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Mr. Dan Ward  
Department of Toxic Substances Control  
Office of Military Facilities  
8800 Cal Center Drive  
Sacramento, California 95826

## POSTCLOSURE LAND USES AT CLOSING MILITARY BASES

Dear Mr. Ward:

This letter is in response to your request for information from the California Integrated Waste Management Board (CIWMB) concerning postclosure land use at and adjacent to closing military landfills and on the applicability of state regulations to this postclosure development.

In most all base closures, the base land is subdivided into several parcels for transfer to local entities. These parcels are often in close proximity to base landfills. However, it is our understanding that these parcels are usually separately defined parcels from the landfill(s) parcel(s) (i.e., separate assessor parcel numbers, akin to a lot split). Furthermore, it is also our understanding that often no portion of the landfill footprint is (or ever has been) located within these adjacent parcels.

As you are aware, landfill gas has frequently been detected from monitoring probes located at landfill property boundary (e.g., Hamilton, Fort Ord, and Mather). Pursuant to Title 27, California Code of Regulations (27 CCR), the concentration of landfill gas at the compliance probes is required to be kept under the regulatory threshold of 5% methane by volume (27 CCR 20921[a][2]). Furthermore, trace gases shall also be controlled from migrating off site in concentrations that would cause acute or chronic exposure (27 CCR 20921[a][3]).

Current CIWMB regulations prescribe development standards for onsite postclosure land uses within 1,000 feet of a landfill footprint (Title 27, California Code of Regulations [27 CCR], section 21190). These regulations do not prohibit development but contain standards that are designed primarily to prevent damage to the environmental control systems at the closed landfill and to protect the public health and safety from landfill gas migration. However, while these regulations ideally would apply regardless of ownership status, enforcement at present is applicable to the extent of development within the present defined property boundary of the disposal site, rather than development on what have often essentially become adjacent parcels. Therefore, if no portion of the landfill footprint is contained within a separate parcel, and the parcel is a separately defined parcel, the CIWMB regulations regarding postclosure land use would presently not be enforced with respect to development on the parcel.

While the disposal site operator is required to control landfill gas from migrating off site at concentrations potentially dangerous to public health and safety, landfill gas control measures are not always 100% effective. Landfill gas control facilities are idled periodically for routine



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maintenance and infrequently for major (and/or minor) repairs. Therefore, in general, CIWMB staff usually recommends that the property boundary of any landfill include a 1,000-foot buffer zone around the landfill footprint. However, we realize that because of development potential, especially in urban areas, this is not often a likely scenario. Therefore, as an additional (backup) safety measure, CIWMB staff normally recommends that as a condition of development, any proposed future development within 1,000 feet of landfill footprints be required to comply with the standards similar to those contained in 27 CCR 21190. This recommendation is often accomplished by including the compliance requirement as part of the institutional controls (including deed restrictions and landuse covenants) developed for landfill closures or by including the requirement in local planning approvals or ordinances.

Since very few local jurisdictions have ordinances that address this issue, CIWMB staff has been diligently working with DTSC staff to include standards similar to those contained in 27 CCR 21190 in land use covenants (LUCs) developed for closing bases (e.g., Hamilton, Fort Ord and Castle). CIWMB staff applauds DTSC on their foresight. For those local jurisdictions with ordinances (or those jurisdictions that later develop ordinances), the primary implementation of the LUC could be accomplished through the ordinance.

Thank you for your inquiry regarding the above matter. Should you have any questions concerning the above matter, please contact me at (916) 341-6318.

Sincerely;

Michael B. Wochnick, P.E., Manager  
Closure and Technical Services

cc: Roger Briggs, Central Coast Regional Water Quality Control Board  
Susan Goss, Department of Toxic Substances Control  
Allen Stroh, Monterey County Health Department  
Martin Hausladen, US Environmental Protection Agency Region IX  
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