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FACT SHEET

APPROVAL OF HAZARDOUS WASTE POST CLOSURE FACILITY PERMIT
ACME FILL CORPORATION
950 WATERBIRD WAY
MARTINEZ, CALIFORNIA 94553
ENVIRONMENTAL PROTECTION AGENCY IDENTIFICATION NUMBER
CAD041835696

The Department of Toxic Substances Control (DTSC) received a Hazardous Waste Post Closure Facility Permit Application (Application) from Acme Fill Corporation (Acme; or Permittee) on February 27, 2013. The Application outlines the procedures to fulfill regulatory requirements which consist of three primary functions: a) maintenance of the closure cover for a closed hazardous waste landfill, b) environmental monitoring; and c) maintenance of financial mechanisms, via a compliance schedule, to fund the Post Closure activities. DTSC has determined that the Application is technically complete. DTSC has tentatively decided to grant the permit request and has prepared a draft permit. Approval of this Hazardous Waste Post Closure Facility Permit (Permit) would allow administratively transitioning the Acme Landfill Corporations North Parcel Landfill from an Interim Status Facility to a Post Closure Permitted Facility.

INTRODUCTION

DTSC has prepared this Fact Sheet in accordance with California Code of Regulations (Cal. Code of Regs.), title 22, section 66271.7. DTSC prepared this Fact Sheet to set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit.

FACILITY DESCRIPTION

Acme is located at 950 Waterbird Way in Martinez, California. The facility is about three miles northeast of the town of Martinez. The Facility consists of the North Parcel which occupies 135 acres and is a closed Class I Landfill. This Permit is for the North Parcel also known as North Parcel Landfill. Other operations around the Facility include the East Parcel which is an active Class II landfill covering about 87 acres, and the South Parcel which is an inactive or closed Class III landfill covering about 22 acres. The East

and South Parcels are not included in this Permit. The total area of the Facility, including the combined area of the three parcels and additional land used as buffer zones, is about 516 acres.

Operations at the Facility began in the early 1950s where waste was collected and disposed of in the North Parcel area. Initially, waste was placed on ground surfaces, burned, and then covered with additional waste that was also burned. In the late 1950s, the waste was compacted and occasionally covered with soil. By 1981, a mandatory soil cover of a minimum of 6 inches was placed over the waste, or working surface. The North Parcel had been used to dispose of municipal solid waste and some hazardous waste. Acme stopped accepting Resource Conservation and Recovery Act (RCRA) hazardous waste in 1984, California hazardous wastes in 1987, and California designated waste in 1989.

PAST PUBLIC NOTICE AND FINANCIAL ASSURANCE

DTSC issued a notice of public comment period to the community between September 29 and November 16, 2009 for this Permit. After completion of the public notice period DTSC did not sign or approve the Permit because the Application did not meet the requirements for Financial Assurance in accordance with Health and Safety Code section 25245, subdivision (a)(2), and California Code of Regulations, title 22, section 66264.145.

BASIS FOR DRAFT PERMIT CONDITIONS

DTSC has added draft permit conditions for the Permit in accordance with Cal. Code of Regs., title 22, section 66270.32. A summary of the basis for the additional permit conditions follows:

1. Part V, Condition 1 HAZARDOUS WASTE ALLOWED ON-SITE

The Permittee shall not manage any hazardous wastes other than the hazardous wastes described in this Permit.

This condition was added in accordance with California Code of Regulations, title 22, section 66264.31 to minimize the possibility of releases of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

2. Part V, Condition 2 POST CLOSURE CARE

The Permittee must comply with Post Closure Care requirements in accordance with California Code of Regulations, title 22, chapter 14.

This condition was added to reinforce the necessity that the Permittee complies with the Post Closure Care requirements in accordance with California Code of Regulations, title 22, chapter 14.

3. Part V, Condition 3 PERMIT BY RULE

The Permittee must include a copy of the current PBR in the Permit Application.

This condition was added because the PBR was not included in the Permit Application. The PBR is required in accordance with California Code of Regulations, title 22, chapter 45, article 1, section 67450.1.

4. Part V, Condition 4 WASTE DISCHARGE REQUIREMENTS

The Permittee shall comply with Waste Discharge Requirements Order No. 96-161 adopted on April 2001 by the Regional Water Quality Control Board (RWQCB) and subsequent amendments.

This condition was added because Acme is required to follow Waste Discharge Requirements in accordance with regulations administered by the RWQCB, and any follow-up changes to the existing Order.

5. Part V, Condition 5 LAND USE COVENANT

Pursuant to Civil Code section 1471(c), DTSC has determined that a covenant of land use is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence on land of hazardous materials as defined in Health and Safety Code section 25260. The Permittee and DTSC shall sign and record a covenant to restrict use of property within six months of issuance of this permit.

The Permittee shall comply with the requirements and restrictions of the Land Use Covenant. The Permittee shall reimburse DTSC for its costs incurred in implementing and enforcing the Land Use Covenant, including costs incurred in conducting inspections, preparing inspection reports, and reviewing any Soil Management Plan or Health and Safety Plan as may be required by the Land Use Covenant. The Permittee's payments of DTSC's costs shall be made within 30 days of the date of the billing statement by check payable to the Department of Toxic Substances Control and shall be sent to: Accounting Unit, Department of Toxic Substances Control, P. O. Box 806, Sacramento, California 95812-0806. All checks shall reference the name and address of the Facility.

This condition was added because the presence of a closed hazardous waste landfill at the facility qualifies the Permittee to protect present and future human

health and the environment in accordance with Health and Safety Code section 25260.

6. Part V, Condition 6 - FINANCIAL ASSURANCE AND COMPLIANCE SCHEDULE

- (A) *The Permittee must ensure the insurance policy for post closure is a face amount at least equal to the current post closure cost estimate. Permittee must demonstrate compliance with financial assurance requirements of Health and Safety Code section 25245, subdivision (a)(2), and California Code of Regulations, title 22, section 66264.145, no later than one year after the effective date of this Consent Order; and must comply with all other provisions of California Code of Regulations, title 22, chapter 14, article 8 (section 66264.140 et seq.).*
- (B) *Permittee must provide to DTSC a financial statement of its assets and liabilities annually every June 1. The statement must include a detailed description of Permittee's continuing efforts to secure additional financial assurance mechanisms sufficient to comply with the requirements in paragraphs (A) of this section.*
- (C) *In the event the compliance schedules identified in sections (A) and (B) of this section are not met and the Permittee has shown no improvement in securing additional financial assurance, DTSC agrees to take the following actions against the Permittee:*
- 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.*
 - 2. DTSC agrees to conduct and the Permittee shall cooperate with a financial audit of the Facility to confirm all Permittee assets and liabilities. All income streams, property sales, and assets will be reviewed as viable mechanisms*
 - 3. DTSC reserves the right to issue an enforcement order which will include but not be limited to a cease and desist of Class II Landfill operations, and any other remedies it may have.*
- (D) *Submittals: All submittals from Permittee pursuant to this section demonstrating compliance must be sent to:*

*Jenny Aievoli
Financial Assurance Unit
Department of Toxic Substances Control
8800 Cal Center Drive*

Sacramento, California 95826

This compliance schedule was added to the Permit Conditions because Acme does not comply with the requirements for Financial Assurance in accordance with Health and Safety Code section 25245, subdivision (a)(2), and California Code of Regulations, title 22, section 66264.145. Sufficient funds are not available to meet Post Closure fiscal responsibilities and consequently are required in the compliance schedule provided.

7. Part V, Conditions 7 through 15 (including Attachment B)

The conditions presented below and shown in Part V, Conditions 7 through 15 (and Attachment B) of the Permit were added because additions to the monitoring program are required in order for Acme to comply with the applicable environmental monitoring and response program requirements of California Code of Regulations, title 22, division 4.5, chapter 14, articles 6 and 17.

NEW WELL INSTALLATION

The Permittee shall install 10 new wells within six months of issuance of this permit. In addition, the Permittee shall provide DTSC with a report documenting monitoring well completions and well development within eight months of the issuance of this permit. The 10 new monitoring wells are as follows:

Young Bay Mud

PC-2A

PC-24A

PC-26A

PC-27A

PC-28A

MW-501A

Older Bay Mud

PC-1BR (replaces PC-1B)

PC-2B1

PC-4B1

Bedrock wells

PC-25E

SAMPLING OF WELLS MW-107, PC-27A, PC-4C, and PC-5C

MW-107, PC-27A, PC-4C, and PC-5C were not included in the GMP [Groundwater Monitoring Plan] as part of the groundwater sampling monitoring program. MW-107 is an existing monitoring well screened in the Young Bay Mud and is necessary to monitor for known impacts to groundwater northwest of the North Parcel. PC-27A is a proposed well to be screened in the Young Bay Mud and will be necessary to monitor for potential impacts to groundwater along the western boundary of the North Parcel. PC-4C and PC-5C are existing monitoring wells screened in the deeper portion of the Older Alluvium and are necessary to monitor for potential impacts to groundwater north and east of the North Parcel.

The Permittee shall add MW-107, PC-27A, PC-4C and PC-5C to the groundwater sampling program, as shown in Attachment B. The statistical methods used to evaluate analytical data shall be the same statistical methods

described in the GMP. The Permittee shall follow the updated sampling program listed in Attachment B.

1,4-DIOXANE

1,4-dioxane is a solvent stabilizer that may have been a component of solvents disposed in the North Parcel. The Permittee shall add 1,4-dioxane to the list of volatile organic compounds (VOCs) in Table 4-1 of the GMP, with the practical quantitation limit as the concentration limit. For the first and second semiannual sampling events performed in accordance with Special Condition 10, if both VOCs and semi-VOCs will be included in the analyses, both methods shall include 1,4-dioxane.

CONSTITUENTS OF CONCERN [COCs] AND MONITORING PARAMETERS

After installation of new monitoring wells listed in Special Condition 7, the Permittee shall conduct two semiannual sampling events.

During the first semiannual monitoring event, the Permittee shall sample all new and existing North Parcel monitoring wells listed in Attachment B and analyze for the COCs listed in Table 4-1 of the GMP.

During the second semiannual monitoring event, the Permittee shall collect and analyze the following samples from monitoring wells listed in Attachment B:

- a) From new wells, a second set of COCs.
- b) From existing wells with insufficient historical analytical data, a second set of COCs.
- c) From remaining existing wells, the complete list of VOCs listed in Table 4-1 of the GMP. In addition, if anomalous data was obtained for any COC during the first monitoring event from existing wells, the Permittee shall analyze for those COC chemical suites in addition to VOCs.

After the second monitoring event, the Permittee shall propose within 30 days of the end of the reporting period a list of monitoring parameters (MPs) for future sampling events. The list of MPs shall be based on analytical data collected during the first two sampling events and historical data. The MPs shall be a subset of COCs that will be a reliable indication of a release from the regulated unit.

After the first and second semiannual sampling events, and after DTSC approves the list of MPs, the Permittee shall monitor the wells listed in Attachment B for the approved list of MPs for the frequency shown in Attachment B. COCs shall also be monitored in all wells listed in Attachment B once every five years during the postclosure period.

WELL ABANDONMENT FOR WPZ-1E

Well WPZ-1E is located inside the bay mud barrier and is screened within the bedrock. WPZ-1E has been used for groundwater elevation measurements but not for sampling. Groundwater levels from well WPZ-1E reflect the piezometric surface of the Younger Bay Mud. Because WPZ-1E may be a conduit for contaminant migration, the Permittee shall abandon well WPZ-1E by pressure grouting, using methods described in the Operations and Maintenance Plan of the Approved Application. The Permittee shall obtain the appropriate permits from Contra Costa County for abandonment. After abandonment, the landfill cap shall be repaired. The Permittee shall provide DTSC with a report documenting well abandonment and landfill cap repair within six months of issuance of this permit.

REPLACEMENT OF PC-1B

Special Condition 7 and the GMP state that new well PC-1B(R) will be installed. Acme has indicated that PC-1B(R) will replace PC-1B, which is screened across the Older Bay Mud/Older Alluvium contact and may have a leaky sanitary well seal. Groundwater elevations at PC-1B do not indicate a leaky well seal and contaminant concentrations are increasing in PC-1B. Therefore, PC-1B may be an indicator of contaminant migration into deeper lithologic units and not an artifact of a leaky sanitary well seal. Prior to abandonment and replacement, the Permittee shall verify that PC-1B is no longer representative of the Older Bay Mud/Older Alluvium contact.

INSTALLATION OF LOW-FLOW PUMPS

The SAP [Sampling and Analysis Plan] recommends sampling monitoring wells with low-flow sampling pumps. The Permittee shall install low-flow sampling pumps in the wells listed in Attachment B within six months of issuance of this permit. In addition, the Permittee shall provide DTSC with a report documenting pump installations within eight months of the issuance of this permit.

GRADIENT PAIRS

Table 4-6 of the GMP identifies well groups to evaluate the lateral hydraulic gradient across the slurry wall surrounding the Facility. If the liquid level cannot be measured in any well listed in Table 4-6 of the GMP because the well is damaged or obstructed, the Permittee shall submit a workplan to DTSC within three months that proposes to replace the well or identify an appropriate substitute well.

QUARTERLY GROUNDWATER AND LEACHATE LEVEL MEASUREMENTS

For the gradient well pairs identified in Table 4-6 of the GMP and Special Condition 13, the Permittee shall collect groundwater and leachate level measurements at least quarterly. For remaining North Parcel groundwater and

leachate wells at the Facility identified in Table 4-5 of the SAP, the Permittee shall collect groundwater and leachate level measurements at least semiannually.

Attachment B
Summary of Groundwater Sampling and Analysis Frequencies

<u>WELL</u>	<u>WELL STATUS</u>	<u>FIRST SEMIANNUAL EVENT</u>	<u>SECOND SEMIANNUAL EVENT</u>	<u>SUBSEQUENT MP SAMPLING FREQUENCY</u> <i>(note 4)</i>
<u>Young Bay Mud</u>				
MW-102	Existing	COCs (note 1)	VOCs* (note 2)	Semiannual
MW-106	Existing	COCs	VOCs*	Semiannual
MW-107	Existing	COCs	VOCs*	Semiannual
MW-111	Existing	COCs	VOCs*	Semiannual
MW-113	Existing – insufficient data	COCs	COCs	Semiannual
MW-501A	New	COCs	COCs	Semiannual
PC-4A	Existing	COCs	VOCs*	Semiannual
PC-24A	New	COCs	COCs	Semiannual
PC-26A	New	COCs	COCs	Semiannual
PC-27A	New	COCs	COCs	Semiannual
PC-28A	New	COCs	COCs	Semiannual
<u>Older Bay Mud</u>				
PC-1B(R)	New (PC-1B replacement)	COCs	COCs	Semiannual
PC-2B1	New	COCs	COCs	Semiannual
PC-4B1	New	COCs	COCs	Semiannual
MW-126	Existing	COCs	VOCs*	Semiannual
<u>Older Alluvium (Upper)</u>				
PC-2B	Existing	COCs	VOCs*	Annual
PC-4B	Existing – insufficient data	COCs	COCs	Annual
PC-5B	Existing	COCs	VOCs*	Annual
<u>Older Alluvium (Lower)</u>				
PC-4C	Existing	COCs	VOCs*	Annual
PC-5C	Existing	COCs	VOCs*	Annual

<u>WELL</u>	<u>WELL STATUS</u>	<u>FIRST SEMIANNUAL EVENT</u>	<u>SECOND SEMIANNUAL EVENT</u>	<u>SUBSEQUENT MP SAMPLING FREQUENCY (note 4)</u>
<u>Bedrock</u>				
MW-501	Existing	COCs	VOCs*	Semiannual
PC-1E	Existing	COCs	VOCs*	Semiannual
PC-2E	Existing – insufficient data	COCs	COCs	Annual
PC-4E	Existing	COCs	VOCs*	Annual
PC-5E	Existing – insufficient data	COCs	COCs	Annual
PC-25E	New	COCs	COCs	Semiannual
WPZ-30E	Existing – insufficient data	COCs	COCs	Semiannual
LEACHATE (note 3)	LTP	COCs	None	Annual

Note 1. COCs are constituents of concern listed in Table 4-1 of the GMP.

Note 2. VOCs* = volatile organic compounds listed in Table 4-1 of the GMP, plus any anomalous COC chemical suites identified during the first sampling event.

Note 3. A composite leachate sample collected from the influent sampling port at the LTP [Leachate Treatment Plant] that is representative of leachate extraction wells and leachate extraction sumps.

Note 4. For subsequent MP sampling events, MPs shall be sampled at the indicated frequency. COCs shall be sampled once every five years.

PROCEDURE FOR REACHING A FINAL DECISION

DTSC is soliciting public comment on this proposed decision. The public comment period begins August 6, 2014 and will end on September 22, 2014. Please submit your comments to:

Peter Bailey
8800 Cal Center Drive
Sacramento CA 95826
Peter.Bailey@dtsc.ca.gov

For more information

If you have questions about this project please contact the following staff:

Peter Bailey

DTSC Project Manager, 8800 Cal Center Drive

Sacramento CA 95826

Peter.Bailey@dtsc.ca.gov

(916) 255-3602

Nathan Schumacher

DTSC Public Participation Specialist

Nathan.Schumacher@dtsc.ca.gov

(916) 255-3650 or toll free at 1 (866) 495-5651

If you are a member of the media, contact

Russ Edmondson

DTSC Public Information Office

Russ.Edmondson@dtsc.ca.gov

(916) 327-3372

You may review the Proposed Hazardous Waste Post Closure Facility Permit application, the CEQA documents, and other supporting documents at the following location:

Martinez Library

740 Court Street

Martinez, California 94553

(925) 646-2898

Department of Toxic Substances Control

8800 Cal Center Drive

Sacramento, CA 95826

Please contact Amy Ly at (916) 255-4159 to make the necessary arrangements.

Information is also available at our website:

<http://www.dtsc.ca.gov/HazardousWaste/Projects/Acme.cfm>

Notice for the Hearing Impaired

TDD users may obtain additional information by using the California State Relay Service at 711 or 1-(800) 735-2929 (TDD). Please ask them to contact Nathan Schumacher at (916) 255-3650 regarding the Acme Facility.