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8 Attorneys for Petitioners  
9 Ma-Ru Holding Company, Inc. and  
Bonzi Sanitation Landfill, Inc. Partnership

11 BEFORE THE STATE WATER RESOURCES CONTROL BOARD

12 In Re: PETITION OF MA-RU HOLDING  
13 COMPANY, INC. AND BONZI  
SANITATION LANDFILL, INC.  
14 PARTNERSHIP FOR REVIEW OF  
AMENDMENT 1 TO CLEANUP AND  
15 ABATEMENT ORDER NO. R5-2006-0721

**PETITION FOR REVIEW OF  
AMENDMENT 1 TO CLEANUP  
AND ABATEMENT ORDER  
NO. R5-2006-0721**

16 Amendment 1 to California Regional Water  
17 Quality Control Board, Central Valley  
Region, Order No. R5-2006-0721

**Request For Hearing  
Request For Abeyance**

Water Code section 13320;  
23 C.C.R. section 2050 *et seq.*

19 Petitioners MA-RU HOLDING COMPANY, INC. AND BONZI SANITATION  
20 LANDFILL, INC. PARTNERSHIP ( "Petitioners"), by and through their counsel of record,  
21 Herum Crabtree and Stoel Rives LLP, hereby request review by the State Water Resources  
22 Control Board ("State Water Board") of certain provisions of Amendment 1 to Cleanup and  
23 Abatement Order No. R5-2006-0721 (the "Order" or "Amendment 1"), issued by the Regional  
24 Water Quality Control Board, Central Valley Region ("Regional Board") staff, pursuant to Water  
25 Code section 13320 and 23 Cal. Code Regs. section 2050 *et seq.* Because the Regional Board  
26 Executive Officer issued the Amendment to the Order without first holding a public hearing, no

1 hearing transcript exists.<sup>1</sup> Petitioners did, however, submit comments and a request for a hearing  
2 on and before the filing date of this Petition.

3 Because of their attempts to meet with Regional Board staff and Petitioners' additional  
4 requests for a public hearing both prior to, and concurrently with, the filing of this Petition,  
5 Petitioners request that the Petition be held in abeyance pursuant to 23 Cal. Code Regs.  
6 section 2050.5(d). Petitioners, however, reserve the right to supplement and/or augment the  
7 Petition and the Points and Authorities contained herein if the State Water Board does not grant  
8 Petitioners' request for abeyance, or should the Petition be removed from abeyance in the future.

9 **I. NAME AND ADDRESS OF PETITIONERS**

10 Ma-Ru Holding Company, Inc.  
11 c/o Brian Terrell  
12 2650 West Hatch Road  
13 Modesto, CA 95351  
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22 By and through their attorneys of record:

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<sup>1</sup> Subsequent to receiving the Order, Petitioners' requested a meeting with Regional Board staff to discuss the contents of the Order and to express their concerns, as well as requested a hearing before the Regional Board. See Section IX, *infra*, and Exhibit C attached hereto (and incorporated herein by reference).

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8  
9  
10 **II. ACTIONS BY THE REGIONAL BOARD THAT PETITIONER REQUESTS THE**  
11 **STATE WATER BOARD REVIEW.**

12 The Bonzi Sanitation Landfill is located on a 128-acre parcel, approximately three miles  
13 southwest of Modesto, comprised of Assessor Parcel Numbers 17-41-36 and 17-41-11.  
14 Petitioners are herein requesting review of Amendment 1 to Cleanup and Abatement Order  
15 (“CAO”) No. R5-2006-0721 (the “Order”) issued (without hearing) by Regional Board staff  
16 (Executive Officer Pamela C. Creedon) on December 3, 2008, a true and correct copy of which is  
17 attached hereto as **Exhibit A**. The Order relates to the Bonzi Sanitation Landfill located at 2650  
18 West Hatch Road in Modesto, California.

19 Although the Landfill has dealt with compliance problems in the past, a new management  
20 team, including new consultants, new site managers, and new attorneys, are now involved.  
21 Pursuant to direction from this new management team, a new schedule for compliance was  
22 submitted to the Regional Board and agreed to between Petitioners and the Regional Board,  
23 including the submission of new data. Yet, shortly after such an agreement was made, the  
24 Executive Officer of the Regional Board – without prior notice- issued the Amendment.

25 **III. THE DATE ON WHICH THE REGIONAL BOARD ACTED.**

26 The Executive Officer of the Regional Board executed Amendment 1 to Order No. R5-  
27 2006-0721 on December 3, 2008, without the benefit of a public hearing. See **Exhibit A**  
28 attached hereto.

**IV. STATEMENT OF REASONS WHY ACTION WAS IMPROPER.**

Although actions taken by a regulatory agency must be based on substantial evidence in  
the record, a number of actions taken by Regional Board staff were not based on substantial  
evidence in the record and/or were contrary to law, which constitutes an abuse of discretion.

1 Moreover, portions of the Order and the process by which the Regional Board adopted the Order  
2 without benefit of a public hearing violate Petitioners' due process rights. The Order is  
3 fundamentally unfair and not supported by substantial evidence, including but not limited to the  
4 fact that it requires Petitioners to provide a "Water Replacement Plan" to the Regional Board just  
5 29 days after the issuance of the Order without any data or evidence to support such a request.

6 Petitioners have very limited funds and are currently in the process of having to spend  
7 money on two fronts: site investigation and site closure. On the one hand, the Regional Board is  
8 requiring that sufficient funds be expended on site investigation and to fully characterize the  
9 lateral and vertical extent of the groundwater plume, yet now are requiring - absent substantial  
10 evidence demonstrating any adverse affect on municipal or domestic wells - that water  
11 replacement be instituted. Further, it is not clear the that the groundwater extraction system is not  
12 functioning properly. Specifically, the Order is not based upon nor does it reference any  
13 substantial evidence that the Riverdale Community water supply well has been impacted with  
14 volatile organic compounds ("VOCs") above the federal or state maximum contaminant level  
15 ("MCL"), nor does it contain substantial evidence supporting why these Petitioners should be the  
16 sole parties responsible for any such potential impacts to the Riverdale Community water supply  
17 even if such detections should occur in the future. Moreover, the Order requires Petitioners to  
18 immediately provide replacement water supplies to the Riverdale Community if any water supply  
19 wells are "affected wells" when, pursuant to the terms and language of the Order itself, no such  
20 wells exist. Finally, the Order was issued by the Executive Officer and under the circumstances  
21 may be an impermissible delegation of authority.<sup>2</sup>

22 **A. The Order Is Not Supported by Substantial Evidence in the Record.**

23 As noted above, the Order is not supported by substantial evidence. Petitioners believe  
24 that it is irresponsible of Regional Board staff to open a third front with Petitioners, who have  
25 already confronted financial difficulties and addressed such difficulties in detail with Board staff.

26 <sup>2</sup> The original CAO does not contain any express references that the original CAO may be revised  
27 by the Regional Board through its Executive Officer, nor does the Amendment reference any  
28 authority for the Executive Officer's issuance of the Amendment without prior notice and hearing  
by the Board.

1 In a similar manner, the Board did not consider Petitioners' financial hardship or ability to pay  
2 before issuing the Order.

3 Specifically, page 7 of the Order currently provides as follows:

4 IT IS HEREBY ORDERED THAT, pursuant to CWC section  
5 13304, and all applicable law, Cleanup and Abatement Order No.  
6 R5-2006-0721 is hereby amended to require that Ma-Ru Holding  
7 Company, Inc. and Bonzi Sanitation Landfill, Inc. Partnership,  
8 their agents, successors, and assigns, shall comply with the tasks  
9 below. Compliance with these requirements shall include, but not  
10 be limited to, completing the tasks listed below.

11 "Affected well" is defined to mean any water supply well in which  
12 water does not meet federal, state or local drinking water standards  
13 for applicable pollutants.

- 14 1. **By 1 January 2009**, the Discharger shall submit a  
15 plan to supply drinking water to the Riverdale  
16 Community without any cost to the Riverdale  
17 community. The plan must include a short-term  
18 remedy that could be implemented immediately,  
19 such as connection to the existing City of Modesto  
20 water supply line. A copy of the plan shall be  
21 provided to the Riverdale Community.
- 22 2. Any domestic or municipal drinking water well  
23 downgradient of the Bonzi Landfill that has been  
24 affected (as defined above) shall be immediately  
25 supplied with replacement water at no cost to the  
26 landowner. The Discharger shall supply the  
27 replacement water within 24 hours of its knowledge  
28 that the well has been affected.
3. Within 48 hours of providing water to the  
landowner of the affected domestic or municipal  
drinking water, the Discharger shall notify the  
Central Valley Water Board and Stanislaus County  
Environmental Health Department that it has  
implemented its water supply plan.
4. Once the Discharger begins supplying replacement  
drinking water, it shall continue to do so until  
notified that it may cease by the Executive Officer.

(Order p. 7 (emphasis added).)

Based on the evidence, currently no Riverdale community water supply wells meet the  
definition of "affected well" as set forth in the Order. Moreover, the requirement that Petitioners  
provide a water replacement plan (and replacement water supplies) without data or facts to

1 support such a requirement is arbitrary and capricious. Ordering Petitioners to provide such a  
2 plan and replacement water without confirmed detections of VOCs in water supply wells is not  
3 based on substantial evidence in the record and lacks a legal basis. In fact, the record does not  
4 demonstrate that any water supply wells contain levels of "applicable pollutants" above federal or  
5 state drinking water levels. The lack of "affected wells" in the community also demonstrates that  
6 the procedures and requirements set forth in the Amendment could have first been addressed  
7 within the context of a public meeting and hearing since there is no immediate need for water  
8 replacement nor an immediate threat to water quality.

9 In addition, Petitioners due process rights are affected because the Amendment is vague  
10 and ambiguous given that the underlying data is missing. Due to the lack of data, an effective  
11 water replacement plan is not possible.

12 **B. Regional Board Staff Adopted the Order Without First Holding a Public**  
13 **Hearing Before the Board, Denying Petitioners Their Right to Due Process.**

14 As noted, Petitioners were not allowed to participate in the staff process before the  
15 Executive Officer issued the Amendment on December 3, 2008. Consequently, the Order  
16 contains deadlines that commenced less than one month after the effective date of the Order and  
17 which fall within Petitioners' statutorily-protected right to appeal the Order. Further, the  
18 Executive Officer of the Regional Board issued the Order without the Board first holding a  
19 hearing to evaluate its contents. Therefore, the Regional Board effectively precluded Petitioners  
20 from having sufficient time to publicly comment on the Order and effectively appeal its contents,  
21 which are constitutional and statutory rights that Petitioners enjoy.

22 **C. The Order Contains a Time Schedule For Completion of Tasks that Falls**  
23 **Within Petitioners' Statutorily-Protected Time for Appeal.**

24 As noted above, the first compliance date in the Order is January 1, 2009, is less than one  
25 month from the issuance date of the Order and which falls within the statutory-allotted time for  
26 Petitioners to appeal the contents of the Order pursuant to Water Code section 13320. By setting  
27 immediate inflexible deadlines, the Order prevents any public hearing before either the Regional  
28 or State Water Board from occurring before the Order's first compliance deadline, making it

1 difficult, unduly burdensome, and nearly impossible to comply, given the lack of substantial  
2 evidence supporting the contents of the Order.

3 **D. The Term "Affected Well" As Used in the Order is Overly Broad and**  
4 **Ambiguous**

5 As noted above, the Order defines an "affected well" as "any water supply well in which  
6 water does not meet federal, state or local drinking water standards for applicable pollutants."  
7 (Order p. 7.) The Order fails, however, to define "applicable pollutants" or "local drinking water  
8 standards." To Petitioners' knowledge, only federal and state drinking water standards exist, and  
9 no water supply wells contain VOCs in excess of such standards. The Regional Board abused its  
10 discretion in imposing such an overly broad and ambiguous "trigger" definition on Petitioners,  
11 and such definition should be stricken from the Order.

12 **E. The Regional Board Did Not Include All Possible Dischargers/Responsible**  
13 **Parties in the Order.**

14 Based on data in the Regional Board record, there are several other potential sources of  
15 contamination to the Riverdale community water supply, including a waste management site,  
16 agricultural sources, and a mechanic's shop. Any of these additional potential sources may be a  
17 more likely source of the contaminants of concern addressed in the Order issued solely to  
18 Petitioners. The Regional Board did not provide any evidence as to why these sources should not  
19 be included in the Order, nor any information as to why they were not included in the Order.  
20 Petitioners believe that there is as much evidence or a lack thereof in the record for identifying  
21 other responsible parties as there is regarding the identification of Petitioners in the Order.

22 **V. THE MANNER IN WHICH PETITIONERS ARE AGGRIEVED.**

23 Petitioners are required to comply with provisions in the Order that are contrary to law,  
24 not based on substantial evidence in the record, and/or beyond the scope of the Regional Board's  
25 authority. Any non-compliance threatens Petitioner with daily fines for non-compliance. The  
26 Order also contains overly burdensome and restrictive requirements that are not based on  
27 substantial evidence or confirmed data in the record, and the Order was issued without first  
28 allowing Petitioners an opportunity to publicly discuss the contents of the Order.

1 Even if the State Water Board were to determine that providing replacement water  
2 supplies is within the authority of the Regional Board, the Regional Board acted improperly as  
3 the decision is not based on substantial evidence. Attached as **Exhibit B** hereto and incorporated  
4 herein by reference is an excerpt from a report prepared by Petitioners' consultant and submitted  
5 to the Regional Board in November 2007 that identifies other potential responsible parties for the  
6 contamination occurring in the Riverdale community.

7 **VI. THE SPECIFIC ACTION BY THE STATE WATER BOARD OR REGIONAL**  
8 **BOARD THAT PETITIONERS REQUEST.**

9 Petitioners respectfully request that the State Water Board do the following:

- 10 1. Find that certain provisions of the Order are not supported by substantial evidence  
11 and rescind the Order;
- 12 2. Find that the Regional Board's approval of the Order in violation of Petitioners'  
13 due process rights is inappropriate and/or improper and rescind the Order;
- 14 3. Find that the Regional Board's findings are insufficient to support the Order and  
15 rescind the order;
- 16 4. Conduct or require that the Regional Board conduct a public hearing regarding the  
17 provisions of the Order;
- 18 5. In the alternative, add additional responsible parties to the Order as well as the  
19 Amendment; and
- 20 6. Place this Petition in abeyance.

21 **VII. STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF LEGAL**  
22 **ISSUES RAISED HEREIN.**

23 Petitioners contend that the portions of the Order discussed in Part IV, *supra*, are not  
24 based on substantial evidence in the record, are contrary to law, and constitute an abuse of  
25 discretion by the Regional Board, as well as violate Petitioners' due process rights.

26 **A. Standard of Review.**

27 Pursuant to Water Code section 13320(c), the State Water Board may find that the actions  
28 of the Regional Board were inappropriate or improper. (Water Code § 13320(c).) Upon finding



1 that the actions of the Regional Board were inappropriate or improper, the State Water Board may  
2 direct that the appropriate action be taken by the Regional Board, refer the matter to any other  
3 state agency having jurisdiction, take the appropriate action itself, or take any combination of  
4 those actions. (*Id.*) In addition, Petitioners contend approval of the Order violates their  
5 constitutional rights to due process, and such approval is an arbitrary and capricious act which  
6 should be overturned. The Regional Board's actions must be based on substantial evidence in the  
7 record.

8 **B. Actions Taken by the Regional Board Must Be Based on Substantial Evidence**  
9 **in the Record.**

10 In determining whether an action of the Regional Board was appropriate and/or proper,  
11 the State Water Board must weigh whether there was substantial evidence in the record, taken as  
12 a whole, to support the Regional Board's action. (*See, e.g., In re Ventura County Citizens to*  
13 *Stop Towland Landfill*, Order No. WQ 98-02 (Apr. 16, 1998).) Under the substantial evidence  
14 standard of review, the reviewing entity regards the weight and sufficiency of evidence submitted  
15 regarding matters of administrative discretion and will sustain an agency's decision if substantial  
16 evidence supports the decision. (*Floresta, Inc. v. City Council of San Leandro*, 190 Cal.App.2d  
17 599, 608-09 (1961).)

18 **C. Petitioners' Right to Appeal is Constitutionally Protected.**

19 Petitioners' right to pursue administrative appeals is expressly allowed under California  
20 law and is protected by the state Constitution. (*See, e.g., De Anza Santa Cruz Mobile Estates*  
21 *Homeowners Ass'n v. De Anza Santa Cruz Mobile Estates*, 94 Cal. App. 4th 890 (2001);  
22 *Matossian v. Fahmie*, 101 Cal.App.3d 128 (1980); Cal. Water Code §§ 13320(a), 13330; 23 Cal.  
23 Code Regs. § 2050.) The right to file an appeal implicates due process considerations, "to the  
24 extent that tort damages are based on evidence that a defendant filed motions, appeals and other  
25 legal proceedings during the course of litigation, or opposed motions filed by the other party."  
26 (*De Anza*, 94 Cal. App. 4th at 918 (internal citations omitted).) Moreover, "[t]he right to petition  
27 for redress of grievances is a basic right guaranteed by the state and federal constitution [and a]  
28 person's right of access to judicial and quasi-judicial bodies to decide controversies is a

1 fundamental component of our society and cannot be impaired by the threat of punishment or  
2 retaliation.” (*Id.* at 919 (citing *California Teachers Assn. v. State of California*, 20 Cal. 4th 327,  
3 339, 356 (1999)).)

4 Petitioners are acting fully within their protected rights in filing this Petition seeking  
5 review of the Order. The Regional Board’s imposition of compliance deadlines that commence  
6 within a month of the effective date of the Order, and within the statutorily-afforded period that  
7 Petitioners have to file this appeal to the Order, is fundamentally unfair and violates Petitioners  
8 due process rights.

9 As noted above, Petitioners respectfully reserve the right to augment the Petition and the  
10 Points and Authorities contained herein if the State Water Board does not grant Petitioners’  
11 request for abeyance, or should it be removed from abeyance in the future at the request of  
12 Petitioners.

13 **D. The Regional Board’s Actions Were Not Based on Substantial Evidence in the**  
14 **Record, are Contrary to Law, and Violate Petitioners’ Due Process Rights**

15 As quoted in Part IV, *supra*, page 7 of the Order provides as follows:

16 IT IS HEREBY ORDERED THAT, pursuant to CWC section  
17 13304, and all applicable law, Cleanup and Abatement Order No.  
18 R5-2006-0721 is hereby amended to require that Ma-Ru Holding  
19 Company, Inc. and Bonzi Sanitation Landfill, Inc. Partnership,  
20 their agents, successors, and assigns, shall comply with the tasks  
21 below. Compliance with these requirements shall include, but not  
22 be limited to, completing the tasks listed below.

23 “Affected well” is defined to mean any water supply well in which  
24 water does not meet federal, state or local drinking water standards  
25 for applicable pollutants.

- 26 1. **By 1 January 2009**, the Discharger shall submit a  
27 plan to supply drinking water to the Riverdale  
28 Community without any cost to the Riverdale  
community. The plan must include a short-term  
remedy that could be implemented immediately,  
such as connection to the existing City of Modesto  
water supply line. A copy of the plan shall be  
provided to the Riverdale Community.
2. Any domestic or municipal drinking water well  
downgradient of the Bonzi Landfill that has been  
affected (as defined above) shall be immediately  
supplied with replacement water at no cost to the

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landowner. The Discharger shall supply the replacement water within 24 hours of its knowledge that the well has been affected.

3. Within 48 hours of providing water to the landowner of the affected domestic or municipal drinking water, the Discharger shall notify the Central Valley Water Board and Stanislaus County Environmental Health Department that it has implemented its water supply plan.

4. Once the Discharger begins supplying replacement drinking water, it shall continue to do so until notified that it may cease by the Executive Officer.

(Order p. 7.) Such provisions violate Petitioners' due process rights in that they require Petitioners to provide a replacement water supply without first allowing for a reasonable investigation to occur as to the cause or source of water supply contamination, and do not allow Petitioners to challenge such requirements. The requirement that Petitioners provide a water replacement plan without data or facts to support such a requirement is arbitrary and capricious, and ordering Petitioners to provide such a plan for replacement water to affected wells without confirmed detections of VOCs in water supply wells or opportunity to address such requirements before the Regional Board violates Petitioners' due process rights.

The United States Supreme Court has enunciated three factors to consider before determining that due process rights have been violated:

First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

*Mathews v. Eldridge* (1976) 424 U.S. 319, 334-35. As set forth in more detail below, all three factors are met.

The private interest affected by the Order is clear: it unreasonably places the burden on Petitioners, without any data to support such requirements, to spend thousands of dollars coordinating a water replacement plan, and potentially hundreds of thousands of dollars to provide replacement water supplies, without the Regional Board having any data that confirms

1 any impacts to water supply. Moreover, the Board failed to determine that any possible water  
2 supply impacts are solely the responsibility of Petitioners based on any substantial evidence in the  
3 record. Lastly, the Board's issuance of the Order occurred without allowing Petitioners the  
4 ability to publicly comment on the Order's strenuous and overly burdensome requirements, which  
5 could have severe financial impacts.

6 Petitioners will have to spend thousands of dollars now, and possibly hundreds of  
7 thousands of dollars in the future, to comply with the terms of the Amendment. Although  
8 Amendment 1 is similar to the CAO at issue in *Machado v. State Water Resources Control Board*  
9 *et al.* (2001) 90 Cal.App.4th<sup>3</sup> in that it does not impose criminal or civil penalties, does not  
10 prevent operation of the landfill nor affect the fundamental nature of Petitioners' business, it does  
11 involve a requirement that is not based on any data to support the financial and inequitable burden  
12 on Petitioners; specifically, that the water supply wells are affected or that the landfill is the  
13 source of any potential contamination. In *Machado*, the underlying CAO was issued to a dairy  
14 after a Regional Board employee observed unlawful discharges from the dairy. *Id.* at 727. After  
15 such observation, the dairy received a letter from the Regional Board, notifying it of the  
16 discovery, and provided the dairy with the name and phone number of someone to contact should  
17 the dairy wish to discuss the matter. This letter and the contact information provided the dairy  
18 with an informal opportunity to dispute the Regional Board's determination before the order  
19 issued. *Id.*

20 Here, however, Petitioners' counsel met with Regional Board staff prior to the issuance of  
21 the Order, but the requirements of the Order were not discussed in detail nor were Petitioners  
22 provided with an opportunity to dispute the contents of the Order before it was issued. The topic  
23 of water replacement was barely discussed at such meeting.

24 Moreover, no release has occurred and affording Petitioners the right to a hearing would  
25 not "delay remedial action and exacerbate a dangerous situation" as the *Machado* court  
26 determined would in fact be the case with the facts before it. *Id.* Although the court in *Machado*

27 <sup>3</sup> In *Machado*, the court held that the Regional Board's issuance of a CAO without first  
28 conducting a hearing on the terms thereof did not violate petitioner's due process rights.

1 and the State Water Board in *In the Matter of the Petition of BKK Corporation*, WQ 86-13 (Aug.  
2 21, 1986) held that a hearing is not required before the issuance of a CAO, the facts herein are  
3 distinguishable. As noted above, discharges affecting water quality were actually observed by  
4 staff in *Machado*, and there the petitioners were provided an informal opportunity for comment  
5 and resolution of the issues prior to the Regional Board issuing the CAO. Similarly, in *BKK*, the  
6 State Water Board noted that the Water Code was silent regarding a hearing, and that the Water  
7 Code procedures allowed for a discharger to seek changes or comment on a CAO once it issued  
8 and if the regional board was not responsive to such comments, the discharger could petition the  
9 State Water Board for review. (Order No. WQ 86-13, p. 5.)

10 Hence, in a situation as this where there is no confirmed threat or release and no affect to  
11 the water supply has occurred, nor does the data confirm the source of any such possible affect,  
12 coupled with the first compliance date of the Order falling within the appeal period and without  
13 first allowing Petitioners any opportunity, informal or formal, to address the contents of the  
14 Order, demonstrates that Petitioners due process rights have been violated. Moreover, the Order  
15 is not based on substantial evidence in the record.

16 **VIII. STATEMENT OF TRANSMISSION OF PETITION TO REGIONAL BOARD.**

17 A copy of this Petition is being transmitted to the Executive Officer of each of the three  
18 branch offices of the Central Valley Regional Water Quality Control Board concurrently with the  
19 filing of this Petition.

20 **IX. STATEMENT REGARDING WHETHER THE SUBSTANTIVE ISSUES OR**  
21 **OBJECTIONS CONTAINED HEREIN WERE RAISED BEFORE THE**  
22 **REGIONAL BOARD.**

23 Petitioners were not given the opportunity to meet with Regional Board staff prior to the  
24 issuance of Amendment 1 to Order No. R5-2006-0721, and were unaware of the pending Order.  
25 Further, Petitioners provided a letter to the Regional Board on December 24, 2008 outlining  
26 Petitioners comments and position regarding Amendment 1 to Order No. R5-2006-0721, as well  
27 as requesting both a meeting with Regional Board staff and a hearing before the Regional Board  
28 regarding Amendment 1. A true and correct copy of Petitioners' December 24, 2008 letter to  
Pamela Creedon, Executive Officer of the Regional Board, is attached hereto as **Exhibit C**, the

1 contents of which are incorporated herein by reference. Lastly, Petitioners' provided detailed  
2 comments related to the content of Amendment 1 to the Regional Board on December 31, 2008, a  
3 true and correct copy of which is attached hereto as **Exhibit D**, and the contents of which are  
4 incorporated herein by reference. Thus, all of the substantive issues contained herein were raised  
5 before the Regional Board via both verbal comments and in correspondence.

6 **X. INTERESTED PARTIES.**

7 The attached Order (Exhibit A) contains a list of the names and addresses of interested  
8 parties.

9 DATED: January 2, 2009.

10 Herum Crabtree

11  
12 By: 

13 **KARNA E. HARRIGFELD**  
14 Attorneys for Petitioners  
15 MA-RU HOLDING COMPANY, INC.  
16 AND BONZI SANITATION LANDFILL,  
17 INC. PARTNERSHIP

18 Stoel Rives LLP

19 By: 

20 **LEE N. SMITH**  
21 Attorneys for Petitioners  
22 MA-RU HOLDING COMPANY, INC.  
23 AND BONZI SANITATION LANDFILL,  
24 INC. PARTNERSHIP

**EXHIBIT A**  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD'S  
AMENDMENT 1 TO CLEANUP & ABATEMENT ORDER R5-2006-0721,  
BONZI SANITATION LANDFILL

---



Linda S. Adams  
Secretary for  
Environmental Protection

**California Regional Water Quality Control Board  
Central Valley Region**

Karl E. Longley, ScD, P.E., Chair

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Arnold  
Schwarzenegger  
Governor

3 December 2008

**Certified Mail Number:**  
7008 1140 0002 8805 6992

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2717 West Coast Hwy  
Newport Beach, CA 92863

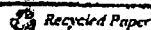
**AMENDMENT 1 TO CLEANUP AND ABATEMENT ORDER R5-2006-0721, BONZI  
SANITATION LANDFILL, STANISLAUS COUNTY**

The enclosed Amendment 1 to Cleanup and Abatement Order (CAO) R5-2006-0721 for the Ma-Ru Holding Company and Bonzi Sanitation Landfill Inc. (jointly referred to as Discharger) has been prepared as a result of the continued detection of groundwater pollution downgradient of the Bonzi Sanitation Landfill. Amendment 1 to the CAO requires the Discharger to complete the following actions:

- **By 1 January 2009**, submit a plan to supply drinking water to the Riverdale Community without any cost to the Riverdale Community or other owners of impacted wells;
- Immediately supply replacement water to any downgradient domestic or municipal drinking water well that has been adversely affected by the Bonzi Sanitation Landfill; and
- Notify the Central Valley Water Board and the Stanislaus Environmental Health Department when the replacement water supply plan has been implemented.

Amendment 1 to Order R5-2006-0721 is effective upon the date of issuance by the Executive Officer. Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of the Amendment to this Order, except that if the thirtieth day following the date of the Amendment to this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Should a petition for review of this Amendment to Order R5-2006-0721 be filed with the State Water Board, the subject matter of such a petition will be confined to this Amendment ordering uninterrupted replacement water service. The administrative record for this matter consists of Amendment 1 to Order R5-2006-0721 and its Attachment A, and the groundwater monitoring and sampling documents, data, reports and analyses referenced therein, which are contained in and can be obtained from the Central Valley Water Board's files. Merely filing a petition for review to the State Water Board does not stay the effectiveness of this Amendment to Order R5-2006-0721, nor excuse performance of the obligations set forth therein. In the event no petition for review is filed with the State Water Board within 30 days, this Amendment to Order R5-2006-0721 becomes final and unappealable.

**California Environmental Protection Agency**



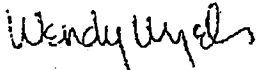


Bonzi Sanitation Landfill  
Stanislaus County

-2-

3 December 2008

If you have any questions or wish to arrange a meeting to discuss this matter, please do not hesitate to contact Christian Carrigan at (916) 322-3626.



WENDY WYELS, Supervisor  
Compliance and Enforcement Section

Enclosure: Amendment 1 to Cleanup and Abatement Order R5-2006-0721

cc: Ms. Cecilia Dennis, State Attorney General's Office, Sacramento  
Mr. Russell Hildreth, State Attorney General's Office, Sacramento  
Mr. Cris Carrigan, State Water Resources Control Board, Sacramento  
Mr. Patrick Pulupa, State Water Resources Control Board, Sacramento  
Mr. David Otsubo, California Integrated Waste Management Board, Sacramento  
Mr. Mike Mooney, The Modesto Bee, Modesto  
Ms. Karna Harrigfeld, Herum Crabtree Brown, Stockton  
Mr. Tom O'Keefe, Newport Beach  
RENEW - Riverdale Neighborhood Watch Group, Modesto  
Mr. Kelley Murphy, Parkdale Community Water District, Modesto  
Mr. Mario Jimenez, Parkdale Community Water District, Modesto

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

AMENDMENT 1 TO CLEANUP AND ABATEMENT ORDER NO. R5-2006-0721

FOR  
MA-RU HOLDING COMPANY, INC.  
BONZI SANITATION LANDFILL, INC PARTNERSHIP

BONZI SANITATION LANDFILL  
STANISLAUS COUNTY

This amendment to outstanding Cleanup and Abatement Order R5-2006-0721 (the "CAO") conditionally requires uninterrupted replacement water service and is issued to the Ma-Ru Holding Company, Inc., and to Bonzi Sanitation Landfill, Inc. ("Discharger") based on provisions of California Water Code (CWC) Section 13304, which authorizes the Executive Officer of the California Regional Water Quality Control Board, Central Valley Region ("Central Valley Water Board") to issue and/or amend Cleanup and Abatement Orders, and all applicable law.

The Executive Officer of the Central Valley Water Board finds<sup>1</sup> with respect to the Discharger's acts, or failure to act, the following:

1. Beginning 31 January 2008, or earlier, and until at least 2 November 2008, or later, the Discharger operated the Bonzi Sanitation Landfill (landfill) without complying with the CAO's monitoring and/or reporting requirements. During this time, the Discharger also failed to comply with the monitoring and/or reporting requirements imposed by Waste Discharge Requirements Order R5-2007-0148.
2. The Discharger's failure to comply with applicable monitoring and/or reporting requirements has prevented the Central Valley Water Board from evaluating site conditions and the migration of contaminants released from the landfill into groundwater. Because of the Discharger's failure to comply with its monitoring requirements, no complete data set for the monitoring wells discussed below exists after the Third Quarter 2007 sampling event.
3. Based on data previously provided by the Discharger, the groundwater extraction system installed by the Discharger is likely not capturing the entirety of the existing plume of contaminants in groundwater. Downgradient domestic water supply wells near the landfill have been impacted by volatile organic compounds (VOCs), and the

<sup>1</sup> The Findings and Content of Cleanup and Abatement Order R5-2006-0721 are hereby incorporated into this Amendment by this reference as if set forth in full.

nearby Riverdale Community drinking water supply well<sup>2</sup> is threatened by the contaminant plume.

4. The direction of groundwater flow fluctuates from the northwest to the north-northwest, with gradients ranging from 0.0020 to 0.0030 ft/ft. The Riverdale Community water supply well is directly downgradient from Bonzi Waste Management Unit 1 and the leading edge of the Bonzi plume, approximately 500-feet from the northern boundary of the landfill.
5. VOCs associated with landfill waste are detected from the southern-most extent of the landfill northward to within 30 feet of the Riverdale well. Monitoring well 06-09 is adjacent to the unlined Waste Management Unit III at the southeastern boundary of the site (as shown on Attachment A of this Order). Monitoring well 06-09 is the furthest detection monitoring well from the Riverdale well (~3,000-feet upgradient). Data from this well indicates that groundwater contains a VOC, 1,1 - DCA, above its maximum contaminant level (MCL). In addition, byproducts produced by the breakdown of chlorinated VOCs are also present. Other VOCs that were detected below their respective MCLs include benzene, chloroform, dichlorodifluoromethane, methyl-tert-butyl ether (MTBE), and trichlorofluoromethane.

MONITORING WELL 06-09					
monitoring event	PCE <sup>1</sup>	TCE <sup>2</sup>	1,1-DCA <sub>3</sub>	1,1-DCE <sub>4</sub>	cis-1,2-DCE <sub>5</sub>
3Q06		0.9 ug/l	38 ug/l	0.43 ug/l	0.92 ug/l
4Q06	0.61 ug/l	1.1 ug/l	29 ug/l	0.84 ug/l	1.1 ug/l
1Q07	0.49 ug/l	0.94 ug/l	30 ug/l	0.37 ug/l	1.0 ug/l
2Q07	0.48 <sup>J</sup> ug/l	0.58 ug/l	24 ug/l		0.77 ug/l
3Q07	0.35 <sup>J</sup> ug/l	0.59 <sup>J</sup> ug/l	23 ug/l	0.38 <sup>J</sup> ug/l	0.95 <sup>J</sup> ug/l

1. MCL = 5 ug/l, PHG = 0.06 ug/l
  2. MCL "Goal" = 0.0 ug/l, PHG = 0.8 ug/l
  3. MCL = 5 ug/l
  4. MCL = 6 ug/l, Public Health Advisory = 0.06 ug/l
  5. MCL = 6 ug/l
- <sup>J</sup> value: detected above the method detection limit, yet value is below the practical quantitation limit.

6. Monitoring well 90-1 is located near the center of the landfill and is approximately 1,700 feet upgradient from the Riverdale well (as shown on Attachment A of this

<sup>2</sup> The well is 14-inches in diameter, 200 feet deep with an open bottom, and screened from 55 to 125 feet below ground surface.

Order). Monitoring well 90-1 is also impacted by 1,1-DCA and cis-1,2-DCE. All the compounds detected in Monitoring well 90-1 were also detected in monitoring well 06-09.

MONITORING WELL 90-1		
monitoring event	1,1-DCA <sup>1</sup>	cis-1,2-DCE <sup>2</sup>
3Q06	1.7 ug/l	ND
4Q06	2.0 ug/l	0.31 ug/l
1Q07	1.6 ug/l	0.81 ug/l
2Q07	1.7 ug/l	
3Q07	1.8 ug/l	0.44 <sup>J</sup> ug/l

1. MCL = 5 ug/l

2. MCL = 6 ug/l

J value: detected above the method detection limit, yet value is below the practical quantitation limit

7. In September 2007, the Discharger conducted an investigation to characterize the material in the unlined Waste Management Unit IV. A grab groundwater sample from boring WMUIV7, located within the footprint of Waste Management Unit IV and approximately 1,200 feet upgradient of the Riverdale well, contained 1,1-DCA at 2.8 ug/l. The public health goal for 1,1-DCA is 3.0 ug/l.
8. Monitoring well 92-CIL was installed to monitor the leachate that percolates freely through the waste in Waste Management Unit I directly into groundwater. Monitoring well 92-CIL is approximately 1,000 feet upgradient from the Riverdale well (as shown on Attachment A of this Order). Monitoring well 92-CIL was last sampled for VOCs in the Third Quarter 2007 and results are presented in the table below. Benzene was reported at 9 times the MCL of 1.0 ug/l. No other VOCs exceeded a water quality goal.

MONITORING WELL 92-CIL			
1,2,4 trimethylbenzene	0.28 <sup>J</sup> ug/l	n-polybenzene	0.34 <sup>J</sup> ug/l
1,4 dichlorobenzene	4.0 ug/l	o-xylene	0.55 <sup>J</sup> ug/l
benzene	9.1 ug/l	p/m-xylene	1.0 ug/l
carbon disulfide	0.54 <sup>J</sup> ug/l	toluene	0.45 <sup>J</sup> ug/l
chlorobenzene	0.56 <sup>J</sup> ug/l	naphthalene	0.39 <sup>J</sup> ug/l
cis 1,2 dichloroethylene	0.39 <sup>J</sup> ug/l	isopropylbenzene	0.43 <sup>J</sup> ug/l
ethylbenzene	0.36 <sup>J</sup> ug/l		

J value: detected above the method detection limit, yet value is below the practical quantitation limit

9. Monitoring well 85-25 is approximately 250 feet downgradient of the landfill's point of compliance and 200 feet upgradient of the Riverdale well (as shown on Attachment

A of this Order). Like monitoring wells 06-09 and 90-1, monitoring well 85-25 is impacted by 1,1-DCA. All compounds detected in monitoring well 85-25 were also detected at higher concentrations in upgradient wells. The Discharger stated in its 2006 annual monitoring report that: "...concentrations of 1,1-DCA, located just beyond the boundary of the northwest corner of the Site, in wells 85-25 and 85-7, have been very consistent over the last 10 plus years with average concentrations of approximately 3 ug/l." The public health goal for 1,1-DCA is 3 ug/l.

MONITORING WELL 85-25	
monitoring event	1,1-DCA <sup>1</sup>
3Q06	3.2 ug/l
4Q06	1.5 ug/l
1Q07	1.1 ug/l
2Q07	1.8 ug/l
3Q07	2.0 ug/l

1. Applicable water quality goal. MCL = 5 ug/l

10. Monitoring well 06-01A monitors the water table 30 feet upgradient of the Riverdale well (as shown on Attachment A of this Order). Samples collected from monitoring well 06-01A indicate that contamination is present 500-feet downgradient from the landfill and in the immediate vicinity of the Riverdale well. This well was installed in the third quarter of 2006, and VOCs were first detected in November 2006. Ethylbenzene, toluene, and xylenes have been detected but have not exceeded any applicable water quality protection standard. The table below identifies the reported concentration for PCE and chloroform.

MONITORING WELL 06-01A		
monitoring event	PCE <sup>1</sup>	chloroform <sup>2</sup>
3Q06		
4Q06	0.61 ug/l	
1Q07	0.49 ug/l	1.2 ug/l
2Q07	0.48 <sup>J</sup> ug/l	
3Q07		0.42 <sup>J</sup> ug/l
4Q07	0.35 ug/l	
3/Q08		0.56 ug/l

1. MCL = 5 ug/l, PHG = 0.06 ug/l

2. CalEPA Cancer Potency Factor = 1.1 ug/l

J value: detected above the method detection limit, yet value is below the practical quantitation limit.

11. Monitoring well 06-01B is also installed just 30 feet upgradient of the Riverdale well (as shown on Attachment A of this Order). Monitoring well 06-01B is screened from 80.5 to 90.5 feet below ground surface to monitor the same interval as the pumps in

the Riverdale well. Monitoring data from this well shows that contamination is detectable at depth in the aquifer. The table below identifies the reported concentration for constituents of concern that exceeded an applicable water quality protection standard. This well was installed in the third quarter of 2006, and VOCs were first detected in August 2006. The following VOCs were also detected at levels below the MCL: dichloromethane, 1,2,3, trichlorobenzene, and bromodichloromethane.

MONITORING WELL 06-01B: CONSTITUENTS THAT EXCEED WATER QUALITY STANDARDS			
monitoring event	TCE <sup>1</sup>	benzene <sup>2</sup>	chloroform <sup>3</sup>
3Q06			7.9 ug/l
4Q06			4.7 ug/l
1Q07		0.87 ug/l	2.3 ug/l
2Q07			
3Q07			
4Q07			
3/Q08	0.29 ug/l		

1. MCL Goal = 0.0 ug/l, PHG = 0.8 ug/l
2. MCL = 1 ug/l, PHG = 0.15 ug/l, Cal/EPA Cancer Potency Factor = 0.35 ug/l
3. Cal/EPA Cancer Potency Factor = 1.1 ug/l

12. The Riverdale Community drinking water supply well is located approximately 500 feet down gradient of the landfill's point of compliance (as shown on Attachment A of this Order). On 31 May 2006, this well was sampled for 40 CFR 258 Appendix I and II analytes. The following analyte groups had no detectable concentrations: polychlorinated biphenyls, chlorinated herbicides, semivolatile organic compounds, volatile organic compounds, organophosphorus pesticides, mercury, or total cyanide. The Riverdale well did contain nitrate at 7.9 mg/l, and TDS was reported at 380 mg/l. No metals exceeded their applicable water quality standard. On 3 November 2008, the Riverdale well was again sampled. Draft results submitted on 10 November 2008 show that no VOCs were detected. Furthermore, no metals exceeded any water quality limit.
13. Groundwater quality data and flow direction measurements provided by the Discharger indicate that the groundwater treatment system is undersized and unable to prevent the migration of the VOC plume.
14. The Discharger's failure to comply with its monitoring and/or reporting requirements has prevented the Central Valley Regional Board from evaluating whether the Bonzi plume can be ruled out as a threat to the Riverdale Community's drinking water supply.

15. To summarize, the Bonzi plume has polluted downgradient drinking water monitoring wells within the Riverdale Community. A groundwater extraction and treatment system and a landfill gas extraction system have been installed and are operating intermittently at the landfill. The third quarter 2008 groundwater monitoring data from the landfill's groundwater monitoring wells indicates that pollutants in groundwater are still present both on and off the site. Therefore, the groundwater extraction system has not contained the entire VOC plume.
16. This Amendment to the CAO requires the Discharger to: (1) prepare a water supply replacement plan and submit it to the Central Valley Regional Board for approval; and (2) immediately implement the plan and supply replacement water to any facility and or residence with a water supply that has been affected by the release of waste from the landfill.
17. CWC section 13304(c)(1) provides that: *"Any person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirements or other order or prohibition issued by a Regional Water Board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the Regional Water Board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including but not limited to, overseeing cleanup and abatement efforts. A cleanup and abatement order issued by the state board or a Regional Water Board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. [emphasis added] Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant."*
18. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, section 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321(a)(2). The implementation of this Order is also an action to assure the restoration of the environment and is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, section 21000 et seq.), in accordance with California Code of Regulations, title 14 sections 15308 and 15330.
19. Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC section 13320

and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

**IT IS HEREBY ORDERED THAT**, pursuant to CWC section 13304, and all applicable law, Cleanup and Abatement Order No. R5-2006-0721 is hereby amended to require that Ma-Ru Holding Company, Inc. and Bonzi Sanitation Landfill, Inc. Partnership, their agents, successors, and assigns, shall comply with the tasks below. Compliance with these requirements shall include, but not be limited to, completing the tasks listed below.

"Affected well" is defined to mean any water supply well in which water does not meet federal, state or local drinking water standards for applicable pollutants.

1. By 1 January 2009, the Discharger shall submit a plan to supply drinking water to the Riverdale Community without any cost to the Riverdale community. The plan must include a short-term remedy that could be implemented immediately, such as connection to the existing City of Modesto water supply line. A copy of the plan shall be provided to the Riverdale Community.
2. Any domestic or municipal drinking water well downgradient of the Bonzi Landfill that has been affected (as defined above) shall be immediately supplied with replacement water at no cost to the landowner. The Discharger shall supply the replacement water within 24 hours of its knowledge that the well has been affected.
3. Within 48 hours of providing water to the landowner of the affected domestic or municipal drinking water, the Discharger shall notify the Central Valley Water Board and Stanislaus County Environmental Health Department that it has implemented its water supply plan.
4. Once the Discharger begins supplying replacement drinking water, it shall continue to do so until notified that it may cease by the Executive Officer.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of Amended Order No. R5-2006-0721, the Executive Officer may refer this matter to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability.

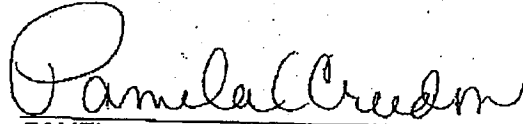


Amendment 1 to CAO R5-2006-0721  
Bonzé Sanitation Landfill  
Stanislaus County

- 8 -

Failure to comply with this Order may result in the assessment of an Administrative Civil Liability of up to \$10,000 per violation per day, pursuant to the CWC sections 13350, and/or 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

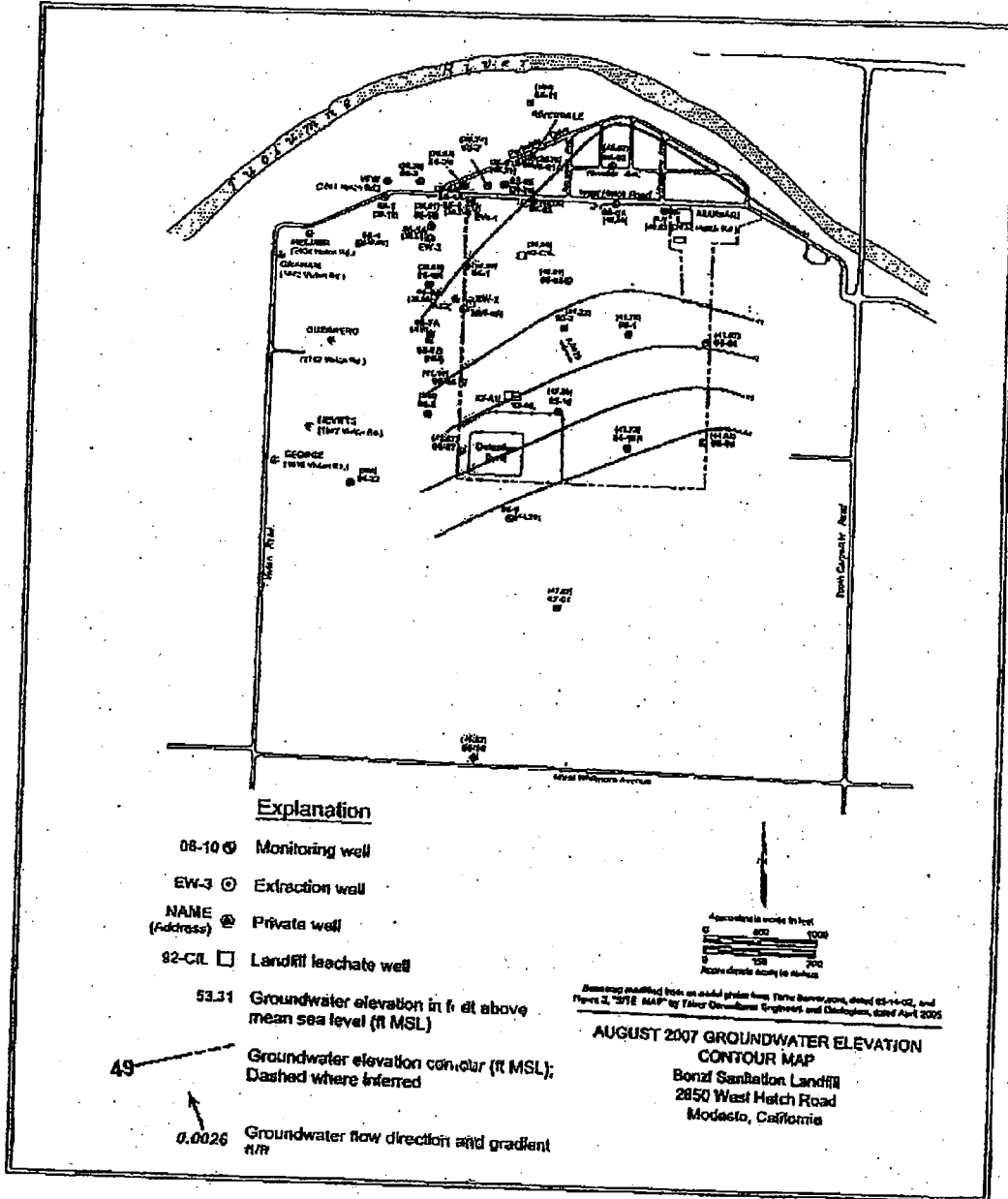
This Order is effective upon the date of signature.

  
PAMELA C. CREEDON, Executive Officer

3 December 2008

Date

Attachment A: map  
CC/HDH/WSW:30Nov08



Attachment A

**EXHIBIT B**  
EVALUATION MONITORING WORK PLAN  
BY GEOMATRIX CONSULTANTS, INC.  
NOVEMBER 2007

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## Evaluation Monitoring Work Plan

Stanislaus County, California

*Prepared for:*

**Ma-Ru**

2650 West Hatch Road  
Modesto, California 95358

*Prepared by:*

**Geomatrix Consultants, Inc.**

10670 White Rock Road, Suite 100  
Rancho Cordova, California 95670  
(916) 636-3200

November 2007

Project No. 12482.001

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**Geomatrix**

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November 7, 2007

Mr. Howard Hold  
California Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, #200  
Rancho Cordova, California 95670-6114

**Subject: Evaluation Monitoring Work Plan  
Bonzi Sanitation Landfill  
2650 West Hatch Road  
Modesto, California 95351**

Dear Mr. Hold:

In accordance with Item #11 of the August 2, 2006, Cleanup and Abatement Order No. R5-2006-0721, Bonzi Sanitation Landfill, Stanislaus County(CAO) and on behalf of Bonzi Sanitation Landfill, Inc. and Ma-Ru Holding Company, Geomatrix Consultants, Inc. (Geomatrix) has prepared this Evaluation Monitoring Work Plan (Work Plan) for the Bonzi Sanitation Landfill in Modesto, California (Landfill). This Work Plan describes our understanding of environmental conditions at and near the Landfill, identifies data gaps, and presents the scope and methodology to further assess the lateral and vertical distribution of chemicals of potential concern (COPC) in groundwater within and adjacent to the Landfill.

This Report was prepared under the direct supervision and authorization of the Bonzi Sanitation Landfill and Ma-Ru Holding Company, Inc., owner and operator of the landfill, respectively. If you have any questions regarding this Work Plan, please do not hesitate to call.

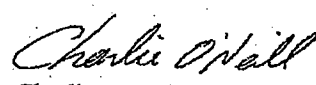
#### **CERTIFICATION STATEMENT**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Sincerely,  
**GEOMATRIX CONSULTANTS INC.**

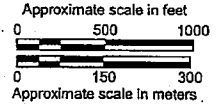
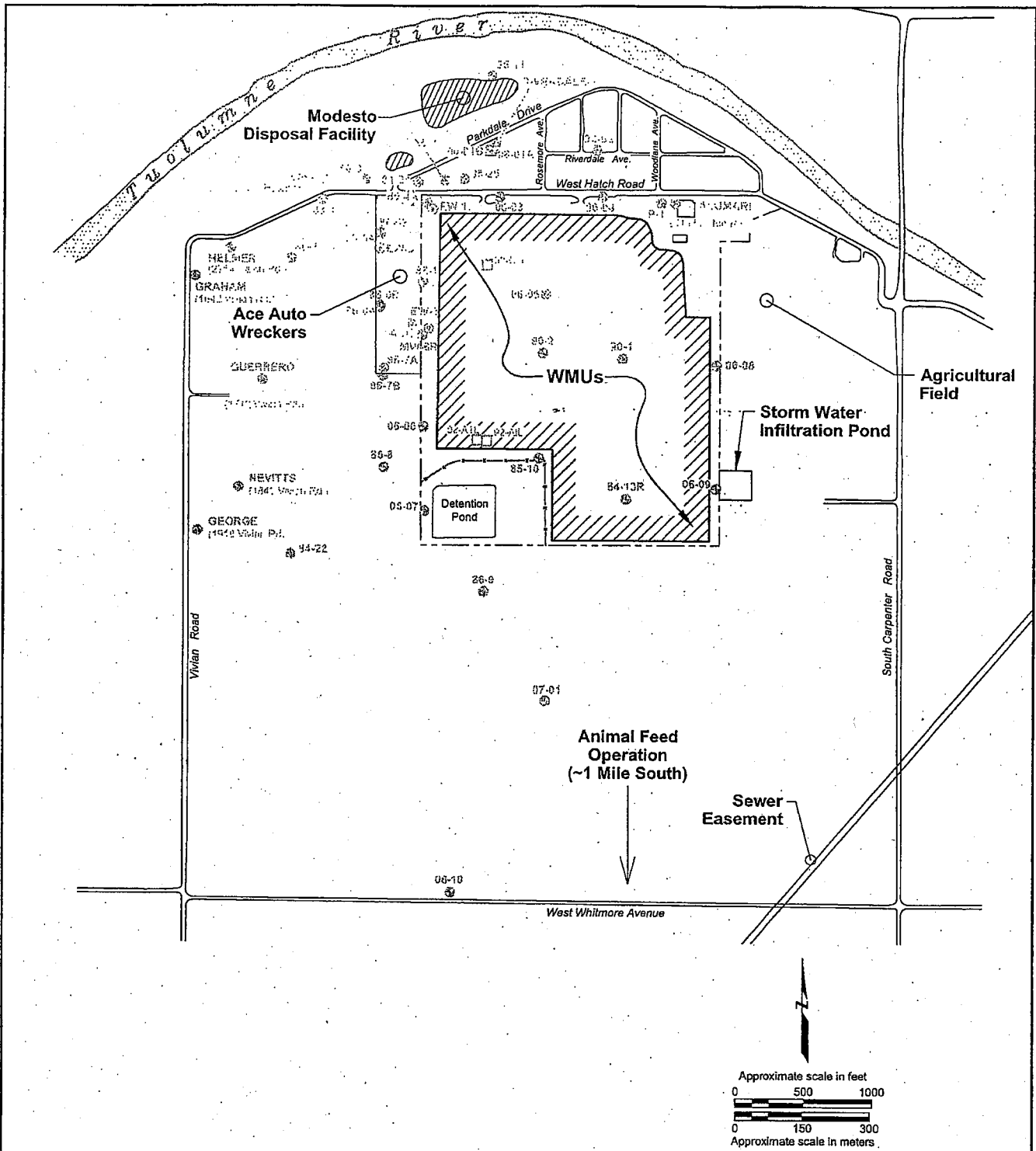


Joseph J. Niland, P.G.  
Principal Hydrogeologist



Charlie O'Neill, P.G.  
Senior Geologist

cc: Victor Izzo  
Brian Terrell  
Karna Harrigfeld



**Explanation**

- 06-08 ⊕ Monitoring well
- EW-3 ⊕ Extraction well
- NAME ⊕ Private well  
(Address)
- 92-CIL □ Landfill leachate well

Basemap modified from an aerial photo from Terra Server.com, dated 03-14-02, and Figure 3, "SITE MAP" by Taber Consultants Engineers and Geologists, dated April 2005.

<b>POTENTIAL SOURCE LOCATIONS</b>		
Bonzi Sanitation Landfill 2650 West Hatch Road Modesto, California		
By: jrw	Date: 11/1/07	Project No. 12482.001
<b>Geomatrix</b>		Figure <b>3-1</b>

Plot Date: 11/06/07 - 9:31am, Plotted by: dwalesek  
 Drawing Path: I:\Project\12008\Bonzi Landfill\Documents\Workplans\Evaluation Monitoring\Figures1, Drawing Name: Bonzi PotentialSource locs.dwg

**EXHIBIT C**  
**DECEMBER 24, 2008 CORRESPONDENCE FROM KARNA HARRIGFELD**  
**TO CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**

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December 24, 2008

**VIA ELECTRONIC MAIL & FACSIMILE**

Ms. Pamela C. Creedon  
Executive Officer  
California Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670

Re: Amendment 1 To Cleanup and Abatement Order R5-2006-0721  
Bonzi Sanitation Landfill, Stanislaus County

Dear Ms. Creedon:

Ma-Ru Holding Company and Bonzi Sanitation Landfill (collectively "Bonzi") are in receipt of Amendment 1 to Cleanup and Abatement Order R5-2006-0721. Bonzi strenuously objects to the issuance of Amendment 1. There is no legal, factual or scientific justification for requiring Bonzi to provide a replacement water supply to the Riverdale Community. There have been no confirmed detections of Landfill volatile organic compounds reported in either the monitoring wells upgradient of the Riverdale well or in the Riverdale well itself. We will be providing a detailed response to Amendment 1 next week.

Bonzi herein requests a meeting with the Regional Board staff to review Amendment 1 and also requests that this matter be set for hearing at a future Regional Board meeting.

Please contact me at your earliest opportunity to schedule these meetings.

Very truly yours,



KARNA E. HARRIGFELD  
Attorney-at-Law

cc: Wendy Wyels  
Cris Carrigan  
Lee Smith



**EXHIBIT D**  
**PETITIONERS' DETAILED COMMENTS TO AMENDMENT 1 TO**  
**CLEANUP & ABATEMENT ORDER R5-2006-0721**

---

HERUM CRABTREE

Karna E. Harrigfeld  
kharrigfeld@herumcrabtree.com

December 31, 2008

**VIA ELECTRONIC MAIL AND HAND DELIVERY**

Ms. Wendy Wyels, Supervisor  
Compliance and Enforcement Section  
Regional Water Quality Control Board - Central Valley Region  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, California 95670-6114

Re: Amendment 1 Cleanup and Abatement Order R5-2006-0721  
Bonzi Sanitation Landfill, Stanislaus County

Dear Ms. Wyels:

Ma-Ru Holding Company and Bonzi Sanitation Landfill (collectively "Bonzi") submit the enclosed detailed comments to Amendment 1 to Cleanup and Abatement Order R5-2006-0721 prepared by AMEC Geomatrix, Inc. As a follow up to Bonzi's December 24, 2008 request, Bonzi once again herein requests a meeting with the Regional Board staff to review the very serious issues raised in the comment letter and also requests that this matter be set for hearing at a future Regional Board meeting.

Please contact me at your earliest opportunity to schedule these meetings.

Very truly yours,



KARNA E. HARRIGFELD  
Attorney-at-Law

KEH:jh

cc: Pamela Creedon  
Cris Carrigan  
Brian Terrell  
Lee N. Smith

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December 31, 2008

VIA ELECTRONIC MAIL AND HAND DELIVERY

Ms. Wendy Wyels, Supervisor  
Compliance and Enforcement Section  
California Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, #200  
Rancho Cordova, California 95670-6114

**Subject: Amendment 1 Cleanup and Abatement Order R5-2006-0721  
Bonzi Sanitation Landfill, Stanislaus County**

Dear Ms. Wyels:

AMEC Geomatrix Inc. (AMEC) reviewed Amendment 1 to Cleanup and Abatement Order (CAO) R5-2006-0721 (Amendment) issued by the California Regional Water Quality Control Board (RWQCB) to Ma-Ru Holding Company and the Bonzi Sanitation Landfill Inc. (Landfill) dated December 3, 2008. The Amendment was issued "as a result of the continued detection of groundwater pollution downgradient of the Bonzi Sanitation Landfill" and contains the requirement to: 1) Submit a plan to supply drinking water to the Riverdale Community by January 1, 2009; 2) Immediately supply replacement water to any downgradient domestic or municipal well that has been adversely affected by the Landfill; and 3) Notify the RWQCB and Stanislaus County Environmental Health Department when the replacement water supply plan has been implemented. We disagree with many of the conclusions stated in the Amendment and offer the following both general and specific comments.

#### **General**

The plan to supply drinking water to the Riverdale community should be tied to confirmed detections of Landfill volatile organic compounds (VOCs) reported above the drinking water standard in samples collected from the water supply well. As described below, Landfill VOCs have not been reported in Monitoring wells 06-01A and 06-01B, 06-03 and 06-04 that are upgradient of the Riverdale supply well or the supply well itself. The plan to supply drinking water must also include a validation step and at least one confirmation groundwater sample collection event before an action is taken. The Landfill is not responsible for contamination caused by the Riverdale community's use of its septic systems and any potential impacts to groundwater from the use of its septic systems should be investigated and be remediated by the Riverdale community.

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The VFW well is the only supply well that may have been affected by the Landfill and the Landfill has fully mitigated this impact by installing a granulated activated carbon system on the VFW supply well. The granulated activated carbon system is maintained by the Landfill and there is no evidence that this system is not mitigating impacts to the VFW well.

### Specific

Paragraph 1 – The Landfill continued groundwater monitoring required by the CAO and the Waste Discharge Requirements Order No. R5-2007-0148 (WDRs) in 2008. In a meeting with RWQCB staff on October 17, 2008 a commitment was made to provide the results of this monitoring to the RWQCB by December 1, 2008. AMEC validated and tabulated this data and the data collected between Fourth Quarter 2007 and the Third Quarter 2008 were submitted to the RWQCB on December 1, 2008.

Paragraph 2 – As indicated above, the Landfill continued monitoring required under the CAO and the WDRs from Third Quarter 2007 through Third Quarter 2008. These results were submitted to the RWQCB on December 1, 2008.

Paragraph 3 – There is no conclusive data indicating that the groundwater extraction system is not currently capturing the entirety of the existing plume of contaminants in groundwater. The groundwater extraction system was designed and installed in 1991 to capture Landfill impacts in groundwater at the site boundary. There have been residual low and decreasing concentrations of VOCs (mostly 1, 1-dichloroethane (1, 1-DCA) and 1, 2-dichloroethene (1, 2-DCE)) in groundwater just downgradient of the extraction systems for many years (Monitoring wells 85-7, 85-25, 86-5B and 86-6B shown on Figure 15 Third and Fourth Quarter 2006 1,1-DCA Isoconcentration Contour Map, Attachment 1). These impact areas are decreasing in concentration over time and there is no data suggesting that these impacts are migrating further downgradient. It is likely that these offsite areas continue to exist due to static flow conditions caused by very flat groundwater gradients and recharge and discharge seasonally from the Tuolumne River. These impacts do not appear to be indicative of a lack of capture by the current groundwater extraction system otherwise there would be greater variation and increases in VOC concentrations over time. This condition will be evaluated further in the upcoming investigation required by the CAO. The Riverdale supply well is cross-gradient from these areas and neither the monitoring wells near the supply well nor the supply well itself have shown the VOCs reported in these offsite areas or other VOCs from the Landfill to suggest this supply well is "threatened" by Landfill impacts (Attachment 1 showing the distribution of 1, 1-DCA, Attachment 2 showing groundwater gradients and Attachment 3 showing the monitoring results for the last four quarterly sampling events).

Paragraph 4 – As shown on the attached water level elevation maps (Attachment 2), between Fourth Quarter 2007 and Third Quarter of 2008, the groundwater flow direction for the majority of the year in the area of WMU-I is northwest. The Riverdale supply well is never "directly"

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downgradient from WMU-1 and for the majority of the year it is not downgradient of WMU-1 at all.

Paragraph 5 and 6 – VOCs detected at the southern-most extent of the Landfill are not present in groundwater monitoring wells upgradient of the Riverdale supply well over 3000 feet away. The data presented in the Amendment shows this. Monitoring well 06-09 on the upgradient boundary of the Landfill near inert WMU-III has tetrachloroethylene (PCE), trichloroethylene (TCE), 1, 1-DCA, 1, 1-DCE and cis-1, 2-dichloroethene (cis-1, 2-DCE) reported in groundwater. Considering the location of this well these groundwater impacts may be coming from the storm water pond located on the trucking repair facility immediately upgradient of this well. Monitoring well 90-1 downgradient of monitoring well 06-09 has 1, 1-DCA and cis-1, 2-DCE but no PCE, TCE or 1, 1-DCE reported in groundwater. Monitoring wells 06-03 and 06-04 downgradient of monitoring well 90-1 and on the downgradient boundary of the Landfill have no VOCs reported in the last four quarters. Monitoring wells 06-01A and 06-01-B just upgradient of the Riverdale supply well and downgradient of monitoring wells 06-03 and 06-04, have had low levels of PCE, TCE, benzene and chloroform in groundwater as reported in the Amendment. The VOCs reported in the monitoring wells just upgradient of the Riverdale supply well do not appear to be associated with the Landfill based on a comparison between the groundwater data collected from these wells and wells located on the Landfill. If these VOCs were from the Landfill they would be reported in samples collected and analyzed from monitoring wells 06-03, 06-04 or 90-1. The VOC impacts reported in the monitoring wells near the Riverdale supply well are likely from discharges to septic system leachfields, supply well chlorination and past waste disposal practices in the Riverdale tract area.

Paragraph 7 – WMU-IV is an inert waste management unit. The 1, 1-DCA reported in the single groundwater sample was from location WMUIV7. WMUIV7 is very close to monitoring well 90-1 which also has 1, 1-DCA reported in groundwater. The 1, 1-DCA reported in this well likely originates from upgradient of WMU-IV. 1, 1-DCA has not been reported in groundwater monitoring wells 06-03 and 06-04 downgradient of the WMU-IV. See the attached tables presenting the results reported for the groundwater monitoring over the last four quarters (Attachment 3).

Paragraph 8 – 92-CIL is a leachate well located in closed/capped WMU-I, which was permitted as unlined. The well is completed above the groundwater table and the majority of the constituents reported in this well are not reported in groundwater monitoring wells downgradient of WMU-I. A direct comparison of the analytical results from this leachate well to water quality goals or maximum contaminant levels (MCLs) is inappropriate because the leachate well is above the water table, constituents reported in leachate will attenuate in the vadose zone and if these constituents are found in groundwater at all they will be at lower concentrations. The groundwater extraction and treatment system is located directly downgradient of WMU-I and the location of the leachate well. Based on groundwater contour maps the leachate well is not upgradient of the Riverdale supply well (see response to paragraph 4).



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Paragraph 9 – Monitoring well 85-25 is located just north of Hatch Road and as shown on the groundwater elevation maps and described above this well is not located upgradient of the Riverdale supply well (see comment to Paragraph 4 above). The concentrations of 1, 1-DCA in monitoring well 85-25 have been declining over time and 1, 1-DCA was not reported above the laboratory reporting limit of 1 ug/l in any of the last four sample collection rounds (Attachment 3). Historical data collected in this area shows that the 1, 1-DCA in groundwater is limited in all directions, the "plume" is not expanding. Monitoring well 85-25 is also just over 300 feet laterally from groundwater extraction well EW-1 and this monitoring well is likely within the capture zone of this well. VOCs reported in monitoring well 85-25 are not reported in monitoring wells 06-01A and 06-01B located upgradient of the Riverdale supply and no Landfill VOCs have ever been reported in the Riverdale supply well itself.

Paragraph 10 – As described in the comment to paragraphs 5 and 6 above, the VOCs reported in monitoring well 06-01A are not reported in groundwater monitoring wells 06-03 and 06-04 downgradient of the Landfill and upgradient of this monitoring well and the Riverdale supply well. Chloroform has not been reported above the reporting limit in this well in the last four quarters. Chloroform is a typical water chlorination constituent found in groundwater. The Riverdale housing tract is on septic systems with leach-fields and the groundwater supply is chlorinated by the community. As shown in the Addendum, PCE is not reported in Landfill monitoring well 90-1 towards the center of the Landfill nor is it reported in monitoring wells 06-03 and 06-04 at the Landfill boundary. Based on these data the PCE and chloroform reported in monitoring well 06-01A do not appear to originate from the Landfill.

Paragraph 11 – Similar to the groundwater monitoring results from well 06-01A the VOCs reported in monitoring well 06-01B are not reported in groundwater monitoring wells upgradient of this well location or downgradient of the Landfill.

Paragraph 12 – The groundwater monitoring results from more recent sample collection from the Riverdale supply well continue to be non-detect for VOCs.

Paragraph 13 – It is not clear what data indicates that the treatment system is "undersized and unable to prevent migration of the VOC plume." The treatment system is designed to treat up to 225 gallons per minute. The system is operating well below this capacity. The "VOC plume" at the Landfill as described above is very stable or decreasing over time. It does not appear to be migrating further downgradient of the Landfill. The CAO requires an analysis of groundwater extraction system capture. This analysis will include an aquifer pumping test, analysis of the results and development of an analytical model to optimize capture. Until this analysis is complete the conclusion cited in the paragraph is premature.

Paragraph 14 – See responses to paragraphs 1 through 6 above.

Paragraph 15 – As described above, the data collected to date do not support the conclusion that the "Bonzi plume has polluted downgradient drinking water monitoring wells within the



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Riverdale Community." The VOCs reported in monitoring wells 06-01A and 06-01B are not found in wells upgradient of this location and do not appear to originate on the Landfill. The operational data collected under the WDRs and submitted to the RWQCB show that the operational efficiency of the groundwater extraction and treatment system and the Landfill gas extraction system are operating at very high efficiencies, "intermittently" is not an accurate characterization. Based on data collected it appears that the impacts in groundwater at and downgradient of the Landfill are stable or decreasing over time.

If you have any questions, please contact me at (916) 853-8900.

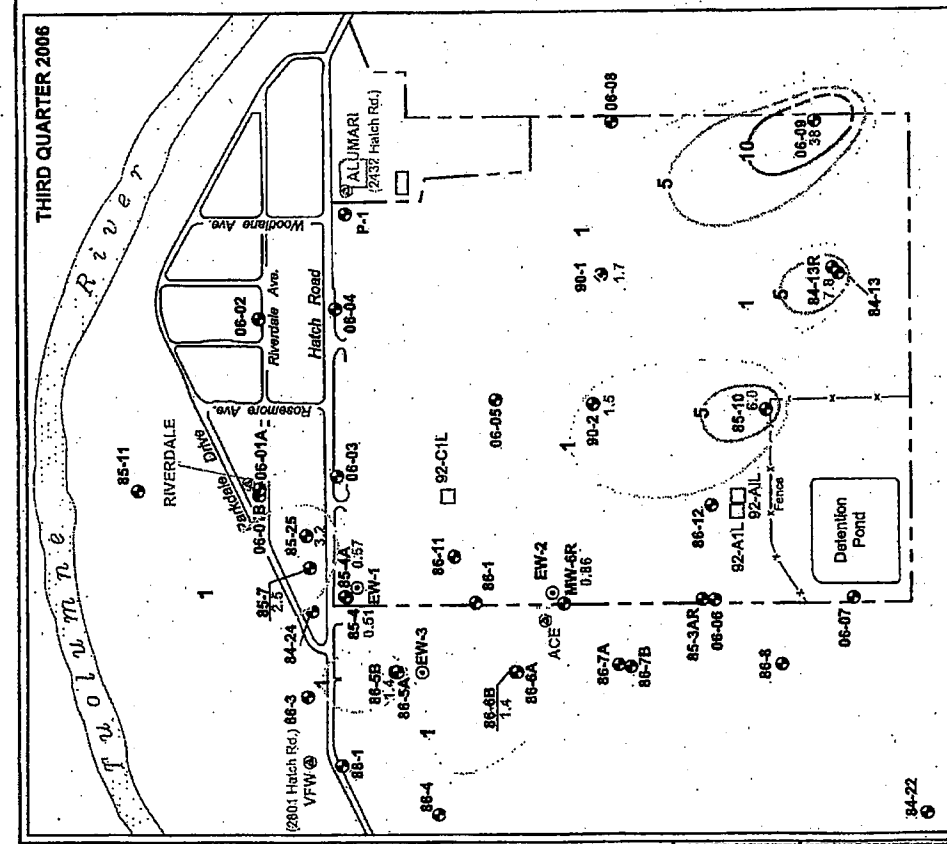
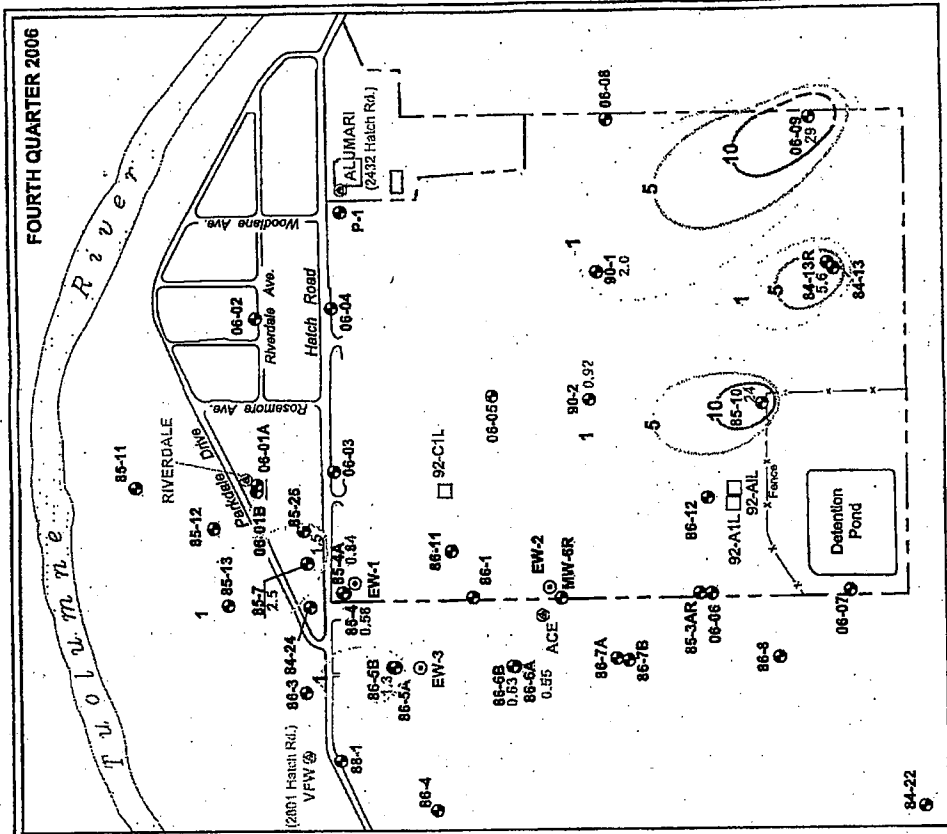
Sincerely yours,  
AMEC Geomatrix, Inc.

Joseph Niland  
Vice President and Principal Hydrologist

Attachments:

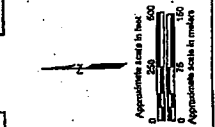
- Attachment A – Third and Fourth Quarter 2006 1, 1-DCA Isoconcentration Contour Map
- Attachment B – Fourth Quarter 2007 through Third Quarter 2008 Groundwater Elevation Contour Maps
- Attachment C – Fourth Quarter 2007 through Third Quarter 2008 Analytical Results Volatile Organic Compounds

cc: Brian Terrell, via electronic  
Karna Harrigfeld, via electronic  
Lee Smith, via electronic  
Pam Creedon, via electronic  
Cris Carrigan, via electronic



THIRD AND FOURTH QUARTER 2006  
1,1-DCA ISOCONCENTRATION CONTOUR  
MAP  
Bontz Sanitary Landfill  
2650 West Hatch Road  
Modesto, California  
By: JFW Date: 2/15/07 Project No. 12482.001  
Figure 15

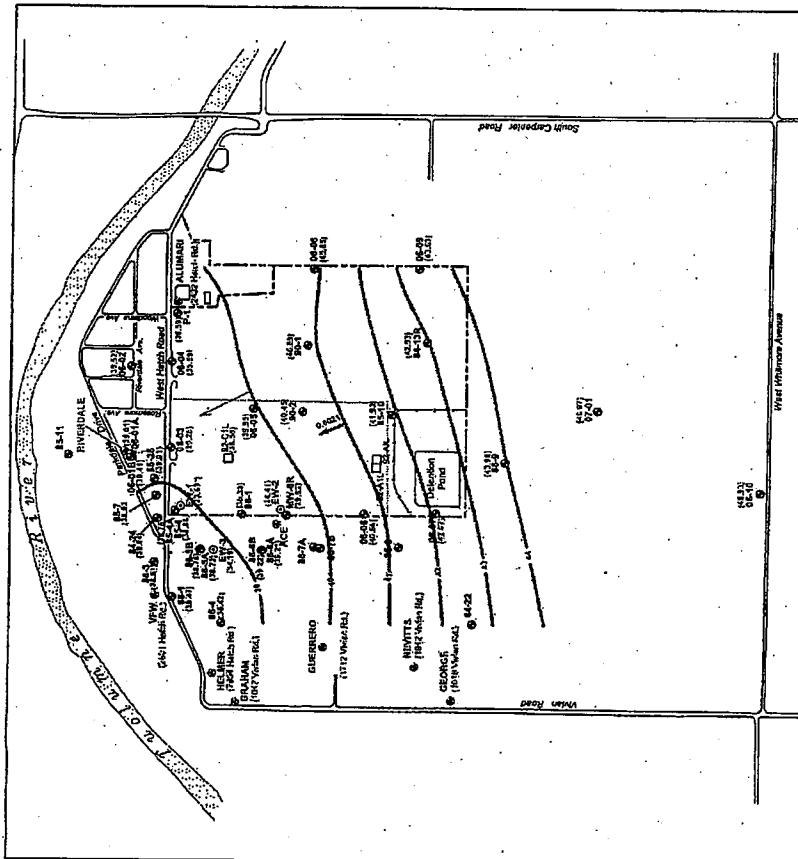
**Note:**  
Background wells south of landfill boundary were non-detect for 1,1-DCA and are not shown.



Explanation	1,1-DCA Isoconcentration 1 µg/l; dashed where inferred
06-09 Monitoring well with 1,1-dichloroethane (1,1-DCA) concentration in groundwater in micrograms per liter (µg/l)	1
EW-3 Extraction well	5
92-C-1L Landfill leachate well	10
NAME (Address)	---
Private well	---
Landfill boundary	---

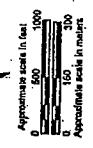
84-22





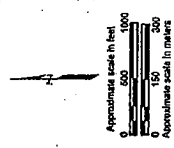
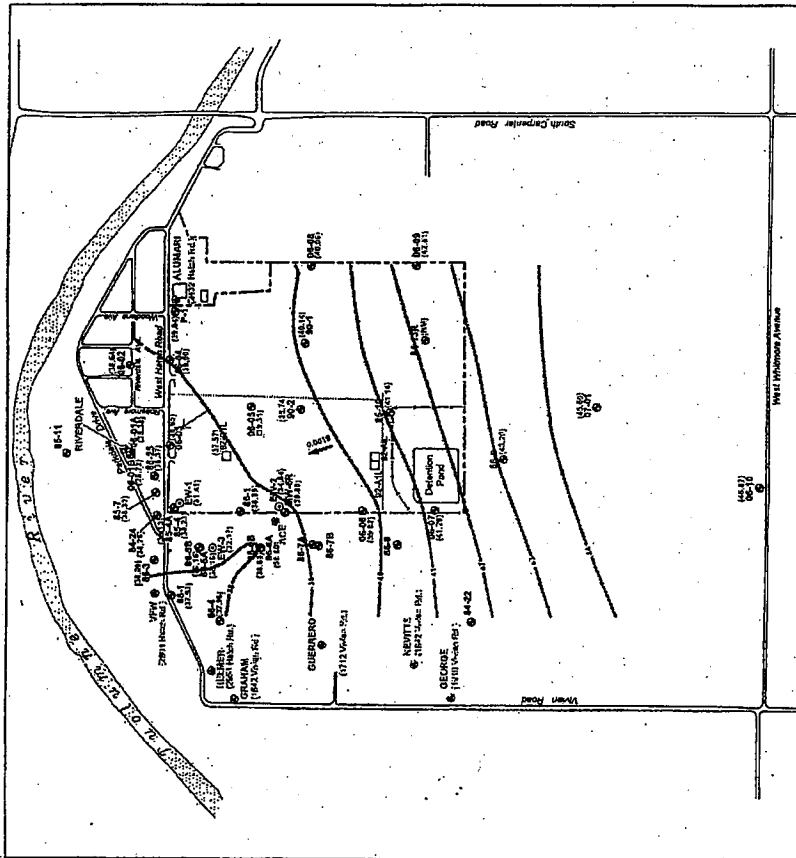
**Explanation**

- 06-10 Monitoring well
- EW-3 Extraction well
- NAME Private well
- 92-CIL Landfill leachate well
- 39.01 Groundwater elevation in feet above mean sea level (ft MSL) measured 11/2/07.
- Groundwater elevation contour (ft MSL); Dashed where inferred
- 0.0021 Groundwater flow direction and gradient
- ft/ft
- Date point excluded from gradient calculation



Revisions checked from the field photo logs. The drawing was made on 05-14-07 and Figure 3. SITE MAP by Tyler Construction Engineers and Geologists, dated April 2007.

<b>FOURTH QUARTER 2007</b> <b>GROUNDWATER ELEVATION CONTOUR MAP</b> Bonzi Sanitation Landfill 2650 West Hatch Road Modesto, California	
By: dpv	Date: 11/27/09
<b>AMEC Geomatrix</b>	
Project No. 12492.002	Figure 1



**Explanation**

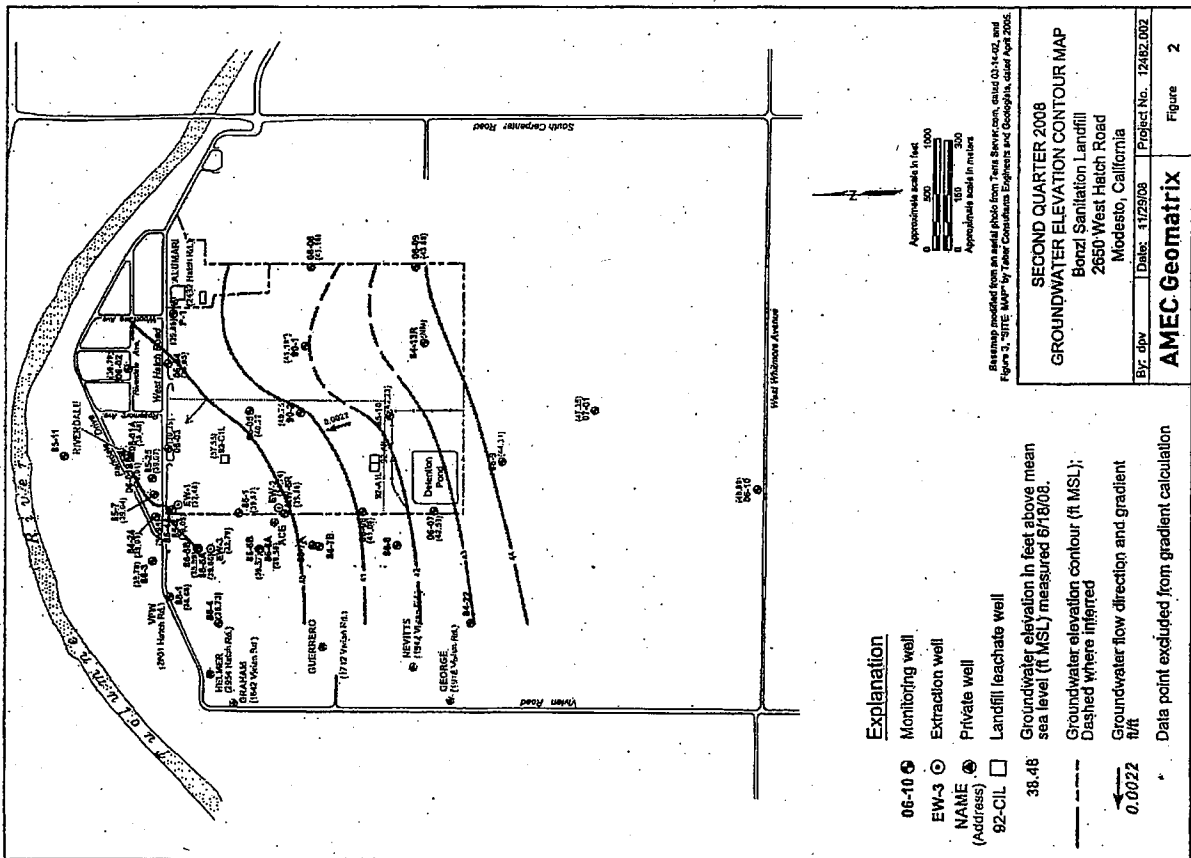
- 08-10 Monitoring well
- EW-3 Extraction well
- NAME (Address) Private well
- 92-CIL Landfill leachate well
- 38.38 Groundwater elevation in feet above mean sea level (ft MSL) measured 3/10/08.
- Groundwater elevation contour (ft MSL); Dashed where inferred
- Groundwater flow direction and gradient
- 0.0019 ft/ft
- Data point excluded from gradient calculation.

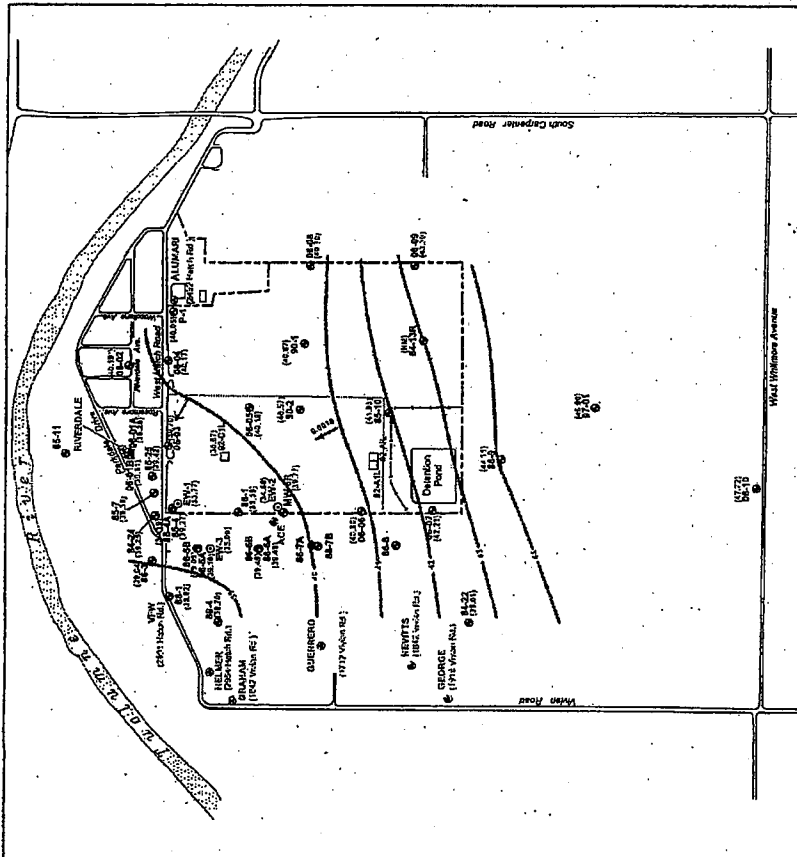
Basemap modified from an aerial photo from Terra Server.com. Scaled 03-14-02, and Figure 3 - SITE MAP by Tyler Combs and Engineers and Geologists, dated April 2005.

**FIRST QUARTER 2008  
GROUNDWATER ELEVATION CONTOUR MAP**  
 Bonzi Sanitation Landfill  
 2650 West Hatch Road  
 Modesto, California

By: djw	Date: 11/27/08	Project No. 12482.002
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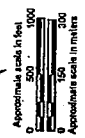
**AMEC Geomatrix** Figure 1





**Explanation**

- 06-10 Monitoring well
- EW-3 Extraction well
- NAME Private well (Address)
- 92-CIL Landfill leachate well
- 39.28 Groundwater elevation in feet above mean sea level (ft MSL), measured 9/22/08.
- Dashed where inferred
- 0.0078 Groundwater flow direction and gradient ft/ft
- Data point excluded from gradient calculation



Base map modified from aerial photo from Terra Server.com, dated 05-14-02, and Figure 12, SITE PLAN for "New Construction Engineers and Architects, dated April 2005.

**THIRD QUARTER 2008**  
**GROUNDWATER ELEVATION CONTOUR MAP**  
 Bonzi Sanitation Landfill  
 2650 West Hatch Road  
 Modesto, California

By: djv Date: 11/29/08 Project No. 12482.002

**AMEC Geomatrix**

Figure 3



TABLE 5

ANALYTICAL RESULTS - VOLATILE ORGANIC COMPOUNDS  
 FIRST, SECOND, THIRD QUARTERS 2008  
 Borel Seawater Landfill  
 Monterey, California

Well ID	Sample Date	FIRST QUARTER 2008										
		1,1,1-TC1A	1,1-DC1A	1,2-DC1A	1,1,1,2-TC2A	1,1-DC2A	1,2-DC2A	CHLOROBENZENE	1,2-DICHLOROBENZENE	1,1-DICHLOROETHANE	1,1,2-DICHLOROETHANE	
ALP Spring Inflow	3/10/2008	<1	<1	<10	<1	<1	<1	<1	<1	<1	<1	<1
VF70 Tr 1603353.003	3/10/2008	<1	<10	<10	<1	<1	<1	<1	<1	<1	<1	<1
VF70 Tr 1603353.001	3/10/2008	<1	<10	<10	<1	<1	<1	<1	<1	<1	<1	<1
06-12	3/10/2008	<1	<10	<10	<1	<1	<1	<1	<1	<1	<1	<1
06-17	3/11/2008	<1	<10	<10	<1	<1	<1	<1	<1	<1	<1	<1
06-19	3/11/2008	<1	<10	<10	<1	<1	<1	<1	<1	<1	<1	<1
06-10	3/11/2008	<1	<10	<10	<1	<1	<1	<1	<1	<1	<1	<1
06-05	3/11/2008	<1	<10	<10	<1	<1	<1	<1	<1	<1	<1	<1
06-02	3/13/2008	<1	<10	<10	<1	<1	<1	<1	<1	<1	<1	<1
06-03	3/13/2008	<1	<10	<10	<1	<1	<1	<1	<1	<1	<1	<1
06-07	3/13/2008	<1	<10	<10	<1	<1	<1	<1	<1	<1	<1	<1
06-08	3/13/2008	<1	<10	<10	<1	<1	<1	<1	<1	<1	<1	<1
06-09	3/13/2008	<1	<10	<10	<1	<1	<1	<1	<1	<1	<1	<1
06-09-Dup	3/14/2008	<1	18	<10	<1	<10.96	<10.96	<10.96	<10.96	<10.96	<10.96	1.8
06-07	3/14/2008	<1	19	<10	<1	<10.96	<10.96	<10.96	<10.96	<10.96	<10.96	1.1
06-06	3/14/2008	<1	<1	<10	<1	<1	<1	<1	<1	<1	<1	<1
MV-BR	3/14/2008	<1	27	11	<10	<1	<1	<1	<1	<1	<1	<1
ES-4A	3/14/2008	<1	<1	<10	<1	<1	<1	<1	<1	<1	<1	<1
ES-4	3/14/2008	<1	<1	<10	<1	<1	<1	<1	<1	<1	<1	<1
90-1	3/14/2008	<1	<1	<10	<1	<1	<1	<1	<1	<1	<1	<1
06-05	3/14/2008	<1	74	<10	<1	<10.96	<10.96	<10.96	<10.96	<10.96	<10.96	<1
Top Blank	3/11/2008	<1	<1	<10	<1	<1	<1	<1	<1	<1	<1	<1
Top Blank	3/13/2008	<1	<1	<10	<1	<1	<1	<1	<1	<1	<1	<1
Top Blank	3/14/2008	<1	<1	<10	<1	<1	<1	<1	<1	<1	<1	<1

Notes:  
 This table shows detections only, see lab reports for full analysis  
 ug/l = micrograms per liter  
 J = A subset of the "J" flag. An estimated value for this compound was reported by the laboratory below the method reporting limit amount. There is a lower confidence in the accuracy of the estimated value reported by the laboratory and the qualified data in parentheses for the laboratory reporting limit (PQL) lab.  
 Q = The analyte was analyzed but was not detected above the adjusted sample quantitation limit due to contamination from an outside source, such as laboratory or field equipment.  
 J = The analyte was positively identified but the associated numerical value may not represent the actual concentration of the analyte in the sample due to analytical bias in precision or accuracy, or because the resulting concentration has been reported at a lower confidence level (between the MDL and PQL).  
 UF = The analyte was not detected above the reported sample quantitation limit. However, the reported quantitation limit is approximate and may or may not represent the actual (with) of quantitation necessary to accurately and precisely measure the analyte in the sample.  
 \* = The result is based on flag.  
 \*\* = The result is based on flag.  
 Method Used: EPA 8210-G  
 L1,1-Trichloroethane = 1,1,1-TCA  
 L1,2-Dichloroethane = 1,1-DCE  
 L1,2-Dichloroethane = 1,2-DCE  
 L1,2-Dichloroethane = 1,2-DCE

TABLE 5  
ANALYTICAL RESULTS - VOLATILE ORGANIC COMPOUNDS  
FIRST QUARTER 2008  
Borel Sanitation Center  
Modesto, California

Well ID	Sample Date	SECOND QUARTER 2008										
		1,1,1-TCA	1,1-DCE	1,1-DCE	Aroclor	EPA 8240B (ug/L)	MEK	PCE	Freon 11	Freon 12	Freon 113	Freon 114
Air Stripper Influent	6/18/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
VFW Well 5000332.001	6/18/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
VFW Trip 5000332.002	6/18/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
Aux Trip	6/18/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
06-10	6/18/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
86-9	6/18/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
86-9-Dup	6/18/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
06-09	6/19/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
06-09-Dup	6/19/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
P.1	6/19/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
85-10	6/19/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
07-01	6/19/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
06-07	6/19/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
86-3	6/19/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
06-08	6/19/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
Pond	6/19/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
06-01A	6/19/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
06-01B	6/19/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
06-02	6/19/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
06-04	6/19/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
06-03	6/19/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
06-06	6/19/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
85-25	6/20/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
85-7	6/20/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
84-34	6/20/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
84-4	6/20/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
85-13	6/20/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
85-11	6/20/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
85-11	6/20/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
85-5A	6/20/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
85-5B	6/20/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
90-1	6/20/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
90-2	6/20/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
06-05	6/20/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
Equipment Blank	6/18/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
Equipment Blank #2	6/19/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
Equipment Blank	6/20/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
Trip Blank	6/18/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
Trip Blank	6/19/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1
Trip Blank	6/20/2008	<1	<1	<1	<1	<10	<1	<10	<1	<10	<1	<1

Notes:  
 This table shows detections only, see lab reports for full analysis  
 ug/l - micrograms per liter  
 J - The analyte was positively identified but the associated numerical value may not represent the actual concentration of the analyte in the sample due to analytical bias in precision or accuracy, or the associated sampling concentration has been reported at a lower confidence level (between the MDL and RL)  
 -- The result is biased high  
 -- The result is biased low  
 Toluene/m-xylene = MEX  
 1,1-Dichloroethane = 1,1-DCE  
 Trichloroethylene = TCE  
 1,1,1-Trichloroethane = 1,1,1-TCA  
 cis-1,2-Dichloroethane = cis-1,2-DCE

TABLE 5  
ANALYTICAL RESULTS - VOLATILE ORGANIC COMPOUNDS  
FIRST, SECOND, THIRD QUARTERS 2008  
Site: Summit Landfill  
Modesto, California

Well ID	Sample Date	1,1,1-TCA	1,1-DCE	1,1-DCA	1,1-DCE	1,2-DCA	PDB	Benzene	Bromodorm	Carbon disulfide	Chlorobenzene	Chloroform	cis-1,2-DCE	Dibromo chloromethane	Ethyl benzene	MTBE	PCE	Toluene	Total Xylenes	TCE	From 11
Acc Trip	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
VFW Well 5000352.001	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
VFW Trip 5000352.002	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
Air Stripper	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
Pond	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
06-10	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
85-7	9/22/2008	<1	1.7	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
85-25	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
85-24	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
06-11	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
06-10B	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
06-06	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
07-01	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
86-4	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
88-1	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
86-5A	9/22/2008	<1	2.8	<1	1.4	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
86-4B	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
86-5A	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
86-5B	9/22/2008	<1	1.2	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
06-07	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
06-02	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
06-03	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
06-04	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
86-3	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
85-4	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
85-4A	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
06-09	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
06-09	9/22/2008	<1	15	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
85-10	9/22/2008	<1	2.8	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
P-1	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
86-1	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
86-9	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
86-9-Dup	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
86-9-Dup	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
86-9-Dup	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
Equipment Blank	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
Equipment Blank	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
Equipment Blank	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
Travel Blank	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
Travel Blank	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
Travel Blank	9/22/2008	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1

Notes:  
This table shows detections only, see lab reports for full analysis  
ug/L = micrograms per liter  
Jo = A subset of the "J" flag. An estimated value for this compound was reported by the laboratory below the method reporting limit shown. There is a lower confidence in the accuracy of the estimated value reported by the laboratory and the qualified data is represented as below the laboratory reporting limit (SRL Jo).  
U = The analyte was analyzed for, but was not detected above the adjusted sample quantization limit due to contamination from an outside source, such as laboratory or field equipment.  
1,1,1-Trichloroethane = 1,1,1-TCA  
1,2-Dichloroethane = 1,2-DCA  
1,1-Dichloroethane = 1,1-DCE  
1,2-Dichloroethane = 1,2-DCE  
cis-1,2-Dichloroethane = cis-1,2-DCE  
Methyl tert-butyl ether = MTBE  
Tetrahydrofuran = THF  
Trihaloethane = TCE  
Trichlorofluoromethane = From 11  
1,4-Dichlorobenzene = PDB





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January 2, 2009

LEE N. SMITH  
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**VIA EMAIL AND HAND DELIVERY**

Ms. Elizabeth Miller Jennings  
Senior Staff Counsel  
State Water Resources Control Board  
Office of Chief Counsel  
1001 I Street, 22nd Floor  
Sacramento, California 95814

**Re: Request For Abeyance: Petition for Review of Regional Board Order, Amendment 1 to Order No. R5-2006-0721**

Dear Ms. Jennings:

Ma-Ru Holding Company, Inc. and Bonzi Sanitation Landfill, Inc. Partnership ("Petitioners") respectfully request that the Petition for Review of Amendment 1 to Order No. R5-2006-0721 ("Petition"), filed with the State Water Resources Control Board ("State Board") on January 2, 2009, be held in abeyance pursuant to 23 Cal. Code Regs. § 2050.5(d).

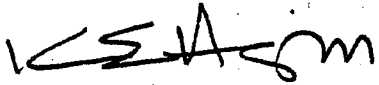
Petitioners' request that the Petition be held in abeyance is based on the continuing discussions with Regional Board staff regarding certain provisions contained in Amendment 1 to Order No. R5-2006-0721 that are the subject of the Petition.

Petitioners reserve the right to augment its Petition and provide a supplemental Statement of Points and Authorities in support of the Petition if the request for abeyance is not granted, or if the Petition is removed from abeyance in the future. Pursuant to 23 Cal. Code Regs. section 2050.5(d)(2), a copy of this abeyance request has been provided to Pamela Creedon, Executive Officer of the Regional Board.

Please advise us as soon as possible if Petitioners' request for abeyance is granted.

Very truly yours,

  
Lee N. Smith  
STOEL RIVES LLP

  
Karna E. Harrigfeld  
HERUM CRABTREE



Elizabeth Miller Jennings

January 2, 2009

Page 2.

cc: Pamela Creedon, Executive Officer, Regional Board (*via email*)  
Christian Carrigan (*via email*)  
Wendy Wyels (*via email*)  
Loren Harlow (*via email*)  
James Pedri (*via email*)  
Ken Landau (*via email*)  
Tom O'Keefe (*via email*)  
Brian Terrell (*via email*)  
MiLiza Bonzi (*via email*)