

The following are public comments and EPD's responses during the comment period (February 23, 2021 to April 30, 2021) regarding the above draft guidance document

1. **Comment during Stakeholder Meeting on February 23<sup>rd</sup>:** Question about monitoring table 2 constituents- comparing instream standards established for normal flow conditions and if they're applicable during low flow times or if they need additional documentation.

*Paraphrase: Can results be justified by providing additional documentation such as flow conditions or other information?*

**Response:** Yes, additional documentation can be submitted but is not required in the guidance.

2. **Comment during Stakeholder Meeting on February 23<sup>rd</sup>:** Question on whether the sampling requirements in the leachate release portion of the guidance was intended to apply for all facilities or just mainly the HMCW accepting facilities.

*Paraphrase: In current form, the sampling required in the draft guidance would capture many facilities with minor outbreaks after a rain event.*

**Response:** The requirement for compulsory sampling after a leachate release has been changed to only being required when determined by the Solid Waste Management Program. Any such sampling would be based upon the characteristics of the release pathway.

### Comments received by electronic mail

1. **Comment:** To align with the provisions of this guidance, updated surface water monitoring plans should be submitted as part of the facility's next 5-year permit review. It is assumed that the plans will not be implemented until EPD review and approval but we request that EPD clarify this in the guidance. In the meantime, we assume that facilities would continue monitoring according to their current plans.

**Response:** The general approach is to implement during the 5-year review process. However, EPD reserves the right to implement the guidance outside of the 5-year review process (as applicable) if a site-specific circumstance arises.

2. **Comment:** Under the "Legal Authority" section, Rule 391-3-4-.07(1)(l) it should be clarified that the Groundwater and Surface Water Plans can be a combined document within the facility's D&O set.

**Response:** The rule language already contains this clarification.

- 3. Comment:** Sampling the retained water in a stormwater detention pond or temporary stormwater impoundment as indicated on pages 3 and 4 of the draft guidance should not be performed. Sampling such water rather than the discharge from the outfall contradicts the purpose of the monitoring and sampling procedures detailed in the guidance whereas the quality of water discharged must be monitored and samples should be collected ideally from mid-depth of the water column within the main flow. Also, it is unclear why a sample of retained water within a stormwater detention pond would be performed if there is no discharge to the waters of the state.

**Response:** The sampling of retained water is only required in the circumstance where no on-site or adjacent perennial or intermittent surface waters exist, to assess potential of water going offsite where sampling access isn't possible. Water quality data is not used for compliance purposes related to water quality but rather indications of issues with non-point source runoff at the facility.

- 4. Comment:** Clarification is needed regarding why a determination of compliance (to the applicable standards) applies only to underdrain sample points and results from other surface water sampling points are for comparison purposes only.

**Response:** The current rules only attribute compliance standards to underdrain locations.

- 5. Comment:** The "Leachate Releases" section as written does not belong in this guidance and it is more appropriate to only reference where it is specified elsewhere in the Rules (to avoid confusion and possible contradictions). Semiannual surface water and underdrain monitoring data are not specifically used to identify a leachate release. Facilities have other routine programs in place that identify leachate releases. In addition, initiating sampling and analysis of all surface water and/or underdrain monitoring points within 7-days of reporting a leachate release to EPD may not be appropriate when certain surface water and/or underdrain locations are known to not be affected by the release. Each leachate release situation will be different, and it may be more appropriate to develop a relevant sampling strategy (including frequency of repeat sampling) for EPD approval based on the situation encountered.

**Response:** Requiring surface water sampling in response to a leachate release has been a permit requirement since at least the 1995 guidance. The requirement for compulsory sampling after a leachate release has been changed to only being required when determined by the Solid Waste Management Program. Any such sampling would be based upon the characteristics of the release pathway.

**SWANA letter dated April 29, 2021 (Attached).**

**Summary of Comments:** The letter stated that as a landfill owner/operator may also be typically performing similar procedures required by the Industrial Stormwater NPDES permit, reference to this NPDES permit (as applicable), would minimize the amount of regulation that already address procedures to manage leachate outbreaks and would more closely follow the original "Permit Conditions for Solid Waste Surface-Water Monitoring" Guidance, dated 1995. The letter went on to suggest how the already existing requirements of the NPDES General

Permit GAR050000 for Storm-Water Discharges Associated with Industrial Activity could be incorporated into the Leachate Release section of the guidance:

- Including the Solid Waste Management Program and District Office of EPD on the Notification requirements of the GAR050000 General Permit when a leachate release has occurred and corrective action cannot be completed within 90-days of discovery;
- Additional sampling and reporting may be required based upon characteristics of the release pathway.
- Additional language related to leachate releases to be incorporated into the Design and Operation Plans for permits that are not required to have a NPDES GAR050000 General Permit.

**Response:** EPD agrees with the general approach outlined in the letter and has incorporated many of the suggestions with the following exceptions:

- The letter suggested that the NPDES GAR050000 General Permit and associated documents such as the SWPPP should be changed to incorporate some of the requirements of this draft guidance. However, this would prove impractical from an implementation standpoint as the NPDES GAR050000 General Permit is regulated by a separate program within EPD and the general permit conditions are not easily changed (being subject to public comment and EPA review once every 5-years). Consequently, instead reference to the existing NPDES GAR050000 permit (as applicable) is proposed to be made in the Design and Operation Plans of the Solid Waste Handling Permit of the facility. Where no such permit is required by the facility, additional leachate release language may need to be added to the D&O plans.
- EPD is keeping the initial reporting requirement for a leachate release which is outside of the NPDES GAR050000 as there are possible wider implications of a leachate release than the protections afforded by the Georgia Water Quality Control Act. Leachate release(s) may have an engineering stability implication for the facility which is under the purview of the Solid Waste Management Program.

Attachments



SWANA-Georgia Chapter  
2133 Lawrenceville-Suwanee Road  
Suite 12-456  
Suwanee, GA. 30024  
(770) 822-9308 voice mail  
(770) 338-2735 fax  
[georgiaswana@gmail.com](mailto:georgiaswana@gmail.com)  
[www.gaswana.org](http://www.gaswana.org)

April 29, 2021

Transmitted via email To:  
[John.Sayer@dnr.ga.gov](mailto:John.Sayer@dnr.ga.gov)

John W. W. Sayer, P.G., Environmental Monitoring Unit Manager  
Georgia Department of Natural Resources  
Environmental Protection Division  
Land Protection Branch  
Solid Waste Management Program  
4244 International Parkway, Suite 104  
Atlanta, GA 30354-3906

RE: Comments on the Draft "Monitoring of Surface Water and Underdrain  
Systems at Solid Waste Facilities Guidance Document"

Dear Mr. Sayer:

The Solid Waste Association of North America (SWANA) Georgia Chapter appreciates the opportunity to comment on the Draft "Monitoring of Surface Water and Underdrain Systems at Solid Waste Facilities Guidance Document" revised in February 2021 (Draft Guidance). SWANA Georgia Chapter understands the intent of the Draft Guidance is to consolidate and update previously issued guidance based on revisions to the Rules in recent years.

We agree many of these changes are necessary, however, our main concern is how the Draft Guidance may conflict with Leachate Release procedures already required by the Georgia Water Quality Control Act. For instance, the Storm Water Pollution Prevention Plan (SWPPP) regulated under the National Pollution Discharge and Elimination System (NPDES) General Permit GAR050000 for Storm Water Discharges Associated with Industrial Activity, requires the permittee to document the selection, design, and installation of control measures, in addition to the implementation (including inspection, maintenance, monitoring and corrective action) of the permit requirements. Landfill facilities must implement and maintain the provisions of the SWPPP as a condition of this permit.

The site-specific SWPPP prepared for each landfill documents a pathway-based approach where potential spills and leaks could occur that could contribute pollutants to stormwater discharges,

and the corresponding outfall(s) that would be affected by such spills and leaks. The General Permit GAR050000 requires permittees to develop plans for effective response to such spills if or when they occur, such as procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. For landfills, the General Permit GAR050000 requires the permittee implement a preventive maintenance program of which they are to maintain all elements of leachate collection and treatment systems (prevent commingling of leachate with stormwater); the integrity and effectiveness of any intermediate or final cover, including repairing the cover as necessary to minimize the effects of settlement, sinking, and erosion. Should a leak, spill or other release occur at the landfill facility, the permittee must also be compliant with effluent limits. Compliance with effluent limits on contaminated stormwater discharges are determined based on discharges from the source of contamination and is pathway-based. For landfills, the General Permit GAR050000 defines “contaminated stormwater” as:

“stormwater that comes into direct contact with landfill wastes, waste handling and treatment areas, or landfill wastewater. Some areas of a landfill that may produce contaminated stormwater include but are not limited to the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.”

If corrective action is needed to prevent a discharge of contaminated stormwater, the General Permit GAR050000 requires the permittee to take initial action “as soon as practicable” and document the discovery within 24 hours (with exceptions). If, however, the corrective action cannot be completed within 90 days of discovery, the permittee must notify EPD. Annual reports are submitted to EPD every year by January 31 indicating whether the SWPPP is current and being implemented, whether routine inspections were being performed and being documented in the SWPPP, whether the SWPPP was revised, whether analytical results of storm water samples meet applicable benchmarks or limits, and whether any corrective actions were documented in the SWPPP.

Because these existing requirements on water quality control are regulated under a different permit, our recommendation on the Draft Guidance section on “Leachate Release” be revised to state the following:

### **LEACHATE RELEASE**

**Applicable landfill facilities that have or require coverage under the National Pollution Discharge and Elimination System (NPDES) General Permit GAR050000 for Storm Water Discharges Associated with Industrial Activity shall include the**

**following minimum criteria for a Leachate Release in the facility's Storm Water Pollution Prevention Plan (SWPPP):**

- **Notification to EPD on a Leachate Release required by General Permit GAR050000, shall also include the Solid Waste Management Program and District Office of EPD;**
- **Additional sampling and reporting may be required based upon characteristics of the release pathway.**

**Applicable landfill facilities that do not have or require coverage under the National Pollution Discharge and Elimination System (NPDES) General Permit GAR050000 for Storm Water Discharges Associated with Industrial Activity shall include the following minimum criteria for a Leachate Release in the facility's Design & Operation Plan:**

- **Site-specific prevention and response procedures;**
- **Notify Solid Waste Management Program and District Office of EPD if corrective action in response to a Leachate Release cannot be completed within 90 days of discovery;**
- **If release pathway occurred in an unlined area, document location, date of discovery and if any corrective action was taken in facility's operating record; and**
- **Additional sampling and reporting may be required based upon characteristics of the release pathway.**

Although the Draft Guidance outlines requirements separate to any requirements regulated under the General Permit GAR050000, it is important to understand how its current draft version further complicates an already complex situation to handle. Therefore, to add more continuity with the Georgia Water Quality Act, we recommend adding back the surface water requirement A.2. from the July 1995 revised EPD Guidance Document entitled "Permit Conditions for Surface-water Monitoring," which states:

"The Permittee shall operate and maintain this facility in compliance with the Georgia Water Quality Control Act, as amended. The Permittee shall apply for and obtain a National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from the Division if not already covered [or as required]. The Permittee shall conduct monitoring and sampling at surface-water control structures as outlined in said permit."

Adding more inspection, sampling, reporting and recordkeeping procedures further complicates the already complex situation of handling leachate outbreaks. As demonstrated, the landfill facility owner/operator is typically performing similar procedures required by NPDES permits such as the General Permit for Storm Water Discharges Associated with Industrial Activity, the General Permit for Storm Water Discharges Associated with Construction Activity, and/or an Industrial Pretreatment Permit, etc. Therefore, in our opinion, reference to these NPDES permits, as applicable, minimizes the excess of regulation that already address procedures to manage leachate outbreaks.

In addition, the SWANA Georgia Chapter requests the public comment period for this Draft Guidance, and also the Draft “High Moisture Content Waste Management Plans at Solid Waste Facilities Guidance Document,” which references the subject Draft Guidance, extend to at least 30 days following adoption of the proposed rule associated with the critical HMCW topic at hand. We appreciate the transparency and public participation that the Solid Waste Management Program has invited during this proposed rulemaking process, however, in our opinion, extending the public comment period for both draft guidance documents for a certain period beyond the adoption of this relevant legal authority is appropriate.

SWANA Georgia Chapter appreciates the opportunity to provide these comments to the proposed Draft Guidance. The Chapter hopes Land Protection Branch will consider our request to consider consistency between regulatory programs.

Sincerely,



Suki Janssen  
2019-2022 Chapter President  
SWANA Georgia Chapter

Cc: William Cook, Program Manager, EPD Solid Waste Management (via email)  
Keith Stevens, Unit Manager, EPD Solid Waste Permitting (via email)  
SWANA Georgia Chapter Board of Directors (via email)