



**County of Sacramento**

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January 8, 2014

Dana Allen  
City of Sacramento Community Development Department  
Environmental Planning Services  
300 Richards Blvd. 3<sup>rd</sup> Floor  
Sacramento, CA 95811

Dear Ms. Allen:

**SUBJECT: LEA COMMENTS RE: MCKINLEY VILLAGE PROJECT DRAFT  
ENVIRONMENTAL IMPACT REPORT (DEIR)**

Sacramento County Environmental Management Department (EMD) staff have reviewed the DEIR for the McKinley Village project. EMD acts as the Local Enforcement Agency (LEA) for the California Department of Resources, Recycling, and Recovery (CalRecycle) in Sacramento County. EMD has the authority for regulatory oversight of solid waste handling and disposal sites in the Cities and County of Sacramento.

The proposed project, which would include development of a 328-unit residential neighborhood, is to be located just to the south of the 28<sup>th</sup> Street Sanitary Landfill, separated by the Capital City Freeway.

The LEA previously provided comments on the Notice of Preparation (NOP) for this project on June 25, 2013, and on the Administrative Draft EIR on October 1, 2013. The LEA provides the following comments regarding the DEIR:

- 1) Title 27, section 21190, prescribes development standards for structures located on landfills within 1,000 feet of waste. The project site is not located within the permitted boundary of the 28<sup>th</sup> Street Landfill and is therefore, not within the LEA's jurisdiction. However, the project is located within 250' of the landfill's Waste Management Unit B. As such, there is the possibility that landfill gas could migrate from the landfill to the project site. The current status of the project site is that of an empty field through which migrating landfill gas can vent into open air. The impact of the project would include placement of structures over the field, inhibiting the venting to open air and creating the possibility of landfill gas accumulation in structures and utility corridors. The project would also have the effect of drawing a significant number of people into an environment through which landfill gas may vent or accumulate.

Given the above, the LEA recommends that as a condition of development approval, enclosed structures to be built within 1,000 feet of the landfill's waste footprint be required to comply with the measures specified in section 21190(g) to prevent gas migration into the

structures. Alternatively, the project could include a setback with engineered mitigation measures to protect the entire development, as approved by CalRecycle engineering staff.

- 2) The proposed project, which would bring sensitive receptors to within 1,000' of the landfill's waste footprint, may prompt the LEA to require the landfill operator to reduce the spacing between monitoring wells along the landfill boundary opposite the project site per 27CCR sections 20925(b)(3), 20925(c)(3), and 20921(e) as necessary to protect persons and structures that could potentially be impacted by landfill gas migration in the event of a failure of the landfill gas control system. If additional gas monitoring wells are required on the landfill, it would result in the impact of additional costs to the landfill operator.
- 3) Landfill gas control systems are not always 100% effective. The DEIR notes the incident in September of 2008, when a large-scale increase in methane concentrations occurred on the landfill as a result of a surface fire that damaged the landfill's gas control system. Although exceedances of the 5% regulatory level were not noted at the probes located on the project site, exceedances well in excess of 5% were registered with the landfill boundary probes directly across the freeway from the project site. In addition, this incident occurred in the late summer when cyclical gas levels tend to be lower. The DEIR also notes that in 1994/5, there was a "methane excursion" over a two month period during which methane concentrations were detected on the project site in excess of 40%. This was before the landfill's gas control system was installed, but these conditions could be repeated in the event of a significant, extended failure of the landfill's gas control system. Also, as documented in the LEA focused inspection report dated 11/12/2013, the gas probes located on the project site do not appear to be Title 27 compliant and may not provide reliable gas monitoring information. As per the inspection report, the landfill operator should have the landfill gas monitoring network, including the probes on the project site, assessed by a professional engineer for operational condition and Title 27 compliance.
- 4) As stated in the DEIR, the six landfill gas monitoring wells (and two groundwater monitoring wells) located on the project site are proposed to be moved to new locations on the project site. The six "Lennane" gas monitoring wells are part of the landfill's gas monitoring network as indicated by their inclusion in maps and drawings of the network included with the landfill's Closure and Post-Closure Maintenance Plan amendments, updates, inspections, and related documents. The new locations, spacing, construction, and depths must be approved in advance by the LEA, CalRecycle, and the RWQCB, and comply with the requirements of Title 27 section 20925, and landfill staff must be ensured continued, unimpeded access to the well/probes in order to monitor and maintain them. Also, permits must be obtained from the EMD Well Program for destruction of old wells as well as for the construction of the new ones, pursuant to the Sacramento County Well Ordinance.
- 5) It is noted that throughout the document, the adjacent 28<sup>th</sup> Street Landfill is referred to as a "former" Landfill. This term may be construed to imply that it is no longer a landfill and has undergone "clean closure" to remove the wastes to another location. The 28<sup>th</sup> Street Landfill is a "closed landfill" that still contains landfill waste, and should be referred to as such for accuracy.

- 6) Sections 1.3 and 4.4.4 state that "should waste be determined to be located beneath the road alignment that connects the A Street Bridge to 28<sup>th</sup> Street, both the LEA and the CARWQCB may be required to make modifications to the Post Closure Land Use Plan (PCLUP), the Closure/Postclosure Maintenance Plan (C/PCMP), and Corrective Action Order, respectively." Please note that the responsibility to modify the PCLUP and C/PCMP to reflect changes in post-closure land use and/or maintenance would fall upon the operator of the landfill, and not the LEA or RWQCB.
- 7) As stated in the DEIR, improvements are proposed to A Street which passes through the 28<sup>th</sup> Street Landfill, to connect the project site to 28<sup>th</sup> Street. In a meeting on October 18, 2013, representatives of the developer described to LEA and CalRecycle staff improvements to A Street that would continue to ensure landfill site security and safe, efficient access to the landfill from the road by landfill staff so that landfill maintenance activities are in no way impeded. Measures that were described included strong, attractive fencing on both sides of the road matching the fencing around the landfill's flare station and turn-outs for landfill vehicles with locking access gates with adequate room to provide for the safety of landfill staff as well as for the occupants of passing vehicles. It should be noted that should the developer fail to adequately address these issues, the city, as operator of the landfill, would be responsible for doing so.
- 8) The two closed disposal site inspection reports (July 11, and July 26, 2013) are incorrectly attributed to CalRecycle in Section 4.4.5 Sources Cited. Both reports were prepared by the Sacramento County LEA.

Sincerely,



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JL:LJ:jm

c: Wes Mindermann, CalRecycle  
Diana Nordstrom-Lamkin, CalRecycle  
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