

DEQ Requests Comments on Proposed Solid Waste Closure Permit Renewal for Kerby Landfill

Comments due: 5 p.m., June 7, 2019

Project location: Kerby Landfill, Terminus Kerby Mainline Road; Josephine County

Proposal: The Oregon Department of Environmental Quality proposes to renew the solid waste closure permit for this site. The permit authorizes the operator of this site to continue to implement post-closure care activities in a manner that protects the environment in conformance with the permit and the DEQ-approved Closure Plan. The closed landfill is not open to the public and does not accept solid waste. Josephine County Public Works operates and maintains the facility.

Highlights: The facility is a municipal solid waste landfill. The current DEQ solid waste permit expires on June 30, 2019. Current operations would not change under the proposed renewal.

A review of the DEQ solid waste permit file for the site indicates that there were no significant compliance issues noted during the last permit cycle. The most recent compliance inspection was March 11, 2019. The facility was in compliance with all its permit conditions at that time. DEQ did not receive any pollution complaints during the term of this permit.

How to comment: Send comments to DEQ Permit Coordinator, Denise Miller, at 165 E. Seventh Ave., Suite 100, Eugene, OR 97401 or miller.denise@deq.state.or.us.

Find more information: View the draft permit and permit evaluation electronically by scrolling down in this document or going to <http://www.oregon.gov/deq/Get-Involved/Pages/Public-Notices.aspx>. To request a copy be mailed to you, contact Denise Miller, DEQ permit coordinator, at 541-687-7465 or miller.denise@deq.state.or.us. For questions on the permit, contact David Esch at 541-776-6148 or esch.david@deq.state.or.us.

If you want to review the application and related documents in person at the DEQ office at 165 E. Seventh Ave., Suite 100, Eugene, OR 97401, please contact Denise Miller, DEQ permit coordinator, at 541-687-7465 or miller.denise@deq.state.or.us, to set up an appointment.

The next step: DEQ considers and responds to all comments received and may modify the proposed permit based on comments.

Alternative formats: DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.



State of Oregon
Department of
Environmental
Quality

**Western Region
Materials Management
Program**

165 E Seventh Ave.
Eugene OR 97401
Phone: 541-687-7465
800-849-8477

Fax: 541-686-5441

Contact: [Denise Miller](mailto:Denise.Miller@deq.state.or.us)

Email: miller.denise@deq.state.or.us

www.oregon.gov/DEQ



SOLID WASTE DISPOSAL SITE PERMIT: Municipal Solid Waste Landfill - Closed

Oregon Department of Environmental Quality
165 E. Seventh Ave., Suite 100
Eugene, OR 97401-3049
541-687-7465

Issued in accordance with the provisions of Oregon Revised Statute Chapter 459; Oregon Administrative Rules 340, Divisions 90, 93, 94; and subject to the Land Use Compatibility Statement referenced below.

Issued to:

Josephine County Public Works Dept.
201 River Heights Way
Grants Pass, OR 97527
541-474-5460

Facility name and location:

Kerby Landfill
Terminus Kerby Mainline Road
Josephine County

Owner

Josephine County
201 River Heights Way
Grants Pass, OR 97527
541-474-5460

Operator:

Josephine County Public Works Dept.
201 River Heights Way
Grants Pass, OR 97527
541-474-5460

ISSUED IN RESPONSE TO:

- A solid waste permit renewal application received Nov. 15, 2018
- A Land Use Compatibility Statement received from Josephine County dated Oct. 27, 2004

The determination to issue this permit is based on findings and technical information included in the permit record.

ISSUED BY THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

Brian Fuller, Manager
Materials Management Program
Western Region

Date

Permitted Activities

Until such time as this permit expires or is modified or revoked, the permittee is authorized to operate and maintain a closed solid waste land disposal site in conformance with the requirements, limitations, and conditions set forth in this document including all attachments.

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Introduction

This document is a solid waste permit issued by the Oregon Department of Environmental Quality in accordance with Oregon Revised Statutes 459 and Oregon Administrative Rules, Chapter 340.

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PERMIT ADMINISTRATION

1.0 ISSUANCE

- 1.1 Permittee. The permit is issued to Josephine County Public Works Department.
- 1.2 Permit Number: This permit will be referred to as Solid Waste Permit Number 197.
- 1.3 Permit Term. The issue date of this permit is the date this document is signed. The expiration of this permit is May 31, 2029.
- 1.4 Facility type. The facility is permitted as a closed municipal solid waste landfill.
- 1.5 Owner/Operator. The owner is Josephine County and the operator is Josephine County Public Works Department.
- 1.6 Basis for Issuance. This permit is issued based upon the following documents submitted by the permittee:
- Solid Waste Permit Application received Nov. 15, 2018
 - Land Use Compatibility Statement from Josephine County dated Oct. 27, 2004
- 1.7 Legal Control of Property. The permittee shall at all times maintain legal control of the disposal site property; including maintaining a current permit, contract or agreement that allows the operation of the facility if the site is not owned by the permittee.
- 1.8 Definitions. Unless otherwise specified, all terms are as defined in OAR 340-93-030.
- 1.9 Submittals and Notification Addresses: Unless otherwise specified, all submittals and notifications to DEQ under this permit must be sent to:

Oregon Department of Environmental Quality
Materials Management Program
165 E. Seventh Ave., Suite 100
Eugene, OR 97401-3049
Telephone: 541-687-7465

All submittals to DEQ under Section 8.5 must be sent to:

Oregon Department of Environmental Quality
Materials Management Program
700 NE Multnomah St., Suite 600
Portland, OR 97232
Telephone: 503-229-5409

Please schedule split sampling events and report all required split sampling information to DEQ's laboratory at:

Oregon Department of Environmental Quality
Laboratory, Groundwater Monitoring Section
3150 NW 229, Suite 150
Hillsboro, OR 97124
Phone: 503-693-5700
Fax: 503-693-4999

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All submittals must include, at a minimum, one paper copy and one electronic copy in a format that is approved by the DEQ project manager. Note that some submittals may require more paper copies. Therefore, the permittee must confirm with the permit manager how many copies are necessary prior to submittal of a document.

Note: Whenever possible, the permittee must submit two-sided paper copies of all reports. DEQ may accept electronic submittals for portions of some reports, as approved in the Environmental Monitoring Plan or by DEQ.

2.0 DISCLAIMERS

- 2.1 Property Rights. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights.
- 2.2 DEQ Liability. DEQ, its officers, agents or employees do not sustain any liability on account of the issuance of this permit or on account of the construction, maintenance or operation of facilities pursuant to this permit.

3.0 AUTHORITY

- 3.1 Ten-Year Permit. This permit is issued for a maximum of 10 years as authorized by Oregon Revised Statutes 459.245(2).
- 3.2 Documents Superseded. This document is the primary solid waste permit for the facility, superseding all other solid waste permits issued for the Kerby Landfill by DEQ.
- 3.3 Permittee Responsibility and Liability. Conditions of this permit are binding upon the permittee. The permittee must conduct all facility activities in compliance with the provisions of this permit. The permittee is liable for all acts and omissions of the permittee's contractors and agents in carrying out the operations and other responsibilities pursuant to this permit.
- 3.4 DEQ Access to Disposal Site. The permittee shall allow representatives of DEQ access to the disposal facility at all reasonable times for the purpose of making inspections, surveys, collecting samples, obtaining data and carrying out other necessary functions related to this permit. Reference: OAR 340-093-0050(6)(e).
- 3.5 Other Compliance. Issuance of this permit does not relieve the permittee from the responsibility to comply with all other applicable federal, state or local laws or regulations. This includes the following solid waste requirements, as well as all updates or additions to these requirements:
- Solid Waste Permit Application received Nov. 15, 2018
 - Oregon Revised Statutes, Chapters 459 and 459A
 - Oregon Administrative Rules Chapter 340
 - Any documents submitted by the permittee and approved by DEQ.
- 3.6 Penalties. Violation of permit conditions will subject the permittee to civil penalties of up to \$25,000 for each day of each violation. Reference: OAR 340-093-0120 and ORS 459.995(1)(a)

4.0 PERMIT MODIFICATION

- 4.1 Five Year Review. Between the 4th and 6th year of the life of the permit, DEQ may review the permit and determine whether or not the permit should be amended.

While not an exclusive list, the following factors will be used in making that determination:

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- Compliance history of the facility
 - Changes in operations at the facility
 - Changes in state or federal rules which should be incorporated into the permit
 - A significant release of leachate or landfill gas to the environment from the facility
 - Significant changes to a DEQ-approved post-closure plan
 - Other significant information or event.
- 4.2 Permit Modification. At any time in the life of the permit, DEQ or the permittee may propose changes to the permit. Once approved by DEQ, any permit-required plans become part of the permit by reference. DEQ may provide notice and opportunity for review of permit-required plans.
- 4.3 Modification and Revocation by DEQ. DEQ may, at any time before the expiration date, modify, suspend or revoke this permit in whole or in part, in accordance with Oregon Revised Statutes 459.255, for reasons including but not limited to the following:
- Violation of any terms or conditions of this permit or any applicable statute, rule, standard or order of the Environmental Quality Commission
 - Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts
 - A significant change in the quantity or character of solid waste received or in the operation of the disposal site
- 4.4 Modification by Permittee. The permittee must apply for a modification to this permit if there is a significant change in facility operations or a deviation from activities described in this document.
- 4.5 Public Participation. DEQ will issue a public notice to inform the public of any significant changes to the permit.
- 4.6 Changes in Ownership. At least 10 days in advance, the permittee must report to DEQ any change in the facility's ownership or the permittee's or operator's name and/or address. Reference: OAR 340-093-0070(6)(a)(A)

CLOSURE CARE

5.0 Authorizations

- 5.1 Closure Care. The permittee is authorized to provide post-closure care to the facility.
- 5.2 Authorization of Activities: All facility activities are to be conducted in accordance with the provisions of this permit. All plans required by this permit become part of the permit by reference once approved by DEQ. Any conditions of the approval are also incorporated into this permit unless contested by the permittee within 30 days of the receipt of conditional approval.

6.0 Prohibitions

- 6.1 Waste Receipt. The Kerby Landfill is closed to waste receipt. The permittee is prohibited from accepting solid waste for disposal.
- 6.2 Open Burning: The permittee must not conduct any open burning within the permitted landfill footprint.

7.0 Closure Construction and Maintenance

- 7.1 Plan Compliance. The permittee must maintain the disposal site in accordance with a DEQ-approved Final Engineered Post-Closure Plan, or any amendments to the closure plans approved in writing by DEQ. Reference: OAR 340-094-0115
- 7.2 Vegetation. The permittee must establish and maintain a dense, healthy growth of native vegetation on the closed landfill. Reference: OAR 340-094-0130(1)(b)(B)
- 7.3 Surface contour maintenance. The permittee must maintain the final surface contours of the landfill cover in accordance with the following criteria:

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- Erosion and ponding of water is prevented to the maximum extent practicable
- Erosion damage (cuts) must be repaired and seeded so that all waste remains covered
- The permittee must refill with soil, re-grade, and seed all areas that have settled or where water ponds, and all areas where the cover soil has been damaged by cracking or erosion
- Areas where vegetation has not been fully established must be improved so that vegetation is established and maintained in a healthy condition to protect the cover and minimize runoff or leachate creation

Reference: OAR 340-094-0060(5) and OAR340-094-0130(1)(b)

- 7.4 Surface Water. The permittee must maintain all stormwater drainage structures in good functional condition, report to DEQ any significant malfunctions or damage and complete repairs within 60 days of discovery of the malfunction.
- 7.5 Property Records. Within 90 days of permit issuance, the permittee must record a notation on the deed to the facility property as required by 40 CFR 258.60(i) and OAR 340-094-0130(1)(a), and submit a copy of the notation on the deed to DEQ. Reference: OAR 340-094-0130(1)(a)

8.0 Facility Management

- 8.1 Discovery of Prohibited Waste. If the permittee discovers prohibited waste, the permittee must notify DEQ within 24 hours and begin to isolate or remove the waste. In addition, the permittee must take digital photos of the prohibited waste to document its quantity, nature, identity and source.

Within 60 days, the permittee must transport non-putrescible, non-hazardous prohibited waste to a disposal or recycling facility authorized to accept such waste, unless otherwise approved or restricted by DEQ.

- 8.2 Spills Notification. Oregon Revised Statute 466.635 and Solid Waste Rules, Chapter 340, Division 142 require immediate notification to Oregon Emergency Response System (OERS) after taking any required emergency actions to protect human health and the environment when oil or hazardous materials are spilled. The spill must be immediately reported to OERS at 1-800-452-0311 if the spill is of a reportable quantity. Reportable quantities include:

- Any amount of oil spilled to waters of the state
- Oil spills on land in excess of 42 gallons
- Two hundred pounds, 25 gallons or more of spilled pesticide residue
- Spills of hazardous materials that are equal to, or greater than, the quantity listed in the Code of Federal Regulations, 40 CFR Part 302 (List of Hazardous Substances and Reportable Quantities), and amendments adopted before July 1, 2002

For a complete list of hazardous materials required to be reported, please refer to OAR 340-142-0050. Reference: OAR 340-142-0050

- 8.3 Inspection. The permittee must physically inspect the entire disposal site at least quarterly to determine compliance with this permit and the rules of DEQ. The permittee must record any post-closure repairs performed. Inspection records must be made available to DEQ upon request.
- 8.4 Evaluation. Prior to Jan. 15 of each year, the permittee must conduct and submit to DEQ an evaluation of the facility's status, including:
- A discussion of the implementation of all post-closure plans
 - A description of unanticipated occurrences and any changes to the post-closure plans

Reference: 340-094-0100(3)(a)

- 8.5 Fees. The permittee must pay the solid waste fee each year this permit is in effect. An invoice indicating the amount of the fee will be mailed prior to the date due. Reference: OAR 340-097-0110(4)(c) and 340-097-120(6)(d)

- 8.6 Access Control. The permittee must control public access to the facility as necessary to prevent unauthorized entry and dumping. Reference: OAR 340-094-0040(9)
- 8.7 Fire Protection. The permittee shall make arrangements with the local fire control agency to immediately acquire their services when needed and shall provide adequate on-site fire protection as determined by the local fire control agency.
- Fires must be immediately and thoroughly extinguished. The permittee shall be responsible for initiating and continuing appropriate fire-fighting methods until all smoldering, smoking and burning ceases. Reference: OAR 340-094-0040(11)(g)
- Fires shall be reported to DEQ within 24 hours at: 541-687-7465.
- 8.8 Future Use. Any future use, activity or construction of buildings, structures or utilities on or within 200 feet of the waste footprint of this disposal site must have DEQ's prior written approval and must be done in a manner that protects the integrity of the final cover system, landfill stability, gas monitoring devices, and surface water control systems. Reference: OAR 340-094-0115(3)

9.0 Financial Assurance

- 9.1 Recertification of Financial Assurance. Prior to Sept. 28 of each year, the permittee must submit to DEQ one copy of the Annual Financial Assurance Recertification Report, signed by:
- A permittee representative who possesses the requisite authority to commit the permittee to the certification
 - A professional engineer, with current Oregon registration (both stamp and signature), if cost estimates have been recalculated for reasons other than inflation only
- Reference: OAR 340-094-0140(6)
- Note: The permittee must review and update financial assurance annually in accordance with OAR 340-094-0140(6). In addition, the permittee must maintain the plan in the facility file.
- 9.2 Use of Financial Assurance. The permittee must not use the financial assurance for any purpose other than to finance the permitted facility's approved post-closure activities or to guarantee that those activities will be completed.
- 9.3 Submittal Address. Send all required submittals to:

Oregon Department of Environmental Quality
Materials Management Program
165 E. Seventh Ave., Suite 100
Eugene, OR 97401-3049

Telephone: 541-687-7465

ENVIRONMENTAL MONITORING

10.0 Environmental Sampling Requirements

- 10.1 Notification. The permittee must notify DEQ in writing of all upcoming sampling events at least 10 working days prior to the scheduled date of the sampling event at:

Oregon Department of Environmental Quality
Materials Management Program
165 E. Seventh Ave., Suite 100
Eugene, OR 97401-3049

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Telephone: 541-687-7465

- 10.2 Monitoring. The permittee must perform all environmental monitoring at the facility in accordance with the approved Environmental Monitoring Plan and any approved revisions/amendments to the Environmental Monitoring Plan.
- 10.3 Split Sampling. When requested, the permittee must split samples with DEQ and must schedule all requested split-sampling events with DEQ laboratory at least 45 days prior to the sampling event.
- 10.4 Changes in Sampling or Split Sampling. DEQ reserves the right to add to or delete from the list of scheduled sampling events, sample locations, parameters to sample for, and to conduct unscheduled samplings or split samplings.

In the event of changes to the split-sampling schedule, DEQ will make every effort to notify the permittee of the changes at least 30 days prior to the split-sampling event.

11.0 Environmental Monitoring Standards

- 11.1 Applicable Regulatory Standard. The permittee must not allow the release of any substance from the landfill into water media that will result in a violation of any applicable federal or state surface water, groundwater, or drinking water rules or regulations beyond the solid waste boundary of the disposal site or an alternative boundary specified by DEQ.
- 11.2 Review of Results. The permittee must review the analytical results after each monitoring event according to the protocols established in the most currently approved site-specific Environmental Monitoring Plan.
- 11.3 Resampling Results. Upon receipt of data from resampling, the permittee must review the analytical results according to the protocols established in the most currently approved site-specific Environmental Monitoring Plan.
- 11.4 Certified Environmental Laboratory Data. DEQ suggests the use of only environmental sampling data analyzed by an Oregon Laboratory Accredited Program lab or a National Volunteer Laboratory Accreditation Program lab. Use of the approved labs will aid you and DEQ in Environmental Monitoring Plan and Annual Environmental Monitoring Report preparation and review.

12.0 RECORDKEEPING AND REPORTING – ENVIRONMENTAL MONITORING

- 12.1 Annual Report. Prior to April 1 of every year for the duration of this permit, the permittee must submit to DEQ two copies of an Annual Environmental Monitoring Report covering the previous year's sampling and analysis. Provide one hard copy and one electronic copy. The report must be prepared in accordance with the approved format and stamped by an Oregon registered geologist or an Oregon certified engineering geologist and must follow the format approved in the Environmental Monitoring Plan.
- 12.2 Statement of Compliance: A short, approximately one-page cover letter must accompany the Annual Environmental Monitoring Report that:
- Compares the analytical results with the relevant monitoring standards
 - States whether or not federal or state standards were exceeded for the relevant media
 - States whether or not a significant change in water quality occurred

An Oregon registered geologist or an Oregon certified engineering geologist with experience in hydrogeological investigations must sign and stamp the cover letter.

- 12.3 Annual Monitoring Report Contents. The Annual Monitoring Report must reflect the facility's current condition, present accurate data that corresponds with the original field and laboratory data, and include

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the elements presented in the most recently approved Environmental Monitoring Report for examining water quality trends.

- 12.4 Submittal Address. Except where otherwise noted, all submittals to DEQ under this section must be sent to:

Oregon Department of Environmental Quality
Materials Management Program
165 E. Seventh Ave., Suite 100
Eugene, OR 97401-3049

Telephone: 541-687-7465

- 12.5 Split Sampling Submittal. Within 90 days of any split sampling event, the permittee must submit the following information from the split sampling event to DEQ's laboratory:

- A copy of all information pertinent to the sample collection handling, transport and storage, including field notes
- Copies of all laboratory analytical reports
- Copies of all laboratory QA/QC reports
- Site map showing flow directions and contours

Any other data or reports requested by DEQ

- 12.6 Lab Address. All split sampling reporting must be sent to:

Oregon Department of Environmental Quality
Laboratory, Groundwater Monitoring Section
3150 NW 229th, Suite 150
Hillsboro, OR 97124
Telephone: 503-693-5700
Fax: 503-693-4999

- 12.7 DEQ's Response to Split Samples. If requested by the permittee and after the permittee has submitted all split sampling data information, the DEQ lab may send the permittee a copy of:

- DEQ's analysis of the split sample
- QA/QC report
- Analytical report
- Field data sheets

13.0 ENVIRONMENTAL MONITORING NETWORK

- 13.1 Monitoring Devices. The permittee must protect, operate and maintain monitoring devices so that samples representative of actual conditions can be collected.
- 13.2 Damage Reporting. Any damage to a monitoring device must be reported to DEQ in writing within 14 days of discovery, along with a description of proposed repair or replacement measures and a time schedule for completion of this work.
- 13.3 Access to Monitoring Devices. The permittee must maintain reasonable all-weather access to all monitoring devices and/or locations in order to facilitate sample collection and/or inspection.

14.0 ENVIRONMENTAL MONITORING PLAN

- 14.1 Environmental Monitoring Plan Submittal. If requested in writing by DEQ, the permittee must submit, for approval, two copies of an updated Environmental Monitoring Plan to DEQ. An Oregon registered geologist or an Oregon certified engineering geologist must prepare and stamp the plan. This plan is incorporated upon approval into this permit by reference including all conditions of the approval.

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- 14.2 Environmental Monitoring Plan Contents. The updated plan must establish an environmental monitoring program that will characterize potential facility impacts. The updated plan may consist of the previous approved plan with any subsequent changes or additions (i.e., approved permit-specific concentration limits, revised parameter lists, revised schedules, new wells, etc.). At a minimum, the updated plan should address the issues and topics found in Section 10 of DEQ’s Solid Waste Guidance dated Sept. 1, 1996.
- 14.3 Environmental Monitoring Plan Revisions and Updates. The permittee must revise the current plan as necessary to reflect current and future environmental conditions, facility development and regulatory requirements. A geologist or certified engineering geologist, with current Oregon registration, must prepare and stamp the plan revisions and submit two copies to DEQ for review and approval. Reference: OAR 340-093-0140(4)
- 14.4 Additional Monitoring Points. Any new or replacement monitoring point or device established during the timeframe of this permit must be incorporated into the environmental monitoring plan. The updated plan must be resubmitted to DEQ for approval.

14.5 Submittal Address. Send all required submittals to:

Oregon Department of Environmental Quality
 Materials Management Program
 165 E. Seventh Ave., Suite 100
 Eugene, OR 97401-3049
 Telephone: 541-687-7465

COMPLIANCE SCHEDULE

15.0 SUMMARY OF DUE DATES

15.1 Summary. The permittee must comply with the event-driven schedule shown below. This compliance schedule does not apply to many of the routine reporting requirements specified in other sections of the permit.

Due Date	Activity	See section...
Within 10 days of ownership or operator change	Notify DEQ	4.6 Changes in ownership or address
By April 1 of every year	Submit an Annual Environmental Monitoring Report	12.1 AEMR
Immediately	OERS notification of reportable spill	8.2 Spills notification
Within 24 hours of fire	Notify DEQ, immediately and thoroughly extinguish fire	8.7 Fire protection and reporting
Within 24 hours of discovery of prohibited waste	Notify DEQ of prohibited waste, begin to isolate and remove, take digital photos	8.1 Discovery of prohibited waste
Within 60 days of discovery of prohibited waste	Transport prohibited waste to authorized facility	8.1 Discovery of prohibited waste
At least quarterly	Physically inspect entire disposal site	8.3 Inspection

By Jan. 15 of each year	Submit an annual site evaluation report	8.4 Evaluation
DEQ issues an invoice for closed landfills to pay their annual waste fee.	The permittee must pay the solid waste fee each year this permit is in effect	8.5 Waste fees
By Sept. 28 of each year	Submit an annual financial assurance recertification report	9.1 Recertification of financial assurance
At least 10 working days prior to scheduled sampling event	Notify DEQ	10.1 Notification of sampling events
At least 45 days prior to split sampling event	Schedule split sampling event with DEQ laboratory	10.3 Split sampling events
Within 90 days of split sampling event	Submit required data/documents to DEQ laboratory	12.5 Split sampling submittal
14 days after discovery of damage to a monitoring device	Submit proposal to repair or replace	13.2 Damage reporting

ATTACHMENT

16.0 Attachment List

16.1 Attachments. Attachments to the permit include

Number	Description
1	Site Specific Concentration Limits

ATTACHMENT 1: SITE SPECIFIC CONCENTRATION LIMITS

Parameter	Well MW-4s	Well MW-5s	Type of Limit
Calcium	22.7 mg/l	1.1 mg/l	Action Limit
Sodium	18.8 mg/l	3.3 mg/l	Action Limit
Bicarbonate	130 mg/l	22.9 mg/l	Action Limit
Chloride	5.8 mg/l	2.3 mg/l	Action Limit
Sulfate	2.8 mg/l	NA	Action Limit
Zinc	0.065 mg/l	0.044 mg/l	Action Limit
Barium	0.136 mg/l	0.043 mg/l	Action Limit
Barium	1.0 mg/l	1.0 mg/l	Permit Specific Concentration Limit

Notes:

- NA – A concentration limit for sulfate has not been established at well MW-2s because it is not consistently detected.
- Action Limit (AL) – Results showing detections above any three ALs at either MW-4s or MW-5s requires a resampling event.
- Permit Specific Concentration Limit (PSCL) – Results showing detection above a PSCL requires a resampling event.
- It is anticipated that concentration limits presented on this table will be updated prior to 2020.

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Evaluation and Overview Kerby Closed Landfill – SW Permit 197

Oregon Department of Environmental Quality
Western Region - Eugene Office
165 E. Seventh Avenue, Suite 100
Eugene, OR 97401

Contact: David Esch, 541-776-6148, esch.david@deq.state.or.us

Proposed Permit

The Department of Environmental Quality proposes to renew a solid waste landfill permit for the Kerby Landfill, owned and operated by Josephine County Public Works. The facility is a closed municipal solid waste landfill. The current DEQ solid waste permit for this facility was issued on July 28, 2009 and expires on June 30, 2019.

Permit Writer

David Esch
Western Region – Medford Office
541-776-6148
esch.david@deq.state.or.us

Permit Category

Solid waste disposal site –Municipal Closed Disposal Permit

Activities Covered Under this Permit

The proposed Solid Waste Disposal Site Closure Permit for the Kerby Landfill will cover approximately a 10 year period from the date the permit is issued. Conditions included in the proposed permit are summarized as follows:

The Permit Administration Section describes:

- The parameters surrounding the issuance of the permit;
- Disclaimer information for the Department;
- Department authority; and
- Information about modification of the permit.

The Closure Care Section describes:

- The activities the permit authorizes and prohibits;
- Closure construction and maintenance requirements;
- Facility Management requirements;
- Financial Assurance requirements.

The Environmental Monitoring Section describes:

- The Environmental Monitoring Plan (EMP);
- Sampling requirements;
- Monitoring Standards;

- Recordkeeping and reporting; and
- The Environmental Monitoring Network

The Compliance Schedule includes:

- The summary of due dates.

The Attachments describe:

- Monitoring Parameter Groups; and

Permit-specific concentration limits and action limits

Facility Location

The closed Kerby Landfill is located approximately two miles east of Highway 199 in the south ½, southeast ¼ of Section 34, Township 38S, Range 8W, W. M.

Coverage and Eligibility

The permit is effective on the date it is signed by DEQ and is proposed to expire on April 30, 2029. The permit is issued in accordance with the provisions of Oregon Revised Statute Chapter 459; Oregon Administrative Rules 340, Divisions 90, 93, 95, 96 and 97; and a Land Use Compatibility Statement was filed by Josephine County on Oct. 27, 2004. This type of permit is issued for facilities where activities involve similar operations, waste and monitoring conditions.

Introduction: What is DEQ Proposing?

DEQ is proposing to renew a solid waste disposal site closure permit for the landfill. The permit renewal application was received on Jan. 22, 2019, and DEQ determined that the application was complete. Josephine County applied for a renewal of their Solid Waste Disposal Site Closure Permit for the Kerby Landfill on Nov. 15, 2018. The permit for the landfill expires on June 30, 2019. A review of the application by DEQ determined that it was complete. The Kerby Landfill began operations as a municipal solid waste landfill in 1960 and has been a permitted facility since 1972. The site ceased accepting waste prior to October 1993. The landfill is closed and Josephine County is prohibited from accepting any solid waste for disposal at this facility. The County is authorized to maintain and provide closure care for the landfill.

FACILITY OPERATION DESCRIPTION:

During the 30+ years of operation, a variety of wastes were disposed in the Kerby Landfill, to include: construction and demolition debris, ash, municipal solid waste, commercial and industrial waste, and a limited amount of asbestos (prior to 1991). Tires, appliances and medical wastes were not accepted at the landfill. In 1985, recycling requirements were initiated via permit addendum. Materials recycled included: ferrous and non-ferrous metals, used motor oil, newspaper, corrugated cardboard and kraft paper. In the late 1980's and early 1990's, Christmas trees were grown on the landfill site and adjacent county owned lands. These trees were harvested in 1992 and 1993. Prior to a previous permit expiration in 1991 the landfill was allowed to irrigate leachate on adjacent county owned lands. Until 1990, the Kerby Landfill was authorized to burn wood waste as well as construction and demolition debris. In 1992, as closure activities began, wood waste was used as fill in low spots prior to application of landfill cap materials. In 1996, stormwater that collected in the leachate collection pond was authorized for use in the construction of the landfill cap system. In 1999, DEQ authorized the use of a portion of the capped landfill as an airfield for a local model airplane club. In 2000, the landfill was granted a special permit to irrigate leachate for 60 days on 2 acres of adjacent lands. In 2008, permission was granted for testing the viability of using leachate tainted groundwater as an aid in enhancing the vegetative cover. In 2018 a trial project

using DEQ-approved biosolids mixed with topsoil began. The purpose is to enhance the cap material to better support a healthy vegetative cover and reduce rainwater infiltration as well as run-off.

ENVIRONMENTAL AND PUBLIC HEALTH CONCERNS:

The Kerby Landfill is a small, unlined, closed municipal waste landfill. Trench filling practices, lack of compaction of disposed waste, and the filling of low spots with wood waste prior to capping have all contributed to settling issues that have persisted since 1990. This ongoing differential settling above the trenches has disallowed the development of conventional cap and cover methods. The landfill staff has begun a phased approach to establish final contours and vegetative growth as settling diminishes over the older portions of the landfill. Leachate generation will remain a concern until the entirety of the final cap and cover system is completed. Landfill gas monitoring occurs at the landfill perimeter, in-waste piezometers, surface cracks and adjacent transfer station buildings. Groundwater and leachate monitoring are ongoing at this facility. County staff and DEQ staff continue to inspect the landfill to ensure environmental protection.

GROUNDWATER ISSUES:

The Kerby landfill was constructed in an alluvial terrace, which contains extremely weathered and interbedded clay, silt and gravel deposits down to 70 feet below grade. These materials have very low permeabilities. On average, this area receives close to 60 inches of rainfall per year. The landfill site is a local geographic 'high', with well-developed drainage channels present on most sides. Groundwater flows in a radial manner away from the landfill, primarily to the south and to the west.

Groundwater monitoring has occurred at the Kerby Landfill for more than 25 years. This permit directs the permittee to continue monitoring the groundwater of the facility for the duration of the permit under a new Environmental Monitoring Plan. The current monitoring network includes five 'shallow' wells and three 'deep' wells. Three of the shallow wells (Monitoring Well-2s, 4s and 5s) are sampled twice a year, and the deep wells are sampled every four years. All wells are tested for water level measurements during routine sampling events.

The long-term monitoring of this facility has shown little groundwater impacts from the landfill. Of the three shallow wells routinely monitored, only Monitoring Well-2s shows apparent influence from the landfill. Monitoring Well-2s appears to have increasing trends of total dissolved solids, calcium, sodium, bicarbonate, chloride, total hardness and specific conductivity. With the exception of chloride, many constituents are found at higher but stable values in Monitoring Well-4s.

When a landfill has completed baseline monitoring to determine background (uncontaminated) groundwater conditions, concentration limits are then set to ensure that future impacts can be identified quickly. This permit includes Action Limits and Permit Specific Concentration Limits for Monitoring Well-4s and Monitoring Well-5s. These limits were established on background groundwater quality. A single Permit Specific Concentration Limit or three or more Action Limit exceedances during single monitoring event will require additional actions to be taken by the permittee to address the groundwater contamination.

There is one shallow well that is routinely monitored but will not have concentration limits established in this permit. This well (Monitoring Well-2s) has been impacted by landfill leachate, and until steps are taken to reduce the amount of leachate discharging to the groundwater, it is futile to establish concentration limits that are based on background groundwater quality. Once the permittee has completed the cover enhancement project, there should be a reduction in the level of impact to the groundwater. It would then be appropriate to establish limits for Monitoring Well-2s through a permit addendum or Environmental Monitoring Plan update.

Permit Compliance History

The last landfill inspection was conducted on March 7, 2019. No compliance issues have been cited at this facility during the current permit period.

Josephine County maintains continuous and appropriate Financial Assurance to support the post-closure activities anticipated at the site.

Regulatory Context

[Oregon Revised Statutes Chapter 459](#) requires a DEQ permit for any solid waste disposal site. OAR Chapter 340 Divisions 93-97 provides further clarification of requirements for permitted facilities.

DEQ'S Recommendation Regarding the Permit Renewal

I recommend that we put the draft permit out for public notice and comment.