



August 12, 2010

Mr. Arthur G. Gravenstein, P.E.
Bureau of Waste Management
Nevada Division of Environmental Protection
333 West Nye Lane, Room 138
Carson City, Nevada 89706

**RE: Western Elite, Inc. Class III Landfill
Response to Comments
JEI Project No. 00.383.0900.01 / Task No. 13 / Subfolder 01**

Dear Mr. Gravenstein:

In response to your letter dated August 5, 2010, Western Elite, Inc. (WEI) is submitting these responses to your comments to the Waste Characterization Plan dated August 2010. As you know, WEI is requesting a permit modification to allow for the addition of special waste categories from multiple sources to be accepted at the disposal facility. Per NAC 444.648, WEI will follow DEP permit conditions, outlined in these plans in regards to testing, screening and monitoring requirements. As we discussed on August 4, 2010, these are in response to the removal of PCS, medical waste and animal carcasses. These wastes were taken out of the application per your request. Therefore, the sampling frequencies have been adjusted accordingly. Landfilling will be conducted in a manner that prevents resurfacing of materials, reduces the possibility of a fire at the disposal facility, controls vectors, and otherwise protects the environment and public health. Additionally, the revised Waste Characterization Plan is attached to this letter. Please note that the WEI Class III landfill is lined facility. This liner consists of a:

- a. Drainage layer consisting of 18 inches of coarse aggregate with a permeability no less than 0.5 cm/sec;
- b. Protective cushion consisting of a non-woven, 16 oz./s.y. geotextile;
- c. Flexible membrane liner (60-mil textured HDPE); and,
- d. Prepared subgrade, smooth and generally free of rocks larger than ¾".

Additionally, the liner system on the side slopes consists of the following:

- a. Protective layer consisting of 18 inches of native soil of unspecified permeability;
- b. Drainage layer consisting of a 10 oz./s.y. geonet composite;
- c. Flexible membrane liner (60-mil textured HDPE); and,

- d. Prepared subgrade, smooth and generally free of rocks larger than ¾”.

For ease of review, your comments are in normal font and our responses are in italics.

General Comments:

- Please provide a strike-out version of the amended Waste Characterization Plan, The Operating Plan and the Health and Safety Plan to this office for review and approval. The strike-out version will facilitate rapid review and will be in the best interest of all parties concerned.

Agreed.

- NDEP has commented on specific sections of the plan. Other sections remain unchanged from the plan previously approved by NDEP. Accordingly, no comments are provided and no changes are warranted.

No response required.

3.0 Waste Characterization

3.1 Allowed Waste

Second to last paragraph: “The wastes will be sampled appropriately and documented as to being non-hazardous by the generator prior to acceptance at the landfill.”

- It is incumbent on Western Elite to confirm that the material is non-hazardous? How will this be done? How often will this confirmation testing be conducted? Explain how your plan to characterize EACH Waste will be consistent with NAC 444.737 below.

This will be addressed in the various pertinent sections of the revised Waste Characterization Plan (WCP).

NAC 444.737 Plan to characterize solid waste. (NRS 444.560) A plan to characterize solid waste for a Class III site must be sufficient to:

1. Determine that the waste is not a hazardous waste;
2. Identify physical and chemical characteristics of the waste which may create an environmental hazard or threaten the health of the general public; and
3. Provide for the periodic characterization of the waste stream as needed.

(Added to NAC by Environmental Comm’n, eff. 9-2-92)

As we discussed, the sampling of each additional waste material is shown in the appropriate section of the WCP.

3.1.1 Industrial Wash Water Sump and Grease Trap Wastes/Non-Septic Liquid Waste

- Are you requesting that is waste be used as an Alternative Daily Cover?

No.

- Are you planning on mixing or drying of the waste after receipt at the landfill?

No.

- No mixing or drying can occur inside the footprint of existing or future cells.

No response required.

- If you will receive liquids or plan on drying or mixing waste, you may need a permit from the NDEP Bureau of Water Pollution Control (BWPC).

Not applicable for permit modification for landfill.

- Please clarify your procedure and provide confirmation of correspondence with BWPC regarding necessary permits.

Not applicable.

- Please provide confirmation that all Industrial Wash Water Sump and Grease Trap Wastes/Non-Septic Liquid Waste deposited in the landfill will pass the paint filter test.

No free liquids will be accepted at the landfill.

3.1.2 Asbestos

- Provide a clarifying statement that Western Elite will accept only Asbestos waste that meets the definition of an Industrial Solid Waste as defined in NAC 444.585(1) (p).

Agreed. Section 3.1.2 of the WCP has been revised to reflect this change.

- Third bullet: "Access points to the asbestos disposal area will be clearly marked by appropriate signage. ADD: Per NAC 444.976(1).

Agreed. Section 3.1.2 of the WCP has been revised to reflect this change.

- Second Paragraph: "If the wastes are not properly containerized,.." Add per NAC 444.971., the facility will reject the load.

Agreed. Section 3.1.2 of the WCP has been revised to reflect this change.

Special Handling Procedures

- ***General comment:*** NDEP is concerned about site worker safety. Please amend the current health and safety plan to include special handling procedures for Asbestos. Please provide a strike-out version of the amended health and safety plan to this office for review and approval. The strike-out version will facilitate rapid review and will be in the best interest of all parties concerned.

Please note that health and safety procedures are found in the revised WCP. WEI will revise the relevant portions of the original application that apply to these issues.

Different regulations apply to Asbestos for transportation or PRIOR to arrival at the landfill, for ACCEPTANCE to the landfill and DISPOSAL at the landfill. Please reorganize this section and show how the regulations are met for each phase. I have included the appropriate regulations for each phase as an example.

Agreed. Section 3.1.2 of the WCP has been revised to reflect this change.

Prior to Arrival at landfill

NAC 444.971 Standards for handling and transportation. (NRS 618.775)

1. All asbestos that is friable or otherwise capable of giving off friable asbestos dust and that is intended for transport must be wetted with a water and surfactant mixture and stored in:

- (a) A plastic bag which is not less than 6 mils thick and sealed so it will not leak;
- (b) A combination of plastic bags which equal at least 6 mils in thickness; or
- (c) A container made of cardboard or metal which is lined with plastic.

2. Each container used to dispose asbestos must bear a label that conforms to the requirements of the United States Environmental Protection Agency or Occupational Safety and Health Act and contains either of the following statements:

CAUTION
CONTAINS ASBESTOS FIBERS
AVOID OPENING OR BREAKING CONTAINER
BREATHING ASBESTOS IS HAZARDOUS TO YOUR HEALTH
or
CAUTION
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
MAY CAUSE SERIOUS BODILY HARM
or
DANGER
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD

3. The vehicle used to transport asbestos must be fully enclosed or be covered so as to prevent damage to the containers or the release of asbestos fibers.

(Added to NAC by Environmental Comm'n, eff. 12-19-89)

NAC 444.974 Notification required before delivery; disposal at site other than Class I disposal site. (NRS 618.775)

- 1. Each transporter shall notify the operator at least 24 hours before delivery of the asbestos.
- 2. Asbestos may be disposed of at a site other than a Class I disposal site if such disposal is approved by the solid waste management authority.

(Added to NAC by Environmental Comm'n, eff. 12-19-89)

Agreed. Section 3.1.2 of the WCP has been revised to reflect this change.

Upon Arrival at the Landfill

NAC 444.975 Inspection upon delivery; notice of noncompliance with standards; acceptance of noncomplying load. (NRS 618.775)

1. Each operator who accepts asbestos shall inspect each load to verify that each container and label complies with the requirements prescribed in NAC 444.971. If there is any noncompliance with those requirements which may cause the release of fibers during disposal, the operator shall notify the solid waste management authority.

2. If the operator notifies the solid waste management authority of noncompliance and the authority authorizes the operator to accept the asbestos, the operator shall comply with the requirements set forth in paragraphs (e), (f) and (g) of subsection 1 of NAC 444.976.

(Added to NAC by Environmental Comm'n, eff. 12-19-89)

Upon Acceptance to the Landfill

NAC 444.976 Duties of operator who accepts asbestos. (NRS 618.775)

1. Each operator who accepts asbestos shall:

- (a) Designate a separate area of the disposal site for asbestos;
- (b) Maintain records of the location and quantity of asbestos which he accepts;
- (c) Place each container in a landfill in a manner that limits breakage;
- (d) Cover asbestos within 24 hours after placement with at least 6 inches of material that is not asbestos;
- (e) Soak any asbestos which is in a container that does not comply with the requirements of NAC 444.971 before unloading it;
- (f) Rinse out any vehicle which contained any asbestos which is in a container that does not comply with the requirements of NAC 444.971;
- (g) Immediately cover any asbestos which is in a container that does not comply with the requirements of NAC 444.971;
- (h) Compact asbestos after it is covered as prescribed in paragraph (d);
- (i) Cover asbestos with at least 30 inches of compacted material that is not asbestos after the area designated for the disposal of asbestos is no longer used;
- (j) Grade and stabilize the material which covers asbestos;
- (k) Control access to any area where asbestos is disposed of; and
- (l) Place a sign at each point of access to the site which reads:

ASBESTOS WASTE DISPOSAL SITE
BREATHING ASBESTOS DUST
MAY CAUSE LUNG DISEASE AND CANCER
or
DANGER
CONTAINS ASBESTOS FIBERS

AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD

2. As used in this section, "landfill" means a facility or part of a facility at which asbestos is disposed of by placing it into or on land.

(Added to NAC by Environmental Comm'n, eff. 12-19-89)

Agreed.

Special Handling Procedures (continued)

- Fourth Bullet: "Disposal during periods of high winds will be avoided". Change to Disposal will not take place when wind speeds exceed 10 mph...then explain how you will handle the waste during the period of high winds when disposal is not appropriate.

Agreed. The operator will determine excessive wind speeds and take appropriate action to minimize disturbance of the material as shown in Section 3.1.2 of the revised WCP.

- Sixth Bullet: "Appropriate measures will be undertaken at the site to keep unauthorized personnel out of any areas being used for the disposal of asbestos-containing waste." This statement is too vague. Please include specific details regarding how you will control access, how the area will be marked, taped etc and include procedures to keep unauthorized personnel away from the area and cite the appropriate regulation that must be followed.

Agreed. Section 3.1.2 of the WCP has been revised to reflect this change.

3.1.3 Coal Combustion Byproducts

- Please provide the maximum Quantity to be accepted and appropriate characterization of the waste. What forms? Dust, wet? Bottom ash?

No maximum quantity. Bottom Ash and dust will be accepted. These changes have been made to Section 3.1.3 of the revised WCP.

- How will Coal Combustion Byproducts be disposed? *By landfill.* Special handling procedures? *None.*
- A review of your most recent groundwater monitoring report indicates that you are currently sampling for appendix II constituents. Please add Mercury to the constituent list.

We will sample for mercury in all wells for a period of 2 years. Until a representative pooled background concentration is developed, this will not be included in the semi-annual reports that are required by the permit. This is being done to ensure a maximum understanding of the groundwater and a minimum of misunderstanding about whether CCBs are actually leaching mercury to the groundwater.

3.1.4 Biosolids

- First Paragraph, Line 1: “Raw sewage sludge will not be accepted at the landfill.” Change to: Per NAC 444.654, raw sewage sludge will not be accepted.

Agreed. Section 3.1.5 of the WCP has been revised to reflect this change.

- How will waste be characterized? *Same as water treatment solids. Section 3.1.5 of the WCP has been revised to reflect this change.*
- What specific analytical methods will be used? *Section 3.1.5 of the WCP has been revised to reflect these methods.*
- What are the proposed acceptance criteria? *Section 3.1.5 of the WCP has been revised to reflect the acceptance criteria.*
- What are the action levels? *Section 3.1.5 of the WCP has been revised to include these action levels.*
- What are the constituents of concern? *Section 3.1.5 of the WCP has been revised to reflect the constituents of concern.*
- Second Paragraph: “Biosolids containing free liquid will not be allowed to be deposited in the landfill.” Change to: Biosolids containing free liquid will not be accepted at the landfill.

Agreed. Section 3.1.5 of the WCP has been revised to reflect this change.

- If you plan to accept Biosolids with free liquid, see previous comments (3.1.1) regarding requirements that must be specified. *Not applicable.*
- Second Paragraph, Last Sentence: It is not necessary to notify the NDEP. *Agreed. Section 3.1.5 of the WCP has been revised to reflect this change.*
- For future reference, The Nevada DIVISION of Environmental Protection, not DEPARTMENT. *Agreed. Section 3.1.5 of the WCP has been revised to reflect this change.*

3.1.8 Water Treatment Plant Solids

- How will waste be characterized? *Same as biosolids, characterization of this material is in the revised WCP, Section 3.1.5.*
- What specific analytical methods will be used? *See above.*
- What are the proposed acceptance criteria? *See above.*
- What are the action levels? *See above.*
- What are the constituents of concern? *See above.*
- If you plan to accept Water Treatment Plant solids with free liquid, see previous comments (3.1.1) regarding requirements that must be specified.

Not applicable. Free liquids will not be accepted at the landfill.

3.2 Test Methods/3.3 Testing Frequency/Recharacterization

It is unclear how individual wastes will be characterized, the specific methods to be used, the action levels, the detection limits and the constituents of concern for each individual waste. NDEP recommends that these three sections be eliminated and specific information is included for each waste that is proposed. For example, each waste section must include.

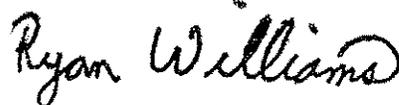
- Constituents of concern and justification *These sections have been eliminated from the WCP.*
- Characterization methods that will be used *These sections have been eliminated from the WCP.*
- Analytical methods with detection limits *These sections have been eliminated from the WCP.*
- Action levels. What is the maximum level that can be accepted and what is this based on? *These sections have been eliminated from the WCP.*
- Test frequency *These sections have been eliminated from the WCP.*
- Confirmation sample methods and frequency *These sections have been eliminated from the WCP.*
- Description of specific waste generation process *These sections have been eliminated from the WCP. As discussed above, new sections have been added that are specific to each waste stream.*

4.0 Monitoring Incoming Waste

- Paragraph 1: Discusses only ASR and does not address other proposed waste. Please clarify *Agreed. Please see revisions in Section 4.0 of the revised WCP.*

If you have any questions or comments regarding these responses or any of the enclosed information, please do not hesitate to contact me at (702) 250 -3045.

Sincerely,



Ryan Williams

Attachments: Waste Characterization Plan

cc: T. M. Kelly, JEI
Leonard E. Joyce, P.E., w/letter only