CONTROL
MARTINEZ, CALIFORNIA
BEFORE EDWARD NIETO, HEARING OFFICER

IN RE THE MATTER OF)
)
ACME LANDFILL NORTH PARCEL,)
DRAFT POST CLOSURE PERMIT,)
_____)

Public Hearing of the Department of Toxic
Substances Control, taken on behalf of the Department of
Toxic Substances Control, before Raquel R. Sanz, Certified
Shorthand Reporter 11947, RPR, CRR, for the State of
California, commencing at 7:42 p.m., Wednesday, November 5,
2014, at the Las Juntas Elementary School, 4105 Pacheco
Boulevard, Martinez, California.

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APPEARANCES :

For the Public Participation Office

California Environmental Protection Agency
Department of Toxic Substances Control
By: NATHAN SCHUMACHER
Public Participation Specialist
8800 Cal Center Drive
Sacramento, California 95826
(916) 255-3650

For the Sacramento Permitting and Corrective Action Branch

Department of Toxic Substances Control
By: PETER H. BAILEY, RG
Engineering Geologist
8800 Cal Center Drive
Sacramento, California 95826
(916) 255-3602

The Public

1 Wednesday, November 5, 2014, 7:42 p.m.

2 Martinez, California

3

4 PROCEEDINGS

5 MR. NIETO: Thank you, everyone.

6 Stand here.

7 Okay. Good evening. My name is Edward Nieto, and
8 I am chief of the Landfills Unit within the Department of
9 Toxic Substance Control. I am, tonight, having the honor
10 being the hearing officer for today's public hearing.

11 As Peter mentioned, DTSC is proposing to issue a
12 Hazardous Waste Facility Post Closure Permit to Acme Fill
13 Corporation.

14 The purpose of tonight's public hearing is to
15 provide the public, you, the opportunity to present oral or
16 written comments under the Department's proposal to issue
17 this Post Closure Permit.

18 As a reminder, the deadline is November 21st. As
19 Nathan mentioned, you can say it tonight; or if you'd like
20 to, you can submit your comments in writing via e-mail or
21 through the mail by the 21st of November.

22 Some legal issues.

23 I'm just going to read this because I can't
24 memorize this.

25 The hearing is being held in accordance with the

1 provisions of California Health and Safety Code Section
2 25200. And Title 22, California Code of Regulations, section
3 6671.11.

4 As Peter mentioned in his presentation, once a
5 final permission decision is made, an announcement of that
6 decision will be given to all the people on a facility
7 mailing list, including everyone who is signed in today.
8 Just make sure you're signed up before you leave if you
9 haven't.

10 Everyone who commented during the public-comment
11 period will receive, as Nathan said, a written response in
12 their comments in a Response to Comment document. A copy of
13 this Response to Comment document will be placed into
14 administrative record and also at the repository center at
15 the Martinez Library.

16 MR. SCHUMACHER: 740 Fourth Street.

17 MR. NIETO: Once the Department -- I'm just
18 going to repeat what Peter said earlier about the permit
19 appeal process here. Once the Department has made a
20 final permit decision, the decision can be appealed by
21 filing a petition with the Department's Appeals Office.

22 Any person who filed comments on the draft
23 permit or who participated in the public hearing can
24 petition the Department to view any condition of the
25 Department's final permit. Any person who did not

1 comment or did not participate in tonight's public
2 hearing can only comment on things that change from the
3 draft off to the final permit.

4 The petition must be filed within the
5 Department Appeals Office within 30 days of the permit
6 decision. The petition will be reviewed by a third
7 party within the Department but -- that hasn't been
8 involved, and a decision on that petition would be made.
9 So that's -- I consider that that administrative appeal
10 process.

11 After that administrative appeal process is
12 done and a decision is made, if the petitioner is not
13 satisfied with the position, the Department's final
14 decision, the petitioner may appeal for a judicial
15 review of the Department's decision. That means take
16 the Department to court.

17 I am now turning the hearing back to Nathan.
18 He will facilitate receiving comments on the proposed
19 permit.

20 MR. SCHUMACHER: There is the chance. You can
21 come forward. State your name, address, and give us
22 your comment. Feel free.

23 MS. DURFEE: Starting off.

24 Where would you like us to stand?

25 MR. SCHUMACHER: Well, you can come right here

1 so you could get a little bit closer to the court
2 reporter.

3 MS. DURFEE: Okay. My name is Amy Durfee. I
4 live here in Martinez, 612 "E" Street. I'm a member of
5 the Martinez Environmental Group, and I have a number of
6 concerns.

7 One question is, was notice given to people
8 that live in the neighborhood?

9 The -- the draft permit actually states that
10 the site is 3 miles from Martinez, but that's not
11 actually true. It's 1/3 of a mile from the corner of
12 the neighborhood.

13 And so there is a discrepancy in the permit of
14 how close it is to people who live here. And I think
15 that's a very, very important discrepancy. And if you
16 could clarify why it says "3 miles" in there, I think
17 that would be important, because it creates the
18 impression that this landfill is really far away from
19 where people live.

3-1

20 Another question related to that is whether or
21 not the people who live in that neighborhood actually
22 received a notice from the State about this process.
23 Were they mailed a notice? Was it given to them? How
24 did that process occur?

3-2

25 Our group found out about it through different

1 channels. And so it was just not obvious that this was
2 going on. So I think that's another question about
3 people who live in the neighborhood.

3-2

4 Another question, what safeguards are in place
5 to make sure that nearby waterways are not contaminated
6 by the handling and transport of the facility's toxic
7 biproducts? Does the facility or the State do any soil
8 or water testing outside the boundaries of the site, or
9 air testing outside the boundaries of the site?

3-3

10 One of the most -- the most kind of scary
11 things about this project, which has already been
12 discussed but I think needs a little bit more
13 explanation, so the official fact sheet for this
14 project, it states that "Contaminant concentrations are.

15 increasing in well number PC1B. Therefore,
16 PC1B may be an indicator of contaminant
17 migration into deeper lithologic units."

3-4

18 I didn't know what "lithologic" meant. I
19 looked it up, and it means rock formations.

20 So that sounds like the contamination from this
21 dump could be spreading into the underlying rock
22 formations underneath the dump.

23 I'm not a geologist. Is that near the ground
24 water? Where is that going?

25 And I understand that this permit is about

1 transferring -- I mean, transferring this dump from
2 interim to permitted status; but there is this issue of
3 what is going on with -- what is actually leaking out of
4 this dump? Are -- is anybody testing for that? So
5 that's a -- that's a really, really big concern.

3-5

6 And I think that that's all at this point.
7 Thank you.

8 MR. SCHUMACHER: Thank you very much.
9 Anyone else? Feel free.

10 MR. GRIFFITH: My name is Tom Griffith. I live
11 in Martinez, and I'm also with the Martinez
12 Environmental Group. And --

13 MR. SCHUMACHER: Excuse me.
14 Can you hear him? Okay. Good.

15 THE REPORTER: (Nods head.)

16 MR. GRIFFITH: Um, let's see. So my question
17 and concern is, does this activity -- should this
18 activity trigger an EIR under CEQA?

3-6

19 And some of my concerns about that would -- I
20 mean, that's basically what I get -- want to get on the
21 record.

22 And then I want to suggest a few things that
23 might trigger it, but I think I'll hold off on those.
24 So that's -- that's all for now.

25 MR. SCHUMACHER: If you want, sir, we do have

1 back -- and I can give you one of these now -- I do have
2 a form for additional comments.

3 MR. GRIFFITH: Oh, okay.

4 MR. SCHUMACHER: Please. You can address it
5 on --

6 And anybody wants this, feel free to get one
7 before you leave. You do have until the 21st to get any
8 further comments in.

9 So anyone else? Feel free. You have our
10 undivided attention.

11 I will pass -- this will be available at the
12 back when you leave, or you can get one from me right
13 now.

14 And basically, just Peter's address and, you
15 know, an area where you put your comment.

16 Okay.

17 MR. NIETO: Thank you. I am officially closing
18 the hearing.

19 Let the record show that no one else has asked
20 to speak and that I am concluding the Landfill Acme Post
21 Closure Public Hearing.

22 MR. SCHUMACHER: We'll be around afterwards
23 cleaning up. So if you want to talk to us afterwards
24 informally, feel free to do that.

25 Thank you very much for coming. Have a great

1 evening.

2 (Whereupon, the hearing was concluded at
3 7:52 p.m.)

4 ---o0o---

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CERTIFICATE
OF
CERTIFIED SHORTHAND REPORTER

* * * *

The undersigned Certified Shorthand Reporter of
the State of California does hereby certify:

That the foregoing Deposition was taken before
me at the time and place therein set forth, at which
time the Witness was duly sworn by me.

That the testimony of the Witness and all
objections made at the time of the Deposition were
recorded stenographically by me and were thereafter
transcribed, said transcript being a true and correct
copy of the proceedings thereof.

In witness whereof, I have subscribed my name,
this date: _____.

Raquel Sanz

RAQUEL R. SANZ, CSR No. 11947

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MARTINEZ ENVIRONMENTAL GROUP

November 19, 2014

Peter Bailey, Project Manager
DTSC Office of Permitting
8800 Cal Center Drive
Sacramento CA 95826
Peter.Bailey@dtsc.ca.gov

Dear Mr. Bailey,

We are writing on behalf of the Martinez Environmental Group with comments to the Acme Fill Corporation's request for a post-closure permit related to their site at 950 Waterbird Way in Martinez, California. We are very concerned about the environmental and health hazards that could be posed by the toxic waste currently on this site.

According to documents related to the permit application, the dump contains a number of dangerous chemicals, some of which are byproducts of oil refining:

- *Methylene chloride* – used as a solvent and a “probable human carcinogen” according to US EPA.
- *Trichloroethane (methyl chloroform)* – long-term inhalation exposure has caused heart problems.
- *Tetrahydrofuran* – highly flammable; prolonged exposure may cause liver damage.
- *Acetone* –tends to leach into groundwater; long-term exposure can lead to kidney, liver, & nerve damage, as well as birth defects.
- *Alkaline sludge* – possible petroleum refinery byproduct with variable composition.
- *Sand blast waste* – produced by removing rust or paint (could include lead paint).
- *Catalyst fines* – byproduct of oil refining, specifically the catalytic cracker.

Below is a list of our questions and concerns that we ask DTSC to consider and respond to:

- At the November 5 public hearing on this permit, a DTSC representative stated that the agency has determined that an EIR is not required for this project. The Martinez Environmental Group has serious concerns about this administrative decision by DTSC. As we understand it, there was a negative declaration adopted under CEQA as part of the 1999 dump closure, based on a 1999 assessment by DTSC

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MARTINEZ ENVIRONMENTAL GROUP

- 4-2 that the dump's activities had no impact on the environment. It was stated at the November 5 hearing that a Notice of Exemption has been prepared for this permit, based on that 1999 assessment – from FIFTEEN YEARS AGO. Although we understand that DTSC engages in ongoing monitoring, this project is significant enough to require an updated process of public disclosure and inspection. We would like to request that DTSC reconsider its recommendation to issue a Notice of Exemption and explain in detail why an EIR is not required for this extremely toxic site.
- 4-3 • The permit request is for 10 years, but we are concerned this period of time is too long. According to statements made at the hearing by DTSC, 10 years is the *maximum* allowed by law. Therefore, we urge DTSC to grant a permit for a shorter amount of time in order to increase oversight to ensure the safety of neighbors and sensitive environmental areas nearby.
- 4-4 • The hearing was not an adequate opportunity for members of the public to have their questions answered. There were several questions about air quality; however, the DTSC representatives stated they could not answer questions that were under the jurisdiction of the Bay Area Air Quality Management District. However, DTSC failed to ensure that a representative from BAAQMD was present at the hearing.
- 4-5 • At the hearing, a question was asked about incidence of cancer in the nearby neighborhood. The health department representative present stated that he did not know if there had been a study on local cancer rates. How can DTSC determine if the site should be re-permitted without adequate data about the surrounding health conditions?
- 4-6 • What safeguards are in place to ensure that nearby waterways are not contaminated by handling and transport of the facility's toxic byproducts? Does the facility do any soil or water testing outside the boundaries of the site (e.g., in Waterbird Regional Preserve, Pacheco Creek or Point Edith)?
- 4-7 • The official fact sheet for this project states that "...contaminant concentrations are increasing in [well] PC-1B. Therefore, PC-1B may be an indicator of contaminant migration into deeper lithologic units [rock formations]." This means that contamination from the dump is spreading, possibly into groundwater. What is being done to stop the leakage of this dump into our water?
- 4-8 • The draft permit states that the site is three miles from Martinez; this may be technically true, but it leads the reader to believe this hazardous waste site is safely far away from people's homes. The site is actually one-third of a mile from a densely populated neighborhood. We urge the agency to describe in detail the proximity of the site to residential areas.
- 4-9 • How often is the leached water runoff tested? What toxic substances are in the leached water runoff and how are they disposed of?
- 4-10 • What gases are released from the landfill and how are they analyzed and contained? What toxics have been found in the gasses coming off the facility?
- 4-11 • Has a full study been done on air quality of the surrounding area? Is there an air monitor in the facility as well as in the nearby residential neighborhood?



MARTINEZ ENVIRONMENTAL GROUP

- 4-12 • Instead of the current post-closure activities, what research has been done to find out if are there other more effective means of mitigating, containing or cleaning up the toxic substances in the landfill?
- 4-13 • Have any Acme Fill employees reported health problems related to exposure to toxic substances?
- 4-14 • Will dumping still be allowed within the interior of this site as it is now, or will the transfer station be the only active facility?
- 4-15 • What measures are in place to address a wind-driven methane fire, should one occur?
- 4-16 • How many residents of the surrounding neighborhood were notified about this comment and hearing process? How was the notice delivered and was that notice made in any language other than English?
- 4-17 • The permit includes special provisions because Acme Fill Corporation has had difficulty in the past paying for the maintenance of this site. How will we know if it is being maintained?
- 4-18 • In the past, waste at the site was burned. Have the surrounding area soils been tested for wind-driven wastes from the burned area?
- 4-19 • What are the long-term implications for the permit to change from Interim Status to Post-Closure Status?
- 4-20 • Will this land ever be cleaned up?
- 4-21 • What can we do to prevent more hazardous waste sites in our community?

We appreciate your consideration of our questions and concerns, and look forward to the agency's responses.

Sincerely,

Martinez residents and members of Martinez Environmental Group:

Aimee Durfee

Tom Griffith

Bill Nichols

Ann Sheridan

Kathy Petricca

Ginny Chin

Nancy Peacock

Guy Cooper

Catherine Cook

Jim Neu

Peter Dragovich

Martha Dragovich

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To: Department of Toxic Substances Control
 Attn: Peter Bailey Peter.Bailey@dtsc.ca.gov
 Re: Draft Hazardous Waste Post-Closure Permit Acme Fill Corporation
 Date: November 20, 2014
 From: James Neu
 Martinez Environmental Group
 3334 Ricks Ave.
 Martinez, Ca. 94553
[Jjneusies2@gmail.com](mailto:jneusies2@gmail.com)

Mr. Bailey,

Thank you for the opportunity to respond to the Draft Hazardous Waste Post-Closure Permit for Acme Fill Corporation. Below, you will find my/our concerns and comments and I/ we look forward to your response. Please address any questions and comments marked with an *. Thank you for your time in this matter.

#6 Facility Histories:

Prior to the late 1950's, the North Parcel had waste placed on the ground, burned and covered with additional waste which was also burned. It wasn't until the late 1950's that the waste was compacted and covered with a minimum of 6" of soil.

5-1 *Wouldn't this practice before the required cover of soil have resulted in hazardous materials run off into the surrounding neighborhoods and watershed? Was the area monitored at that time for such run off?

5-2 * Has the soil both inside and outside the landfill been tested that is downwind of the North Parcel Area that practiced burning of waste in the 1950's and 1960's? If so, what are the results of those tests and if not, will those tests be performed of the buried contaminants?

Part 5- Special Conditions: The North Parcel received waste from before 1950 and was finally certified closed in 1999, a total of almost 50 years where the waste was placed directly on a permeable surface (not clay capped). Waste types listed in Part 4 are methyl chloride, trichlorethane, tetrahydrofuran, acetone, alkaline sludge, sand blast waste, and catalyst fines. Another waste not listed in this section is 1, 4 Dioxene.

5-3 *With these carcinogens placed directly on a permeable surface for 50 years, how much of these chemicals listed show up in subsurface wells and at what percentages?

5-4 *Why was 1, 4 Dioxane not listed originally in the waste types in section 4?

Treated leachate allows a maximum effluent discharge of 40,000 gallons per day and not to exceed 35 gallons per minute with 25-50 gallons per minute generated.

5-5 *What happens if the leachate exceeds these amounts? Can the Leachate Treatment Plant accommodate the excessive amount?

#7: New Well Installation- Ground water testing: The Permittee shall install 10 new wells within 6 months of issuance of the permit.

5-6 *What happens to the materials removed from boring the 10 new wells? Where is the material disposed? Is it tested before disposal?

5-7 #10: * How was the semi annual well monitoring frequency established as opposed to quarterly or monthly?

5-8 *How does surface water effect leachate discharge amounts?

5-9 * What RCRA Facility does the filter cake from leachate get disposed at?

#12: Replacement of Well PC 1B- ...” may be an indicator of contaminant migration into deeper Lithologic Units and not an artifact of a leaky sanitary well seal”

5-10 * If prior to abandonment and replacement of PC-1B well, what steps are taken if there is verification of contact with older bay mud/ older alluvium?

5-11 *After abandonment of the well and replacement of PC-1B, what if there is verification of contaminant migration not addressed in the Draft?

#15: Ground water is tested quarterly and leachate level measurements are tested semi-annually.

5-12 * Is the ground water tested quarterly and well monitoring semi annually and why not both tested quarterly? Are they done at different locations or out of the same well?

5-13 * Is air monitoring done at the site? If so, how is it determined whether pollutants are from the landfill or from the local refineries; either Shell or Tesero?

Part 6: Corrective Action: #3: Work that needs to be performed on property not owned or controlled by Permittee, Permittee must get permission within 30 days of approval of work plan for which access is required.

5-14 - * What properties could be affected by such work?

5-15 - * If denied access, how is cleanup work performed and by whom?

5-16 - * What type of work could be expected?

#4: Corrective Action beyond the Facility Boundary:

5-17 - * Wouldn't on site measures address releases beyond the facility?

5-18 - * If releases are found east and north of the North Parcel, would corrective action be taken any differently closer to the bay and creek than other perimeters?

Other Concerns:

While notifying the community of the Acme Public Hearing on November 5, Martinez Environmental Group Members encountered numerous families residing around the landfill that discussed family history of cancers.

5-19 *Please provide a plan of discussion to coordinate with the Contra Costa County Health Department a study of residents of the immediate area around the landfill to determine if there is a correlation between the landfill and resident's high cancer rates to determine if this is anomaly.

5-20 Please provide a list of the following compliance officers that oversee the Acme Landfill.

Water Board Compliance Officer:

Air District Compliance Officer:

Waste Water Board Compliance Officer:

Bailey, Peter@DTSC

From: Kathy Petricca <kpfast@aol.com>
Sent: Thursday, November 20, 2014 11:57 PM
To: Bailey, Peter@DTSC
Cc: kpfast@aol.com
Subject: Public Comments, Draft Hazardous Waste Post-Closure Permit, Acme Fill Corporation

November 20, 2014

Peter Bailey, Project Manager
DTSC Office of Permitting
8800 Cal Center Drive
Sacramento CA 95826

Dear Mr. Bailey,

Thank you for extending the comment period.

- 6-1 1. What is the effect of the Sustainable Groundwater Management Act (2014) on the operation of the North Parcel Facility?
- 6-2 2. Why was the North Parcel closed instead of repaired?
- 6-3 3. Who operates the Leachate Treatment Plant for Acme Fill?
- 6-4 4. Who operates the landfill gas collection system for Acme Fill?
- 6-5 5. Regarding the easements on Acme Fill property which contain reinforced concrete pipes (2) going to (1) Maltby Pump Station and (2) which comes from the Contra Costa Sanitary District and travels between the North and East Parcels, how would the contents of these two pipes be contained within the North Parcel in case of leakage?
- 6-6 6. Does the North Parcel's perimeter depend in part on coordination with it's neighbors? (the slurry wall along IT Corporation to the south, levees along the east, Waterbird Regional Preserve along the west, and Southern Pacific/Union Pacific along the North.)
- 6-7 7. When the on-site gas collection system is flared, is it always enclosed as shown on the maps in the Draft Permit document at issue?
- 6-8 8. The Draft Permit document states that the groundwater flow in the North Parcel is a few feet/year and that the Younger Bay Mud's depth measures from -10 feet to -50 feet. Is the current leachate generation (stated to be about 10 gpm) drawing all of it's water from the consolidation of the Younger Bay Mud?
- 6-9 9. With consolidation of the Younger Bay Mud, it seems that the perimeter of the closed system (now several feet above Mean Sea Level) will be below Mean Sea Level in the future. If so, how will flooding be controlled?
- 6-10 10. Since the North Parcel has had a Corrective Action Monitoring Status since 1999, and in that time, with the guidance of DTSC, has moved from failure of the system to expected stability, it would seem that CEQA should evaluate the results.
- 6-11 11. Since the North Parcel has been guided by DTSC in a recovery from a serious breach of leachate past the point of compliance, it would seem appropriate to continue inspections, less frequently, but more frequently then every ten years.
- 6-12 12. In the same vein, would it be appropriate to post-date the permit to 1999, ending in 2029? I note that this option is in the Draft Permit.

6-13 13. Does any private or public entity pay Acme Fill Corporation for landfill maintenance or for landfill products?

6-14 14. The Draft Permit states the AI/AIG policy is for \$18.5 million, \$13.5 million if the permit is post-dated. What is the limit of the Cost-Cap policy?

Thank you again for extending the comment period and for your anticipated response.

Kathy Petricca
961 Lemon Street
Martinez, CA 94553-3335
kpfast@aol.com

**Response to Comments
Acme Landfill North Parcel
Draft Hazardous Waste Post Closure Permit
May 2015**

PART III. DTSC RESPONSE TO COMMENTS

Document 1 – Martinez Environmental Group (September 18, 2014) Comments 1-1 through 1-13

DTSC Response to Comments 1-1 and 1-2:

In 2009, the Department of Toxic Substances Control (DTSC) provided a public notice to the community of a 45-day comment period regarding a previous Draft Post Closure Permit. During that public comment period, DTSC did not receive any comments. This historical non-response from the community was the basis for DTSC's decision to provide a community notice on August 6, 2014 written only in English without scheduling an initial hearing. The comment period was also announced through newspaper publications, radio advertisements, and DTSC website postings. The initial comment period was 45 days and ended on September 22, 2014. DTSC, however, acknowledged your written request for a public hearing and mailed a second community notice which included a message written in Spanish explaining how to get more information in Spanish. The notice announced a public hearing which was held on November 5, 2014. The public hearing was preceded by an informal meeting where DTSC staff responded directly to questions from the audience. The notice extension was also published in the local newspaper. A Spanish translator was available at the meeting. The comment period was also extended to November 21, 2014.

California Code of Regulations title 22, section 66271.9(b)(1),(2) requires DTSC to allow at least 45 days for public comment and to provide notice of a public hearing at least 30 days before the hearing. DTSC provided a public notice period that extended beyond 100 days, and more than 30 days' notice for the public hearing. It is DTSC's opinion that the regulations for public notice of permit actions and public comment period under title 22 were satisfied. Further, one of DTSC's public participation specialists worked to ensure that the outreach was appropriately targeted to reach the surrounding community. These additional efforts are consistent with the state definition of environmental justice, which is "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." (Government Code Section 65040.12)

With respect to the concern about the local natural environments, DTSC notes that the North Parcel is a closed, capped, and covered hazardous waste landfill. Hazardous waste was disposed at the North Parcel between the 1950s and 1989, and the landfill was closed in 1999. The activities at the North Parcel landfill include inspection and maintenance of the hazardous waste landfill cover, the liquid and vapor collection systems, and the network of groundwater monitoring wells. These activities are designed to maintain current systems and monitor the environment. These activities are designed to quantitatively verify that the current landfill systems are working according to their design, and to determine whether any hazardous waste constituents are migrating off site to the surrounding environment. This monitoring plan ensures protection of all nearby natural environments, including the Waterbird Regional Preserve, the mouth of Pacheco Creek, and surrounding wetlands including Point Edith.

DTSC's decision to approve this Draft Hazardous Waste Post Closure Facility Permit (Permit) is based on the determination that the continued activities at the closed North Parcel landfill are protective of public health and the environment. DTSC's determination is based on air and groundwater monitoring data that show that the North Parcel is not causing adverse health effects to Martinez residents. DTSC is also

confident that the owner and operator of the landfill (Acme) can safely perform post-closure activities outlined in the Permit.

Please note that Acme conducts other activities for the East and South parcels of the Acme facility. The Permit, however, does not regulate any activities for the East and South parcels. The Permit applies only to the North Parcel landfill.

DTSC Response to Comment 1-3:

Because the North Parcel is a closed hazardous waste landfill, the only toxic byproduct is hazardous waste landfill fluid or leachate that is pumped out of the landfill. This pumping and removal action keeps the fluid levels low and contained within the landfill. Fluids are prevented from spreading because they are enclosed within subsurface barrier walls. Acme has been removing these fluids since 1995 to prevent leachate from leaking out of the North Parcel landfill. Under the terms of the post-closure permit, Acme will be required to continue removing leachate to prevent leachate from leaking out below the landfill into the nearby waterways. Acme will also be required to continue monitoring elevations of leachate and groundwater levels to verify leachate is not leaking out of the landfill, or breaching the barriers. DTSC is confident that these measures are protective of surrounding human health and the environment, including nearby waterways.

The Permit does not include DTSC requirements to sample surface water or sediment in the adjacent water ways. However, the Permit requires Acme to follow requirements of other agencies, including but not limited to, the State Water Resources Control Board (SWRCB) and San Francisco Regional Water Quality Control Board (RWQCB).

The SWRCB administers the Industrial Storm Water Program. Under the Industrial Storm Water General Permit Order 97-03-DWQ (General Industrial Permit), Acme is required to implement management measures to reduce storm water pollution.

In addition, the RWQCB has issued multiple Waste Discharge Requirements (WDRs) that encompass the North, East, and South Parcels. These requirements are found in WDR Order No. 96-161 which was adopted by the RWQCB on January 10, 1997, with the amendments described in Order No. 01-042, Amendment of Waste Discharge Requirements Order No. 96-161 adopted by the RWQCB on April 18, 2001. These permits include safeguards to protect nearby waterways from contamination.

DTSC Response to Comment 1-4:

Groundwater at the North Parcel has been tested for contamination as early as 1976, and testing will continue under the Permit. Under the Permit, groundwater will be sampled twice a year for wells that are representative of the uppermost groundwater. Groundwater will also be sampled annually for wells that are representative below the uppermost groundwater. Groundwater samples will be analyzed for chemicals that were historically placed into the landfill. Groundwater samples will also be analyzed for indicator chemicals that are used to evaluate if leachate is leaking out of the landfill.

Historically, contamination has been detected in groundwater below and around the North Parcel, but those concentrations have been significantly reduced with removal of leachate. These trends are expected to continue with ongoing removal of leachate.¹

DTSC Response to Comment 1-5:

For clarification, leachate from the landfill is not allowed to run off the same way storm water is allowed to run off. Storm water does not come in contact with wastes at the North Parcel; therefore, storm water is allowed to run off the site. Leachate is not allowed to run off the site.

The North Parcel cover is designed to prevent rain water from seeping into the landfill. Therefore, storm water runoff is not exposed to toxic substances. In addition, Acme is required to follow two permits for discharges to surface water and/or groundwater:

- General Permit to Discharge Storm Water Associated with Industrial Activity, which is issued by the State Water Resources Control Board (see response to Comment 1-3 above), and
- Order 01-042 with the Regional Water Quality Control Board (see response to Comment 1-3 above).

Both water discharge permits require testing of storm water runoff. There is surface water monitoring in Walnut Creek both upstream and downstream of the landfill semiannually. Ponded water outside of the landfill's footprint is monitored annually.

After leachate is pumped out of the North Parcel landfill, it is treated in the leachate treatment plant, and then discharged to the Central Contra Costa Sanitary District (CCCSD) in accordance with Acme's permit established with CCCSD. Under the post-closure permit, DTSC will require Acme to analyze the leachate annually. The CCCSD permit requires leachate to be tested monthly for ammonia.

DTSC Response to Comment 1-6:

The collected landfill gas from the blowers are vented to an enclosed landfill gas flare that burns the gas and destroys most of the methane, hydrocarbons and other toxic air contaminants (TACs). Some gas is diverted off-site to energy production equipment such as micro-turbines.

The Acme Landfill, North Parcel was closed in accordance with the DTSC-approved closure plan, with closure activities completed in 1999. The activities for closure included installation of a final cover overlying all North Parcel waste. Consequently, the air exposure pathway to the community has been eliminated. In addition, the systems that help eliminate these pathways such as the vapor extraction system are monitored. The Permit will require Acme to conduct weekly and monthly inspections and testing of landfill gas collection system components. These requirements are described in the Inspection Program (see Appendix D of the Permit Application, which is an enforceable component of the Permit) and Acme's Major Facility Review Permit issued by the Bay Area Air Quality Management District (BAAQMD). Individual components and the collection system are maintained consistent with the requirements of Acme's Major Facility Review Permit. Leaking components are repaired to maintain

¹ Trend data is available in the *Second 2013 Semiannual and Annual 2013 Water Quality Monitoring Report*, March 2014, Prepared by RMC Geoscience, Inc. for Acme Fill Corporation. Available on DTSC's Website in the activities tab at http://www.envirostor.dtsc.ca.gov/public/hwmp_profile_report.asp?global_id=CAD041835695

compliance with the BAAQMD limits. Compliance reports are prepared and submitted to the BAAQMD semiannually.

The North Parcel Landfill is equipped with a landfill gas collection system that captures landfill gas. Landfill gas contains mainly methane, carbon dioxide, water, and small amounts of hydrocarbons and sulfur compounds.

The North Parcel landfill gas collection system includes piping with perforated sections buried throughout the landfill. The piping system is connected to blowers that draw the landfill gas out of the landfill and into the piping system. The gas collection system introduces a small amount of air, yielding collected landfill gas containing nitrogen and oxygen as well as the other compounds mentioned above.

BAAQMD, state, and federal regulations require routine monitoring of the landfill surface and the accessible parts of the gas collection and blower system to maximize gas capture efficiency.

The BAAQMD requires that annual source testing be conducted on the landfill gas flare. This testing includes a requirement to analyze the landfill gas for 24 chemical constituents. In addition, the landfill gas hydrogen sulfide content is monitored on a quarterly basis using a portable analyzer. The collected gas was last analyzed by Blue Sky Environmental on September 9, 2014. The flare was achieving more than 99.7% destruction of the total non-methane hydrocarbons and more than 99.999% destruction of methane which is greater than the BAAQMD and State requirement of 98% destruction of total non-methane hydrocarbons and at least 99% destruction of methane.

DTSC Response to Comment 1-7:

The facility has a Major Facility Air Permit through the BAAQMD (provided in Appendix A of the Permit Application) which requires the facility to monitor collected landfill gas. Some of the constituents required to be include the following:

- Carbon disulfide
- Chlorobenzene
- 1,4 Dichlorobenzene
- 1,1 Dichlorobenzene
- Dichloromethane (Methylene Chloride)
- Ethyl Benzene
- Hexane
- Hydrogen sulfide
- Isopropyl alcohol (2-Propanone)
- 2-Butanone (MEK)
- Methyl isobutyl ketone (MiBK)
- Tetrachloroethylene (Perchloroethylene)
- Trichloroethylene
- Vinyl Chloride
- Toluene
- Benzene
- m, p-Xylene

- o-Xylene

Furthermore, the BAAQMD, State and Federal regulations require that the surface of the landfill and the gas collection system components be monitored on a quarterly basis for total hydrocarbons. These regulations include surface and component leak limits to ensure that the gas collection system is working properly and that the landfill cap is maintained in good condition.

The BAAQMD operates a 32-station Bay Area wide monitoring network and oversees the necessary repair, maintenance, and quality-control activities for these stations. The monitoring network provides the data required to determine whether the Bay Area is in compliance with state and federal air quality standards. Air monitoring data are also used for air quality forecasts, Clean Air Plan modeling, Prevention of Significant Deterioration permit modeling, and Environmental Impact Reports. Some of the monitoring sites include toxics sampling equipment. The Jones Street ambient air monitoring station located about 2.8 miles west of the landfill is one of the stations in the BAAQMD's network. The station monitors sulfur dioxide (SO₂) and other TACs. SO₂ levels are compared against State and Federal ambient air quality standards which the data showed no exceedances during 2014. The BAAQMD reviews the TAC results for trends. Benzene and Freon113 results, for example, are less than average compared to other stations in the bay area; in the bottom 1/3 of the stations.

DTSC Response to Comment 1-8:

In 2012, Acme submitted a proposal to evaluate the potential for removing the hazardous waste status from the North Parcel. Under this scope, Acme proposed to excavate and remove the Resource Conservation and Recovery Act (RCRA) waste and California hazardous waste from the North Parcel, thus rendering it a non-hazardous landfill that would be regulated by another State agency. DTSC determined that Acme would be unable to prove that all RCRA and California hazardous waste was removed and denied Acme's proposal. Because that alternative proposal was rejected following the evaluation, DTSC is pursuing the regulatory approach reflected by the Post-Closure Facility Permit.

DTSC Response to Comment 1-9:

Acme currently employs 12 staff, some of whom work on the North, South and/or East Parcels at various times. DTSC is not at liberty to research the personal health records of each individual due to health privacy rights. However, anecdotal information from one of the employees indicated that they have not observed any health problems related to activities at the North Parcel.

DTSC Response to Comment 1-10:

The North Parcel landfill is closed and has not received off-site hazardous waste since 1989. Since that time, the landfill has been closed and capped. The Permit will prohibit any additional wastes from being placed into the North Parcel. Leachate removed from the North Parcel landfill is treated on site, then treated water is discharged to the CCWD while remaining leachate solids are transported to another landfill for disposal in accordance with State and Federal regulations.

The active landfill is called the East Parcel, which is a Class III (non-hazardous waste) landfill. The East Parcel will continue to operate as it has under permits with the California Department of Resources

Recycling and Recovery (CalRecycle) and Contra Costa County Environmental Health. The DTSC Permit will not regulate activities at the East Parcel.

The transfer station is unrelated to the North Parcel landfill and is permitted separately by Contra Costa County as a solid waste transfer facility. Acme does not own or operate the transfer station. The DTSC Permit will not regulate activities at the transfer station.

DTSC Response to Comment 1-11:

There are emergency contingency plans in place in the event of a fire at the North Parcel landfill. Section 7.0 of the Permit Application contains provisions for Response to Fire including landfill fires and preventative measures. Responding to a landfill fire includes notification of the Emergency Coordinator, use of heavy equipment to place soil over the subject area to prevent oxygen from fueling the fire, and procuring additional equipment as necessary to extinguish the fire.

DTSC Response to Comment 1-12:

Please see response to comments 1-1 and 1-2. With respect to how DTSC delivered the notices of the process to comment on the Draft Permit, please see the response to comment 3-2.

DTSC Response to Comment 1-13:

The Permit is designed to provide an additional level of protection to the community by requiring more monitoring, better monitoring equipment, and more chemical analysis to provide a better understanding of the surrounding environment. Also, the Permit provides a more robust tool for DTSC's enforcement staff to keep the North Parcel landfill in compliance with State and Federal regulations. These are all measures required by regulations to protect human health and the environment.

State regulations require that communities receive a 45 day comment period when DTSC is making a decision or authorization such as the Permit for the North Parcel landfill. DTSC heard your request and extended the comment period and provided a meeting and hearing with Spanish translation (see responses 1-1 and 1-2).

DTSC's decision to approve this permit is based on the determination that the continued activities at the North Parcel landfill will not result in any impact to human health or the environment. DTSC's determination is based on air and groundwater monitoring data that show that the North Parcel landfill is not causing health effects to Martinez residents. DTSC is also confident that the Acme can operate safely when following the Permit.

Comments 1-1 through 1-13 do not provide any new information that would change the decision for this permit. Thank you for your comments.

Document 2 – Acme Fill Corporation (September 22, 2014) Comments 2-1 through 2-15

DTSC Response to Comment 2-1:

DTSC concurs with this comment. The North Parcel is closed, not inactive. DTSC has revised the Draft Permit to clarify this point. The revision does not provide any new information that would change the decision for this permit proposal.

DTSC Response to Comment 2-2:

The suggested revision is already stated in the second paragraph of part II, section 6. To avoid unnecessary duplication, DTSC did not accept the suggested revision.

DTSC Response to Comment 2-3:

DTSC concurs with this suggested revision because it is a necessary component of the site description. DTSC has made the suggested revision to the Permit. The revision does not provide any new information that would change the decision for this permit proposal.

DTSC Response to Comment 2-4:

DTSC concurs with this suggested revision because it is necessary to use a consistent naming convention when referring to the facility. DTSC has made the suggested revision in the permit. DTSC also made revisions throughout the Permit to better distinguish between the Permittee (the Acme Fill Corporation) and the Facility (Acme Landfill North Parcel). The revision does not provide any new information that would change the decision for this permit proposal.

DTSC Response to Comment 2-5:

DTSC concurs with this suggested revision because it provides necessary clarity to the activity description. Among other things, the suggested revision clarifies that a slurry wall on the south is one of the perimeter subsurface barriers. DTSC has made the suggested revision in the Permit. The revision does not provide any new information that would change the decision for this Permit proposal.

DTSC Response to Comment 2-6:

DTSC does not concur with the suggested revision to delete the reference to trichloroethane. Per Table 1-2 of the Permit Application, trichloroethane (99%) and trichloroethane (65%) were disposed in the Acme Landfill North Parcel. Duplication of the word trichloroethane is confusing. Therefore, DTSC changed “trichloroethane (99%), trichloroethane (65%)” in the Permit to read trichloroethane. The revision does not provide any new information that would change the decision for this Permit proposal.

DTSC Response to Comment 2-7:

DTSC concurs with this comment. The Permit should have an accurate reference to the Regional Water Quality Control Board’s (Regional Water Board) order number. DTSC has made a revision to the Draft

Permit to provide the proper reference. The revision also notes that future changes to the Regional Water Board order may require a Permit modification. These revisions do not provide any new information that would change the decision for this Permit proposal.

DTSC Response to Comment 2-8:

Comment noted. The commenter recounts an accurate chronological history of the financial assurances for closure and post-closure activities the North Parcel.

DTSC Response to Comment 2-9:

DTSC does not concur with the commenter's proposal to delete the paragraph in the financial assurance compliance schedule regarding post-closure maintenance activity reimbursements. It is appropriate for DTSC to avoid approving reimbursements until the post-closure insurance policy is sufficiently funded. Avoiding reimbursements allows the policy to effectively grow as maintenance activities get funded by Acme as opposed to the insurance policy during the 1 year compliance period.

DTSC does not agree with commenter's statement that funds from the "finite insurance policies" will be forfeited, resulting in a permanent loss of funding for post-closure activities at the North Parcel. In referring to a "finite insurance policy," the commenter does not refer to a specific policy number. In this response, DTSC presumes that the commenter is referring to AIG Policy 818.93.69, which expires in 2017, as opposed to other available insurance policies that expire in 2035.

Reading the language of AIG Policy 818.93.69 (closure and post-closure policy for the North Parcel), it does not appear that funds will be "forfeited" if they are not expended prior to the 2017 expiration date. This is because the terms of Policy 818.93.69 appear to link to another post-closure insurance policy with a much later expiration date (AIG Policy 818.93.72). Policy 818.93.72, which expires in 2035, was issued to the Acme Fill Corporation, and is available to pay for post closure maintenance activities incurred at the North, South and East Parcels. According to the terms of the policy that expires in 2017 (Policy 818.93.69), "if the actual losses paid during the year are less than the Annual Total Limits applicable to that year, the Company [AIG] will add the difference to the Limit of Liability available under policy No. 818.93.72." This suggests that the funds will not be forfeited when the policy expires in 2017, and will instead move to Policy 818.93.72, which expires in 2035.

In summary, DTSC does not concur with the commenter's proposal to delete the paragraph in the financial assurance compliance schedule regarding postclosure maintenance activity reimbursements because it is appropriate to allow the funds available under the Policy 818.93.69 to effectively grow during the compliance period and because DTSC disagrees that the funds will be forfeited if not used during the compliance period.

DTSC Response to Comment 2-10:

DTSC concurs with the request to extend the timeline for well installation to nine months. Without the change and given the current timeline for issuing the Permit, the wells would potentially be installed or developed during inclement weather. DTSC revised the Permit to extend the well installation schedule to nine months. DTSC also revised the language in the Permit to clarify that well development shall also occur within nine months of issuance of the Permit.

DTSC does not concur with the proposed revision for extending the timeline for report preparation by an additional four months. Instead, DTSC will extend the deadline by three months. DTSC changed the deadline to eleven months following issuance of the Permit, which is two months following the deadline for well installation and development. The original draft Permit condition similarly gave Acme two months to prepare the report.

While not a comment on Special Condition 7, Comment 2-10 makes a comment regarding the Groundwater Monitoring Plan (GMP), which is an enforceable component of the Permit. DTSC does not concur with the proposed abandonment of DPZ-7. Acme has not provided information why this well should be abandoned. DTSC notes that Table 2-2 of the GMP classified DPZ-7 as a Young Bay Mud well; therefore, DPZ-7 should not have been included in Table 4-6 of the GMP as a leachate well for monitoring lateral hydraulic gradients in the northwest corner of the North Parcel. In response to the comment, DTSC has added Special Condition 16 to the Permit instructing the facility to replace DPZ-7 in Table 4-1 of the GMP with the new leachate elevation monitoring well in the northwest corner of the North Parcel.

However, DTSC concurs with the proposed installation of a new leachate well inside the bay mud barrier to be used as a hydraulic gradient well in the northwest corner of the North Parcel. The corrective action groundwater monitoring program for the Acme Landfill North Parcel requires a water level well that is representative of conditions inside the bay mud barrier. In response to the comment, DTSC has revised Special Condition 7 of the Permit to require the installation of a new leachate elevation monitoring well in the northwest corner of the North Parcel.

The revisions discussed above do not provide any new information that would change the decision for this Permit proposal.

DTSC Response to Comment 2-11:

DTSC concurs with the request to remove 1,4-dioxane from the list of volatile organic compounds (VOCs). 1,4-dioxane will continue to be analyzed and reported as a semi-volatile organic compound (SVOC), as listed in Table 4-1 of the Groundwater Monitoring Plan (GMP), which is an enforceable component of the Permit. DTSC has revised the Permit to clarify that Special Condition 9 (1,4 Dioxane) has been deleted from the Permit.

While not a comment on Special Condition 9, Comment 2-11 makes comments regarding the Table 4-1 of the GMP, which is an enforceable component of the Permit. Acme's comments pertain to changes to the analytical methods for certain chemicals.

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DTSC agrees that tetrahydrofuran should be analyzed and reported as a VOC instead of a SVOC. However, tetrahydrofuran is already listed as a VOC on Table 4-1, not an SVOC. Therefore, DTSC need not and will not update the tetrahydrofuran reference in Table 4-1 of the GMP.

In another comment on Table 4-1 of the GMP, Acme suggests that the reference to silicon be replaced with a reference to silica. Acme's comment includes a proposed revision to Table 4-1 that includes silica in the list of "Other Compounds" instead of silicon. While silicon was not listed in Table 4-1 of the GMP, DTSC agrees that silica should be added to Table 4-1 of the GMP because sand blasting waste was one of the hazardous wastes placed into the North Parcel landfill. In response to the comment, DTSC has added Special Condition 16 to the Permit instructing the facility to revise Table 4-1 of the GMP to include silica under "Other Compounds". In addition, Table 4-2 of the GMP should also be updated to include silica under "Other Compounds". Therefore, DTSC has inserted Special Condition 16 requiring Table 4-2 of the GMP to be modified to include silica.

Another comment on Table 4-1 of the GMP is a request to analyze and report DBCP (1,2-dibromo-3-chloropropane) as a VOC instead of an organochlorine pesticide. DTSC concurs with the request. DBCP is already listed as a VOC on Table 4-1 of the GMP; however, Table 4-1 of the GMP should be revised to remove DBCP from the list of organochlorine pesticides. Similarly, Table 4-2 of the GMP should be revised to remove DBCP from the list of organochlorine pesticides; it is already listed as a VOC in Table 4-2. DTSC has inserted Special Condition 16 requiring the facility to make the revisions to Tables 4-1 and 4-2 of the GMP.

Regarding Table 4-1, the commenter has proposed to analyze and report hexachlorobenzene and hexachlorocyclopentadiene as SVOCs instead of organochlorine pesticides. DTSC concurs with the proposal. These chemicals are already listed as SVOCs on Table 4-1 of the GMP; however, Table 4-1 of the GMP should be revised to remove these chemicals from the list of organochlorine pesticides. Similarly, Table 4-2 of the GMP should be revised to remove these chemicals from the list of organochlorine pesticides; they are already listed as SVOCs in Table 4-2. DTSC has inserted Special Condition 16 requiring the facility to make the revisions to Tables 4-1 and 4-2 of the GMP.

Acme requested to remove diallate from Table 4-1 even though diallate was not originally included in Table 4-1. Acme did not provide any reason why diallate should be excluded from the groundwater monitoring program. Given that diallate can be analyzed as either an organochlorine pesticide or a SVOC, and organochlorine pesticides have been detected in the North Parcel landfill, DTSC does not concur with the proposal to remove diallate. Acme should add diallate to the monitoring program as either a SVOC or organochlorine pesticide. DTSC has inserted Special Condition 16 requiring the facility to make the revision to Table 4-1 of the GMP.

DTSC notes that the revised version of Table 4-1 that Acme provided with the comments is missing chlorobenzilate as an organochlorine pesticide. Chlorobenzilate was included in Table 4-1 that was submitted to DTSC in the Permit Application. When Acme makes the revisions to Tables 4-1 and 4-2 required by the Permit, it must ensure that the revised Table 4-1 and Table 4-2 include chlorobenzilate as an organochlorine pesticide.

DTSC also notes that the revised version of Table 4-1 that Acme provided with the comments is missing 4-Nitrophenol and pentachlorophenol as chlorinated herbicides but added as SVOCs. DTSC concurs with

these changes. When Acme makes the revisions to Tables 4-1 and 4-2 required by the Permit, it must ensure that the revised tables include 4-Nitrophenol and pentachlorophenol as SVOCs but not chlorinated herbicides.

The above revisions do not provide any new information that would change the decision for this Permit proposal.

DTSC Response to Comment 2-12:

DTSC concurs with the request for extending the timeline for abandonment of well WPZ-1E. However, DTSC changed the requested deadline to prepare a report documenting the abandonment to be eleven months after issuance of the Permit, rather than the nine months after issuance of the Permit requested by Acme. This modification to the Permit would allow the Permittee to provide one report documenting installation of new wells, abandonment of wells, and installation of low-flow pumps eleven months following issuance of the Permit. The revision does not provide any new information that would change the decision for this Permit proposal.

DTSC Response to Comment 2-13:

DTSC concurs with the request for extending the timeline for installation of low-flow pumps to nine months following issuance of the Permit. DTSC has revised the Permit accordingly. In addition, DTSC has revised the Permit to change the deadline for providing a report of pump installation to eleven months following issuance of the Permit. This modification to the Permit would allow the Permittee to provide one report documenting installation of new wells, abandonment of wells, and installation of low-flow pumps eleven months following issuance of the Permit. The revisions do not provide any new information that would change the decision for this Permit proposal.

DTSC Response to Comment 2-14:

Please see DTSC Response to Comment 2-10.

DTSC Response to Comment 2-15:

DTSC concurs with the request to remove leachate piezometer NPGR-12 from the program. Leachate piezometer NPGR-12 is located at the center of the North Parcel and provides the assumed maximum leachate elevation for the landfill. While a replacement for NPGR-12 would allow Acme to determine an approximate maximum leachate elevation, this information would provide limited benefit and would not be used to evaluate the inward gradient into the landfill. Wells installed within the center of a landfill are prone to being damaged by settlement of the waste within the landfill. The revision does not provide any new information that would change the decision for this Permit proposal.

Document 3 – Regal Court Reporter (Public Hearing November 5, 2014) Comments 3-1 through 3-5

DTSC Response to Comment 3-1(Amy Durfee):

The purpose of part II, section 4 of the Permit is to describe the location of the facility. The description is technically correct because the facility is 3 miles from the Martinez town center. However, the comment has been noted and the permit has been revised to provide a clearer point of reference, Martinez town center. The revision does not provide any new information that would change the decision for this permit proposal.

DTSC Response to Comment 3-2 (Amy Durfee):

DTSC mailed 2,039 Community Notice flyers to Martinez community members. An additional 29 flyers were sent by email. An even larger population was reached through radio and newspaper announcements and postings on DTSC's website. The mailing list for the Community Notice flyers included members of the community who live directly south of the Acme property, including residences living on and in the vicinity of Irene and Rita Drives. DTSC has met the Public Notice requirements specified in California Code of Regulation title 22, chapter 21.

DTSC Response to Comment 3-3 (Amy Durfee):

Please see DTSC Response to Comment 1-3.

DTSC Response to Comment 3-4 (Amy Durfee):

When the North Parcel was first used as a landfill in the 1950's, the typical practice was to dispose of wastes on the ground surface. Therefore, wastes were not prevented from leaking into the ground below the landfill and into groundwater below the landfill. When Acme began monitoring groundwater in 1987, the data indicated that groundwater below the landfill did contain wastes from the North Parcel.

When Acme stopped accepting wastes in the North Parcel in 1989, federal and State regulations had been enacted to require that wastes in old landfills such as the North Parcel be contained. As a result of the more stringent requirements, Acme constructed a subsurface barrier around the perimeter of the North Parcel, which physically contained the wastes. Acme also began extracting liquids (leachate) from inside the North Parcel to prevent additional migration of liquids below the landfill. The extraction of leachate has also begun pulling contaminated groundwater back into the landfill, where it is then removed along with leachate. DTSC is confident that the leachate extraction program under the post-closure permit will prevent further migration of wastes into the ground.

To monitor if leachate extraction is working, Acme is required to collect groundwater samples from around and below the North Parcel. Additional information of the specifics of the groundwater monitoring program is in Response to Comment 3-5.

For the well in question, PC-1B, this well is located inside the North Parcel landfill perimeter but monitors a zone below the waste in a lithologic unit called the Older Bay Mud. In general, landfills shift and settle over time, which can cause wells to become damaged. Chemical concentrations are increasing in this well, which could be due to either the monitoring well being damaged due to settlement or an indication of contamination in the Older Bay Mud lithologic unit below the North Parcel. Special Condition 12 requires Acme to verify that the well is no longer representative of the zone's conditions before it replaces the well. DTSC will review Acme's determination prior to abandonment of PC-1B.

Once the replacement well is installed, DTSC will evaluate the analytical and groundwater elevation data for the original well, replacement well, and data from nearby wells to determine if groundwater contamination is migrating away from the North Parcel landfill. If DTSC determines that contamination is migrating away from the North Parcel landfill, Acme will be required to alter the leachate pumping strategy to pull the contamination back into the landfill. Acme may also be required to conduct additional corrective action under a consent agreement or enforcement order with DTSC, per Part VI of the Permit.

DTSC Response to Comment 3-5 (Amy Durfee):

Since 1987, Acme has been testing groundwater around and below the North Parcel landfill. Contamination was detected in groundwater, as the absence of a bottom liner below the waste did not prevent wastes from getting into groundwater. Once leachate extraction began in 1995, concentrations in groundwater began to decrease. This is because as leachate was removed from the landfill, contaminated groundwater began to return to the landfill to take the place of the leachate, which in turn also gets removed through leachate extraction. Under the post-closure permit, leachate will continue to be extracted. In addition, groundwater monitoring will continue. Those results are expected to confirm that concentrations continue to decrease with the ongoing removal of leachate.

Groundwater will be sampled twice a year for wells that are representative of the uppermost groundwater and annually for wells that are representative below the uppermost groundwater. Groundwater samples will be tested for chemicals that were placed in the landfill as hazardous wastes. Groundwater samples will also be tested for compounds that are representative of municipal wastes, which comprises of much of the wastes in the North Parcel landfill.

DTSC Response to Comment 3-6 (Tom Griffith):

DTSC has not proposed to conduct further environmental review of this project under CEQA because DTSC's previous Negative Declaration prepared for the closure of the Acme Landfill North Parcel appropriately analyzed the potential environmental effects of the project. In addition, the project is categorically exempt from CEQA pursuant to Section 15061(b)(3) of California Code of Regulations, title

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14 because it is certain that there is no possibility that the activity in questions may have a significant effect on the environment.

DTSC prepared a detailed Environmental Document Analysis to determine whether the prior Negative Declaration adequately analyzed the potential environmental effects of the project. The analysis concluded that no substantial changes have occurred to the closed landfill since DTSC approved the Closure Plan for the Acme Landfill in 1988. Therefore, none of the conditions described in CEQA Guidelines Section 15162 has been met requiring preparation of a Subsequent Environmental Impact Report or a Subsequent Negative Declaration. No additional CEQA document (e.g.; addendum, supplement or subsequent) is required for the project. This conclusion is consistent with the principle that CEQA creates a strong presumption against further environmental review once a project has already been subjected to environmental review. *Moss v. County of Humboldt* (2008) 162 Cal.App.4th 1041, 1049-50; *San Diego Navy Broadway Complex Coalition v. City of San Diego* (2011) 185 Cal.App.4th 924, 934-935. DTSC will prepare a Notice of Determination to document its conclusion.

Comments 3-1 through 3-6 do not provide any new information that would change the decision for this permit proposal. Thank you for your comments.

Document 4 - Martinez Environmental Group (November 19, 2014) Comments 4-1 through 4-21

DTSC Response to Comment 4-1:

DTSC acknowledges the list of chemicals that are present within the hazardous waste in the closed North Parcel landfill. DTSC's decision to approve this Permit is based on the determination that the continued activities at the closed North Parcel landfill are protective of public health and the environment. DTSC's determination is based on air and groundwater monitoring data that show that the North Parcel is not causing health effects to Martinez residents. DTSC is also confident that Acme can safely perform post-closure activities outlined in the Permit.

DTSC Response to Comment 4-2:

Please see DTSC response to comment 3-6.

DTSC Response to Comment 4-3:

The comment appears to correlate the tenure of a permit (10 year term) with the amount of time that the facility will receive oversight. DTSC inspectors from the Enforcement and Emergency Response Division conducted compliance evaluation inspections (CEIs) in 2000, 2001, 2003, 2006, 2008, 2011, and 2014. Inspections of groundwater monitoring activities were conducted in 2003 and 2014. The inspection frequency will continue as in the past regardless of the ten year tenure of a permit.

DTSC Response to Comment 4-4:

As requested by the commenter and in accordance with California Code of Regulations, title 22, section 66271.10, DTSC acknowledged your request and conducted a public hearing (preceded by a meeting) on November 5, 2014 and extended the comment period to November 21, 2014. The purpose of the hearing is to provide an opportunity for DTSC to hear input from members of the public before making a permit decision. The public hearing was preceded by an informal meeting where DTSC staff responded directly to questions from the audience. While DTSC presenters responded at the meeting to certain questions concerning the Permit and Permit special conditions, DTSC is not required to answer questions raised at the hearing. Nor is it realistic for the public to expect that DTSC will answer its questions at the public hearing. This response to comments document is the proper forum to respond to questions raised at the public hearing or during the written comment period (See California Code of Regulations, title 22, section 66271).

Due to the large number of agencies that oversee and regulate the facility, DTSC cannot guarantee that all relevant agency representatives are available to attend the hearing or answer all questions that may come up at the hearing. In the event you have a more specific question for the BAAQMD, please contact them at (415) 749-4900 for more information.

DTSC Response to Comment 4-5:

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DTSC's determination is based on existing data that show that leachate is contained, groundwater is not flowing away from the site, and the air sources are monitored in compliance with required permits. These data suggest that contaminants are contained within the permitted area and there are no exposure hazards to the community. DTSC is confident that the facility can operate safely when following the permit conditions.

DTSC Response to Comment 4-6:

Please see DTSC Response to Comment 1-3.

DTSC Response to Comment 4-7:

Please see DTSC Response to Comment 3-4.

DTSC Response to Comment 4-8:

Please see DTSC Response to Comment 3-1.

DTSC Response to Comment 4-9:

Please see DTSC Response to Comment 1-5.

DTSC Response to Comment 4-10:

Please see DTSC Response to Comment 1-6.

DTSC Response to Comment 4-11:

Please see DTSC Response to Comment 1-7.

DTSC Response to Comment 4-12:

Please see DTSC Response to Comment 1-8.

DTSC Response to Comment 4-13:

Please see response to Comment 1-9.

DTSC Response to Comment 4-14:

Please see DTSC Response to Comment 1-10.

DTSC Response to Comment 4-15:

Please see DTSC Response to Comment 1-11.

DTSC Response to Comment 4-16:

Please see DTSC response to Comment 1-12.

DTSC Response to Comment 4-17:

Currently, the Permittee does not have difficulty paying for the maintenance cost. Funding in the insurance policies is sufficient to carry current payments of maintenance costs. However, funding for the next 30 years is insufficient. The Permit includes a compliance schedule requiring the Permittee to meet future obligations to prevent burdening the tax payers. The Permittee must ensure the insurance policy for post closure is a face amount at least equal to the current post closure cost estimate.

DTSC Response to Comment 4-18:

No, the surrounding area soils have not been tested for wind-driven wastes. However, the burning of wastes occurred during a limited time frame between the early 1950's and late 1950's. By the late 1950's, wastes were compacted and occasionally covered, thus reducing the ability for wastes to be moved by wind. In addition, the Acme Landfill, North Parcel was closed in accordance with the DTSC-approved closure plan, with closure activities completed in 1999. The activities for closure included installation of a final cover overlying all North Parcel waste including former buried/burned material. Consequently, the air exposure pathway to the community has been eliminated.

DTSC Response to Comment 4-19:

The new Post Closure Permit outlines the procedures to fulfill post closure requirements under California Code of Regulation title 22, section 66264.117 through 66264.120, which generally consist of three primary functions: a) maintenance of the closure cover, b) environmental monitoring, and c) maintenance of financial mechanisms. The itemization of these functions and related requirements in a Permit, such as the special conditions and environmental conditions, provide a foundation for DTSC's enforcement staff to ensure post closure activities are being conducted and activities at the Facility are protective of human health and the environment.

DTSC Response to Comment 4-20:

California Code of Regulation title 22, sections 66264.117 through 66264.120 (DTSC's post closure regulations) pertain to facilities at which all hazardous wastes, waste residues, contaminated materials and contaminated soils will not be removed during closure, as in the case of Acme Landfill North Parcel. Such wastes will be present at the site in perpetuity. DTSC's post closure regulations are strict in the maintenance, continued observation, and financial assurance tasks related to hazardous waste left in perpetuity. DTSC is confident that the facility can operate safely when following the conditions in the post closure Permit.

DTSC Response to Comment 4-21:

DTSC's universe of permitted hazardous waste sites in California is less than 120 and is decreasing in number over time. Therefore, the introduction of new hazardous waste sites in Martinez is unlikely.

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However, if a new facility were to be proposed in Martinez (or anywhere in California), a public process is required through California Code of Regulations title 22, and CEQA. Public announcements are provided in local newspapers and in radio advertisements, community notices, and State and Local agency website postings. You are welcome and encouraged to respond to any such announcements in the future.

These comments do not provide any new information that would change the decision for this permit proposal. Thank you for your comments.

Document 5 – James Neu – Martinez Environmental Group (November 20, 2014) Comments 5-1 through 5-20

DTSC Response to Comment 5-1:

Surrounding neighborhoods and watersheds were not monitored for runoff at the time when wastes were burned (between the early 1950's to late 1950's). However, there is no evidence that waste materials reached nearby surface water bodies. Furthermore, any runoff from the Facility was unlikely to reach the surrounding neighborhoods.

DTSC Response to Comment 5-2:

Soil has not been tested inside the landfill. However, testing of the soil within the landfill is not necessary because wastes have been properly enclosed and contained within the North Parcel landfill. Consequently, the air exposure pathway to the community has been eliminated.

Soil outside of the landfill has not been tested. However, the burning of wastes occurred during a limited time frame between the early 1950's and late 1950's. By the late 1950's, wastes were compacted and occasionally covered, thus reducing the ability for wastes to be moved by wind.

DTSC Response to Comment 5-3:

The commenter describes the base of the landfill as a permeable surface. It should be noted that although the landfill design did not include an engineered liner, the foundation does consist of Bay Mud, which has a low hydraulic conductivity or low permeability. This property of the Bay Mud inhibits the migration of contaminant.

The wastes listed in Part 4 of the Permit are the RCRA and California hazardous wastes that the Permittee accepted pursuant to its interim status authorization from DTSC. The volume of hazardous wastes received at the North Parcel landfill is small in comparison to the volume of nonhazardous wastes received at the landfill. In addition, these RCRA and California hazardous wastes were accepted for only a limited time (between 1980 and 1987). In addition, because these RCRA and California hazardous wastes were accepted near the end of waste acceptance, they would have been placed on top of earlier wastes. Therefore, these wastes would not have been placed directly on the ground.

A summary of the detections in groundwater of each of the hazardous wastes disposed in the North Parcel landfill (methylene chloride, trichloroethane, tetrahydrofuran, acetone, alkaline sludge, sand blasting waste, and catalyst fines) is provided below.

Methylene chloride has been analyzed in numerous groundwater samples. It is generally not detected in groundwater samples, but when detected, concentrations are less than 12 micrograms per liter. For comparison, the detected concentrations are slightly above the California regulatory level, or maximum contaminant level (MCL) of 5 micrograms per liter. Please note that the highest concentrations were detected in groundwater samples collected in the 1990's before closure and from wells located within

the landfill footprint. There have been few detections of methylene chloride in groundwater since the landfill was closed in 1999.

Trichloroethane (also known as 1,1,1-trichloroethane) been analyzed in numerous groundwater samples. This chemical is generally not detected in groundwater samples. When detected, concentrations are less than 3 micrograms per liter. For comparison, the detected concentrations are orders of magnitude less than the California regulatory level, or maximum contaminant level (MCL) of 200 micrograms per liter.

Historically, one groundwater sample was analyzed for tetrahydrofuran, which was detected at 6.4 micrograms per liter. There are no regulatory levels for tetrahydrofuran, although US EPA has a tapwater regional screening level of 3,400 micrograms per liter. As indicated in Table 4-1 of the Groundwater Monitoring Plan (GMP), tetrahydrofuran will be added to the list of chemical analyses under the permit.

Acetone is routinely analyzed and detected in groundwater and leachate samples. Generally, recent concentrations in groundwater are less than 17 micrograms per liter. This highest detected concentration was 9,500 micrograms per liter in a leachate sample collected in 1993. Since closure in 1999, the highest concentration in groundwater was approximately 80 micrograms per liter. There are no regulatory levels for acetone, although US EPA has a tapwater regional screening level of 14,000 micrograms per liter. Concentrations in leachate and groundwater have decreased significantly since closure of the landfill.

For the remaining wastes (alkaline sludge, sand blasting waste, and catalyst fines), the nature of the wastes make them difficult to monitor. Field readings of pH may be representative of alkaline sludge or non-hazardous wastes that were placed into the landfill. Generally, pH of groundwater below and surrounding the landfill has remained stable (between 6 and 8 pH units).

DTSC Response to Comment 5-4:

Part 4 of the Permit lists the hazardous wastes disposed in the North Parcel landfill. One of the wastes disposed at the site is identified as "trichloroethane", which is also known as 1,1,1-trichloroethane. This chemical is a solvent used in industry, and typically industry will use low volumes of 1,4-dioxane to stabilize the solvent. For this reason it is DTSC's experience that for sites contaminated with 1,1,1-trichloroethane, the stabilizing agent 1,4-dioxane is also present. As a result, DTSC is requiring Acme to include 1,4-dioxane in its groundwater and leachate monitoring program.

DTSC Response to Comment 5-5:

Acme's permit with CCCSD states that the leachate treatment plant can treat water from multiple sources, with the primary sources being leachate extracted from the North Parcel landfill and leachate extracted from the East Parcel landfill. Based on the discharge limits listed in the CCCSD permit, the most that can be derived from the North Parcel landfill is a maximum of 25 gallons per minute (GPM). If Acme disposes of more than 25 gallons per minute from the North Parcel, Acme will be required to pay additional fees to CCCSD. In addition, if Acme disposes of more than 40,000 gallons of leachate per day to the CCCSD, Acme is required to provide a posted notice and provide written notice to the CCCSD, per

the CCCSD permit. However, this is unlikely because the leachate treatment plant was constructed to treat a maximum of 25 GPM. Please note that the leachate generation rate of the North Parcel landfill has not exceeded 10 GPM since closure of the landfill in 1999, with a current leachate extraction rate of approximately 6 GPM. These values are well under the 25 GPM limit of the CCCSD permit for the North Parcel and are below the treatment capacity of the leachate treatment plant. Therefore, it is unlikely that the leachate treatment plant will be unable to accommodate leachate from the North Parcel landfill.

DTSC Response to Comment 5-6:

Any material removed during well installation is required to be disposed of in accordance with State and Federal hazardous waste regulations. Soil cuttings from wells installed outside of the subsurface barrier walls will be sampled and profiled for the presence of hazardous wastes to meet land disposal requirements. Soil cuttings from wells installed inside the subsurface barrier wall are likely to contain hazardous wastes and are required to be disposed of as RCRA waste at a facility authorized to accept RCRA wastes. No soil cuttings will be placed back into the holes from which they came.

DTSC Response to Comment 5-7:

The frequency of groundwater sampling is based on the rate of groundwater flow and any variation in groundwater flow rate and direction, per California Code of Regulations, title 22, section 66264.97(e)(12)(B)(2). Groundwater flow rates in the various lithologic units below the North Parcel range from 1 foot per year to 200 feet per year, although 200 feet per year is unlikely given the limited size of the gravel zones that can transmit groundwater at these higher rates. As such, collecting samples semiannually allows adequate time between sampling events to evaluate for changes in trends.

DTSC Response to Comment 5-8:

Surface water does not have a direct effect on leachate discharge amounts from the North Parcel, as surface water does not enter the landfill. Groundwater below the North Parcel can flow into the landfill from below. Groundwater below the North Parcel could be derived from surface water immediately surrounding the North Parcel.

DTSC Response to Comment 5-9:

Filter cake from the leachate treatment plant is considered a RCRA hazardous waste with a F039 waste code. Therefore, it must be disposed of in accordance with State and Federal hazardous waste regulations at a disposal facility authorized to accept such hazardous wastes. DTSC cannot require specifically that filter cake be disposed at a particular hazardous waste disposal facility. However, for three shipments of filter cake disposed in 2014, Acme sent the waste to the Chemical Waste Management facility in Arlington, Oregon, which is authorized to accept F039 RCRA hazardous wastes.

DTSC Response to Comment 5-10:

Acme has not indicated what method they will use to evaluate the condition of well PC-1B prior to abandonment or replacement. However, one method Acme can employ is an evaluation of

groundwater elevations for that well and surrounding wells. An alternative method can be to use a down-hole video camera for visual evidence of well damage.

DTSC Response to Comment 5-11:

Once the replacement well for PC-1B is installed and developed, Acme will conduct two semiannual sampling events for constituents of concern, and thereafter will conduct semiannual sampling for monitoring parameters. Monitoring parameters are a narrower subset of constituents of concern that are the best indicators of a release. Acme will propose the list of monitoring parameters, which DTSC will review and modify as necessary. Once Acme begins to collect groundwater data, Acme will evaluate the groundwater data in its semiannual groundwater monitoring reports along with data collected from other wells. If DTSC determines that contamination is migrating away from the North Parcel landfill, Acme will be required to alter the leachate pumping strategy to pull the contamination back into the landfill. Acme may also be required to conduct additional corrective action under a consent agreement or enforcement order with DTSC, per Part VI of the Permit.

DTSC Response to Comment 5-12:

For clarification, DTSC requires measurement of groundwater elevations quarterly and requires collection of groundwater samples either semiannually or annually. The frequency of groundwater sampling is based on the rate of groundwater flow and any variation in groundwater flow rate and direction (see California Code of Regulations, title 22, section 66264.97(e)(12)(B)(2).) Groundwater flow rates in the various lithologic units below the North Parcel range from 1 foot per year to 200 feet per year, although 200 feet per year is unlikely given the limited size of the gravel zones that can transmit groundwater at these higher rates. As such, collecting samples semiannually allows adequate time between sampling events to evaluate for changes in trends.

More frequent measurements of groundwater elevations are an efficient way to evaluate the effectiveness of leachate extraction at maintaining an inward hydraulic gradient (or direction of groundwater flow) from outside of the landfill to the inside of the landfill. Because groundwater moves relatively slowly below the North Parcel, groundwater concentration data is a less timely indicator of effectiveness of leachate extraction when compared to measuring groundwater elevations.

All wells are measured quarterly for groundwater and leachate elevations. DTSC requires sampling of a subset of monitoring wells for chemical analysis, which occurs on a semiannual or annual basis.

DTSC Response to Comment 5-13:

The Permit does not require the facility to conduct any air monitoring. The activities for closure included installation of a final cover overlying all North Parcel waste including former buried/burned material. Consequently, the final cover eliminates air exposure pathway to the community.

DTSC Response to Comment 5-14:

Historically, contamination has been detected in groundwater below and around the North Parcel, but those concentrations have been significantly reduced with removal of leachate, which also helps to maintain an inward gradient towards the landfill. These trends are expected to continue with ongoing

removal of leachate, minimizing the need for additional work outside of the landfill. Based on these actions, the level of contamination knowledge, and the containment of contamination of affected surrounding properties (i.e. IT Vine Hill and the transfer station), it is unlikely that Corrective Action item 3 will be triggered during the term of the Permit.

DTSC Response to Comment 5-15:

If necessary, Acme is responsible and obligated to perform corrective action, including corrective action beyond the facility boundary. If the facility cannot obtain access to off-site areas, DTSC may determine that additional on-site measures must be taken to address releases beyond the facility boundary if access to off-site areas cannot be obtained. DTSC may also obtain access to the off-site areas and require the facility to undertake the necessary corrective action at the off-site area. Nothing in the permit limits the Permittee's obligation to perform corrective actions beyond the facility boundary, notwithstanding the lack of access.

The Acme North Parcel Landfill is surrounded by open space to the north and west, the facility's East Parcel non-hazardous waste landfill to the east (owned by the facility), and IT Vine Hill to the south (also under DTSC oversight). Based on premise that the neighboring entities are either owned by Acme, already under DTSC oversight, or open space, Acme could likely obtain access to these areas if necessary.

DTSC Response to Comment 5-16:

Historically, contamination has been detected in groundwater below and around the North Parcel, but those concentrations have been significantly reduced with removal of leachate and help maintain an inward gradient towards the landfill. These trends are expected to continue with ongoing removal of leachate, minimizing the need for additional work outside the landfill. We do not anticipate that DTSC will need to require Acme to do any cleanup work off -site in the future.

DTSC Response to Comment 5-17:

Yes. Under the post-closure permit, Acme will be required to continue removing leachate to prevent leachate from leaking out below the landfill into the nearby waterways. Acme will continue to monitor elevations of leachate and groundwater levels to verify leachate is not leaking out of the landfill, or breaching the barriers. DTSC is confident that these measures are protective of surrounding human health and the environment. However, if necessary, Acme will be required to conduct additional corrective action.

DTSC Response to Comment 5-18:

In the event corrective action is necessary, Acme will conduct corrective action as required by DTSC. See Response to Comment 5-16.

DTSC Response to Comment 5-19:

According to Contra Costa County Environmental Health, no complaints have been received regarding health affects related to or suspected of Acme Landfill North Parcel.² Therefore, DTSC does not have a plan to initiate health studies with local or State health departments for the Acme North Parcel.

Please see an excerpt from the California Department of Public Health (CDPH), California Cancer Registry (CCR) web page³ regarding the question "Several people in my neighborhood have been diagnosed with cancer. Is this unusual?"

No, this situation occurs more often than you might expect. People often wonder if there are "too many cancers" in their neighborhoods, but most of the time it turns out that the number is about what we would predict. Here are some reasons why there may be quite a few people living in your neighborhood that have been diagnosed with a cancer:

1. **Cancers are very common.** In California, about 51% of all men and 45% of all women will develop a cancer sometime during their lives*⁴. Therefore, you will find people who have been diagnosed with a cancer in just about every neighborhood in the state. Cancers are most common in neighborhoods with lots of older residents because cancer risk increases with age.
2. **All cancers are not the same.** There are many types of cancers. While all cancers involve out-of-control growth of cells, each type of cancer has different risk factors, causes, treatments and outcomes. So for example, if your neighborhood has three people with three different cancers (such as lung cancer, breast cancer, and liver cancer), those three people actually have three very different and distinct conditions - even though they all are called "cancer". These three types of cancer have very different causes, so there would be no reason to think that one common factor in the neighborhood would be to blame.
3. **Cancer rates often vary from year to year and from place to place by chance.** The number of cancer cases will never be exactly the same in each neighborhood. In some places the number will be higher than average and some places it will be lower than average for no reason other than chance. Your neighborhood could just happen to have a higher than average number of people with new cancers just by chance.
4. **People diagnosed with cancer are living longer.** Currently, over half of all persons diagnosed with a cancer will be alive for five years or more after their diagnosis. Therefore, the chances are better than ever that there are a number of cancer survivors living in your neighborhood.

Also, according to the CDPH CCR, it is a misconception that most cancers and cancer "clusters" in residential neighborhoods are caused by environmental contamination.⁵

The majority of known cancer risk factors are related to individual characteristics (such as age, race/ethnicity or genetic susceptibility) and behaviors (such as smoking, diet, physical inactivity,

² Telephone conversation between DTSC (Peter Bailey) and Tim Kraus, Contra Costa County Environmental Health February 3, 2015.

³ http://www.ccrca.org/Public_Patient_Info/Public_Patient_Info.shtml #neighborhood diagnosed with cancer

⁴ Reference: California Cancer Registry, Annual Statistical Tables by Site (1988-2009)

⁵ http://www.ccrca.org/Public_Patient_Info/Public_Patient_Info.shtml #neighborhood diagnosed with cancer

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unsafe sex, and sun exposure). The relationship between cancers and environmental contamination in neighborhoods is much less established than most people realize. Nearly every investigation of a residential cancer "cluster" has failed to find a definite environmental cause.

Additional information from the CCR suggests a decrease in cancer rates in Contra Costa County. The age-adjusted invasive cancer incidence rates in Contra Costa County are recorded as ranging from 469.17 per 100,000 in 2007 to 455.87 per 100,000 in 2011; an apparent decrease.⁶

DTSC Response to Comment 5-20:

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These comments do not provide any new information that would change the decision for this permit proposal. Thank you for your comments.

⁶ <http://www.cancer-rates.info/ca/index.php>

Document 6 – Kathy Petricca (November 20, 2014) Comments 6-1 through 6-14

DTSC Response to Comment 6-1:

The Sustainable Groundwater Management Act (SGMA; 2014 Senate Bills 1168 and 1319, and Assembly Bill 1738) establishes a new structure for managing California’s groundwater. One component of the SGMA is to rank all groundwater basins in California. Ranking of basins is based on the following factors:

1. Overlying population;
2. Projected growth of overlying population;
3. Public supply wells;
4. Total wells;
5. Overlying irrigated acreage;
6. Reliance on groundwater as the primary source of water;
7. Impacts on the groundwater; including overdraft, subsidence, saline intrusion, and other water quality degradation; and
8. Any other information determined to be relevant by the Department.

The Acme North Parcel is within the Ygnacio Valley basin of the North Central Region. This basin is identified as having a “very low” ranking priority, largely because of the low number of public supply wells, low number of irrigated acres, and low reliance on groundwater as the primary source of water. Results of the ranking for the Ygnacio Valley are available at:
http://www.water.ca.gov/groundwater/casgem/pdfs/basin_prioritization/NCRO%2055.pdf

Only basins that are identified as “high” or “medium” priority are required to form a locally-controlled Groundwater Sustainability Agency and are required to develop a Groundwater Sustainability Plan. Therefore the SGMA will not have an effect on the post-closure activities at the North Parcel landfill.

DTSC Response to Comment 6-2:

Landfills are permanent disposal sites, even after closing. The design and size are such that it would be impracticable to clean close. When a hazardous waste landfill stops receiving waste it is required to be closed in accordance with state and federal regulations. The maintenance and monitoring of a closed hazardous waste landfill in perpetuity is required even before it can begin operating as a landfill. State and federal regulations allow the waste to be left in place.

DTSC Response to Comments 6-3 and 6-4:

Acme Fill Corporation’s employees manage the leachate treatment plant and the gas collection systems. Some of the landfill gas monitoring is conducted by Field Solutions, Inc.

DTSC Response to Comment 6-5:

The easement and subject reinforced concrete pipes do not cross or enter the Acme Landfill North Parcel boundary.

DTSC Response to Comment 6-6:

The Acme Landfill North Parcel consists of a hazardous waste landfill cover, perimeter drain, and perimeter subsurface barriers consisting of bay mud barriers on the west, north, and east sides, and a slurry wall on the south side. The North Parcel Landfill remains independent of neighboring sites to maintain its landfill containments systems.

DTSC Response to Comment 6-7:

Yes. The landfill flare is enclosed. The landfill gas processing facility and enclosed flare are located outside the southwestern perimeter of the landfill cover.

DTSC Response to Comment 6-8:

Leachate generated from within the North Parcel is derived from two primary sources: liquids already in the landfill from disposal and groundwater that migrates into the landfill from the underlying Younger Bay Mud. Acme has not provided information on the percentage that is contributed from the Younger Bay Mud versus the percentage contributed from liquids already in the landfill.

A small volume of liquids could also be derived from rainwater that infiltrates the landfill cap. However, the landfill cap was constructed in accordance with State and Federal regulations to minimize infiltration. Any infiltration that occurs would be orders of magnitude less than groundwater that migrates into the landfill from below, and would ultimately be pumped out of the landfill and treated by the leachate treatment plant.

DTSC Response to Comment 6-9:

Approximately 15 points at the landfill are surveyed every year as part of an annual settlement survey included in an annual Engineering Evaluation Report prepared by Acme Fill Corporation. The settlement survey compares the elevation of points from the previous year to the current year. The points are located along the perimeter and in the center of the landfill and range in elevation from about 10 feet to 71 feet above mean sea level. In the most recent report, the maximum settlement differential noted in the past year was -0.21 feet at a survey point located on the west perimeter of the landfill. This point is about 17 feet above sea level. The lowest point measured on the landfill is about 9.5 feet above mean sea level, and had settlement of -0.11 feet. Based on these slow settlement rates and the frequency of monitoring, flooding at the landfill boundary is not anticipated. In the unlikely event the annual survey report results show significant settlement at the boundary, DTSC will require action to safeguard against potential impacts from flooding.

DTSC Response to Comment 6-10:

Please see DTSC response to comment 3-6.

DTSC Response to Comment 6-11:

Please see DTSC response to comment 4-3

DTSC Response to Comment 6-12:

Although two scenarios have been identified in Table 5-1 of the Part B application, the second scenario applies and is not optional because hazardous waste facility permits apply prospectively, and are not “post-dated” with effective dates that precede the final adoption date. The Post-Closure Permit has a term of 10 years, but requires post-closure financial assurance for a time period that extends beyond the term of the Post-Closure Permit (See 22 Cal. Code Regs., tit. 22, section 66264.144(a)). Accordingly, the Post-Closure Permit stipulates financial assurances necessary to pay for the post closure “cost estimate of \$18,534,525 (Cost Estimate from February 2013 revised Post Closure Permit Application)” for a time period that extends to 2042.

DTSC Response to Comment 6-13:

With respect to landfill products at the North Parcel, the landfill gas is either flared or compressed at a gas processing facility adjacent to the southwestern end of the North Parcel and sold to CCCSD as a supplemental fuel. A portion of the gas may also be used to power micro-turbines. Other than this, the Acme Landfill North Parcel is a closed and covered landfill where no products are generated from this landfill.

With respect to payment to Acme for maintenance of the North Parcel, no private or public entity pays Acme for maintenance of the North Parcel.

DTSC Response to Comment 6-14:

The Cost-Cap refers to AIG Policy 818.93.72, which has a face value of \$9,250,000.

Comments 6-1 through 6-14 do not provide any new information that would change the decision for this permit proposal. Thank you for your comments.