COMMUNITY MONITOR COMMITTEE
Altamont Landfill Settlement Agreement

*** The Public is Welcome to Attend***

AGENDA

DATE: **Wednesday, March 11, 2009**
TIME: **4:00 p.m.**
PLACE: City of Livermore
Maintenance Services Division
3500 Robertson Park Road

1. Call to Order
2. Introductions
3. Roll Call
4. Approval of Minutes (January 14, 2009)
5. Open Forum — This is an opportunity for members of the audience to comment on a subject not listed on the agenda. No action may be taken on these items.
6. Matters for Consideration
   - **6.1 Committee Comments on Annual Report (ESA)**
   - **6.2 Community Monitor Updates: Class 2 Soil File Review; Groundwater Monitoring Report; Reports Requested and Received (ESA)**
   - **6.3 Responses to Committee Members' Questions: Tonnage Limits; Permit Negotiation Involvement (ESA)**
   - **6.4 Review of Reports from Community Monitor (ESA)**
   - **6.5 Presentation by BAAQMD staff member (no written report)**
   - **6.6 Reschedule November 11 meeting due to Veterans Day (no written report)**
7. Agenda Building

   This is an opportunity for the Community Monitor Committee Members to place items on future agendas.
8. Adjournment

   The next regular Community Monitoring Committee meeting will take place at 3500 Robertson Park Road, Livermore.

Informational Materials:

- Community Monitor Roles and Responsibilities
- List of Acronyms
- January 14, 2009 Draft Minutes
- Reports from ESA

VOTING MEMBERS

Chair
Marj Leider
City of Livermore

Cindy McGovern
City of Pleasanton

Donna Cabanne
Sierra Club

Arthur Boone
Member
NCRA

NON-VOTING MEMBERS

Teresa DOminick
Waste Management
Altamont Landfill
Resource and Recovery
Facility

Eva Chu
Alameda County

Robert Cooper
Altamont Landowners
Against Rural
Mismanagement (ALARM)

STAFF

Dan McIntyre
City of Livermore
Public Works Director

Judy Erlandson
City of Livermore
Public Works Manager

City of Livermore
TDD (Telecommunications for the Deaf)
(925) 960-4104

PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (CODIFIED AT 42 UNITED STATES CODE SECTION 12101 AND28 CODE OF FEDERAL REGULATIONS PART 35), AND SECTION 504 OF THE REHABILITATION ACT OF 1973, THE CITY OF LIVERMORE DOES NOT DISCRIMINATE ON THE BASIS OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, ANCESTRY, SEX, DISABILITY, AGE OR SEXUAL ORIENTATION IN THE PROVISION OF ANY SERVICES, PROGRAMS, OR ACTIVITIES. TO ARRANGE AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PUBLIC MEETING, PLEASE CALL (925) 960-4586/4582 (VOICE) OR (925) 960-4104 (TDD) AT LEAST 72 HOURS IN ADVANCE OF THE MEETING.

The Community Monitor Committee Agenda and Agenda Reports are prepared by City staff and are available for public review on the Thursday prior to the Community Monitor Committee meeting at the Maintenance Service Center, located at 3500 Robertson Park Road, Livermore. The Community Monitor Committee Agenda is available for public review at the Civic Center Library, located at 1188 S. Livermore Avenue, Livermore, and on the bulletin boards located outside City Hall, located at 1052 S. Livermore Avenue, Livermore, and the Maintenance Service Center.

Under Government Code §54957.5, any supplemental material distributed to the members of the Community Monitor Committee after the posting of this Agenda will be available for public review upon request at 3500 Robertson Park Road., Livermore or by contacting us at 925-960-8000.

If supplemental materials are made available to the members of the Community Monitor Committee at the meeting, a copy will be available for public review at the Maintenance Service Center, at 3500 Robertson Park Road, Livermore

Community Monitor Roles and Responsibilities

Community Monitor Committee's Responsibilities
Under Settlement Agreement section 5.1.2, the CMC is responsible for supervising and evaluating the performance of the Community Monitor as follows:

A. Interviewing, retaining, supervising, overseeing the payment of, and terminating the contract with the Community Monitor;

B. Reviewing all reports and written information prepared by the Community Monitor; and

C. Conferring with the Community Monitor and participating in the Five Year Compliance Reviews (next due 8/22/2010) and the Mid-Capacity Compliance Review (due when the new cell is constructed and capacity is close to 50%, unlikely to occur before 2028) (Condition number 6 of Exhibit A of the Agreement).

Community Monitor's Responsibilities
The Community Monitor supplements and confirms the enforcement efforts of the County Local Enforcement Agency. The Community Monitor is primarily responsible for:

A. Reviewing any relevant reports and environmental compliance documents submitted to any regulatory agency (sections 5.7.1, 5.7.2, and 5.7.3);

B. Advising the public and the Cities of Livermore and Pleasanton about environmental and technical issues relating to the operation of the Altamont Landfill via the CMC (section 5.7.4);

C. Presenting an annual written report summarizing the Altamont Landfill's compliance record for the year to the CMC and submitting the report to Alameda County and the Cities of Livermore and Pleasanton (section 5.7.5);

D. Notifying the County Local Enforcement Agency and Waste Management of Alameda County of any substantial noncompliance findings or environmental risk (section 5.7.6);

E. Monitoring and accessing the Altamont Landfill site and conducting inspections (section 5.7.7);

F. Counting trucks arriving at the Altamont Landfill (section 5.7.8); and

G. Reviewing waste testing data and source information (section 5.7.9).

Waste Management of Alameda County's Responsibilities
Per the settlement agreement, Waste Management is responsible for:

A. Paying for the services of the Community Monitor, based on an annual cost estimate (section 5.3.3).

B. Paying an additional 20% over the annual cost estimate if warranted based on "credible evidence" (section 5.3.3).

List of Acronyms

Below is a list of acronyms that may be used in discussion of waste disposal facilities. These have been posted on the CMC web site, together with a link to the CIWMB acronyms page: http://www.ciwmb.ca.gov/LEACentral/Acronyms/default.htm.

Updates will be provided as needed. This list was last revised on February 27, 2009.

Agencies
ACWMA – Alameda County Waste Management Authority
ANSI – American National Standards Institute
ARB or CARB – California Air Resources Board
ASTM – American Society for Testing and Materials
BAAQMD – Bay Area Air Quality Management District
CDFG or DFG – California Department of Fish and Game
CIWMB – California Integrated Waste Management Board
CMC – Community Monitor Committee
DWR – Department of Water Resources
LEA – Local Enforcement Agency (i.e., County Environmental Health)
RWQCB – Regional Water Quality Control Board
SWRCB – State Water Resources Control Board

Waste Categories
C&D – construction and demolition
CDI – Construction, demolition and inert debris
GSET – Green waste and other fine materials originating at the Davis Street Transfer Station, for solidification, externally processed.
GWRGCT – Green waste that is ground on site and used for solidification or cover
GWSA – Green waste slope amendment (used on outside slopes of the facility)
MSW – Municipal solid waste
RDW – Redirected wastes (received at ALRRF, then sent to another facility)
RGC – Revenue generating cover

Substances or Pollutants
ACM – asbestos-containing material
ACW – asbestos-containing waste
ADC – Alternative Daily Cover. For more information: http://www.ciwmb.ca.gov/lgcentral/basics/adcbasic.htm
BTEX – benzene, toluene, ethylbenzene, and xylene (used in reference to testing for contamination)
CH4 – methane
CO2 – carbon dioxide
DO – dissolved oxygen
HHW – household hazardous waste
LFG – landfill gas
LNG – liquefied natural gas
MTBE – methyl tertiary butyl ether, a gasoline additive
NMOC – Non-methane organic compounds
NTU – nephelometric turbidity units, a measure of the cloudiness of water
TCE - Trichloroethylene
TDS – total dissolved solids
TKN – total Kjeldahl nitrogen
VOC – volatile organic compounds

Documents
CCR – California Code of Regulations (includes Title 14 and Title 27)
CoIWMP – County Integrated Waste Management Plan
JTD – Joint Technical Document (contains detailed descriptions of permitted landfill operations)

MMRP – Mitigation Monitoring and Reporting Program
RDSI – Report of Disposal Site Information
RWD – Report of Waste Discharge
SRRE – Source Reduction and Recycling Element (part of CoIWMP)
SWPPP – Stormwater Pollution Prevention Plan
WDR – Waste Discharge Requirements (Water Board permit)

General Terms
ALRRF – Altamont Landfill and Resource Recovery Facility
BGS – below ground surface
CEQA – California Environmental Quality Act
CQA – Construction Quality Assurance (relates to initial construction, and closure, of landfill Units)
CY – cubic yards
GCL – geosynthetic clay liner
GPS – Global Positioning System
IC engine – Internal combustion engine
LCRS – leachate collection and removal system
LEL – lower explosive limit
mg/L – milligrams per liter, or (approximately) parts per million
µg/L – micrograms per liter, or parts per billion
PPE – personal protective equipment
ppm, ppb, ppt – parts per million, parts per billion, parts per trillion
STLC – Soluble Threshold Limit Concentration, a regulatory limit for the concentrations of certain pollutants in groundwater
TTLC – Total Threshold Limit Concentration, similar to STLC but determined using a different method of analysis
TPD, TPM, TPY – Tons per day, month, year
WMAC – Waste Management of Alameda County

COMMUNITY MONITOR COMMITTEE
Altamont Landfill Settlement Agreement

Minutes of January 14, 2009

DRAFT

1. Call to Order

Ms. Leider called the meeting to order at 4:02 p.m.

2. Roll Call

Members Present:	Marj Leider, Chair; Cindy McGovern; Donna Cabanne; Arthur Boone (arrived 4:15 PM); Eva Chu, Alameda County Local Enforcement Agent ;and Tianna Nourot, Waste Management Altamont Landfill Resource and Recovery Facility
Absent:	Robert Cooper, Altamont Landowners Against Rural Mismanagement
Staff:	Dan McIntyre and Judy Erlandson, City of Livermore Public Works Department; Kelly Runyon, ESA, Community Monitor
Others:	Kathleen Minser and Teresa Dominick, Waste Management of Alameda County

3. Introductions

Kathleen Minser, with Waste Management Government Affairs, introduced herself.

4. Approval of Minutes

On the motion of Ms. Cabanne, seconded by Ms. McGovern, and carried by a vote of 3-0, the minutes of the meeting of March 12, 2008 were approved.

5. Open Forum

No items were brought to the Committee's attention.

6. Matters for Consideration

6.1 List of Acronyms (ESA)

There were no additions or changes to this list.

6.2 Committee Member Activities: Contact with County Planning Staff or others (no written report)

None of the Voting Members reported any contact with County Planning Staff or other regulatory staff.

6.3 Responses to Questions on Prior Community Monitor Reports (ESA)

Mr. Runyon reviewed the staff memorandum and provided further information, confirming that the internal combustion engines that consume landfill gas do not have catalytic converters. Ms. Leider asked if there were plans to install such converters; Mr. Runyon responded that he knew of no such plans, and the engines were meeting their regulatory and permit requirements without catalytic converters.

Regarding item 5 in that memo, Ms. McGovern asked if installation of the stormwater Best Management Practices work near Basin B was complete. Mr. Runyon replied that during the December inspection, landfill staff told him that there was still more work to do. Ms. Nourot reported that additional work had been done recently to correct the erosion problem and it looks good at this point.

6.4 Review of Reports From Community Monitor (ESA)

Mr. Runyon reviewed the staff memorandum, noting that new regulations regarding landfill gas probes, together with the need to plan for the opening of Fill Area 2 within the next year or two, have led to a draft design for probe locations and depths; this design is being reviewed by the LEA and CIWMB staff. Ms. Chu added that, due to an extension granted by the State, the landfill has until September of 2009 to have completed a work plan and installed the probes. Ms. Cabanne asked for more detail about the extension. Ms. Chu responded that the extension was granted statewide because the CIWMB was inundated with plans and most landfills were requesting exemptions. Until the extension was granted, the LEA had been marking Gas Control as an Area of Concern on inspection reports; but with the extension in place and a draft design under review, this is no longer being marked as an Area of Concern.

Mr. Runyon pointed out that tonnage reports for October and November showed high volumes of Class 2 soil, mainly from outside the County. Ms. Cabanne asked for confirmation that the amount of soil was within limits.

In this discussion, Ms. McGovern mentioned that the Alameda County Waste Management Authority was considering a ban on the landfilling of all green waste. She also mentioned the anticipated addition of tonnage from Fremont and asked if (a) that would be revenue-generating; and (b) those tons would be subject to, and within, existing limits. Mr. Runyon and other Committee members concurred that the tonnage limits would not be

increased for the Fremont refuse, and that the addition of this refuse was not expected to exceed the limits that were set when the expansion was granted.

Mr. Runyon also mentioned that in the review of the Title V report, the number of gas wells closed at any time does not exceed regulatory requirements.

With regard to the review of Class 2 soil profiles, more than 350 files were reviewed, and several minor discrepancies in those files are currently being resolved. Mr. Boone asked about the methods for sampling soil; Ms. Dominic cited the State guidelines with which she is familiar and stated that it is the generator's responsibility to take representative samples.

Ms. Cabanne asked if the repairs to the area above Basin B are complete. Landfill staff and Mr. Runyon indicated that the management of that area, and other erosion-susceptible areas on and around the refuse fill, are ongoing, and that repairs may be necessary at any future time.

In discussion of Figure 3, which shows monthly tons and the overall tonnage limit, Mr, Runyon pointed out that the limit line (based on 7,000 tons per day) has never been updated as provided in the Settlement Agreement, to reflect increases in local population and business activity. Mr. Boone asked if the anticipated Fremont refuse tons would be within current limits. Mr. Runyon and Ms. Leider provided assurance that the anticipated 800 to 1,000 tons per day from Fremont would not exceed current limits.

6.5 Update on Groundwater Monitoring (ESA)

Mr. Runyon read from an email from Waste Management staff stating that, in a comparison between low-flow sampling methods and the methods generally used at the ALRRF, "comparison of the analytical data collected using this modified purge method to the data collected during past sampling events indicates that there is no significant difference in the results."

6.6 Outline of Annual Report

Ms. Cabanne expressed interest in seeing a discussion of the groundwater sampling issue in the Annual Report.

Discussion of the need for a 750-acre area for habitat mitigation led to a brief review of the current situation: part of the area that Waste Management intended to use for this purpose has been condemned, through an eminent domain process, for use as a reservoir which will soon

be constructed. Ms. Dominick stated that the use of off-site lands as mitigation is currently under discussion with the permitting agencies.

Ms. Cabanne requested that the Community Monitor look into whether the public has the ability to participate in the discussions of how the habitiat mitigation requirement is being resolved. Mr. Runyon expressed some concern that this question may go beyond the purview of the Community Monitor, and stated that he felt that he needed to look into that question first.

Ms. McGovern asked if the proximity of the reservoir to the landfill would create a new limitation on activity at the landfill. ALRRF staff stated that they believed the reservoir would be far enough from the landfill so that no new limitation would occur. In connection with concern about windblown litter, Ms. Leider asked Ms. Minser to describe the "bag-in-bag" recycling program that Waste Management is offering to the City of Livermore. Ms. Minser explained that this is a recycling program whereby residents may place film plastic bags within a film plastic bag, and put that bag (tied) into their recyclables, and those bags will be recycled at the Davis Street MRF.

With regard to the mention of vertical expansion of landfills in the Annual Report outline, Mr. Boone asked if the industry is seeking changes in rules to enable more vertical expansion of landfills; and if the ALRRF is seeking such a change. Mr. Runyon stated that the final contour drawing in the Joint Technical Document (the primary landfill permit document) sets the final slopes for the landfill; and ALRRF staff confirmed that the ALRRF is not seeking such a change.

6. Agenda Building

Mr. Boone will see if an Air District representative can attend the next meeting.

The November 2009 meeting will need to be rescheduled because of the Veterans' Day holiday. This will be taken up at the next meeting.

Mr. Boone mentioned the December incident at Waste Management's Kirby Canyon Landfill, involving bribing of landfill employees to accept unrecorded tons. Ms. Minser briefly described the cooperative efforts by Waste Management and local law enforcement to obtain evidence and make arrests; and she stated that Waste Management believes this to be an isolated incident.

7. Adjournment

The meeting was adjourned at 5:05 p.m. The next meeting will be held on **Wednesday, March 11 at 4:00 p.m.** at the Livermore Maintenance Services Division at 3500 Robertson Park Road.

SECTION 1
Introduction

1.1 Settlement Agreement

In December 1999, a Settlement Agreement was reached among parties involved in a lawsuit regarding the proposed expansion of the Altamont Landfill and Resource Recovery Facility (ALRRF). The Settlement Agreement established the Community Monitor Committee (CMC) and a funding mechanism for a technical consultant to the CMC, referred to as the Community Monitor (CM).

The CM's scope of work is defined in a contract between the CM and the CMC, but the Settlement Agreement also defines the purview of the CMC and the CM. In broad terms, the CM is to review certain reports and information, as defined; monitor incoming traffic by conducting truck counts, as described in the Settlement Agreement; and periodically inspect the ALRRF site.

The Settlement Agreement also requires that the ALRRF operator, Waste Management of Alameda County (WMAC), pay invoices submitted by the CM to the CMC, if the work represented in those invoices is consistent with the CM's scope of work and the CM role as defined in the Settlement Agreement.

The City of Livermore provides staff and administrative support to the CMC, as well as management of the CM contract and space for CMC meetings. The City also acts as financial agent for the CMC, pursuant to a letter agreement dated July 6, 2004.

1.2 Prior Community Monitor Work

Available records indicate that the CMC retained a technical consultant as the CM from 2005 through 2007. During that time, two CMC members expressed concern about the potential redundancy of the CM's work with that of local regulatory agencies; those members later withdrew from the Committee and have since been replaced. As part of this issue, the CM was instructed to avoid duplicating the efforts of the Local Enforcement Agency, which is the Office of Solid/Medical Waste Management within Alameda County Environmental Health.

In mid 2007, the CMC solicited proposals for continuation of CM services, received two proposals, and selected the current CM team of Environmental Science Associates and Treadwell & Rollo. This team began work in February 2008.

1.3 Overview of Operations

Like most large landfills throughout California, the ALRRF performs a variety of functions that support the region's management of solid wastes. These functions continue to grow and evolve as increasing emphasis is placed on reducing and recovering wastes, but the primary function of the site continues to be the safe disposal of solid wastes by burying and covering these materials. Federal, State and local regulations require that:

- Wastes are covered to control litter, prevent fire, and prevent the spread of disease.
- Wastes are placed and compacted in a manner that is physically stable.
- A liner and liquid recovery system prevent groundwater contamination by leachate.
- Landfill gas is controlled by an extraction system.
- Emissions from energy systems (diesel engines and landfill gas systems) are controlled.
- Other air pollutants and nuisances (dust, odor, litter, etc.) are prevented.
- Stormwater erosion is controlled and stormwater runoff is tested for pollutants.

Compliance with these requirements protects the environment and public health, and it also presents opportunities to develop and support innovative methods for improved waste management. Currently, the ALRRF is:

- using landfill gas to produce electricity;
- constructing a plant to convert landfill gas to a liquid fuel (LNG) for vehicles;
- providing space to stockpile and prepare compost feedstock;
- using contaminated soils as cover material, as permitted;
- stockpiling construction and demolition materials for processing elsewhere; and
- hosting site visits, by prior arrangement, for public education.

The active portions of Fill Area 1 cover approximately 211 acres, within a site that covers more than three square miles. Lands surrounding the active area are managed primarily as grazing land, with portions leased for wind energy. These surrounding lands also provide habitat for several special status species. The active area will be supplemented by the expansion area (Fill Area 2) when all permits are obtained. Waste Management intends to begin the construction of Fill Area 2 by 2010 and is working to resolve several issues regarding permit conditions. The forthcoming development of Fill Area 2 is discussed further in Section 3 of this report.

1.3.1 Industry Trends

Trends in the landfill disposal industry within the greater Bay Area have affected, and will continue to affect, operations and future developments at the ALRRF. There are no new landfill sites currently in development in the region, and several sites (West Contra Costa, Sonoma County, Tri-Cities) have closed recently or will close very soon. Other sites (Potrero Hills, Keller Canyon, Redwood Landfill) are attempting to expand the volume that they may accept, but these expansions are being challenged and the outcome is uncertain. In the immediate future, the Tri-Cities landfill is expected to cease receiving refuse in 2009, and those wastes (primarily from the Fremont area) will be transferred to the ALRRF.

1.3.2 Site-Specific Constraints and Opportunities

The Settlement Agreement added new conditions to the Use Permit for the ALRRF. Solid wastes from out-of-county sources are strictly limited to those covered by existing disposal agreements, i.e. the City and County of San Francisco and the City of San Ramon. During peak traffic hours,

the number of refuse trucks entering the landfill is limited. Numerous conditions intended to protect natural resources on the ALRRF property were imposed. Also, the size of the future expansion area was limited to 40 million tons of capacity, with a footprint of approximately 250 acres. In addition to Use Permit conditions, the Settlement Agreement establishes the CMC and the CM role, as described above; and it sets up mitigation funding related to the landfill expansion.

The physical setting of the ALRRF site also presents certain constraints and opportunities. Hilly terrain and high winds require constant attention to windblown litter, especially film plastic bags and foam plastic packaging. Proximity to the South Bay Aqueduct has led to the recent eminent-domain condemnation of a portion of the landfill property, for use as a reservoir, by the California Department of Water Resources; and this has complicated the ALRRF's efforts to comply with a Use Permit requirement for 750 acres to be set aside for biological habitat mitigation and buffer area.

Local policies and needs are likely to result in further changes. The Alameda County Waste Management Authority and Recycling Board goal of 75% waste diversion by 2010 will decrease waste flows into the ALRRF, indirectly providing incentive for the ALRRF to process materials for recycling, such as compostables and C&D (construction and demolition) wastes. This will be counterbalanced, to an extent, by reduced landfill capacities in the region, as discussed above.

SECTION 2
Community Monitor Activities and Issues

2.1 Introduction

Under the terms of the Settlement Agreement, when the ALRRF is in compliance with operating requirements the Community Monitor (CM) has three ongoing duties:

- Review reports, data and information related to the ALRRF's reports that are required to be submitted to regulatory agencies
- Conduct monthly inspections of the ALRRF facility
- Review the records of testing and acceptance of "Class 2 soils", i.e. soils known to come from a contaminated site.

During the first contract year, the CM was active in each of these areas, as described below.

2.2 Review of Reports

2.2.1 Semiannual Groundwater Monitoring Reports

Two groundwater monitoring reports were reviewed in the 2008-09 contract year. The first covered the time frame from July through December of 2007; the second, January through June of 2008.

In 2008, groundwater monitoring and sampling activities at the ALFRRF were performed by SCS Engineers. (SCS 2008a and SCS 2008b). Groundwater monitoring and sampling procedures are described in the groundwater sampling plan (RUST 1996) document. The groundwater sampling plan implements the requirements set forth in the Waste Discharge Requirements (WDRs) for the ALRRF. Treadwell & Rollo, Inc. reviewed the two semi-annual groundwater monitoring reports prepared by SCS which documented the groundwater monitoring conducted in December 2007 and June 2008, and prepared two memoranda to summarize review comments (T&R 2008a and T&R 2008b).

Groundwater monitoring activities performed and analytical results for the ALRRF were largely in compliance with the groundwater sampling plan and WDRs. Specific issues raised by the Community Monitoring Committee and further researched by Treadwell & Rollo during 2008 included the following:

- Monitoring well purge rates,
- Groundwater quality concerns regarding VOCs in selected monitoring wells, and
- Increasing concentrations of nitrogen-rich compounds in the vadose zone wells.

2.2.1.1 Purge Rates

Low-flow purge methodology is currently employed during groundwater sampling events at the ALRRF. Treadwell & Rollo compared the low-flow sampling techniques used at the ALRRF to those described in ASTM standard D-6771-02. The ASTM standard recommends monitoring and adjusting the purge rate to minimize drawdown within the well casing. The purpose is to provide a higher degree of confidence that the groundwater sampled is representative of the surrounding formation and is not stagnant water stored in the casing.

ESA and Treadwell & Rollo conducted a telephone conference with Jim Obereiner of Waste Management, and it was decided that Waste Management would instruct SCS Engineering to monitor drawdown on selected wells during the December 2008 groundwater monitoring event. The groundwater quality parameters from the December 2008 monitoring event will be compared to historical data, and the results will be reported in a future memorandum.

2.2.1.2 Groundwater Quality Concerns

Historically, there has been concern regarding the groundwater quality from wells E05, E06, E07, and E20B. Treadwell & Rollo reviewed the historical groundwater data, as well as, any corrective actions taken.

In 2006, vinyl chloride was detected in well E20B at concentrations exceeding the drinking water standard. The elevated vinyl chloride concentration was reportedly related to elevated soil gas concentrations, and not due to a groundwater source. Additional soil vapor extraction was implemented in the vicinity of well E20B, and the vinyl chloride concentrations decreased to below the laboratory reporting limit (1.5 µg/L) until the 2nd quarter of 2008. This well is a corrective action monitoring program well and does not require notification for this exceedance. The vinyl chloride concentrations should be monitored for this well during future monitoring events to assess whether the vinyl chloride concentrations increase, and to ensure the necessary corrective actions are implemented in the event that the vinyl chloride concentrations do increase.

Trace VOC concentrations were discovered in the other wells noted above, but the detections do not mandate regulatory action because they are below the method reporting limit and the values were estimated by the laboratory.

2.2.1.3 Nitrogen-rich Compounds in the Vadose Zone

Treadwell & Rollo and ESA have been tracking the increasing ammonia and total kjeldahl nitrogen concentrations in vadose zone monitoring well VZMA. This well is located beneath the landfill in Unit 2, which is the active, lined portion of Fill Area 1. The concentrations have shown a general increase since monitoring began in 2001. A continued increase in concentrations could indicate a change in the subsurface and groundwater geochemistry, or could indicate the presence of landfill by-products. The concentrations do not require corrective action at this point, but the reported concentrations will continue to be reviewed during future sampling events.

2.2.2 Annual Mitigation Status Report

This report, covering calendar year 2007, is dated January 31, 2008. It is structured as a lengthy table that lists each of the 106 conditions described in the current Conditional Use Permit (CUP), followed by a description of the implementation status of that condition or mitigation.

We found that the status descriptions accurately reflected the current status of each mitigation measure. However, the required timing for implementation of some mitigation measures is not explicitly stated in the CUP and may be subject to interpretation. For example, Condition 36 simply states that "The operator shall fence the area to keep livestock out of the alkali sink." Waste Management has stated that they believe that this mitigation measure takes effect when the landfill expansion area is developed. This may be based on language earlier in the CUP, which introduces a group of conditions that incorporate mitigations defined in the Final EIR by stating, in part, "Mitigation measures were crafted to address the impacts identified for the original [expansion] project and will be sufficient to cover any situation created for the reduced project approved herein." The CMC may wish to seek a determination from County Planning regarding the timing of this and other measures that do not contain explicit dates for implementation.

2.2.3 Semiannual Title V Report

Title V is one of several programs authorized by the U. S. Congress in the 1990 Amendments to the federal Clean Air Act (CAA). The Bay Area Air Quality Management District (BAAQMD) administers Title V requirements for the ALRRF. Title V operating permits explicitly include the requirements of all regulations that apply to operations. Hence, the Title V reports provide a comprehensive review of compliance with BAAQMD permits and regulations.

In November 2008, we received the Title V report for the period December 2007 – May 2008. Our review of this report is continuing; we have not found any instances of non-compliance. We gave special attention to compliance with regulations that limit the number of landfill gas wells that may be shut down for raising (in areas where fill is being added), or for system modification or repair. The effect of these regulations at this site is to limit the total number of wells temporarily off line to five (for well raising) plus five (for system modification / repair). During the reporting period, no more than seven wells were off line at any one time.

Due to the complexity of this report, the related permits, and the regulations, our review is continuing. The subsequent Title V report for June – November 2008 has not yet been received.

2.2.4 Monthly Tonnage Reports

Each month the ALRRF provides a report to County Planning and other interested parties, providing several tables detailing the quantities of materials received in that month. We reviewed 12 such reports, covering each month of 2008. All of these reports indicated compliance with the requirements of permits and the Settlement Agreement. In addition, the following points were noted:

- Refuse tonnages were well below EIR / CUP limits. In fact, the CUP provides a method for increasing the limits from year to year, to take into account growth in population and business activity. However, because tonnages have not grown to exceed the original limits, there has been no need to calculate those increases, so they have not been determined.
- The monthly quantities of special wastes, particularly Class 2 cover soil, were substantial and varied widely.
- Out-of-county tonnages of special wastes, primarily Class 2 cover soil, tended to increase during 2008.
- Many categories have been created for materials other than refuse, to support the tracking of materials used as Alternative Daily Cover, as soil amendment on outside slopes, and

for other specialized applications that are subject to limitations or are of special interest to regulatory agencies.

2.2.5 Storm Water Annual Report, 2007-2008

This report provides a record of stormwater monitoring that took place during the most recent "water year", from July 1, 2007 through June 30, 2008. It includes results from the water quality sampling that is required when there are discharges from stormwater detention basins to local drainages. As a result of below average rainfall, only two discharge events occurred, and only one of these was monitored by sampling, as required, at Basins A, B and C. The other event occurred while the ALRRF was closed. Sampling of the discharge from Basins A and C found no exceedances, but the Basin B sample was extremely high in suspended solids. At the time, the active area of the landfill was above Basin B, and a failed culvert resulted in substantial soil erosion as well. To address this problem, the ALRRF has rebuilt the area upslope of Basin B, to reduce soil erosion and minimize the potential for stormwater to contact refuse.

2.2.6 Summary

In our review of received reports, we raised concerns about groundwater monitoring procedures, and Waste Management has been responsive to these concerns. Mitigation Status Reports indicate compliance with required mitigation measures, but the effective date of some mitigations appears to be subject to interpretation. Air quality compliance reports and monthly tonnage reports have presented some complexities, but our reviews to date have found no indication of non-compliance.

2.3 Site Inspections

Twelve on-site inspections were held during 2008. To obtain the best possible understanding of the range of operating conditions, the inspection day and time, and certain other aspects of these inspections, were varied as shown in the table below.

Table 2-1
Site Inspection Summary

Date	Day of Week	Inspection Time	Announced In Advance?	With LEA staff?	Topic Emphasized
8 Feb 2008	Fri	9 AM	Yes	No	Site and property to east
26 Feb 2008	Tue	8:30 PM	Yes	No	Night operations
25 Mar 2008	Tue	2 PM	Yes	Yes	Class 2 / 3 Line & operations
9 Apr 2008	Wed	10 AM	Yes	No	Groundwater sampling (obs)
29 May 2008	Thurs	9 AM	Yes	No	Property east of Fill Area 1
9 Jun 2008	Mon	10 AM	Yes	No	Landfill gas systems
10 Jul 2008	Thurs	10 AM	No	Yes	General operations
15 Aug 2008	Fri	5:30 AM	Yes	No	Transition, night to day ops
8 Sep 2008	Mon	10 AM	Yes	Yes	General operations
16 Oct 2008	Thurs	9 AM	No	No	General operations
19 Nov 2008	Wed	12 noon	Yes	No	Storm water controls
30 Dec 2008	Tues	8 AM	Yes	No	Slopes and grades

In general, satisfactory conditions were observed, and minor problems, such as windblown litter, were rectified prior to the next inspection. There were no observed problems regarding refuse

placement, public safety or traffic management. Throughout these inspections, staff and management were candid and forthcoming regarding operating practices and current conditions. Distinct operations, such as the stockpiling and processing of specific materials, take place in well defined areas. During these inspections, a GPS was used to determine location in relation to the edge of the "Class 2" lined portion of the active site. No instances of unpermitted activities were noted outside of the lined portion. To date our primary concerns from inspections have been:

- Soil erosion on outside slopes of the landfill (outside of the refuse footprint), specifically, upslope from Stormwater Basin B.
- Windblown litter, primarily plastic bags, carried onto lands (within the landfill property) east of the site. This issue can be expected to become more problematic as the height of Fill Area 1 continues to increase.

We also observed the following:

- In mid 2008, a substantial amount of concrete rubble was placed as pavement across an extensive area near the top of the existing fill; it was intended to become a "winter pad" to receive refuse trucks during wet weather. However, the plan for the 2008-09 winter has since been modified and refuse is being placed farther to the south and east. This is not a compliance issue; it reflects a simple change of plans by operations management.
- Also in mid 2008, the landfill began to direct selected construction contractors to unload at the C&D material stockpile so that their materials could be loaded out for processing elsewhere.
- In the fall of 2008, the landfill instituted a color-coded directional system for loads from public customers, to aid in directing them to the proper location.

The Scope of Work for the Community Monitor specifies that at least three inspections will be performed off hours, and that approximately four to six are to be performed jointly with the LEA. As shown in the table above, two off-hour and three joint inspections were conducted in 2008. This was an oversight that will be corrected in 2009.

One aspect of each inspection is to review inspection reports on file at ALRRF from the Local Enforcement Agency. Five noteworthy items were recorded by the LEA in 2008:

- Landfill gas system construction work inadvertently created a trench through the active area where asbestos-containing materials are disposed. This was promptly contained and repaired.
- Also at the asbestos area, during one inspection a poorly-contained load was noted, and the operator was directed to cover it immediately.
- In conjunction with changes in regulations regarding landfill gas probe design and placement, the LEA conducted some gas concentration measurements at existing probes. Several of these measurements were higher than regulatory limits, but many of the probes were in or very near refuse, not at the perimeter locations required by new regulations. The probe placement plan is under review by the LEA, supported by California Integrated Waste Management Board staff.
- A small fire occurred on the landfill, upslope from the landfill gas flare, in July 2008; it was promptly extinguished.
- After a windy period in early 2008, and again in October, litter was noted along Altamont Pass Road near the landfill.

We also review the Log of Special Occurrences during inspections. In 2008, in addition to the fire noted above, this Log indicated several instances of long-bed dump trucks overturning while

unloading. Most of these trucks were delivering Class 2 (contaminated, acceptable) soils. There does not appear to be a single cause for these incidents. From the log entries, driver skill, material stuck in truck beds, and soft or sloping ground all appear to be contributing factors. There were no incidents in the Special Occurrences log that involved damage to small vehicles operated by the general public.

In addition to the on-site inspections, counts of arriving refuse trucks were conducted monthly by the CM through October of 2008. It became apparent that at current tonnages, hourly refuse truck counts are far below the limit stipulated in the CUP. The CMC has directed the CM to limit these counts to semiannual events in the future, increasing to quarterly when refuse currently disposed at the Tri-Cities landfill begins to be transferred to the ALRRF.

2.4 Class 2 Soils File Review

The ALRRF is permitted to accept Special Wastes that include soils from sites known to be contaminated, if a waste profile and applicable laboratory reports indicate that these soils comply with the landfill's Waste Acceptance Criteria. The profile information is kept on file in the administration offices of the landfill. These soils are generally referred to as Class 2 Cover Soils.

Treadwell & Rollo conducted file reviews to verify that Class 2 Cover Soil profiles for soils received in 2008 follow Waste Acceptance Criteria as defined in the Regional Water Control Board order governing the ALRRF. Treadwell & Rollo completed four Class 2 Cover Soil file reviews on 26 June, 9 and 10 August, 20 and 21 October, and 8 and 9 December 2008. Treadwell & Rollo personnel reviewed a total of 360 Class 2 Cover Soil files: 24 in June, 120 in August, 130 in October and 86 in December 2008.

Treadwell & Rollo also developed a system to track which files have been reviewed and which files have been appended since prior review events. Treadwell & Rollo personnel place yellow stickers on files that have been reviewed and ALRRF personnel mark the yellow sticker on the appended files with an “x”. Any appended files are reviewed during a subsequent review event, and a new yellow sticker is attached to the file to show the file review is current.

Based upon file reviews completed in 2008, ALRRF is following Waste Acceptance Criteria as defined in the Regional Water Control Board order governing the Site. Treadwell & Rollo personnel discovered some documentation was missing from eight of the 360 Class 2 Cover files reviewed, approximately 2% of the total number of files reviewed. The missing documentation included laboratory reports, soil volume, and delivery frequency. ALRRF personnel have been notified of the missing documentation, and will add the missing documentation to the files. Treadwell & Rollo will verify that this documentation has been added to the files during their first 2009 review event.

Treadwell & Rollo anticipates between 200 and 300 new Class 2 Cover Soil profiles will be approved for disposal at ALRRF during 2009. Treadwell & Rollo plans to conduct quarterly file reviews during 2009. The frequency of review events may be adjusted depending on number of new profiles approved for disposal at ALRRF.

SECTION 3
Looking Ahead: Anticipated Efforts and Issues

3.1 Introduction

In the 2009-2010 contract year, our efforts will continue to focus on report review, site inspections and Class 2 soils file review. However, there may be a change of emphasis if the ALRRF completes permit negotiations for the development of Fill Area 2. If that occurs, we expect to spend time reviewing submitted plans for Fill Area 2.

3.2 Issues to be Tracked in 2009

3.2.1 Report Review Work

With regard to report review, the following issues will continue to be monitored in the coming year:

- Groundwater monitoring methods.
- Vadose zone groundwater quality (nitrogen compounds).
- Revised gas probe network design and installation.
- Status of mitigations required by CUP. With CMC approval we will speak with County staff for a better understanding of mitigation measure timing and other details, including changes in tonnage limits that are triggered by the permitting and development of Fill Area 2.
- Monthly tonnage reports, noting out-of-County tonnages / sources.

3.2.2 Site Inspection Work

With regard to site inspections, all operations will continue to be observed, and the following areas will receive emphasis.

3.2.2.1 Landfill Gas Control System

Performance of this system is closely related to groundwater quality, and it takes place within a complex regulatory framework involving Federal permits, local permits, new State regulations, and ALRRF CUP conditions. Physical changes to this system will include development of the LNG plant, new wells on the east side of the site, and design and installation of landfill gas probes. With regard to the LNG plant, we will observe construction to confirm that it does not interfere with routine operations. Also, with CMC approval we will look into the interpretation of CUP conditions 73 and 74, which do not anticipate development of the LNG facility but require that all reasonably collectable gas be used to produce electricity.

3.2.2.2 Stormwater Controls and Monitoring

During wet weather months we will monitor conditions at all stormwater basins, especially Basin B, which had erosion and water pollution problems in 2007-2008 and has since been repaired.

3.2.3 Class 2 Soils File Review

As noted above, we intend to spread our review across the entire year by reviewing the files in four subsets, one per quarter.

3.3 Project Management Considerations

The budget for the CM in the 2008-09 contract year has been adequate and has enabled us to focus closely on several areas, including groundwater monitoring and Class 2 soils file review. Interruptions to the meeting schedule in 2008 required some CM time to update and reissue agenda packets, but we do not expect this to recur in 2009.

One broad issue that will receive our attention in 2009 is the development of a checklist or other tool to assure that the CM receives all of the reports and communications defined in the Settlement Agreement.

ESA

225 Bush Street
Suite 1700
San Francisco, CA 94104
415.896.5900 phone
415.896.0332 fax

www.esassoc.com

memorandum

date February 25, 2009

to ALRRF Community Monitor Committee

from Kelly Runyon

subject CMC Meeting of 3/11/09 - Agenda Item 6.2 - Community Monitor Updates

This memorandum provides an update on work-in-progress by the Community Monitor in three areas:

Class 2 Soil File Review – As noted previously, more than 350 files were reviewed in 2008, and minor discrepancies were noted in approximately 8 of those files. These have been brought to the attention of the responsible staff at ALRRF. The first round of review for 2009 is scheduled for the first week in March, and at that time, the files with discrepancies will be re-checked.

Groundwater Monitoring Report – The Second Semi-Annual 2008 Groundwater Monitoring Report was received in mid January and is under review. In the second half of 2008, Vadose Zone samples continued to show levels of Total Kjeldahl Nitrogen and Ammonia as Nitrogen that are higher than in prior years, but these levels did not continue to increase in the latter part of 2008, and a related parameter, Nitrate as Nitrogen, declined to below detection limits.

Responding to questions raised by the Community Monitor, ALRRF modified the groundwater monitoring procedures at two corrective-action groundwater monitoring wells, for the fourth quarter only, using procedures very similar to ASTM requirements for low-flow purging and sampling. This appears to have had no effect on the monitoring results, compared to prior monitoring at the same wells.

The report will continue to be reviewed in the weeks ahead, but at this time, no significant concerns have arisen.

Reports Requested and Received – We have had some concern that there may be reports produced by the ALRRF which are distributed to regulatory agencies but not received by the Community Monitor. On February 19, in conjunction with an announced inspection, I met with Teresa Dominick, the Environmental Compliance Manager at the site, to review this concern and identify any additional reports that are available from Waste Management or other sources. Several additional reports were identified; not all were immediately available.

The December 2008 "Title V Report" to the Bay Area Air Quality Management District, summarizing the performance of all emissions sources and emissions monitoring equipment at the ALRRF, was provided in electronic form on February 19th, and we are reviewing it.

Daily traffic counts, tabulated from scale-house and truck-tipper records, were provided for all of 2008 and January 2009. We had not been aware of these reports; apparently they are submitted to County staff monthly. There were no exceedances of the morning limit on refuse trucks, but there were ten exceedances of the afternoon limit (Maximum 10 refuse trucks, from 4:30 to 5:30 PM). These are listed in the table below.

Table 1 – Refuse Truck Limit Exceedances, 2008

Date	Count
Tuesday April 29	11
Thursday May 22	18
Friday May 23	16
Monday August 18	14
Tuesday August 19	12
Friday August 29	12
Friday September 5	14
Thursday September 25	11
Thursday October 16	11
Friday November 21	13

Source: CUP C-5512 Condition #66 Compliance reports by ALRRF

These exceedances appear to be more likely during the latter days of the week (Thursdays and Fridays) and in the latter part of the month. We believe it is likely that they are triggered by local surges in business or construction activity, which are difficult to predict. Most of the time, the afternoon traffic counts range between 0 and 5, but there are occasional two to four day surges in which the counts approach, and sometimes exceed, 10.

We also requested copies of the following, which were not immediately available from ALRRF staff:

- The Mitigation Monitoring and Reporting Plan described in Condition 84 of the Land Use Permit.
- The 1995 Biological Assessment cited by the Settlement Agreement, in Article 7.
- The 1994 Conceptual Wetlands Mitigation Plan cited by the Settlement Agreement, in Article 28, and any Wetlands Mitigation Plan that may now be in effect.

We intend to contact County Planning staff to determine if these are available.

ESA

225 Bush Street
Suite 1700
San Francisco, CA 94104
415.896.5900 phone
415.896.0332 fax

www.esassoc.com

memorandum

date February 25, 2009

to ALRRF Community Monitor Committee

from Kelly Runyon

subject CMC Meeting of 3/11/09 - Agenda Item 6.3 - Responses to Committee Members' Questions

At the January 14, 2009 Community Monitor Committee meeting, two questions were raised during discussion of reports from the Community Monitor. The questions are presented here, with responses.

1. The Community Monitor was asked to check on limits placed on the amounts of Class 2 soil, and/or similar materials, that may be accepted at the ALRRF.

The Settlement Agreement itself does not limit these materials. Sections 4.3 and 4.4 of the Conditional Use Permit do establish limits on the amounts of "Sludges, Inert Waste and Special Wastes" accepted for disposal. The limits vary depending on the jurisdiction of origin of the material and the calendar year. There are no limits on accepting these materials for disposal if they originate from within Alameda County or San Francisco, in any year. However, for materials originating in the other seven Bay Area Counties, the following limits apply:

- During 1999 and 2000, 75,000 tons per year.
- After 2000 until the ALRRF Expansion Date, 60,000 tons per year plus any unused capacity from prior years, up to 75,000 tons per year.
- After the Expansion Date, 25,000 tons per year.

For materials originating outside the nine Bay Area Counties, the following limits apply:

- During 1999 and 2000, 12,000 tons per year.
- After 2000 until the ALRRF Expansion Date, 7,500 tons per year.
- After the Expansion Date, none.

The key point is that these limits apply to materials accepted *for disposal*. In general, with the exception of asbestos and small amounts of some other special wastes, all of the sludges, inert wastes and special wastes accepted at the ALRRF are accepted for beneficial reuse. According to CIWMB regulations[1], Beneficial Reuse includes alternative daily cover, alternative intermediate cover, final cover foundation layer, liner operations layer, leachate and landfill gas collection system, construction fill, road base, wet weather operations pads and

[1] California Code of Regulations Title 27, Section 20686.

access roads, and soil amendments for erosion control and landscaping. The quantities of asbestos accepted for disposal are minuscule in comparison to the limits described above.

2. In what way can the public be involved in, or informed about, ongoing discussions between ALRRF and the regulatory agencies, regarding compliance with the requirement to set aside 750 acres for biological habitat mitigation (CUP C-5512 Condition 16)?

We are responding to this question because we believe this response is consistent with the intent of Settlement Agreement Section 5.7 / 5.7.4:

> "5.7 Scope of Work. The duties and scope of work of the Community Monitor shall include and be limited to the following: … 5.7.4 advising the public, through the Community Monitor Committee, and the Cities of Livermore and Pleasanton, via oral presentations or written reports, on technical and environmental issues pertinent to the ALRRF"

To investigate this question without raising concerns among regulatory agency staff, I spoke with several ESA staff who have been involved in very similar situations in the Bay Area.

Condition 17 of the CUP states that "Prior to the initiation of … activities which could disrupt … target species … the operator shall finalize, through formal Section 7 consultation, and implement a mitigation program…" (emphasis added). The term "Section 7" refers to Section 7 of the Endangered Species Act, which is Federal law. The *Section 7 Consultation Handbook,* published by the US Fish and Wildlife Service and the National Marine Fisheries Service, explains that "By law, Section 7 consultation is a cooperative effort involving affected parties engaged in analyzing effects posed by proposed actions on listed species or critical habitat(s)." Typically, in the Bay Area, a Section 7 consultation that involves wetland species is essentially a discussion among the US Fish and Wildlife Service, the Army Corps of Engineers (which has permit authority for the filling of wetlands), and the applicant, with input from other agencies as needed.

Of the agencies involved, the Army Corps of Engineers provides the most straightforward means of public access to the process. The Altamont Landfill Expansion is a Corps "project" and the Corps has issued a Public Notice in connection with it. A copy of that Notice is attached to this memorandum.

The consulting agencies have some discretion regarding the level of involvement by an interested member of the public, but the Corps must take public input into account. Although the deadline for written comment, stated in the Corps' Public Notice, has passed, any interested member of the public may contact the Corps' Project Manager, explain their interest, and ask to be kept informed. The Corps Project Manager can then explain the level of involvement that is available to a member of the public at the present time.

We do not believe that the Community Monitor's Scope of Work includes making a general inquiry to the Corps, to track the process or become directly involved, on behalf of the Committee or its members. If the Section 7 Consultation process has produced written reports, documents or data that are available to the public, we believe that the Community Monitor can request and review those, and provide a summary for the Community Monitor Committee, under the "technical and environmental issues pertinent to the ALRRF" clause of the Settlement Agreement (Section 5.7.4). However, the mere act of inquiring on behalf of the Committee could cause some delay in the ongoing discussions, and this is probably viewed as a significant business risk by Waste

Management. We recommend that the Committee obtain Waste Management's perspective on inquiring with the Corps or other involved agencies, before contacting any of them.

US Army Corps of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 199300056
Date: September 11, 2004
Comments Due: October 11, 2004

In reply, please refer to the Public Notice Number

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Altamont Landfill and Resource Recovery Facility Phase 2 (ALRRF) project, which would result in impacts to approximately 0.52 acres of waters of the United States, including wetlands, in or adjacent to an unnamed tributary to Mountain House Creek. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at http://www.spk.usace.army.mil/regulatory.html.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Waste Management of Alameda County, ATTN: Ken Lewis, 10840 Altamont Pass Road, Livermore, California 94550-9745

LOCATION: The approximately 2170-acre project site is located in the Altamont Pass region, in Sections 15, 16, 17 and the northern portion of Section 21, MDB&M, Township 2 South, Range 3 East, in eastern Alameda County, California, and can be seen on the Byron Hot Springs and Altamont USGS Topographic Quandrangles and the attached drawings.

PROJECT DESCRIPTION: The overall project purpose is to provide additional waste disposal capacity to Alameda County for future landfill needs. The applicant believes there is a need to provide additional landfill capacity because the existing landfill facility is due to reach its design capacity by 2007. The applicant is proposing to expand its operation from the existing 235-acre landfill Fill Area 1, by developing the 324-acre adjacent site Fill Area 2. The project waste capacity of Fill Area 2 is estimated to be 40 million tons, providing an additional 30 years of waste disposal use. The landfill expansion will consist of development of landfill cells and access roads. Construction activities will consist of excavating, transporting, creating stockpiles of excavated soils, processing clay for liners prior to placing the, and placing synthetic liners, environmental control systems, such as drainage system and treatment ponds and fencing. Equipment used will include scrapers, excavators, dump trucks, graders, compactors, and water trucks. Operation of the landfill will involve the elements of construction mentioned above and transportation and deposition of non-hazardous waste material including recovery and recycling activities. The landfill operation will continue 24 hours a day on a continuous basis. The active landfill operation will be enclosed behind security fencing. The landfill area will be operated and eventually closed in compliance with applicable federal and state regulations. Once Fill Area 2 reaches its design capacity the entire area will be capped and vegetated with native plants in order to protect it from erosion by wind, water and runoff. The project area will be developed over the life of the landfill but the impacts to waters will occur during initial project construction designated Phase 1. Approximately 21.3 acres of existing waters of the United States, including wetlands have been verified on the site. Portions of two unnamed ephemeral and intermittent channels totalling 0.52 acres or approximately 6400 linear feet will be impacted by the project. All compensation will occur prior to or concurrent with construction of Phase 1 in order to minimize

temporal loss of habitat functions. The conservation area will be preserved in perpetuity and protected by an arrangement in coordination with appropriate resource agencies to be determined.

The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. The Altamont Landfill and Resource Recovery Facility is located in the Altamont Pass area of the Altamont Hills, which is part of the northern Diablo Range, in eastern Alameda County. Land uses in addition to the existing 235-acre landfill operation consist primarily of livestock grazing and wind turbine facilities. These are also the primary land uses in the area surrounding the project site. Topography consists of steep sloping hills and narrow valleys which range in elevation from 440 feet to 1260 feet above mean sea level. Non-native annual grassland occurs on most of the project area. Typical species include soft chess, slender oats, foxtail chess, and Italian ryegrass. Both introduced and native herbaceous species are common throughout the area. Five alkali wetland/meadow complexes occur within the project area comprising approximately 17.2 acres. The complexes are located in relatively broad valleys underlain by Pescadero clay. Common species include Baltic rush, annual beard grass, saltgrass, bird's foot trefoil, Mediterranean barley, alkali heath and spikeweed. There are approximately 2.4 acres of ephemeral streams, 1.4 acres of stock ponds and 0.1 acre of natural ponds. At least 972 acres within the 2170-acre project area will be set aside as a future conservation plan area to serve as San Joaquin kit fox habitat and also provide a valuable movement corridor connecting the foxes' northern most range with the major core areas to the south. The property drains to both the east and the west, due to its location at the top of the pass. A majority of the property is drained by several unnamed streams in a generally easterly direction into Bethany Reservoir and beyond through drainage canals eventually flowing into Old River. An unnamed stream drains the western portion of the property into Altamont Creek to the south and west, eventually flowing into San Francisco Bay. The Altamont Pass is also a major transportation corridor with Interstate Highway 580 and the Southern Pacific and Western Pacific railroads connecting the central valley to the east and the bay area to the west. All three are located together roughly one to two miles south of the project area. Altamont Pass Road is a two-lane asphalt paved road which passes through the extreme southern portion of the project area. Dyer Road is a north-south road and acts as the western boundary for the property except for the northwestern corner where it passes through the property for a short distance. The California Department of Water Resources South Bay Aqueduct passes from north to south paralleling the western boundary of the project area and is not a part of the project nor will it be a part of the proposed conservation area. The City of Livermore is the nearest urban area and is located about five miles to the southwest.

Alternatives. The applicant has provided information concerning project alternatives. The applicant developed specific site evaluation criteria to determine practicability of alternatives. The applicant's research indicates there may be other alternative locations, but none is more feasible and practicable while being less environmentally damaging than the proposed Fill Area 2 alternative. The applicant states that no on-site alternative configurations would cause fewer impacts to waters while still achieving project purpose. Additional information concerning project alternatives is available from the applicant or their agent, Padre Associates' Richard Meredith, 916-857-1601.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to restore an approximately 0.5-acre existing degraded channel segment and create an approximately 0.5-acre pond/wetland complex. Mitigation is proposed prior to or concurrently with construction of Fill Area 2.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification as required under Section 401 of the Clean Water Act from the California Regional Water Quality control Board was obtained on July 27, 2004. The applicant has applied for a 1602 Streambed Alteration Agreement from the California Department of Fish and Game, Region 2.

HISTORIC PROPERTIES: Based on the available information (including applicant's report entitled Section 106 Assessment for Cultural Resources - Altamont Landfill Expansion Area), cultural resources not are within the project's area of potential effect.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 199300056, must be submitted to the office listed below on or before October 11, 2004:

Marc Fugler, Project Manager
US Army Corps of Engineers, Sacramento District
Delta Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Marc.A.Fugler@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Marc Fugler, 916-557-5255, Marc.A.Fugler@usace.army.mil.

Attachments: 3 drawings

Figure 1 - ALRRF aerial view, 2008

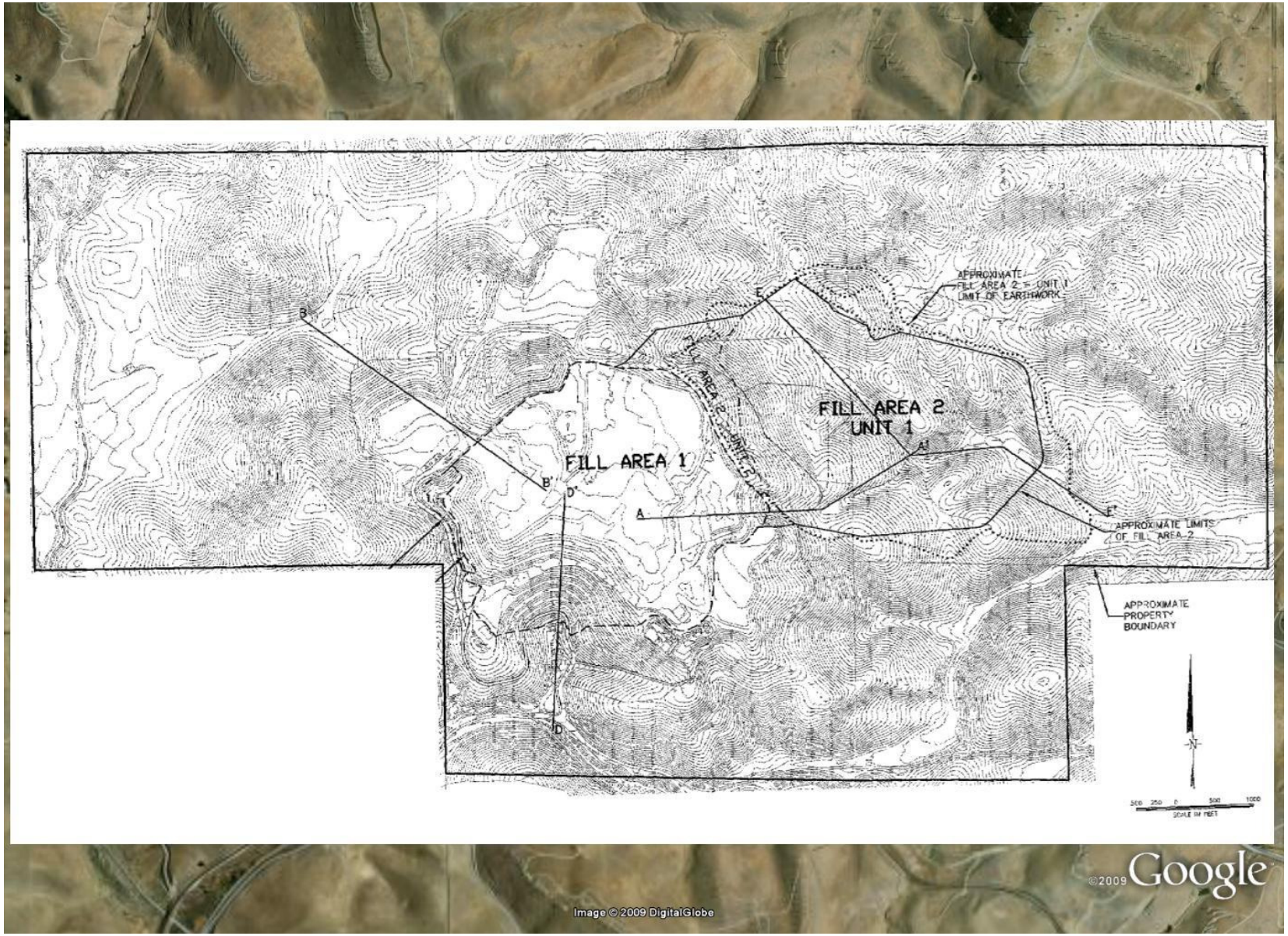


Figure 2 - Site map, 2008 (source: JTD)

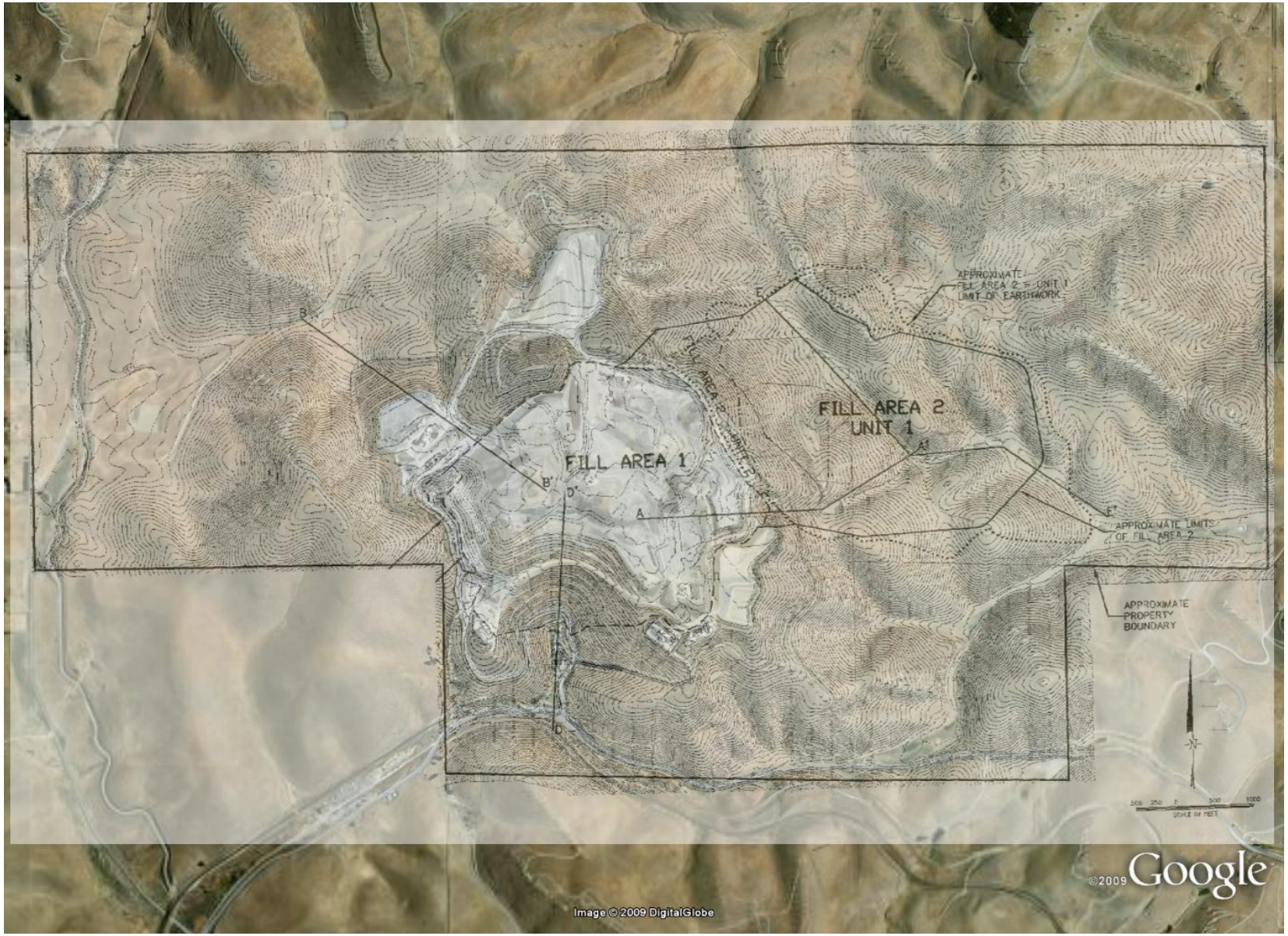


Figure 3 - Site map, 2008 (source: JTD)

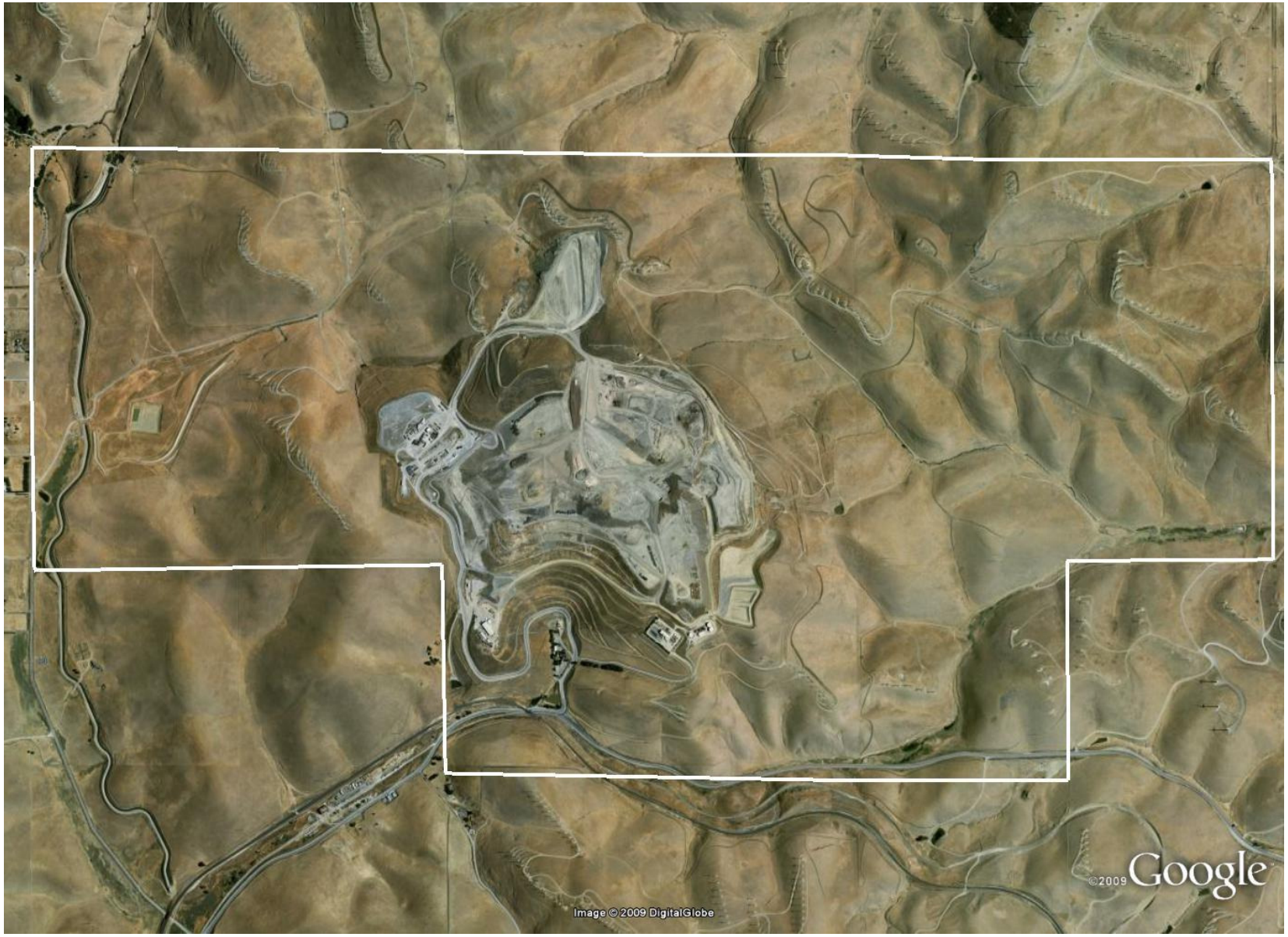


Figure 4 - Property boundary

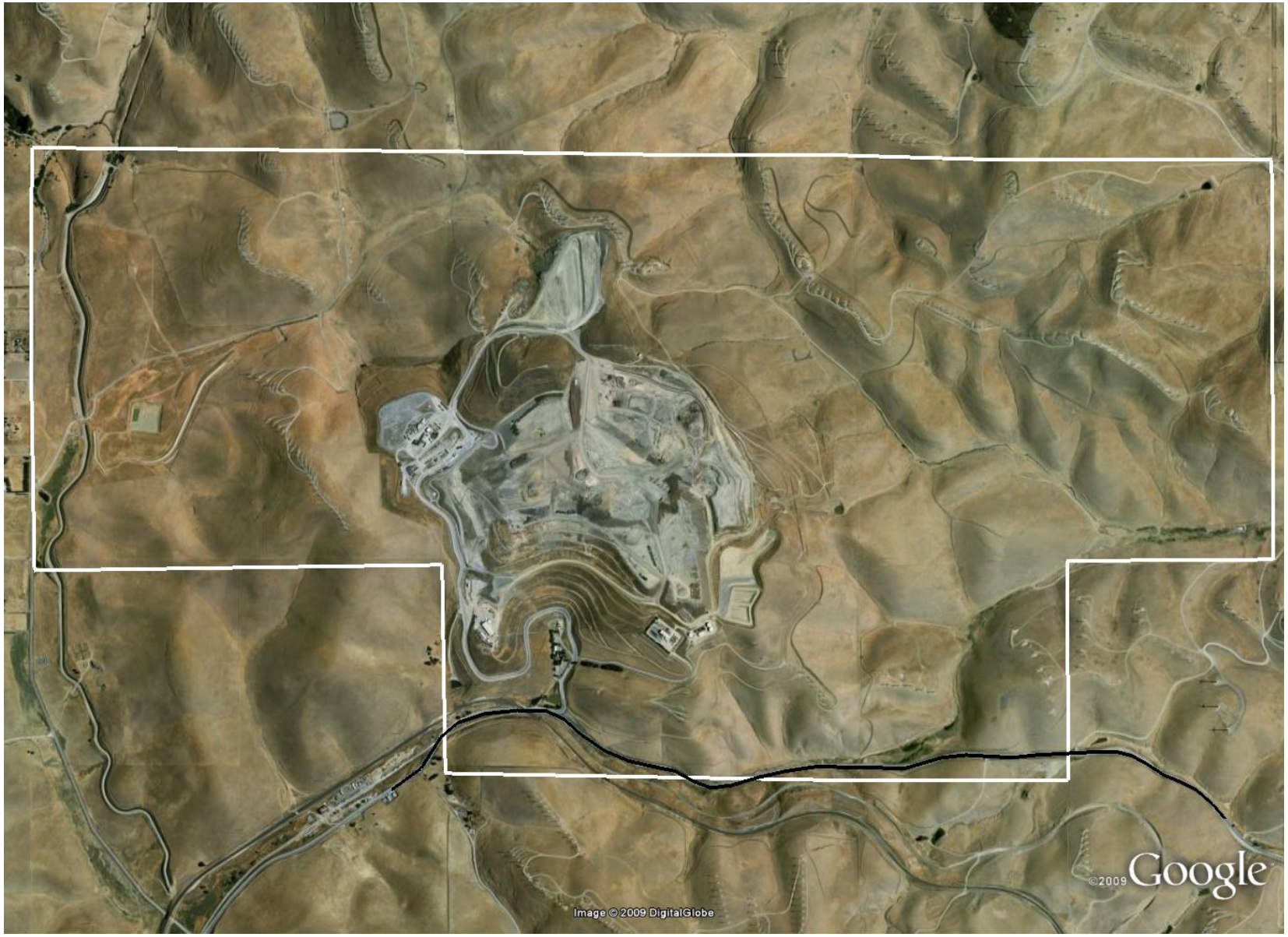


Figure 5 - Altamont Pass Road

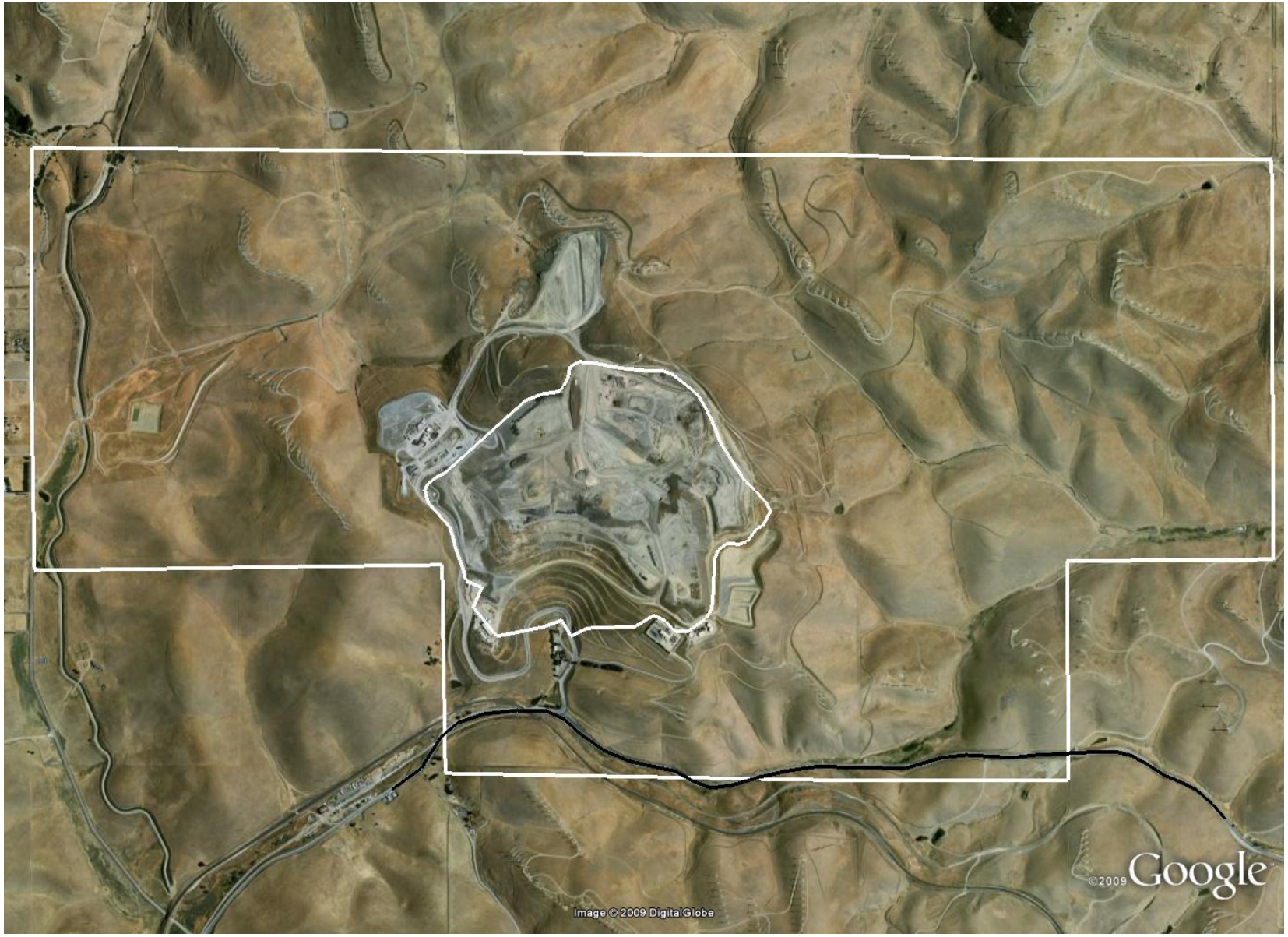


Figure 6 - Limits of Refuse, Fill Area 1

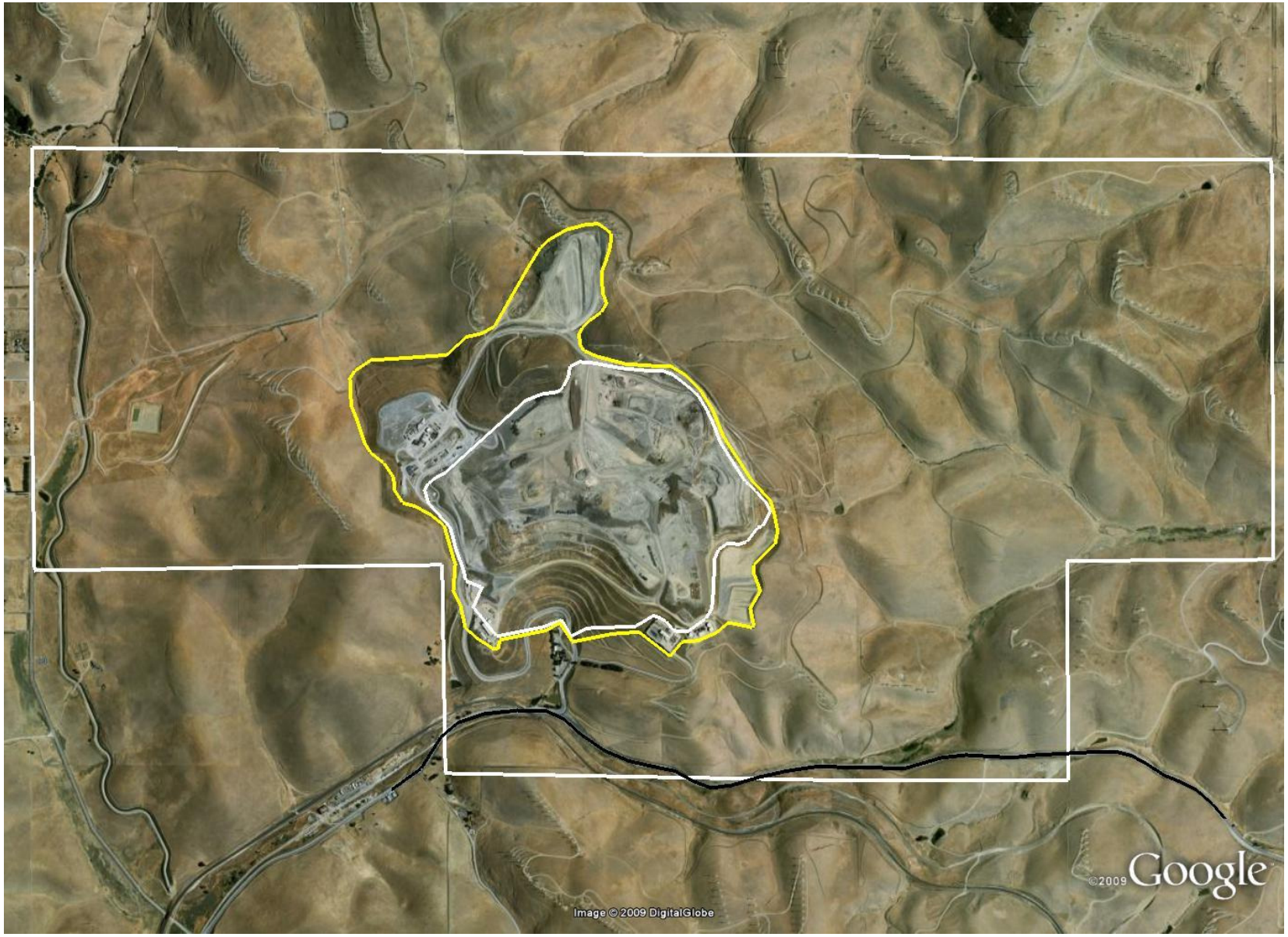


Figure 7 - Limits of Earthwork, Fill Area 1

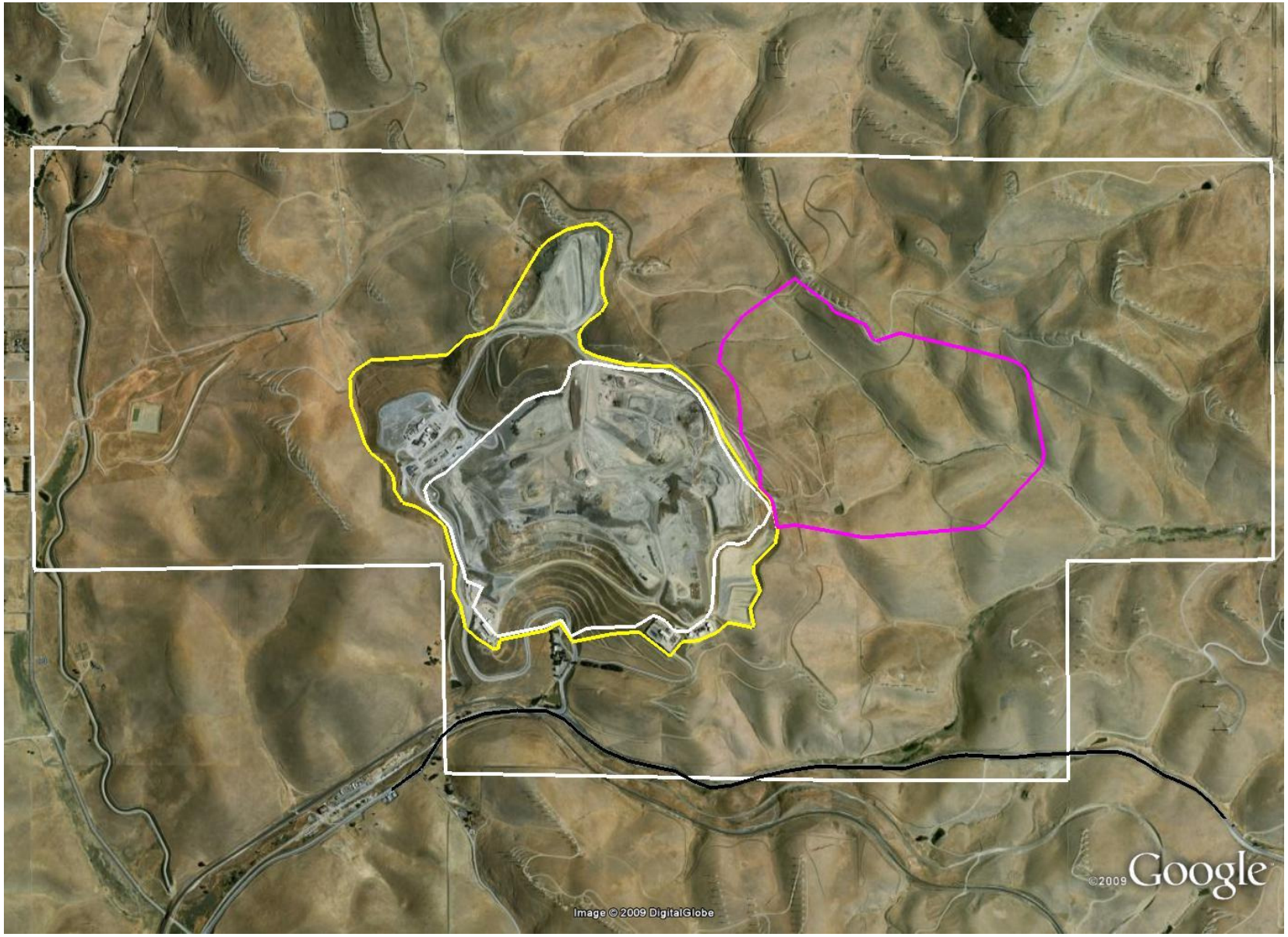


Figure 8 - Limits of refuse, Fill Area 2, Unit 1

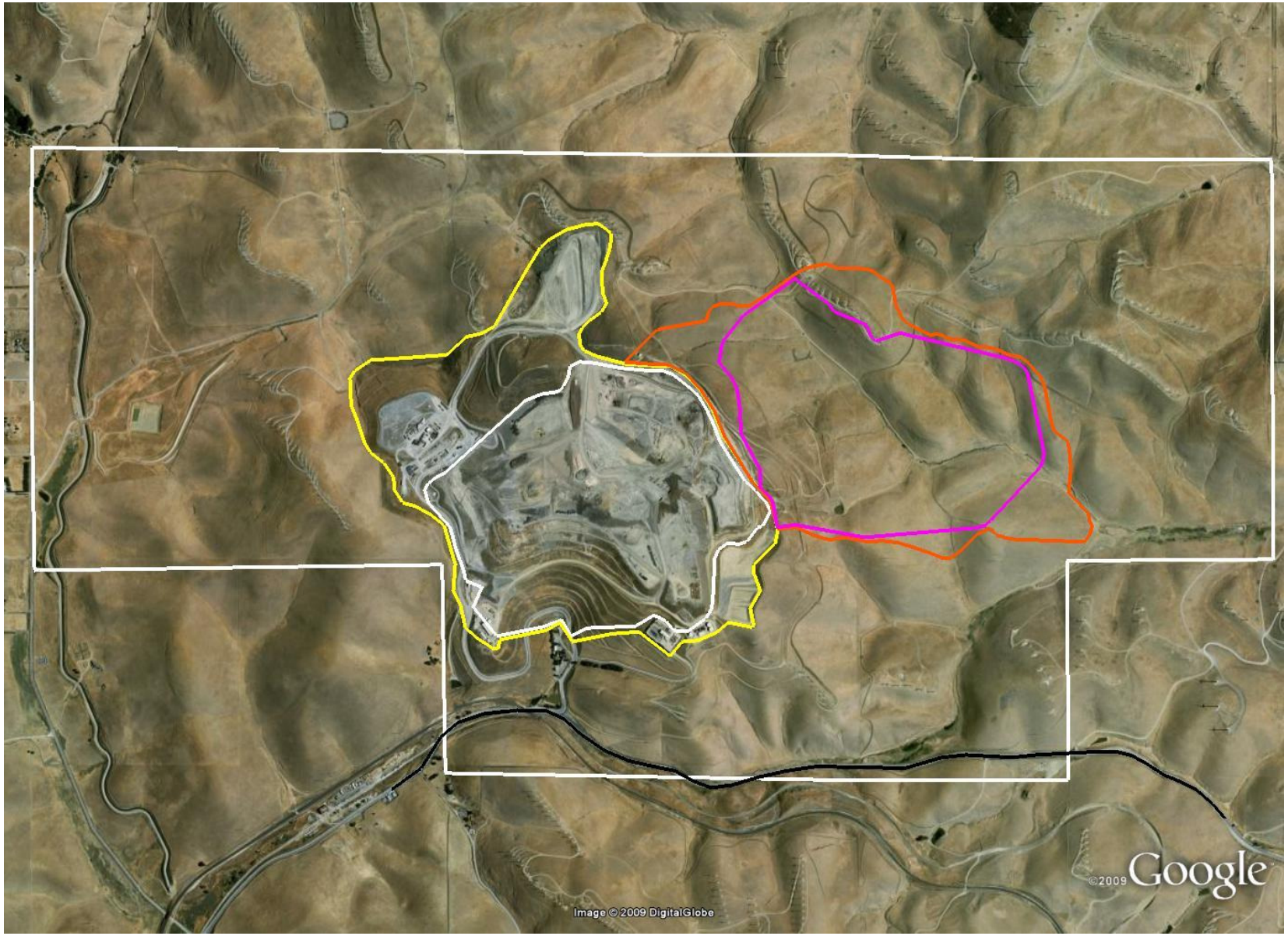


Figure 9 - Limits of Earthwork (except soil stockpiles), Fill Area 2

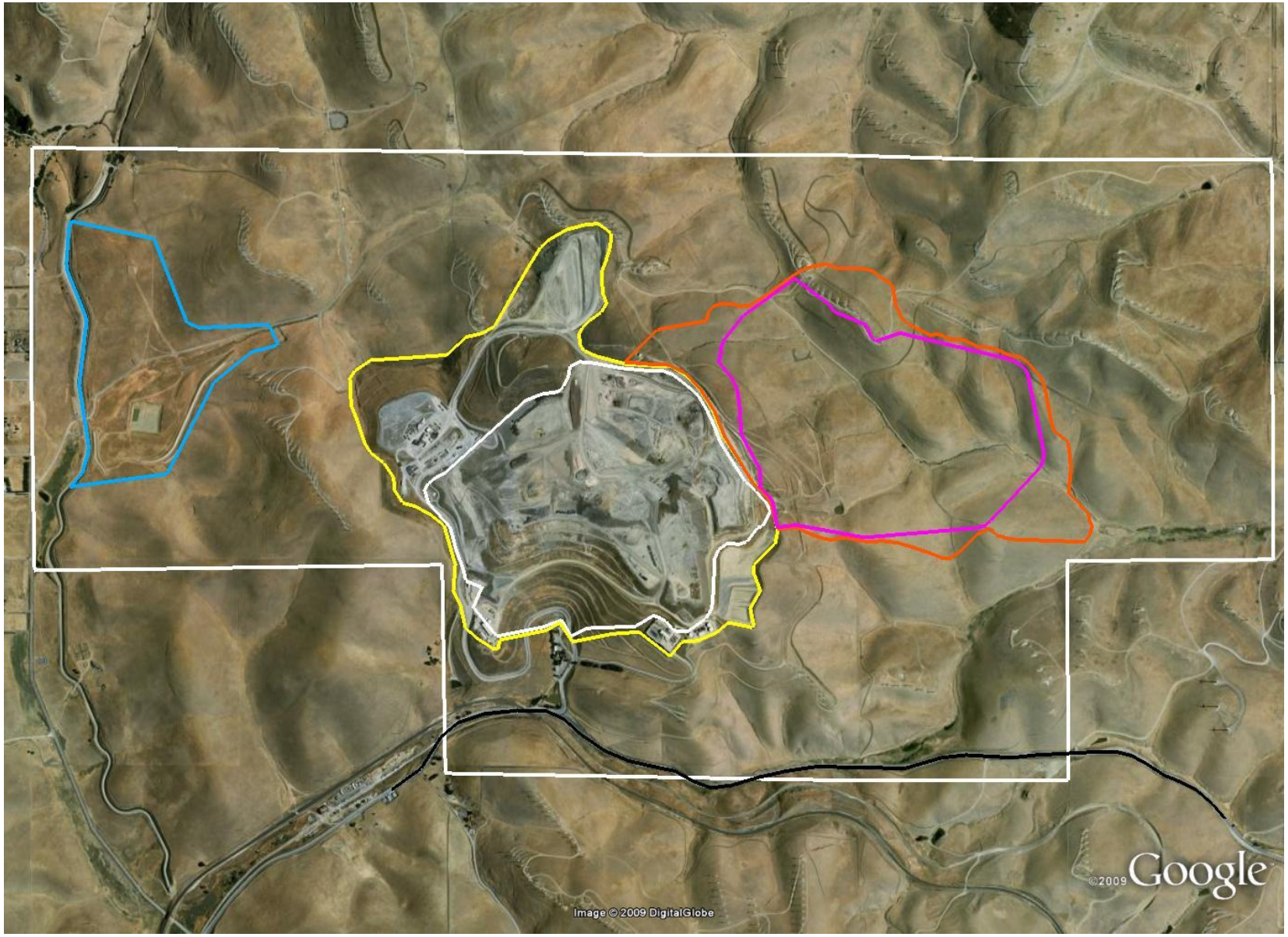


Figure 10 - Reservoir Construction Zone

Figure 11 - View Looking East

ESA

225 Bush Street
Suite 1700
San Francisco, CA 94104
415.896.5900 phone
415.896.0332 fax

www.esassoc.com

memorandum

date February 25, 2009

to ALRRF Community Monitor Committee

from Kelly Runyon

subject CMC Meeting of 3/11/09 - Agenda Item 6.4 - Review of Reports from Community Monitor

Attached are our inspection reports for January and February of 2009. The focus of both inspections was stormwater management, but all landfill operations were inspected each time.

The January inspection was unannounced. The February inspection was announced. Neither inspection was conducted jointly with the LEA. Both were during daylight operating hours (mid to late morning). LEA inspection reports and the Special Occurrences Log were reviewed during each inspection.

Issues that caused some concern are marked with yellow rectangles in the left-hand margins of the monthly reports. The erosion above Basin B, noted in the previous report, appears to have been fully corrected. Nevertheless it should continue to be checked.

The plant that will convert landfill gas to liquefied natural gas is now under construction. Figure 1 is a set of two progress photos.

No truck counts were conducted in January or February. Tonnage reports for December and January did not indicate a significant increase in refuse volume compared to prior months.

Tonnages of incoming material were generally within normal ranges, and the amount of Class 2 cover soil was less than in the preceding two months. Graphs by material type are provided in Figures 2 and 3 below.

In addition to inspections, two other major report reviews are currently in progress:

- The second 2008 semiannual Title V report (regarding air permit/regulatory compliance)
- The second 2008 semiannual groundwater monitoring report

Figure 1 – LFG-to-LNG Progress Photos

January 2009

.

February 2009

Figure 2

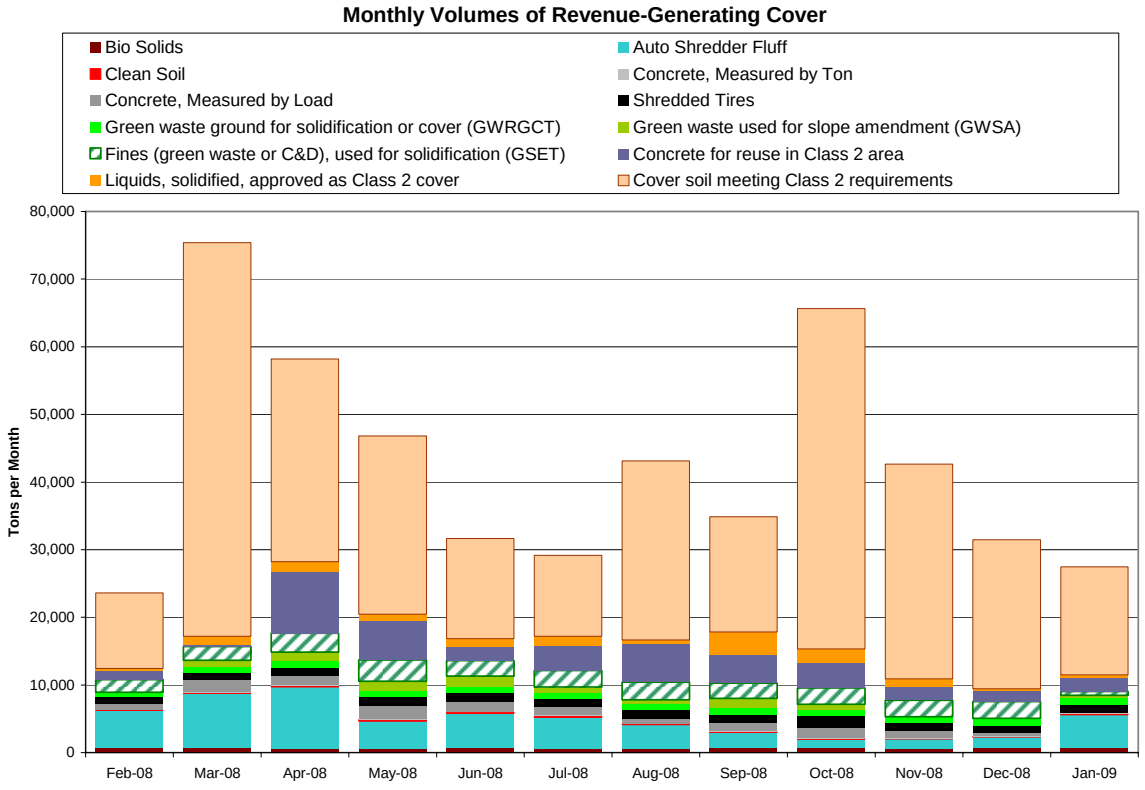
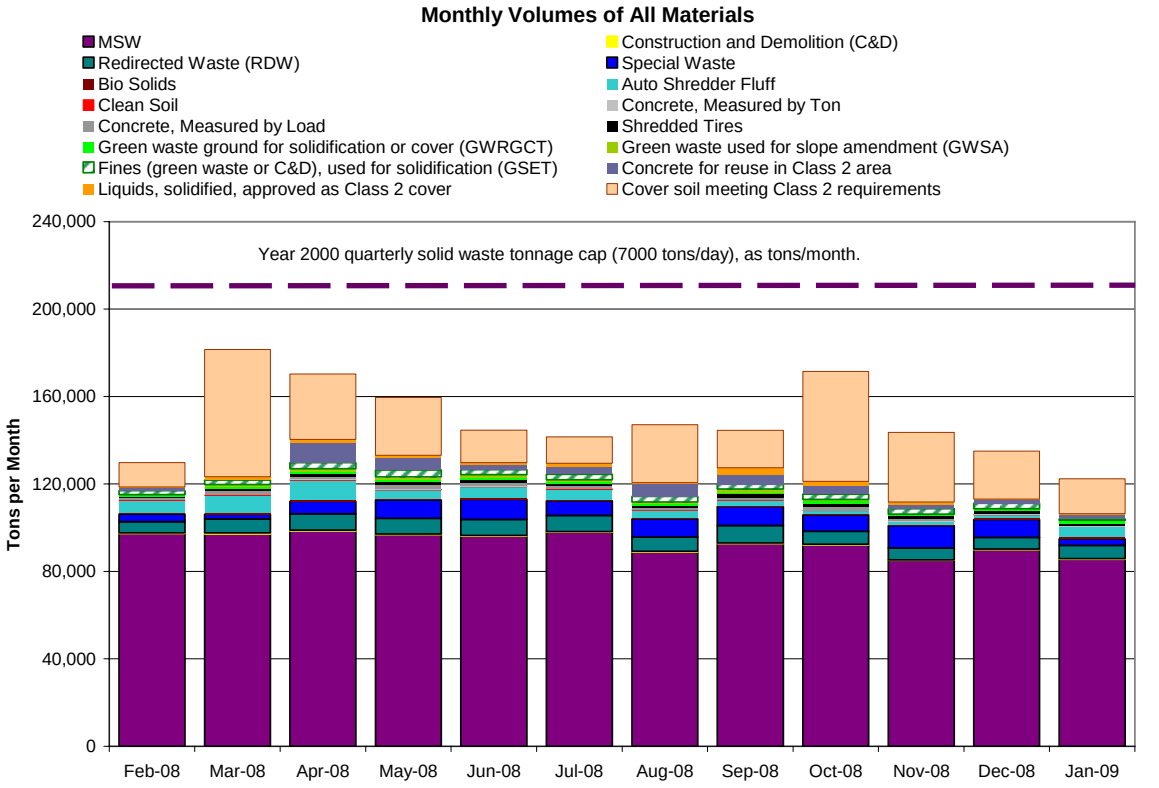


Figure 3



ALRRF Community Monitor Monthly Report **January 2009**

Reports Received

Monthly Tonnage Report for December 2008, dated January 12, 2008

Tonnage Summary:			tons	
	Disposed, By Source Location			
1.1	Tons Disposed from Within Alameda County		53,056.19	
1.2	Tons Disposed from City of San Francisco TS		39,324.79	
1.3	Other Out of County Disposal Tons		5,930.06	
		subtotal Disposed	98,311.04	
	Disposed, By Source Type			
2.1	C&D		236.19	
2.2	MSW		90,007.21	
2.3	Special Wastes		8,045.93	
		subtotal Disposed	98,289.33	
	Difference Not Yet Reconciled		-21.71	-0.02%
	Other Major Categories			
2.4	Re-Directed Wastes (Shipped Off Site or Beneficially Used)		5,345.42	
2.5	Revenue Generating Cover		31,449.18	
		Total, 2.1 - 2.5	135,083.93	
	Materials of Interest			
2.3.1	Friable Asbestos		279.89	
2.3.2	Class 2 Cover Soils		21,996.99	
2.5.1	Auto Shredder Fluff		1,580.99	
2.5.2	Processed Green Waste/MRF fines, Beneficial Use (GSET)		2,520.40	

ALRRF Community Monitor Monthly Report **January 2009**

Site Visit(s)

Site Inspection January 26, 2009, 8AM to 11:15 AM

- Attended by Kelly Runyon.
- Escorted by Neil Wise. An ATV was used to access the muddiest areas.
- Observed refuse receiving and handling, solidification, and other routine operations.
- Construction for LNG plant continues. Foundation forms are in place.
- Installation of additional gas wells continues at a slow pace. Contractor obtaining new rig.
- 24-inch gas header is in place; fittings and finish work are in progress.
- Refuse fill was occurring along the southwest side of the landfill, upslope from the scale houses, with separate unloading areas for transfer trucks and the general public.

Status of Stormwater Basins

A Water level is 1 ft below lower rim of outlet cover.

B Water level is even with lower rim of outlet cover.

C Discharging; inflow appears greater than discharge; significant amount of floating trash on water.

Stormwater Controls and Best Management Practices

- Hydroseed germinating well on native soil, less well on cover.
- Further corrections to stormwater controls above Basin B have been made. Some erosion still occurring at discharge from V-ditch to north of Basin B.
- Some raveling is occurring on the north side of the slope above Basin B.
- Eroded surfaces on slopes, previously noted, appear to have been repaired.
- At Soil Stockpile 1, the swale and check-dams are in good condition.
- Slopes below the leachate treatment facility were observed. One small gully has formed immediately below the plant. Downcutting is minor at this time.
- Brief heavy rain occurred in the night immediately prior to this inspection. All ditches and drains were open and flowing.

Observation of Environmental Controls

- Substantial seagull activity was seen near active areas of the landfill.
- Ponding is continuing to occur in the area used for green waste from San Ramon. This flat area is slightly depressed and traps water easily. The LEA has also noted this issue. regrading efforts have not yet been successful.
- No slides, seeps, slumps or other indication of slope failure were observed.
- Observed portion of asbestos area fence was intact.
- No appreciable litter was seen along Altamont Pass Road near the site.
- Gas controls: Both turbines and both Deutz engines were operating; flare was off.
- Wastewater sampling was occurring in the vicinity of the old flares (near the lower parking lot).
- Water is no longer being imported for on-site use.

Other Observations

- Landfill operations at working face were proceeding normally; traffic was light. Equipment included 2 dozers and 2 compactors, the normal complement.
- No Class 2 materials were seen in the Class 3 portion of the site.
- No new Special Occurrences have been logged in the past month.
- LEA inspection forms no longer note gas monitoring probes as an issue. New monitoring-probe plan is in progress.
- LEA inspection forms note the size of the C&D pile and require that it not become any larger.
- Solidification area is active, with receiving and mixing occurring.

ALRRF Community Monitor Monthly Report **February 2009**

Reports Received

Monthly Tonnage Report for December 2008, dated January 12, 2008

Tonnage Summary:			tons	
	Disposed, By Source Location			
1.1	Tons Disposed from Within Alameda County		52,377.44	
1.2	Tons Disposed from City of San Francisco TS		34,601.71	
1.3	Other Out of County Disposal Tons		1,829.03	
		subtotal Disposed	88,808.18	
	Disposed, By Source Type			
2.1	C&D		338.77	
2.2	MSW		85,531.90	
2.3	Special Wastes		2,937.51	
		subtotal Disposed	88,808.18	
	Difference Not Yet Reconciled		0.00	0.00%
	Other Major Categories			
2.4	Re-Directed Wastes (Shipped Off Site or Beneficially Used)		6,086.45	
2.5	Revenue Generating Cover		27,085.10	
		Total, 2.1 - 2.5	121,979.73	
	Materials of Interest			
2.3.1	Friable Asbestos		210.76	
2.3.2	Class 2 Cover Soils		15,966.91	
2.5.1	Auto Shredder Fluff		4,916.86	
2.5.2	Processed Green Waste/MRF fines, Beneficial Use (GSET)		569.94	

Title V (Air Permit) Report for Jun 08 - Nov 08, dated Dec 2008

- Report is still under review.
- It is apparent that there was a period of several days in November during which none of the gas extraction systems were operating. Additional information will be provided when our review is complete.

ALRRF Community Monitor Monthly Report **February 2009**

Site Visit(s)

Site Inspection February 19, 2009, 10 AM to noon

- Attended by Kelly Runyon.
- Escorted by Neil Wise and Teresa Dominick.
- Observed refuse receiving and handling, solidification, and other routine operations.
- Construction for LNG plant continues. Foundations have been poured and most forms stripped.
- 24-inch gas header installation work continues. Contractor and ALRRF staff meet weekly to plan work.

  Refuse fill was occurring along the south side of the landfill, with separate unloading areas for transfer trucks and the general public. Dry cover soil from Soil Stockpile 2 was being placed in public area to reduce muddy conditions.
- ALRRF staff mentioned that numerous rolloff boxes will be brought to the landfill for temporary storage due to the downturn in construction. I advised Teresa Dominick to prepare to prevent mosquito breeding if those boxes collect rain water.

Status of Stormwater Basins

A Water level is below lower rim of outlet cover.
B Noticeable sediment buildup at inlet side of basin.
C Significant amount of floating trash on water.

Stormwater Controls and Best Management Practices

- Hydroseed not germinating well on slope cover, although ground green waste shows some sprouting.
- Further corrections to stormwater controls above Basin B have been made. Situation appears stable now.
- Eroded surfaces on slopes, previously noted, appear to have been repaired.
- At Soil Stockpile 1, the swale and check-dams are in good condition.
- Slopes below the leachate treatment facility were observed. Since last month there has been no change in the small gully that has formed immediately below the plant.
- In the last round of wet weather, Drainage from top deck went over the west side at an unexpected location, creating a very wet side slope. This has been corrected and the lope is drying out.
- There is some ponding in the low point of the roadway east of the asbestos area.

ALRRF Community Monitor Monthly Report **February 2009**

Observation of Environmental Controls

- Hundreds of resting seagulls were seen on east side of the landfill.
- Workers were bagging and removing litter from the east fences. Temporary litter fences have been placed to the north and south of the active area.
- No slides, seeps, slumps or other indication of slope failure were observed.
- Observed portion of asbestos area fence was intact. A truck delivering ACW became stuck in the mud while unloading but was freed by landfill staff and equipment in less than 15 minutes.
- More litter than usual was seen along Altamont Pass Road near the site.
- Gas controls: Both turbines and one Deutz engine were operating; flare was off.

Other Observations

- The San Ramon green waste pile has been relocated to the vicinity of the solidification operation and the C&D pile, while regrading continues (when possible) at the former GW pile location.
- The old landfill gas flares have been removed from their foundations near the lower parking lot and brought to the working face for disposal. Cutting them up for scrap is not economically feasible at present.
- Landfill operations at working face were proceeding normally; traffic was light. Equipment included 2 dozers and 3 compactors on hand, not all in use.
- No Class 2 materials were seen in the Class 3 portion of the site. Refractory brick is being received for beneficial reuse.
- No new Special Occurrences have been logged in the past month. One item is pending.
- Checked C&D pile for prohibited materials (from a distance); saw none.
- LEA inspection forms no longer note gas monitoring probes as an issue. New monitoring-probe plan is in progress.
- LEA inspection forms note the size of the C&D pile and require that it not become any larger.
- Solidification area was active, with receiving occurring.
- A calf, apparently injured, was seen in a fenced area alongside the acces road to the gas turbines. Site staff were notified and followed up.