



STATE OF NEVADA
Department of Conservation & Natural Resources
DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor
Leo M. Drozdoff, P.E., Director
Colleen Cripps, Ph.D., Administrator

September 1, 2011

Ryan Williams
Western Elite Inc.
6345 E. Bonanza
Las Vegas, NV 89110

Reference: With respect to Western Elite Inc. and the correspondence dated March 1, 2011

Subject: Comments on Modification request

Dear Mr. Williams:

Enclosed, please find comments by Nevada Division of Environmental Protection (NDEP) on your request for modification to your landfill permit to include Municipal Solid Waste.

In general the application does not provide sufficient detail or clarity to proceed to Public Comment. In light of some of the structural and contextual deficiencies this review is considered to be preliminary and NDEP reserves authority to continue review after a response from Western Elite.

I have included guidance for the Integrated Sitewide Contingency Plan and guidance for obtaining a compost permit. With respect to the contingency plan the NDEP would suggest consulting an industrial hygienist prior to re-submission.

Any questions regarding this may be directed to the undersigned at 775-687-9477 or jtaylor@ndep.nv.gov.

Sincerely,

Jon Taylor PE CEM
Staff Engineer III
Solid Waste Branch
Bureau of Waste Management

JT:dl

cc: Cory Lytle, PO Box 307, Pioche, NV, 89043

Enc: ISCP guidance; Compost Permit guidance

File: 277_jtaylor_08032011_10_LTR_comments on mod request.doc



General Comments

As this site is proposed to encompass both Class I and Class III facility, within each section of the Design Report and Operating Plan please clarify which design criteria is being referred to. There is a conflicting and unclear narrative contained within the submitted documents. By example; The Table of Contents (March 2011) does not reflect the text, for example TOC says section 13.2 & 3 for Run-on but the text refers to Misc. Requirements. Section 10 of the Report text says Run-on/Run-off and refers to the Design Report. This occurs in a number of places. Please clarify what is being referred to and proof read the entire document for consistency and accuracy. Section 15.0 Integrated Site wide Contingency Plan is not on page 26 but on page 28 and merely restates the regulations. Please do not restate regulations; the NDEP is aware of their contents.

Please show, on a scaled plan, in accordance with NAC 444.680(3)(d), the location of all borrow sources with soil material balances. Also include, in accordance with NAC 444.680(6), the source of cover material

The bottom liner design, drawing 13A, is not described (it is merely stated that it will comply with NAC 444.681 in section 11.0) in the design report but noted in the Table of Contents. As a matter of note the design does not comply with NAC 444.681(1)(b). Nevada Division of Environmental Protection (NDEP) will not approve an alternative liner for this facility in light of its proximity to groundwater.

Include a detail for the top of the piggy-back liner at the crest of the slope for review.

Include design Calculations related to the leachate sump design.

NDEP has specific concerns related to both the remoteness of the site and the impact this may have on the ability of emergency response personnel (fire, medical, law enforcement) to respond in the event of an onsite incident and its concomitant impact on site personnel. Specifically, establishing site worker safety protocols will be paramount in this review process. The current plans are disconnected and do not provide the level of worker safety necessary due to the complexity of the site. The Alamo Volunteer Fire Department is some 40 miles away and presumably medical assistance as well. Please identify and make arrangements with fire/medical response personnel and include a Response Action Plan for injuries, as well as a plan for responding to a fire. As this site will be operational during the night please include specific direction for operations during this time.

By example, note that NAC 444.684(4) requires a specific "plan of action", there does not appear to be a hierarchical system or list a series of specific steps taken in the event of an emergency; emergency response is mentioned but not contained in the plan. Nor does it establish who or how a particular reaction would be determined with level of responsibilities, nor offer gathering points, or evacuation routes etc. The hazards at this site, in conjunction with its relatively remote location and associated response time, may require an Emergency Medical Technician on site at all times.

NDEP is, in accordance with NAC 444.641(1) and NAC 444.677(9), requiring the following;

1. Please incorporate all employee training, contingency plans, fire and emergency response, documentation of events and records into a single Integrated Site Wide Contingency Plan [ISWCP] Guidance document outline enclosed.
 - 1) The job title for each position at the facility related to waste management and emergency response, and the title of the employee filling each job;

- 2) A written job description for each position listed above. This description must include the requisite skill, education or other qualifications, and duties of facility personnel assigned to each position;
 - 3) A written description, type and amount, of both introductory and continuing training that will be given to each person filling a position listed above.
 - 4) Establish records that document training and ongoing training or job experience required above has been given and completed by facility personnel.
2. Establish a Site Wide Emergency Coordinator ,with alternates, that has specific authorities to include, at a minimum;
- Activate facility alarms or notification system for employee's onsite
 - Notify local authorities as necessary
 - Activate the Integrated Site Wide Contingency Plan
 - Complete any other actions necessary to secure the site and ensure the safety of personnel

Furthermore, if employees are to be required to engage in a firefighting activity, or any other activity outside of the normal course of site operations, the training program must include this and it must be consistent with training obtained at the fire department. NDEP will not approve a plan that does not provide comprehensive training for employees for any activity they may be required to perform both within and without the normal course of their duties. In review of the re-submitted documents NDEP will be using OSHA documents 3317-06N 2006 and CPL 02-02-073 for guidance. Should local authorities decline to enter into such arrangements, please document the refusal in the operating record.

Operating Plan-October 2010

The proposed Plan shows a March 2004 date which was revised May of 2011, Nevada Division of Environmental Protection (NDEP) has a March of 2004 date with a revised date of October 2010. The two documents differ significantly and do not integrate very well (the "plans" should specify which facility operation it is referring to). Neither is there a description of whether the plan it applies to is the Class I or III facility, please clarify (other than the landfill classification on page 1). While the cover letter of 3/1/2011 notes the amendment it covers the Class I only, there are two Tables of Contents. Please clarify the paging in the Table of Contents as it does not reflect the actual text. NDEP will not proof read nor provide corrections for submissions, please ensure the documents are correct, specific to the request and accurate.

With respect to the current application (10/2010)

Section 3.1; include immediate notification of the Alamo Fire Station. If site workers are to be used in place of fire department personnel they must have training commensurate with fire department training standards. In general, the Class I and Class III applications identify the same requirements but do not integrate very well and are difficult, at best, to read and follow. Please clarify which requirements apply in which case and provide a clearer document.

Section 10.0; Remove any and all references to "Composting" at the facility. The current Landfill Permit does not encompass composting and the facility is not permitted to conduct this activity. Should Western Elite wish to begin a composting operation please submit a complete compost application under separate cover. I have included guidance documents for your convenience.

Remove section 10.8.

Section 12.0; some run-off channels are showing supercritical flow, please redesign all channels for subcritical flow.

In the Feb. 2005 Design Report; are there run-on/off controls constructed and in place? In accordance with NAC 444.6885(3), please include a drawing that shows run-off controls that follow the fill sequencing of Drawing 11. Please provide design schematics for the run-off/on control ditches/detention basins during each phase of operation. Are Stormwater Detention Basins 1 & 2 constructed with all channels installed?

Include a complete site plan showing the location (to scale) of all buildings, run-on/off structures and borrow areas, appurtenances, property lines etc. associated with the landfill.

Groundwater Monitoring Program

Drawing 4 shows "Observation Wells" please provide a narrative that describes these and details their purpose.

In accordance with NAC 444.7488 NDEP is requiring an alternate list of parameters and monitoring schedule for the Western Elite Landfill (facility), as otherwise required by NAC 444.7487. Specifically, NDEP's concern is that the Groundwater Monitoring Program must be as site specific as possible in order to provide a reliable indication of a release from the facility. To that aim, please modify Table 2 and by implication Table 3 of the Plan of Operations and Report of Design respectively to reflect the phased approach as discussed below.

Please insert the Phase 1 parameters below into the respective Tables. Remove those tables which will be used to solely provide additional information as to Groundwater Quality from the Detection Program. The Phase 1 detection parameters, as amended later, will form the core of the Detection Monitoring Program. They will therefore, trigger a determination of a Statistically Significant Increase (SSI) pursuant to NAC 444.7489. In addition, please include a procedure within the Groundwater Monitoring Plan that includes procedures for data entry error, sampling error and lab error evaluations prior to making a Statistically Significant Increase determination.

With respect to the Groundwater Monitoring Plan please revise in phases as follows;

Phase 1

Alternative Parameters

1. Total Organic Carbon (TOC)
2. Total Organic Halides (TOX)
3. pH
4. Specific Conductance
5. Chlorides
6. Sulfates
7. Total Kjeldahl Nitrogen
8. Nitrates
9. Nitrites
10. Chemical Oxygen Demand (COD)

Alternative Schedule

- Sampling from the groundwater wells for 12 continuous quarters
- At the conclusion of 12 quarters submit the statistical analysis required by NAC 444.7485 within 180 days.

Phase 1:

Include a biennial sampling event for the groundwater monitoring wells that includes *Appendix II to Part 258—List of Hazardous Inorganic and Organic Constituents*. Include narrative for both modifying the frequency and constituent list at a future date(s), and incorporate all modified monitoring frequencies in the groundwater monitoring plan.

Phase 2:

NDEP is also requiring sampling/monitoring of the leachate sumps to provide further information to determine the most appropriate detection monitoring program for the site. Therefore, Phase 2 must include Leachate Monitoring, (i.e. sampling of the leachate collection sumps) from the point in time leachate generation begins inclusive of a process for;

- Sampling the leachate collection sumps for 12 continuous quarters for *Appendix II to Part 258—List of Hazardous Inorganic and Organic Constituents, and Appendix A to Part 423 Priority Pollutants List*.

At the conclusion of Phase 2, Western Elite must submit an evaluation, within 180 days of chemical constituents (both inorganic and organic) that can be regarded as being consistently generated by the facility (i.e. leachate from the waste mass). These may therefore be considered as reliable groundwater detection parameters, for inclusion into the Detection Monitoring Program.

Phase 3

Submit a re-evaluation of the initial parameters and the added parameters pursuant to NAC 444.7484 at the conclusion of eight quarterly groundwater sampling events. Include this in the Groundwater Monitoring Program.

Decomposition Gas Monitoring Plan

- Please clarify the “proposed Class III facility” discussion. Should this have said: “Proposed Class I Facility”?

Drawing 15: LFG Management Plan lacks sufficient detail. Include all existing buildings and proposed buildings if necessary.

Monitoring Comments

- The Spacing of the Gas Monitoring points is excessive, well spacing cannot exceed 250 ft.; please revise.
- 2005 Operating Plan Appendix I discusses drilling holes in pvc as a screen, this is not standard practice. Why is a factory screen not used? When reviewing monitoring completion, it discusses encountering groundwater; all borings should be terminated prior to encountering groundwater to prevent a conduit for vapor contamination of groundwater. It appears these probes are already installed if groundwater was encountered during drilling WEI should slurry and bore adjacent to original boring and complete before encountering groundwater.
- What is the justification for screen length? Please include narrative as 60 foot screen length is not standard practice. Screened intervals should intercept SP GP bands that are most likely to transmit vapors.
- Please provide a discussion of subsurface soils that may be preferred pathways for gases (SP GP bands)
- Please include a discussion of structures, with drawings, depicting all structures that will be sampled

Discussion Regarding References to Previous Documents:

- Where are the appendices? All references to other reports, earlier reports etc. should be very specific. It should be easy to find all referenced sections.

General Comments and Questions

- Will this facility necessitate a Title V permit?
- Please provide a specific contingency corrective action plan if gas is detected above action levels.
- Please include a Sampling Plan and procedures/equipment/calibration etc.