



Oregon

Kate Brown, Governor

Department of Environmental Quality
Western Region Eugene Office
165 East 7th Avenue, Suite 100
Eugene, OR 97401
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June 27, 2017

Jason Canady
Public Works Director
City of Grants Pass
101 NW "A" Street
Grants Pass, OR 97526

Re: Solid Waste Disposal Site Permit Renewal
Merlin Landfill
SWDP Number 159; Proj. #7918
Josephine County

Dear Mr. Canady:

On May 25, 2017, the Department of Environmental Quality issued a proposed draft solid waste disposal site permit for the above referenced site for your review, and solicited comments from interested parties and concerned citizens. The public comment period ended June 26, 2017. No comments were received. .

Enclosed is a copy of the final Solid Waste Disposal Site Permit. You are urged to carefully read the permit and comply with its conditions. The permit is effective the date it was signed. If you are dissatisfied with the conditions or limitations of this permit, you have 20 days from the date it was issued to contest the permit or parts of the permit by requesting a hearing. The request for a hearing must be in writing and state the grounds for the request.

If there are any questions, please contact Jim McCourt in our Eugene office at 541-687-7438 or mccourt.james@deq.state.or.us. The DEQ Materials Management webpage, <http://www.oregon.gov/deq/mm/Pages/default.aspx>, contains links to our statutes, regulations and other solid waste management information.

Sincerely,

Brian Fuller, Manager
Western Region Materials Management
Permitting and Compliance

Enc: Permit

c: SW Project File – Eugene Office (w/enc)
James McCourt, DEQ-Eugene Office (w/enc)
X:\MMSW159FullerCanadyFnlPerCvrLTR20170627



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

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

Issued in accordance with the provisions of Oregon Revised Statute Chapter 459 and subject to the land use compatibility statement referenced below.

Issued to:

City of Grants Pass
101 NW "A" Street
Grants Pass, OR 97526
541-474-6355

Facility name and location:

Merlin Landfill
1749 Merlin Landfill Road
Grants Pass, OR 97526
Sec. 27, T35S, R6W, W.M., Josephine County

Owner:

City of Grants Pass
101 NW "A" Street
Grants Pass, OR 97526

Operator:

City of Grants Pass
101 NW "A" Street
Grants Pass, OR 97526

ISSUED IN RESPONSE TO:

- A solid waste permit renewal application received Dec. 27, 2016
- A Land Use Compatibility Statement from the City of Grants Pass dated Aug. 28, 1992

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

A handwritten signature in blue ink, appearing to read "B. Fuller", is written over a horizontal line.

Brian Fuller, Manager
Western Region Materials Management
Permitting and Compliance

A handwritten date in blue ink, "June 27, 2017", is written over a horizontal line.

Date

Permitted Activities

Until such time as this permit expires or is modified or revoked, the permittee is authorized to 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 Permit Issuance

1.1 Permittee

This permit is issued to the City of Grants Pass.

1.2 Permit number

This permit will be referred to as Solid Waste Permit Number 159.

1.3 Permit term

The permit is issued on the date it is signed. The permit's expiration date is June 25, 2027.

1.4 Facility type

The facility is permitted as a closed municipal solid waste landfill.

1.5 Facility owner/operator

The owner and operator of this facility is the City of Grants Pass.

1.6 Basis for permit issuance

This permit is issued based upon the following documents submitted by the permittee:

- Solid waste permit application received Dec. 27, 2016
- Land Use Compatibility Statement from City of Grants Pass dated Aug. 28, 1992

1.7 Definitions

Unless otherwise specified, all terms are as defined in OAR 340-093-0030.

1.8 Legal control of property

The permittee must 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.

1.9 Submittal & notification address

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
541-687-7465

All submittals to DEQ under Section 8.4 must be sent to:

Oregon Department of Environmental Quality
Materials Management Section
Environmental Solutions Division
700 NE Multnomah St., Suite 600
Portland OR 97232
503-229-5913

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
7202 NE Evergreen Parkway, Suite 150
Hillsboro, OR 97124
Phone: 503-693-5700/Fax: 503-693-4999

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 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 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 Merlin 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 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 Dec. 27, 2016
- Oregon Revised Statutes, Chapters 459 and 459A
- Oregon Administrative Rules Chapter 340
- Any documents submitted by the permittee and approved by DEQ

3.5 DEQ access to disposal site

The permittee must allow representatives of the 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).

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: ORS 459.995(1)(a).

4 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:

- Compliance history of the facility
- Changes in volume, waste composition, or operations at the facility
- Changes in state or federal rules which should be incorporated into the permit
- Significant release of leachate or landfill gas to the environment from the facility
- Significant changes to a DEQ-approved site development plan and/or conceptual design

4.2 Permit modification

DEQ or the permittee may, at any time during the permit's term, propose to change 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

The DEQ director 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 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 a conditional approval.

6 Prohibitions

6.1 Waste receipt

The disposal site is closed to waste receipt. The permittee is prohibited from accepting solid waste.

6.2 Open burning

The permittee must not conduct any open burning at the site.

7 Closure Construction and Maintenance

7.1 Plan compliance

The permittee must maintain the disposal site in accordance with the approved Closure/Post-Closure Plan, and any amendments to the plan, approved in writing by DEQ.

7.2 Vegetation

The permittee must establish and maintain a dense, healthy growth of native vegetation over the closed areas of the landfill consistent with the proposed final use.

7.3 Surface contour maintenance

The permittee must maintain the final surface contours of the landfill cover so that 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, 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 fertilized, reseeded and maintained.

7.4 Surface water

The permittee must divert surface water drainage around or away from the landfill at all times.

The permittee must maintain surface water diversion ditches or structures free of obstructions and debris at all times.

7.5 Leachate prevention

The permittee must maintain the disposal site in a manner which deters leachate production to the maximum extent practical. Leachate must be prevented, collected, evaporated or otherwise treated and controlled in a manner approved by DEQ.

7.6 Design plans

The permittee must submit engineering design plans for any closure construction or ancillary facilities for DEQ review and approval at least six months prior to the anticipated construction date.

7.7 Landfill gas management

The permittee must control landfill gas in accordance with the requirements of 40 CFR Parts 51, 52 and 60 and OAR 340-094-0060(4).

7.8 Landfill gas control system operation and maintenance

The permittee must operate and maintain the landfill gas control and monitoring systems in good working order as required to prevent nuisance odors, air emissions and LFG migration.

If critical LFG equipment is significantly damaged or compromised, the permittee must replace or repair that equipment, within 60 days of discovering the problem, and submit a written inspection report to DEQ.

8 Facility Management

8.1 Discovery of prohibited waste

Any solid waste discovered at the facility which appears to be prohibited waste must be isolated or removed immediately. Non-hazardous prohibited waste must, within 48 hours, be transported to a disposal site authorized to accept such waste, unless otherwise approved by DEQ.

In the event discovered waste is hazardous or suspected to be hazardous, the permittee must, within 24 hours, notify DEQ and initiate procedures to identify and remove the waste. Hazardous waste must be removed within 90 days, unless otherwise approved by DEQ. Temporary storage and transportation must be carried out in accordance with the rules of DEQ.

8.2 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.

8.3 Evaluation

Prior to Feb. 15 of each year, the permittee must conduct and submit to DEQ an evaluation of the facility's status, including:

- Discussion of implementation of the closure and post-closure plans
- Description of unanticipated occurrences and any changes to the closure or post-closure plans

8.4 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.

8.5 Access control

The permittee must control public access to the facility as necessary to prevent unauthorized entry and dumping.

8.6 Fire protection

Arrangements must be made with the local fire control agency to immediately acquire their services when needed and adequate on-site fire control protection, as determined through the local fire control agency, must be provided. Fires must be immediately and thoroughly extinguished and promptly reported to DEQ.

8.7 Future use

Any future use, activity or construction of buildings, structures or utilities on this disposal site must have prior written approval of DEQ and must be done in a manner that protects the integrity of the final cover system, landfill stability and surface water control systems.

9 Financial Assurance

9.1 Financial assurance plan

To confirm that there is adequate financial assurance to provide for the costs of post-closure care, the permittee must provide the following evidence to the DEQ:

- A copy of the financial assurance mechanism
- A written certification that the financial assurance meets all state requirements

Reference: The plan must be prepared in accordance with OAR 340-094-0140. Acceptable mechanisms are described in OAR 340-094-0145.

Note: The permittee must review and update financial assurance annually in accordance with OAR 340-094-0140(6)(e). In addition, the permittee must maintain the plan in the facility file.

9.2 Recertification of financial assurance

Prior to Dec. 15 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)

9.3 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.

9.4 Long-term financial responsibility

The permittee must continuously maintain financial assurance for the facility until the permittee or other person owning or controlling the site is no longer required by DEQ to demonstrate financial responsibility for post-closure care.

ENVIRONMENTAL MONITORING

10 Environmental Sampling Requirements

10.1 Environmental Monitoring Plan

The Permittee must follow the *Environmental Monitoring Plan for Merlin landfill*, dated May 13, 2013 and approved by DEQ until and unless a new environmental monitoring plan is approved by DEQ.

10.2 Notification

The permittee must notify DEQ in writing or by email of all upcoming sampling events at least 10 working days prior to the scheduled date of the sampling event.

10.3 Split sampling

The permittee must split samples with DEQ when requested, and must schedule all requested split-sampling events with DEQ laboratory at least 45 days prior to the sampling event. The following sampling events must be conducted as split sampling events with DEQ.

The next split sampling event is planned for 2019.

Future split sampling events are planned for 2022 and 2025.

10.4 Monitoring schedule

The permittee must refer to the approved Environmental Monitoring Plan for environmental monitoring procedures.

10.5 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 be sampled for, and to conduct unscheduled samplings or split sampling. 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 Environmental Monitoring Standards

11.1 Rule

The permittee must not allow the release of any substance from the landfill into a water media which 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 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 Environmental Laboratory Accredited Program lab. Use of an approved lab will aid you and DEQ in Environmental Monitoring Plan and Annual Environmental Monitoring Report preparation and review.

12 Recordkeeping and Reporting – Environmental Monitoring

12.1 Annual Environmental Monitoring Report (AEMR)

Prior to April 15 of each year for the duration of this permit, the permittee must submit to DEQ two copies (one paper and one electronic) of an annual monitoring report covering the prior calendar year. The report must be prepared in accordance with the approved format and stamped by an Oregon registered geologist or an Oregon registered engineering geologist and must follow the format approved in the Environmental Monitoring Plan.

Note: Whenever possible, the permittee must submit two-sided copies of all reports

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

The cover letter must be signed by a person familiar with this site and that has experience in hydrogeological investigations at solid waste facilities.

12.3 Annual monitoring report contents

Each annual environmental monitoring report must reflect actual and true conditions at the facility. Data presented in the reports must be error-free as compared to the original lab data. The annual report, at a minimum, must contain:

- Review of all significant events that occurred at the site during the report period
- Review of the monitoring network performance and recommendations for improvements
- Summary of all the data collected in the reporting period
- A summary of any data problems (examples could include QA/QC failures, flagged data, switched samples, etc.)
- Time history plots for dissolved oxygen (DO) and specific conductivity (SC) and all group 1b and all group 2 parameters
- A copy of all lab data for the reporting period.

DEQ may reduce above reporting requirements for data produced by a laboratory with current ORLAP.

12.4 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:

- 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 groundwater contours
- Any other data or reports requested by DEQ

12.5 DEQ response to split samples

If requested by the permittee in writing and after the permittee has submitted all split sampling data information, DEQ's lab may send the permittee a copy of:

- DEQ's analysis of the split sample
- A copy of the QA/QC report

- A copy of the analytical report
- A copy of field data sheet

13 Environmental Monitoring Network

13.1 Monitoring devices

The permittee must protect, operate and maintain groundwater and surface water 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 the 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 Environmental Monitoring Plan Revision

14.1 Environmental Monitoring Plan submittal

If requested in writing by DEQ, the permittee must submit, for approval, two copies (one paper and one electronic) of an updated Environmental Monitoring Plan to DEQ. The plan must be prepared and stamped by an Oregon registered geologist or an Oregon registered engineering geologist. Upon approval, this plan is incorporated into this permit by reference including all conditions of the approval.

Note: Whenever possible, the permittee must submit two-sided copies of all reports

14.2 Environmental Monitoring Plan contents

The plan must include plans implementing an environmental monitoring program that will characterize potential facility impacts. This plan may consist of the previous approved Sampling and Analysis Plans with any changes or additions since that time (i.e., approved permit-specific concentration limits, new wells, etc.)

Reference: The *Solid Waste Landfill Guidance, September 1996*, provides information on applicable elements of what DEQ considers an acceptable Environmental Monitoring Plan. Following the organizational format provided in the Guidance will expedite DEQ's review of the plan.

14.3 Environmental Monitoring Plan maintenance

The permittee must revise the plan as necessary to keep it current and reflective of current facility conditions, procedures and sampling requirements or changes. The permittee must submit all plan revisions to DEQ for approval.

14.4 Environmental Monitoring Plan compliance

The permittee must conduct all environmental monitoring at the facility in accordance with the approved plan, including any conditions of approval, amendments and updates.

14.5 Additional monitoring points

Any new or replacement monitoring point or device established during the time frame of this permit must be incorporated into the environmental monitoring plan. The updated plan must be resubmitted to DEQ for approval.

15 Permit Specific Concentration Limits Action Limits, Action Limits Site Specific Limits and Remedial Action Concentration Limits

15.1 Remedial action concentration limits

Remedial action concentrations limits have been established for several VOCs in a groundwater plume down-gradient of the older (western) part of the landfill. This was formalized in a Record of Decision in

2005, based on a Remedial Investigation/Feasibility Study Process. These limits are shown in Attachment 1.

COMPLIANCE SCHEDULE

16 Summary of Due Dates

16.1 Summary

The following is a summary of event-driven reporting required by this permit. This section does not include routine reporting and submittals required by this permit.

Due Date	Activity	See section...
By every April 15	Submit an Annual Environmental Monitoring Report	12.1 AEMR
By every Dec. 15	Submit an Annual Financial Assurance Recertification Report	9.1 Annual FA Recertification
By Feb. 15	Submit A Facility Evaluation Report	8.4 Evaluation
14 days after discovery of damage to a monitoring device	Submit proposal to repair or replace	13.2 Damage reporting

ATTACHMENTS

Attachment 1: Remedial Action Concentration Limits

In accordance with OAR 340-040-0050(2) and as defined in the site Record of Decision (dated December 2004), Remedial Action Concentration Limits for groundwater are established as follows:

Risk-Based Cleanup Level	
Volatile Organic Compounds	Limit (µg/L)
Benzene	0.61
1,2-Dichloroethane	0.20
1,2-Dichloropropane	0.26
Methylene Chloride	6.27
Tetrachloroethene (PCE)	1.43
Trichloroethene (TCE)	2.52
Vinyl chloride	0.03
Remedial Action Concentration	
Dissolved Metals (mg/L)	Limit (mg/L)
Iron	19.5
Manganese	27
Remedial Action Concentration	
Inorganic Compounds (mg/L)	Limit (mg/L)
Chloride	533
Total Dissolved Solids (TDS)	2800

