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FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

JUL 14 2003

JOHN MENDES
EXECUTIVE OFFICER & CLERK
By **T.M. GILL** Deputy

7
8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF PLACER**

10
11 PEOPLE OF THE STATE OF CALIFORNIA, CASE NO. SCV13231
ex rel., CALIFORNIA REGIONAL WATER
12 QUALITY CONTROL BOARD, CENTRAL
VALLEY REGION,

**NOTICE OF ENTRY OF
STIPULATED FINAL JUDGMENT**

13 Plaintiff,

14 v.

15 A GREENER GLOBE CORPORATION, a
16 California Registered Non-Profit Corporation;
and DOES I - XXX;

17 Defendants.
18

19 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

20 PLEASE TAKE NOTICE that a Stipulated Final Judgment in this case was
21 entered on June 27, 2003. A copy is attached.

22 Dated: July 11, 2003

BILL LOCKYER, Attorney General
of the State of California

23
24
25 By: 
26 BRUCE REEVES
Attorneys for Plaintiff, California
27 Regional Water Quality Control Board,
Central Valley Region

28 **OFFICE COPY**
ATTORNEY GENERAL

1
NOTICE OF ENTRY OF JUDGMENT

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Water Quality Control Board, Central Valley Region

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

JUN 27 2003

EXCISE & CLERK
By **Cathy Albanese** = BBPHV

8
9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF PLACER

11 PEOPLE OF THE STATE OF CALIFORNIA, ex rel.
CALIFORNIA REGIONAL WATER QUALITY
12 CONTROL BOARD, CENTRAL VALLEY REGION,
13 Plaintiff,
14 v.
15 A GREENER GLOBE CORPORATION, a California
Registered Non-Profit Corporation; and DOES I -
16 XXX;
17 Defendants.

No.: SCV13231
**STIPULATED FINAL
JUDGMENT**

18
19 This Stipulated Final Judgment ("Stipulated Judgment") is entered into by and between Plaintiff,
20 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL VALLEY
21 REGION ("REGIONAL BOARD"), and Defendant, A GREENER GLOBE CORPORATION
22 ("GREENER GLOBE").

23 **RECITALS**

24 A. Plaintiff REGIONAL BOARD is a state agency within the California Environmental
25 Protection Agency. (California Water Code §§ 175, 13100.) (All references to code sections are to the
26 California Water Code unless otherwise indicated.) It is one of nine such boards, created to establish and
27 enforce water quality control plans to ensure the protection of beneficial uses of water within designated
28 regions in the State of California. (§§ 13200, 13201, 13240 et seq.) It is charged with obtaining

1 coordinated action in water quality control to prevent and abate water pollution and nuisance and
2 encourage proper waste disposal within the Central Valley Region. (§ 13225). To further these goals,
3 Plaintiff REGIONAL BOARD has primary local enforcement authority which includes the power to
4 investigate and remedy unlawful discharges, and to achieve cleanup and abatement of unlawful water
5 pollution. (§§ 13300 et seq.)

6 B. GREENER GLOBE is the owner of Finger Sanitary Landfill, situated in or around the
7 northern end of Berry Street in Roseville, Assessor's Parcel Number APN 015 100 048, in Placer County,
8 California. The landfill was operated by William Finger from approximately 1952 until the initiation of the
9 landfill closure process in about 1987. From 1987, the landfill was owned by Berry Street Mall, Inc., and
10 the Estate of William Finger. In or around August of 1996, GREENER GLOBE acquired the Finger
11 Sanitary Landfill and certain surrounding property.

12 C. REGIONAL BOARD regulates the releases and/or discharges of waste to the waters of
13 the State by imposing waste discharge requirements (WDRs) and charges annual fees for the privilege of
14 discharging waste into the waters of the State. (§§ 13263(a), 13260(d).) REGIONAL BOARD may
15 require, in WDRs they issue, that waste dischargers provide technical and monitoring reports concerning
16 discharges. (§ 13267.) REGIONAL BOARD is also authorized to issue cleanup and abatement orders
17 (CAOs) requiring those who discharge waste in violation of WDRs or otherwise violate the terms of WDRs
18 to clean up or abate the effects of such waste and/or violations. (§§ 13304.)

19 D. On June 23, 1989, REGIONAL BOARD adopted WDR Number 89 115 in connection
20 with the closure of the Finger Sanitary Landfill. WDR 89-115 contained landfill closure requirements, and
21 a monitoring and reporting program directing the owners of the landfill to, among other things, periodically
22 monitor surface and groundwater, and to submit quarterly reports on monitoring results to the REGIONAL
23 BOARD. A true and correct copy of WDR No. 89-115 is attached hereto as Exhibit A and incorporated
24 herein in full by this reference.

25 E. In or around 1993, the California Integrated Waste Management Board undertook closure
26 of the facility, and conducted limited monitoring of groundwater conditions at the site. In or around 1993,
27 groundwater monitoring wells at the site yielded samples containing volatile organic compounds. The
28 presence of volatile organic compounds in the groundwater was evidence of a release as described in Title

1 27 California Code of Regulations section 20420, et seq.

2 F. In or around 1996, subsequent to the transfer of the Finger Landfill site to Defendant, A
3 Greener Globe Corporation, staff of the Plaintiff informed A Greener Globe Corporation that as new owner
4 of the subject landfill, it was responsible for post closure monitoring and maintenance and all other
5 requirements imposed by WDR No. 89 115 and for payment of past due and current annual waste
6 discharger fees required by law. On or about April 30, 1999, Plaintiff issued an order updating the waste
7 discharger name on WDR 89 115 from Berry Street Mall, Inc., to A Greener Globe Corporation. A copy
8 of the April 30, 1999, order is attached as Exhibit B and incorporated herein by this reference.

9 G. On October 15, 1999, REGIONAL BOARD duly issued Cleanup and Abatement Order
10 No. 99 724 (CAO 99 724), a copy of which is attached hereto as Exhibit C and incorporated in full herein
11 by this reference. CAO 99 724 required, among other things, that GREENER GLOBE pay past due
12 annual waste discharge fees, pay future annual waste discharge fees in a timely manner, provide technical
13 and monitoring and reports as required by Waste Discharge Requirements No. 89 115, complete an
14 investigation to determine the lateral and vertical extent of groundwater pollution on the property, clean up
15 a fuel spill on the property, and remove waste material improperly located on the property.

16 H. GREENER GLOBE has failed to fully comply with provisions of CAO 99-724 and WDR
17 89-115. In particular, the parties agree that GREENER GLOBE has failed to complete an investigation
18 to determine the lateral and vertical extent of groundwater pollution on the property. Additionally, though
19 the parties do not agree on the date and extent of other violations, or on whether GREENER GLOBE is
20 responsible for annual fees due prior to its taking ownership of the property, it is generally agreed that
21 GREENER GLOBE has failed to timely and completely conduct some of the technical monitoring and
22 reporting required in WDR 89-115 and CAO 99-724, and has failed to pay some past-due annual waste
23 discharge fees. GREENER GLOBE has recently begun preliminary monitoring and investigation work in
24 an effort to achieve compliance with the requirement that it conduct an investigation to determine the lateral
25 and vertical extent of groundwater pollution on the property.

26 I. After arms-length negotiations, Plaintiff and Defendant have reached and entered into a
27 settlement agreement by way of this Stipulated Judgment in a good faith effort to avoid the uncertainty and
28 expense of protracted litigation. Plaintiff believes that this settlement is in the best interests of the people

1 of the State of California.

2 **TERMS**

3 THEREFORE, Plaintiff REGIONAL BOARD and Defendant, GREENER GLOBE, through their
4 counsel, stipulate as follows:

5 1. Jurisdiction

6 This Court has jurisdiction over the subject matter of this action and the parties to this
7 Stipulated Judgment.

8 2. Past Due Fees

9 REGIONAL BOARD maintains that GREENER GLOBE presently owes at least
10 \$45,000 in past due annual fees for this site, but will accept a smaller payment in the interest of achieving
11 resolution of all claims connected with this site, as further provided below.

12 GREENER GLOBE is obligated to pay the sums set forth below, in a total amount of
13 \$35,000, in the method set forth in Paragraph 2(a) and (b), below, as follows:

14 (a) \$5,000 within ninety (90) days of entry of judgment;

15 (b) The remaining \$30,000 is to be paid in five (5) equal annual installments of \$6,000
16 beginning on June 1, 2004 through June 1, 2008, with the final installment due on or before June 1, 2008;
17 and

18 (c) In the event the property in which Finger Sanitary Landfill is located is sold, the entirety
19 of the amount of \$35,000, less credit for any amounts paid subsequent to the entry of this judgment, is due
20 and payable. GREENER GLOBE shall include escrow instructions directing the escrow holder to pay said
21 amount to REGIONAL BOARD as a condition for the close of escrow.

22 The payments of past due fees are separate and distinct from GREENER GLOBE's
23 obligation to make payments on future annual fee obligations, imposed by WDRs on the subject property,
24 as they become due. GREENER GLOBE shall pay future fees in a timely manner as they come due.

25 3. Method of Payment

26 Payments required by Paragraphs 2(a) and 2(b), above, shall be by certified or cashiers
27 check made payable to "California State Water Resources Control Board, Division of Administrative
28 Services" and mailed or otherwise delivered to the following address:

1
2 State Water Resources Control Board Division of Administrative Services
3 1001 I Street
4 Sacramento, CA 95812-0100
5 Attention: Bob Rinker

6 A copy of each payment check will be sent to Robert Busby or other authorized staff
7 member of REGIONAL BOARD, at the same address, and to the Deputy Attorney General representing
8 REGIONAL BOARD in this matter, currently Deputy Attorney General Bruce Reeves, at this address:
9

10 Deputy Attorney General Bruce Reeves
11 Office of the Attorney General
12 P.O. Box 944255
13 Sacramento, CA 94244-2550.

14 4. Effect of Untimely Payment

15 In the event any payment of fees specified in Paragraph 2 (and all subparagraphs thereof)
16 is not timely received by REGIONAL BOARD, REGIONAL BOARD's counsel shall be authorized to
17 make application to the Court to amend the judgment to reflect that the entire amount of \$45,000 is
18 immediately due and owing to the Plaintiff REGIONAL BOARD. The application to the Court shall be
19 by way of written declaration which shall specify that payment was not timely received and which shall state
20 that written notice of Plaintiff's failure to timely receive the payment was sent, via facsimile, to Defendant's
21 counsel, and that five (5) days have elapsed since said notice was sent and that payment has not been
22 received. Upon application setting forth the failure to receive payment after five (5) days written notice,
23 Defendant shall have the opportunity to file a memorandum and declaration in opposition to the application
24 within ten (10) days of receipt of the application. In the event that the Court determines that the payment
25 was not timely, Plaintiff REGIONAL BOARD shall be entitled to have a judgment entered in the amount
26 of \$45,000 against Defendant GREENER GLOBE, less any credit given to Defendant for all payments
27 actually received. Defendant expressly acknowledges that Plaintiff's right to enter judgment in the full
28 amount of \$45,000, rather than in the compromise amount of \$35,000 specified in this stipulated judgment,
is intended to provide an incentive for all payments to be made timely.

1 5. Tasks Required To Bring Facility Into Compliance: Schedule

2 Pursuant to the Court's equitable authority, Defendant GREENER GLOBE is permanently
3 restrained and enjoined from:

4 (a) violating WDR 89-115 and the Monitoring and Reporting Program associated
5 therewith; and

6 (b) violating CAO 99-724.

7 Defendant is also mandated to:

8 (c) by October 1, 2003, submit a workplan to determine (1) the lateral and vertical
9 extent of groundwater contamination and (2) background groundwater quality;

10 (d) within 120 days of REGIONAL BOARD approval of the workplan, submit a
11 report describing the results of the groundwater investigation described in the approved workplan; the
12 report shall also contain a proposal and plan for the installation of any additional monitoring wells necessary
13 to monitor the dimensions of the plume and otherwise fully characterize impacts to water quality;

14 (e) within 60 days of REGIONAL BOARD approval of the well installation plan,
15 construct one or more new groundwater monitoring wells as specified in the well installation plan. The
16 location and elevation of each such well must be surveyed, and the well shall be designed and constructed
17 with an annular seal, locking steel monument, and a precisely screened interval;

18 (f) within 90 days of staff approval of the well installation plan, submit a well installation
19 report;

20 (g) beginning January 15, 2004, prepare and submit a compliance report to Plaintiff
21 on an annual basis. The annual report shall be entitled Judgment Compliance Report, and describe the
22 actions taken to comply with the requirements of this Stipulated Judgment during the year immediately prior
23 to the submission of the compliance report; and

24 (h) all workplans and reports required by Paragraph 5 of this stipulated judgment shall
25 be prepared by an appropriate professional as provided in Title 27 of the California Code of Regulations
26 section 21710, and shall comply with all other applicable statutory and regulatory requirements

27 6. Extension Requests

28 If Defendant GREENER GLOBE is unable to perform any activity or submit any

1 document or data within the time required under this Stipulated Judgment, GREENER GLOBE may, prior
2 to expiration of the time, request an extension of time in writing. The extension request shall include a
3 justification for the delay. The extension request must be received by REGIONAL BOARD in sufficient
4 time to allow REGIONAL BOARD to review and act on the request prior to expiration of the time the
5 activity or submittal is due.

6 7. Extension Approvals

7 If the REGIONAL BOARD determines that good cause exists for an extension, and that
8 the requested extension will not otherwise endanger the health or welfare of people on or near the site, or
9 the environment, it may grant the request and specify in writing a new compliance schedule.

10 8. Penalty for Failure to Timely Perform

11 If the Defendant fails to perform the tasks required in Paragraph 5, including all
12 subparagraphs thereof, in a timely and satisfactory manner, Plaintiff REGIONAL BOARD shall be entitled
13 to a penalty of \$1,000 per day, per task, in which Defendant fails to timely and satisfactorily perform the
14 tasks set forth in this stipulated judgment. Upon such failure to perform, Plaintiff's counsel shall be
15 authorized to make application to the Court to amend the judgment to reflect that the cumulative penalty
16 shall be added to the judgment amount. The application to the Court shall be by way of written declaration
17 which shall specify the task(s) that were not performed in a timely manner and the facts and circumstances
18 regarding such failure to perform. Defendant shall have the opportunity to file a memorandum and
19 declaration in opposition to the application within ten (10) days of receipt of the application. In the event
20 that the Court determines that Defendant failed to perform a task in a timely manner, the judgment shall be
21 amended accordingly to include the additional cumulative penalty for each task Defendant GREENER
22 GLOBE failed to timely perform. If the Court finds that Defendant failed to perform any task required in
23 Paragraph 5 in a timely manner, the stipulated penalty provided for such untimely performance shall be
24 imposed, irrespective of whether the failure to perform those tasks is caused by any one or combination
25 of the following:

26 (a) An act of war.

27 (b) An unanticipated grave natural disaster or other natural phenomenon of an exceptional,
28 inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the

1 exercise of due care or foresight.

2 (c) An intentional act of a third party, the effects of which could not have been prevented
3 or avoided by the exercise of due care or foresight.

4 (d) Any other circumstance or event which causes the failure to timely perform despite the
5 exercise of every reasonable precaution to prevent or mitigate such failure.

6 9. Submittals

7 In addition to any other provisions of this document and applicable law, all submittals from
8 Defendant pursuant to this Stipulated Judgment shall be sent to:

9
10 Robert Busby
11 California Regional Water Quality Control Board, Central Valley Region
12 3443 Routier Road, Suite A
13 Sacramento, CA 95827

14 All approvals and decisions of REGIONAL BOARD made regarding submittals, if any,
15 shall be communicated to GREENER GLOBE in writing. No informal advice, guidance, suggestions, or
16 comments by REGIONAL BOARD regarding reports, plans, schedules, or any other writing by Defendant
17 shall be construed to relieve Defendant of its obligations to obtain such formal approvals as may be
18 required.

18 10. Communications

19 The contacts for all communications regarding this Stipulated Judgment are:

20 A Greener Globe, Inc.
21 6355 Dorne's Road
22 Lincoln, CA 95648
23 Ph: 916-645-8748
24 Attention: Dan Sheehan, Project Manager for Defendant, and

25 Robert Busby
26 California Regional Water Quality Control Board, Central Valley Region
27 3443 Routier Road, Suite A
28 Sacramento, CA 95827
Ph. 916-255-3136
for Regional Board

11. Agency Review

If REGIONAL BOARD determines that a report, plan, schedule, or other document

1 submitted pursuant to this Stipulated Judgment fails to comply with the Stipulated Judgment or fails to
2 protect public health or safety or the environment, REGIONAL BOARD may return the document to
3 Defendant with recommended changes and a date by which Defendant must submit to the REGIONAL
4 BOARD a revised document incorporating the recommended changes.

5 12. Endangerment During Implementation: Stop Work Order

6 In the event that REGIONAL BOARD determines that any circumstance or activity
7 (whether or not pursued in compliance with this Stipulated Judgment) is creating an imminent or
8 substantial endangerment to the health or welfare of people on or near the site, or to the environment,
9 REGIONAL BOARD may order Defendant to stop further implementation for such period of time as
10 needed to abate the endangerment. Any deadline in this Stipulated Judgment directly affected by a
11 Stop Work Order issued pursuant to this Paragraph shall be extended for the term of such Stop Work
12 Order.

13 13. Site Access

14 Access to the site shall be provided at all reasonable times to employees, contractors,
15 and consultants of REGIONAL BOARD, and any agency having jurisdiction. Nothing in this
16 Stipulated Judgment is intended to limit in any way the right of entry or inspection that any agency may
17 otherwise have by operation of any law. REGIONAL BOARD and its authorized representatives may
18 enter and move freely about all property at the site at all reasonable times for purposes including but not
19 limited to: inspecting records, operating logs, and contracts relating to the site; reviewing the progress of
20 Defendant in carrying out the terms of this Stipulated Judgment; and conducting such tests as
21 REGIONAL BOARD may deem necessary. Defendant GREENER GLOBE shall permit such
22 persons to inspect and copy all records, documents, and other writings, including all sampling and
23 monitoring data, in any way pertaining to work undertaken pursuant to this Stipulated Judgment.

24 14. Sampling, Data, and Document Availability

25 Defendant shall permit REGIONAL BOARD and its authorized representatives to
26 inspect and copy all sampling, testing, monitoring, and other data generated by Defendant or on
27 Defendant's behalf in any way pertaining to work undertaken pursuant to this Stipulated Judgment.
28 Defendant shall allow REGIONAL BOARD and its authorized representatives to take duplicates of

1 any samples collected by Defendant pursuant to this Stipulated Judgment. Separate and apart from all
2 other applicable record-keeping requirements, Defendant shall maintain a central depository of the
3 data, reports, and other documents prepared pursuant to this Stipulated Judgment. All such data,
4 reports, and other documents all be preserved by Defendant for a minimum of six years after the
5 conclusion of all activities under this Stipulated Judgment. At the conclusion of 6 years, Defendant shall
6 deliver a copy of the documents to REGIONAL BOARD.

7 15. Indemnification

8 Defendant shall indemnify, save and hold harmless REGIONAL BOARD and the State
9 of California, including each and every constituent agency, board, department, office, commission, fund
10 or other entity thereof, as well as all past, present or future political subdivisions, officers, agents,
11 directors, employees, contractors, subcontractors, attorneys, representatives, predecessors-in-interest,
12 and successors and assigns of each and every constituent of the State of California ("Indemnified
13 Parties") for or from any and all claims or causes of action, of every kind and nature whatsoever, in law
14 and in equity, whether known or unknown, suspected or unsuspected, foreseen or unforeseen, arising
15 from, or on account of acts or omissions of Defendant, and Defendant's contractors, subcontractors,
16 officers, agents and employees in carrying out activities pursuant to this Stipulated Judgment. In
17 addition, Defendant shall pay the Indemnified Parties all costs incurred including, but not limited to,
18 attorneys fees and other expenses of litigation and settlement, arising from, or on account of acts or
19 omissions of Defendant, and Defendant's contractors, subcontractors, officers, agents and employees
20 in carrying out activities pursuant to this Stipulated Judgment.

21 16. Scope of Stipulated Judgment

22 This Stipulated Judgment shall apply to and be binding upon Defendant GREENER
23 GLOBE and its officers, directors, agents, receivers, trustees, employees, contractors, consultants,
24 successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent
25 corporations, and upon Plaintiff and any successor agency that may have responsibility for and
26 jurisdiction over the subject matter of this Stipulated Judgment.

27 17. Stipulated Judgment Does Not Bind Any Other Agency

28 This Stipulated Judgment is made and entered into by and on behalf of REGIONAL

1 BOARD only. Except as expressly provided in this Stipulated Judgment, nothing in this Stipulated
2 Judgment is intended or shall be construed to preclude the Attorney General from exercising his or her
3 authority as an independent Constitutional officer under any law, statute, or regulation. Furthermore,
4 except as expressly provided in this Stipulated Judgment, nothing in this Stipulated Judgment is intended
5 or shall be construed to preclude any state, local, or federal agency, board, department, office,
6 commission, or entity from exercising its authority under any law, statute, regulation, or ordinance.

7 18. Defendant's Release of Plaintiff and the State of California

8 Upon the effective date of this Stipulated Judgment, and except as provided in
9 Paragraph 20 (Reservation of Rights), Defendant shall and does release, discharge and covenant not
10 to sue Plaintiff REGIONAL BOARD and the State of California, including each and every constituent
11 agency, board, department, office, commission, fund or other entity thereof, as well as all past, present
12 and future political subdivisions, officers, agents, directors, employees, attorneys, representatives,
13 predecessors-in-interest, and successors and assigns of each and every constituent of the State of
14 California, for any and all claims or causes of action, of every kind and nature whatsoever, in law and in
15 equity, whether known or unknown, suspected or unsuspected, foreseen or unforeseen, which arise out
16 of or are related to this action.

17 19. Plaintiff's Release of Defendant

18 Except as provided in Paragraph 20 (Reservation of Rights), Plaintiff shall and does
19 release, discharge and covenant not to sue or to take administrative action against Defendant for the
20 matters covered. "Matters covered" are the causes of action alleged in the Complaint in this matter.
21 This covenant not to sue shall become effective only upon the occurrence of both of the following: (1)
22 completion by Defendant, to Plaintiff's satisfaction, of the activities required by this Stipulated Judgment,
23 and (2) the final payment to be made by the Defendant pursuant to this Stipulated Judgment. This
24 covenant not to sue shall not act to release from liability any person or entity other than Defendant
25 GREENER GLOBE.

26 20. Reservation of Rights

27 Plaintiff REGIONAL BOARD, on the one hand, and Defendant GREENER GLOBE,
28 on the other hand, reserve their respective rights to initiate judicial or administrative action against each

1 other for any matter not released by this Stipulated Judgment. Nothing in this Stipulated Judgment shall
2 constitute or be construed as a satisfaction or release from liability for any conditions or claims arising
3 as a result of past, current, or future operations or activities of Defendant that are not matters covered
4 by this Stipulated Judgment. Nothing herein is intended or shall be construed as a waiver of Plaintiff's
5 right to institute an action to compel compliance with this Stipulated Judgment. In addition, nothing in
6 this Stipulated Judgment is intended or shall be construed to preclude Plaintiff from exercising its
7 authority under any statute, regulation, ordinance, or other law.

8 21. Jurisdiction, Interpretation

9 This Court shall retain jurisdiction to interpret, modify and enforce the terms and
10 conditions of this Stipulated Judgment. This Stipulated Judgment shall be deemed to have been drafted
11 equally by the parties, and shall not be interpreted for or against either party on the ground that any
12 such party drafted it. This Stipulated Judgment shall be governed by and construed in accordance with
13 the laws of the State of California.

14 22. Integration

15 This Stipulated Judgment contains all of the terms and conditions agreed upon by the
16 parties relating to the matters covered by this Stipulated Judgment, and supersedes any and all prior
17 and contemporaneous agreements, negotiations, correspondence, understandings, and communications
18 of the parties, whether oral or written, respecting the matters covered by this Stipulated Judgment. This
19 Stipulated Judgment may be amended or modified only by a writing signed by the parties or their
20 authorized representatives, and then by order of the Court.

21 23. Knowing, Voluntary Agreement

22 Each party to this Stipulated Judgment acknowledges that it has been represented by
23 legal counsel, and that each party has reviewed, and has had the benefit of legal counsel's advice
24 concerning, all of the terms and conditions of this Stipulated Judgment.

25 24. Authority to Execute

26 Each party to this Stipulated Judgment represents and warrants that the person who has
27 signed this Stipulated Judgment on its behalf is duly authorized to enter into this Stipulated Judgment,
28 and to bind that party to the terms and conditions of this Stipulated Judgment.

CENTRAL VALLEY REGIONAL WATER
QUALITY CONTROL BOARD

1
2
3
4 Dated: 26 June, 2003

By Thomas R Pinkos
Thomas R. Pinkos
Executive Officer

5
6
7
8
9 APPROVED AS TO FORM:

10
11 BILL LOCKYER
Attorney General of the State of California

12
13
14 DATED: 25 June 2003

Bruce Reeves
BRUCE REEVES
Deputy Attorney General
Attorneys for Plaintiff
California Regional Water Quality
Control Board, Central Valley Region

15
16
17
18
19 DATED: 6/17/03

Richard D. Steffan
RICHARD D. STEFFAN
Attorney for Defendant

20
21 ORDER

22 It is SO ORDERED.

23
24
25
26 Dated: JUN 27 2003, ~~2003~~

Alan V. Pineschi
JUDGE OF THE SUPERIOR COURT

E X H I B I T A

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. 89-115

WASTE DISCHARGE REQUIREMENTS
FOR
BERRY STREET MALL, INC.
FOR CLOSURE OF
FINGER SANITARY LANDFILL
CLASS III LANDFILL
PLACER COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Board) finds that:

1. Berry Street Mall, Inc. (hereafter Discharger) submitted a Report of Waste Discharge, dated 29 April 1988, in part for the closure of Finger Sanitary Landfill. Technical backup material, including a ground water monitoring plan and a closure and post-closure maintenance plan, to complete the application have not been received.
2. Finger Sanitary Landfill is currently regulated by Waste Discharge Requirements (WDRs) Order No. 72-71, adopted by the Board on 23 July 1971, which is no longer in conformance with Title 23, California Code of Regulations (CCR), Chapter 3, Subchapter 15 (hereafter Subchapter 15).
3. The 26-acre disposal site, Placer County Assessor's Parcel Number 15-10-26, is owned and was operated by William O. Finger, doing business as Berry Street Mall, Inc. The site is within the boundaries of the City of Roseville at the northern end of Berry Street in the NE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 35, T11N, R6E, MDB&M, as shown in Attachment "A", which is incorporated herein and made part of this Order. 015-100-04
4. The landfill began operation in 1946 and has been operated by William O. Finger since 1952. The landfill stopped receiving wastes in November 1987. The landfill received approximately 15 tons per day of household, commercial and industrial wastes for a total refuse load of 224,475 tons received at the site.
5. Prior to 1981 refuse was spread and covered. After 1981 two clay lined pits were used to receive the refuse. The area of the site containing wastes is approximately 10 acres, as shown in Attachment "B", which is incorporated herein and made part of this Order.
6. The Finger Sanitary Landfill was operated as a Group II-2 sanitary landfill, and meets the requirements for designation as Class III Landfill under existing Subchapter 15 regulations.
7. The facility has a surface leachate and drainage collection system and an unlined leachate storage and evaporation pond, as indicated on Attachment "B".

8. Part of the site, same Assessor's Parcel No. currently contains a transfer station; as shown on Attachment "B". The Discharger plans to formally close the landfill and continue operation of the transfer station. The transfer station is not on land that received wastes, and is not regulated by this Order.

SITE DESCRIPTION

9. The site was originally a ravine approximately 20 feet deep by 900 feet long and 1000 feet wide. The site is in the extreme upper drainage of the South Branch of Pleasant Grove Creek with approximately 30 acres contributory to it.
10. The site is predominately in a Tertiary formation of volcanic rocks from Sierra Nevada andesitic and rhyolitic formation with associated sediments. The lower portion of the site is a Tertiary formation of old alluvial deposits composed of fluvial silt and sand with some clay and gravel, all partially cemented, and in some locations underlying the volcanic rock formation.
11. The site is covered by two soil types; Toomes-Rock land association and Fiddymment-Trigo-Rocklin association. The Toomes-Rock land association is described as very shallow, very cobbly, medium textured soils underlain by cemented volcanic conglomerate. The Fiddymment-Trigo-Rocklin association is described as very shallow acidic loam, over hardpan or clay pan and clay, siltstone and sandstone layers. These soils are moderately to very slowly permeable.
12. Site hydrogeology is generally divided into three zones by very fine grained cemented clayey silt layers. The upper zone of approximately 90 feet consists of interlayered slightly cemented and uncemented fine to coarse sand with scattered pockets of gravel and thin silty to clayey layers. The middle zone, from 90 feet to 146 feet, consists of hard silt and clay with rock fragments. The lower zone, extending from 146 feet to 177 feet, contains layers of very firm silty clay with weathered rock fragments.
13. The ground water occurs in and flows through the middle hydrogeologic zone. Ground water is found at depths of 110 feet to 140 feet with a saturated thickness of approximately 20 feet. The ground water gradient in this zone is slightly south of west. Whether there is perched ground water in the upper zone is unknown at this time.

WASTE DISCHARGE REQUIREMENTS
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14. Antelope Creek is approximately 700 feet to the east of the site. However drainage from the site is generally towards the west. Site drainage is to the South Branch of Pleasant Grove Creek, thence to Pleasant Grove Creek, thence to Verona Cross Canal, thence to the Sacramento River.
15. The site is not within the 100 year flood plain.
16. The annual average rainfall is approximately 20 inches and the total annual average evaporation is 52 inches.
17. Land within 1000 feet of the site is either vacant or in industrial use.
18. The beneficial uses of surface waters are domestic and municipal supply, agricultural and industrial supply, recreation, aesthetic enjoyment, and preservation and enhancement of fish, wildlife and other aquatic resources. The beneficial uses of the ground water are domestic and industrial supply and emergency municipal supply for the City of Roseville.
19. It is not known at this time whether the Finger Sanitary Landfill has impacted ground and/or surface water quality or impaired beneficial uses.

CEQA CONSIDERATIONS

20. The action to revise waste discharge requirements for the Finger Sanitary Landfill is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), in accordance with Title 14, CCR, Section 15301.

OTHER CONSIDERATIONS

21. The Water Quality Control Plan for the Sacramento River, Basin (5A) was adopted on 25 July 1975. This Order implements the water quality objectives stated in that Plan. Furthermore, this Order implements the prescriptive standards and performance goals of Subchapter 15.
22. The Board has notified the Discharger and interested agencies and persons of its intention to revise the WDRs for this facility.
23. In a public hearing, the Board heard and considered all comments pertaining to this facility and discharge.

IT IS HEREBY ORDERED that Order No. 72-71 be rescinded and Berry Street Mall, Inc., in order to meet the provisions of Division 7 of the California Water Code and the regulations adopted thereunder, shall comply with the following:

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A. Prohibitions:

1. The discharge of 'hazardous waste' and 'designated waste' at this site is prohibited. For the purposes of this Order, the terms 'hazardous waste' and 'designated waste' are as defined in Subchapter 15.
2. The discharge of liquid or semi-solid waste (i.e., waste containing less than 50 percent solids) to the landfill is prohibited.
3. The discharge of leachate from the landfill and condensate from the landfill methane gas recovery system to this site is prohibited.
4. The discharge of solid or liquid waste or leachate to surface waters, surface water drainage courses or to ground water is prohibited.
5. The discharge of waste to ponded water from any source is prohibited.
6. The discharge of waste within 100 feet of surface waters is prohibited.
7. The discharge of wastes which have the potential to reduce or impair the integrity of containment structures or which, if commingled with other wastes in the unit, could produce violent reaction, heat or pressure, fire or explosion, toxic by-products, or reaction products which in turn:
 - a. require a higher level of containment than provided by the unit,
 - b. are 'restricted hazardous waste', or
 - c. impair the integrity of containment structures, is prohibited.
8. The discharge of solid or liquid waste from the transfer station to the Landfill is prohibited.

B. Discharge Specifications:

GENERAL SPECIFICATIONS

1. Waste materials shall be confined to the area presently containing them, as shown on Attachment "B".

2. All wells within 500 feet of the landfill shall be sealed to the satisfaction of the Placer County Health Department. A record of the sealing and/or abandonment of such wells shall be sent to the Board and the Department of Water Resources.
3. Water used for site maintenance shall be limited to the minimum amount necessary for dust control.

General Construction

4. Materials used to construct landfill caps shall have appropriate physical and chemical properties to ensure containment of discharged wastes over the closure and post-closure maintenance period of the landfill.

Supervision and Certification of Construction

5. All containment structures shall be designed and constructed under the direct supervision of a California registered civil engineer or a certified engineering geologist and shall be certified by that individual as meeting the prescriptive standards and performance goals of Subchapter 15.
6. Prior to contracting for closure construction, the Discharger shall submit to the Board construction documents, including a construction quality control/quality assurances program, for review and approval.

Water Quality Protection Standards

7. The concentrations of indicator parameters or waste constituents in waters passing through the Points of Compliance shall not exceed the "water quality protection standards" to be established pursuant to Monitoring and Reporting Program No. 89-115, which is attached to these WDRs.

Protection from Storm Events

8. The Landfill shall be maintained to prevent inundation or washout due to floods with a 100-year return period. The Landfill and related containment structures shall be constructed and maintained to prevent,

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- to the greatest extent possible, ponding, infiltration, inundation, erosion, slope failure, washout, and overtopping under 100-year, 24-hour precipitation conditions.
9. Precipitation and drainage control systems shall be designed and constructed to accommodate the anticipated volume of precipitation and peak flows from surface runoff under 100-year, 24-hour precipitation conditions.
 10. Surface drainage from tributary areas and internal site drainage from surface or subsurface sources shall not contact or percolate through wastes.
 11. Annually, prior to the anticipated rainy season, and no later than 1 November of each year, any necessary erosion control measures shall be implemented, and any necessary construction, maintenance, or repairs of precipitation and drainage control facilities shall be completed to prevent erosion or flooding of the site and to prevent surface drainage from contacting or percolating through wastes.

LANDFILL SPECIFICATIONS

12. Methane and other landfill gases shall be adequately vented, removed from the landfill or otherwise controlled to prevent the danger of explosion, adverse health effects, nuisance conditions, or the impairment of beneficial uses of water due to migration through the vadose zone.
13. The closure of the Landfill shall be under the direct supervision of a California registered civil engineer or certified engineering geologist.

Landfill Closure

14. The Landfill shall be provided with at least two permanent monuments, installed by a licensed land surveyor, from which the location and elevation of all wastes, containment structures, and monitoring facilities can be determined throughout the post-closure maintenance period. The location of these monuments is shown on Attachment "B".
15. The Landfill shall receive a final cover which is designed and constructed to function with minimum maintenance and consists, at a minimum, of a two-foot thick foundation layer which may contain waste

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materials, overlain by a one-foot thick clay liner, and finally by a one-foot thick vegetative soil layer, or an engineered equivalent final cover approved by the Board, pursuant to Subsections 2510(b) and (c) of Subchapter 15.

16. The clay liner in the cap shall have a maximum hydraulic conductivity of 1×10^{-6} cm/sec and a minimum relative compaction of 90 percent. Hydraulic conductivities of liner materials shall be determined by laboratory tests using water. Hydraulic conductivities determined through laboratory methods shall be confirmed by field testing of the finished liner. The Discharger shall propose field testing methods 90 days prior to start of liner construction. Construction methods and quality assurance procedures shall be sufficient to insure that all parts of the liner and cap meet the hydraulic conductivity and compaction requirements.
17. Vegetation shall be planted and maintained over the closed Landfill. Vegetation shall be selected to require a minimum of irrigation and maintenance and shall have a rooting depth not in excess of the vegetative layer thickness.
18. The closed Landfill shall be graded to at least a three-percent grade, no greater than twelve percent, and maintained to prevent ponding.
19. Areas with slopes greater than ten percent, surface drainage courses, and/or areas subject to erosion by wind or water shall be designed, constructed, and maintained to prevent such erosion.

C. Provisions:

1. The Discharger shall maintain a copy of this Order at the site and make it available at all times to site operation personnel and regulatory personnel.
2. The Discharger shall, in a timely manner, remove and relocate any waste discharged at this facility in violation of this Order.
3. The Discharger shall notify the Board, in writing, of any proposed change in responsibility for the Landfill. This notification shall be given 60 days prior to the effective date of the change and shall be accompanied by an amended Report of Waste Discharge and any technical documents that are needed to demonstrate continued compliance with these WDRs.

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4. The Discharger shall comply with the attached Monitoring and Reporting Program No. 89-115.
5. If the Discharger, through a detection monitoring program, or the Board finds that there is a statistically significant increase in indicator parameters or waste constituents over the water quality protection standards (established pursuant to Monitoring and Reporting Program No. 89-115) at the Points of Compliance, the Discharger shall notify the Board or acknowledge the Board's finding in writing within seven days, and shall immediately resample for the constituent(s) or parameter(s) at the point where the standard was exceeded. Within 90 days, the Discharger shall submit to the Board the results of the resampling and either: (1) a report demonstrating that the water quality protection standard(s) was not, in fact, exceeded; or (2) an amended Report of Waste Discharge for establishment of a verification monitoring program, per Section 2557 of Subchapter 15, which is designed to verify that water quality protection standards have been exceeded and to determine the horizontal and vertical extent of pollution.
6. If the Discharger, through a verification monitoring program, or if the Board verifies that water quality protection standards have been exceeded at or beyond the Points of Compliance, the Discharger shall notify the Board or acknowledge the Board's finding in writing within seven days. Within 180 days, the Discharger shall submit to the Board an amended Report of Waste Discharge for establishment of a corrective action program, per Section 2558 of Subchapter 15, which is designed to achieve compliance with the water quality protection standards.
7. The Discharger shall immediately notify the Board of any flooding, equipment failure, slope failure, or other change in site conditions which could impair the integrity of waste or leachate containment facilities or of precipitation and drainage control structures.
8. The Discharger shall maintain waste containment facilities and precipitation and drainage controls, and shall continue to monitor ground water, leachate from the Landfill, the vadose zone, and surface waters, per Monitoring and Reporting Program No. 89-115 throughout the post-closure maintenance period.
9. The post-closure maintenance period shall continue until the Board determines that the remaining wastes in the Landfill will not threaten water quality.

WASTE DISCHARGE REQUIREMENTS
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10. The Discharger shall comply with the Standard Provisions and Monitoring Requirements, dated 1 September 1985, which are hereby incorporated into and made part of this Order.
11. The owner of the Landfill site shall have the continuing responsibility to assure protection of usable waters from discharge wastes and gases and leachate generated by discharged waste during the active life, closure, and post-closure maintenance period of the Landfill and during subsequent use of the property for other purposes.
12. In the event of any change in ownership of this Landfill, the Discharger shall notify the succeeding owner or operator, in writing, of the existence of this Order. A copy of that notification shall be sent to the Board.
13. The Discharger shall complete the tasks outlined in this Order described below and outlined in the attached Monitoring and Reporting Program No. 89-115, in accordance with the following time schedule:

<u>Task</u>	<u>Compliance Date</u>
Submit a ground water monitoring plan to the Board for review and approval.	1 August 1989
Submit a report detailing the statistical procedures to be used for determining the significance of increases in indicator parameters and waste constituents over water quality protection standards.	1 September 1989
Initiate surface water monitoring program for the setting of water quality protection standards.	1 September 1989
Complete ground water monitoring well design and submit to Board for review and approval.	1 October 1989
Complete ground water monitoring well bidding and contracting process.	1 December 1989
Submit as-built plans for ground water monitoring wells along with a report detailing the condition of the wells.	1 March 1990

Task
Surface Ground Water Monitoring

Compliance Date

Implement surface water monitoring as outlined in Monitoring and Reporting Program No. 89-115.

Fall 1989

Conduct and submit first quarterly ground water monitoring as outlined in Monitoring and Reporting Program No. 89-115.

15 April 1990

Submit report discussing surface and ground water protection standards, as outlined in Monitoring and Reporting Program No. 89-115.

1 February 1991

Closure

Compliance Date

Submit a closure and post-closure maintenance plan to the Board for review and approval.

1 September 1989

Complete closure design and construction documents and submit to the Board for review and approval.

1 December 1989

Complete bidding process and execute contract for final cover.

1 March 1990

Complete final cover installation and site grading.

1 July 1990

Submit complete as-built plans for final cover and site grading.

1 August 1990

Place two monuments required by Subchapter 15.

1 August 1990

Complete revegetation of facility and implement any other erosion control features.

1 October 1990

Solid Waste Assessment Test

Complete and submit to the Board the SWAT Report.

1 July 1989

WASTE DISCHARGE REQUIREMENTS
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Interim Cover

- Submit an interim cover and winterization plan to the Board for review and approval. 1 August 1989
- Complete installation of interim cover and winterization work. 1 November 1989
14. The Discharger shall comply with all applicable provisions of Subchapter 15 that are not specifically referred to in this Order.
15. The Board will review this Order periodically and will revise waste discharge requirements when necessary.

I, WILLIAM H. CROOKS, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 23 June 1989.


WILLIAM H. CROOKS, Executive Officer

FWP:ej 5/18/89

Attachments

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

MONITORING AND REPORTING PROGRAM NO. 89-115
FOR

BERRY STREET MALL, INC.
FOR CLOSURE OF
FINGER SANITARY LANDFILL
CLASS III LANDFILL
PLACER COUNTY

SURFACE WATER MONITORING

Surface water flows from the Landfill site shall be sampled at the points where it enters and leaves the facility boundary, as shown on Attachment B, during the first storm of the rainy season that produces significant flows. Surface water samples shall be analyzed for the following:

<u>Parameter/Constituent</u>	<u>Report in Units of</u>	<u>Sampling Frequency</u>
Dissolved Oxygen	mg/l	Annually
Specific Conductivity (field)	umhos/cm	Annually
pH (field)	pH Units	Annually
Total Dissolved Solids	mg/l	Annually
Chlorides	mg/l	Annually
Sulfates	mg/l	Annually
Dissolved Iron	mg/l	Annually
Nitrate (as N)	mg/l	Annually

Inductively Coupled Argon Plasma Atomic Emission Spectroscopy (ICAP) shall be used for analysis of this constituent.

The Discharger may present a report to the Board which discusses the surface water monitoring program and how it might be changed based on the previous monitoring results.

Surface water sampling point shall constitute the "point of compliance" with respect to surface water.

GROUND WATER MONITORING

The following detection monitoring program shall be implemented at the site to determine compliance with ground water "water quality protection standards".

Monitoring Well Network

The monitoring network shall consist of at least one "background" monitoring well and a minimum of two downgradient monitoring wells. The monitoring well location(s) will be those identified in the approved ground water monitoring plan.

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submitted per Provision 13 of Waste Discharge Requirements Order No. 89-115. The downgradient wells shall constitute the "points of compliance" with respect to ground water.

Piezometers and monitoring wells will also be used to measure ground water elevation (in feet and hundredths, MSL) on a monthly basis for the first two years after adoption of Order No. 89-115 and quarterly thereafter. From these measurements, hydraulic gradients and ground water flow velocities will be calculated and submitted to the Regional Board. Ground water elevation data will be submitted to the Board as ground water elevation contour maps. Quarterly ground water elevations shall be recorded during periods in which the elevation is most likely at its highest or lowest.

Samples from all monitoring wells shall be analyzed for the ground water indicator parameters. Annual sampling shall be performed during the month April.

Ground Water Indicator Parameters

The following chemical constituents will be used as ground water indicator parameters and will be measured when sampling ground water:

<u>Parameter/Constituent</u>	<u>Report in Units of</u>	<u>Sampling Frequency</u>
Specific Conductivity (field)	umhos/cm	Quarterly ²
pH (field)	pH Units	Quarterly ²
Chlorides	mg/l	Quarterly ²
Sulfate	mg/l	Quarterly ²
Dissolved Iron ¹	mg/l	Quarterly ²
COD	mg/l	Quarterly ²
Nitrate (as N)	mg/l	Quarterly ²
Volatile Organics	mg/l	Quarterly ²
Total Sulfides	mg/l or ug/l	Quarterly ²
	mg/l	Quarterly ²

ICAP for the following¹:

<u>Parameter/Constituent</u>	<u>Report in Units of</u>	<u>Sampling Frequency</u>
Cadmium	mg/l	Annually ³
Chromium (Total)	mg/l	Annually ³
Copper	mg/l	Annually ³
Lead	mg/l	Annually ³

MONITORING AND REPORTING PROGRAM
 BERRY STREET MALL, INC.
 FINGER SANITARY LANDFILL
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<u>Parameter/Constituent</u>	<u>Report in Units of</u>	<u>Sampling Frequency</u>
Magnesium	mg/l	Annually ³
Manganese	mg/l	Annually ³
Nickel	mg/l	Annually ³
Silver	mg/l	Annually ³
Zinc	mg/l	Annually ³

AA for the following⁴:

<u>Parameter/Constituent</u>	<u>Report in Units of</u>	<u>Sampling Frequency</u>
Arsenic	mg/l or ug/l	Annually ³
Chromium (Hexavalent)	mg/l or ug/l	Annually ³
Mercury	mg/l or ug/l	Annually ³
Selenium	mg/l or ug/l	Annually ³

¹ Inductively Coupled Argon Plasma Atomic Emission Spectroscopy (ICAP) shall be used for analysis of these constituents.

² These parameters/constituents shall be monitored for 24 months on a quarterly basis, then annually. EPA Methods 601 and 602, or EPA Method 624, shall be used to characterize volatile organics. All peaks shall be reported.

³ Metals shall be analyzed and reported as totals (except for chromium).

⁴ Atomic Absorption (AA) shall be used for chemical analysis of these parameters.

The Discharger shall determine at each sampling whether there is a statistically significant increase over water quality protection standards for each parameter and constituent analyzed. Statistical procedures used by the Discharger shall be approved by the Board.

WATER QUALITY PROTECTION STANDARDS

Standards for Surface Water

Monthly samples shall be taken from the Point(s) of Compliance and from points on the northern boundary and eastern boundary where surface water channels enter the site for one year (September 1989 to September 1990) and analyzed for each of the parameters and constituents listed under "SURFACE WATER MONITORING" above. Analyses shall account for measurement errors in sampling and analysis. Data from these analyses shall be reported to the Board by 1 February 1991 for use by the Board in determining water quality protection standards for surface water at the site.

If subsequent surface water sampling indicates significant water quality changes due to either seasonal fluctuations or other reasons unrelated to waste management activities at the site, the Discharger may request modification of these water quality protection standards.

Standards for Ground Water

Monthly samples shall be taken from Board approved "background" monitoring well for one year and analyzed for the following:

<u>Parameter/Constituent</u>	<u>Report in Units of</u>	<u>Sampling² Frequency</u>
Specific Conductivity (field)	umhos/cm	Monthly
pH (field)	pH units	Monthly
Sulfate	mg/l	Monthly
Chloride	mg/l	Monthly
Nitrate (as N)	mg/l	Monthly
Dissolved Iron ²	mg/l	Monthly
Manganese	mg/l	Monthly

¹ Background monitoring well will be sampled monthly for one year, then quarterly thereafter for parameters and constituents listed under "Ground Water Monitoring" above.

² Inductively Coupled Argon Plasma Atomic Emission Spectroscopy (ICAP) shall be used for analysis of this constituent.

MONITORING AND REPORTING PROGRAM
BERRY STREET MALL, INC.
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CLASS III LANDFILL
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In addition to the above, quarterly samples shall be taken from the "background" monitoring well for one year (starting from the date of "background" monitoring well completion) and analyzed for each of the parameters and constituents listed under "GROUND WATER MONITORING" above. Analyses shall account for measurement errors in sampling and analysis. Data from these analyses shall be reported to the Board by 1 February 1991 or use by the Board in determining water quality protection standards for ground water at the site.

If subsequent sampling of the "background" monitoring well indicates significant water quality changes due to either seasonal fluctuations or other reasons unrelated to waste management activities at the site, the Discharger may request modification of these water quality protection standards.

Statistical Procedures for Determining Significant Increases

Statistical procedures for determining the significance of increases in indicator parameters and waste constituents over water quality protection standards shall be submitted to the Board for review and approval in the time frame set in Provision No. 13 of WDRs Order No. 89-115.

REPORTING

In reporting the monitoring data, the Discharger shall arrange the data in tabular form so that the date, the constituents, the concentrations, and the units are readily discernible. The data shall be summarized in such a manner so as to illustrate clearly the compliance with waste discharge requirements.

Monthly monitoring reports shall be submitted to the Board by the 15th day of the month following the month in which the samples were taken. Quarterly, semiannual, and yearly monitoring reports shall be submitted to the Board by the 15th day of the month following the calendar quarter in which the samples were taken.

The results of any monitoring done more frequently than required at the locations specified herein shall be reported to the Board.

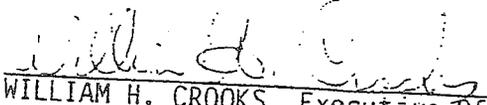
A report shall be submitted to the Board by 30 January of each year containing both tabular and graphical summaries of the monitoring data obtained during the previous year.

The Discharger shall implement the above monitoring program on the effective date of this Order.

MONITORING AND REPORTING PROGRAM
BERRY STREET MALL, INC.
FINGER SANITARY LANDFILL
CLASS III LANDFILL
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I, WILLIAM H. CROOKS, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 23 June 1989.


WILLIAM H. CROOKS, Executive Officer

23 June 1989
(Date)

FWP:ej 4/20/89

INFORMATION SHEET

BERRY STREET MALL, INC.
FINGER SANITARY LANDFILL
CLASS III LANDFILL
PLACER COUNTY

Waste Discharge Requirements Order No. 72-71 was adopted 23 July 1971. These WDRs regulated the Landfill under Resolution 69-216, provided general discharge specifications, and required submittal of quarterly reports of the volume and type of wastes discharged at the site. They are not in conformance with Subchapter 15. On 1 March and 15 March 1985, written requests were made for documents required by Subchapter 15 and for a new Report of Waste Discharge to bring the Landfill into compliance with Subchapter 15. After repeated requests, a Report of Waste Discharge (form and fee only) was received on 2 May 1988. No technical backup material nor documents required by Subchapter 15 have been received.

A transfer station is operated on the site with wastes hauled to Western Regional Landfill. Wastes ceased being deposited in the Landfill in November 1987. The Landfill began operation in 1946 and received approximately 224,475 tons of waste. Approximately 10 acres of the 26 acre site received wastes. Inspections subsequent to November 1987 have found inadequate covering of wastes and grading for drainage control. Leachate is generated. Surfacing leachate is collected on-site. It is likely leachate is discharged to surface waters and into the ground. However, since there is no program of regular surface and ground water monitoring, this cannot be verified. The Landfill does not meet the closure requirements of Subchapter 15. Additionally, SWAT proposal was received and approved; however, no work has been done to collect surface or ground water data; and it is unlikely the SWAT report for the facility will be received by the deadline (1 July 1989).

Information about site geology and hydrogeology can be found on Findings 9 through 13 of the WDRs and was taken from Engineer's Report of Finger's Sanitary Landfill, October 1971, Atteberry and Associates, and Preliminary Evaluation of Soils/Geologic Conditions, Finger Landfill, 2 February 1981, Moore and Taber, Consulting Engineers and Geologists.

The California Waste Management Board has actions pending on the Landfill. On 14 July 1988 they issued a Cleanup and Abatement Order for various violations, with tasks to be completed by 1 October 1988. On 31 October 1988, the Waste Management Board referred the Discharger to the State Attorney General for violation of the Cleanup and Abatement Order. To the best of staff's knowledge all work to bring the site into compliance with the WDRs, to meet the requirements of Subchapter 15, and on the SWAT Report ceased shortly after the Discharger was referred to the Attorney General.

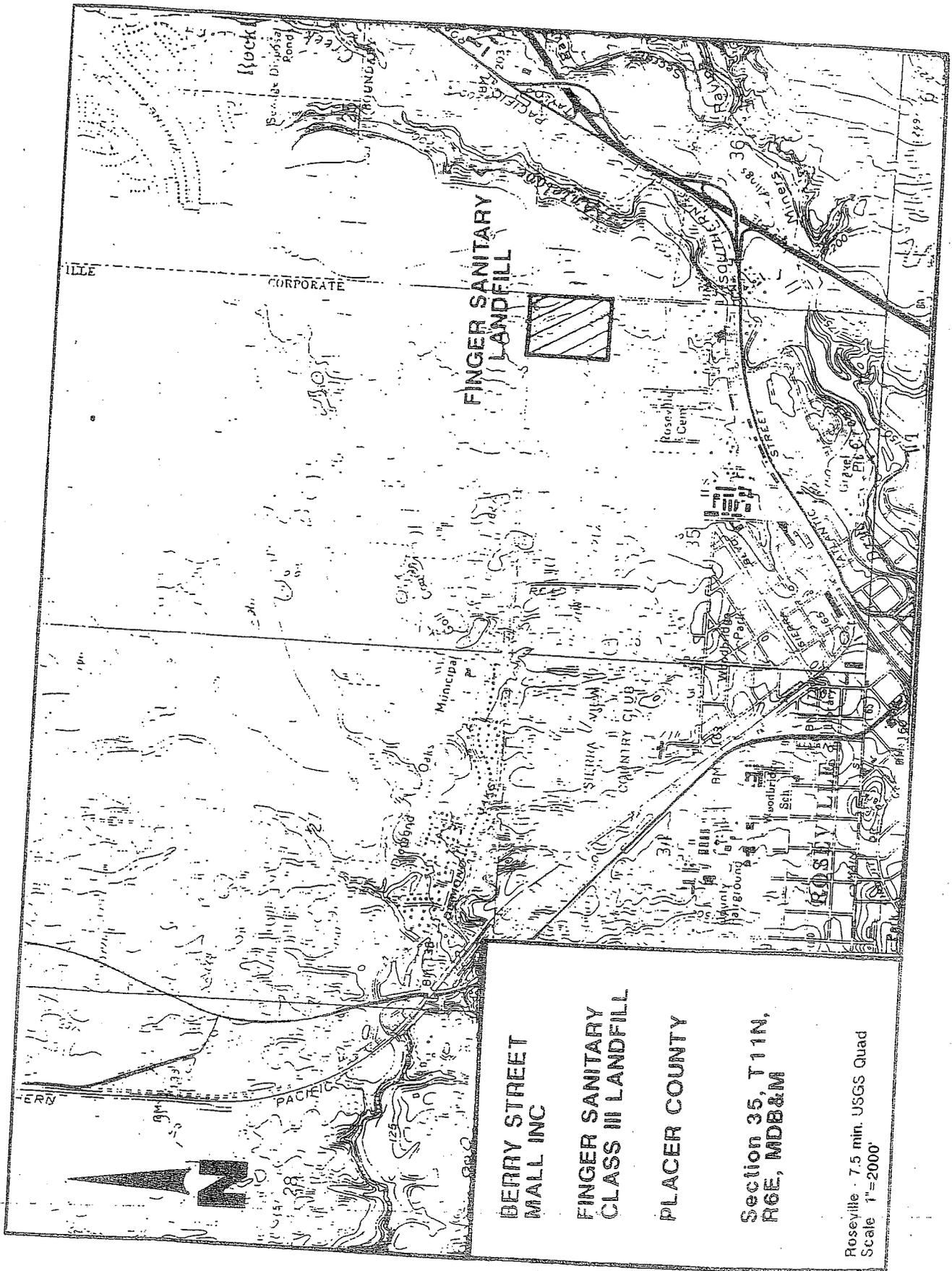
The Landfill is subject to the requirements of Subchapter 15. The existing WDRs are not in conformance with Subchapter 15. Ground and surface water monitoring need to be implemented to assess the impact of the wastes at the site on water quality. A closure and post-closure maintenance plan is also needed. In order

INFORMATION SHEET
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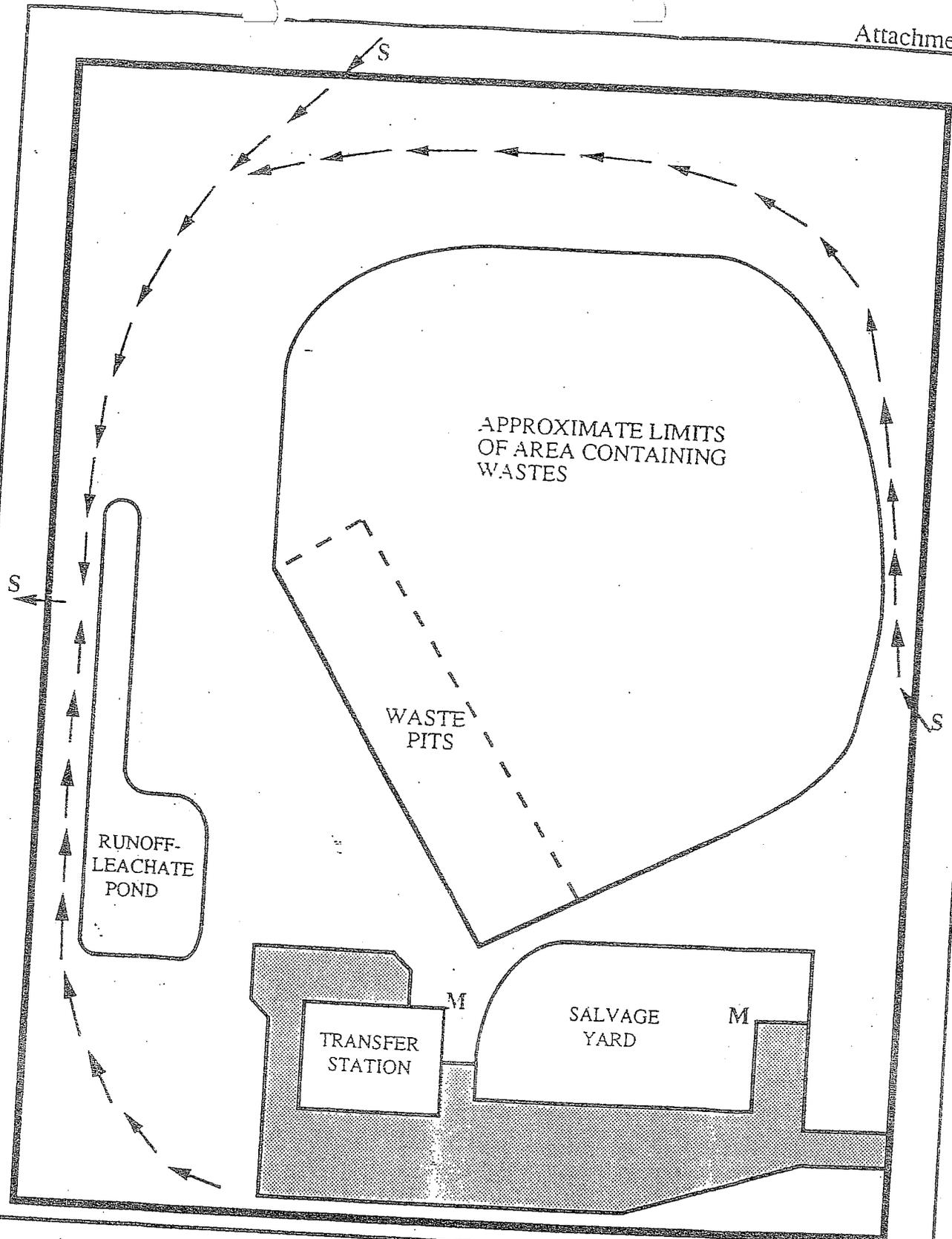
to properly close the site adequate cover and grading are need to prevent leachate generation and provide for drainage. The revised WDRs are designed to bring the site into compliance with the appropriate solid waste disposal site closure requirements, including Subchapter 15, and to prevent the wastes on-site from degrading the quality of local surface and ground waters.

FWP:ej



**BERRY STREET
MALL INC**
**FINGER SANITARY
CLASS III LANDFILL**
PLACER COUNTY
**Section 35, T11N,
R16E, MDB&M**

Roseville - 7.5 min. USGS Quad
 Scale 1"=2000'



BERRY STREET MALL INC
FINGER'S SANITARY CLASS
III LANDFILL
PLACER COUNTY

- LEGEND**
- M - Closure Monument
 - S - Surface Water Monitoring Point
 - ▲ - Surface Drainage Routes

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N
NOT TO SCALE

INFORMATION SHEET

BERRY STREET MALL, INC.
FINGER SANITARY LANDFILL
CLASS III LANDFILL
PLACER COUNTY

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A transfer station is operated on the site with wastes hauled to Western Regional Landfill. Wastes ceased being deposited in the Landfill in November 1987. The Landfill began operation in 1946 and received approximately 224,475 tons of waste. Approximately 10 acres of the 26 acre site received wastes. Inspections subsequent to November 1987 have found inadequate covering of wastes and grading for drainage control. Leachate is generated. Surfacing leachate is collected on-site. It is likely leachate is discharged to surface waters and into the ground. However, since there is no program of regular surface and ground water monitoring, this cannot be verified. The Landfill does not meet the closure requirements of Subchapter 15. Additionally, SWAT proposal was received and approved, however, no work has been done to collect surface or ground water data and it is unlikely the SWAT report for the facility will be received by the deadline (1 July 1989).

Information about site geology and hydrogeology can be found on Findings 9 through 13 of the WDRs and was taken from Engineer's Report of Finger's Sanitary Landfill, October 1971, Atteberry and Associates, and Preliminary Evaluation of Soils/Geologic Conditions, Finger Landfill, 2 February 1981, Moore and Taber, Consulting Engineers and Geologists.

The Waste Management Board has actions pending on the Landfill. On 14 July 1988 they issued a Cleanup and Abatement Order for various violations with tasks to be completed by 1 October 1988. On 31 October 1988 the Waste Management Board referred the Discharger to the Attorney General for violation of the Cleanup and Abatement Order. To the best of staff's knowledge all work to bring the site into compliance with WDR, to meet the requirements of Subchapter 15 and on the SWAT Report ceased shortly after the Discharger was referred to the Attorney General.

The Landfill is subject to the requirements of Subchapter 15. The existing WDRs are not in conformance with Subchapter 15. Ground and surface water monitoring need to be implemented to assess the impact of the wastes at the site on water quality. A closure and post-closure maintenance plan is also needed. In order

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO.

REQUIRING
BERRY STREET MALL INC.
FINGER'S CLASS III LANDFILL CLOSURE
PLACER COUNTY
TO PAY ADMINISTRATIVE CIVIL LIABILITY
FOR
NON-PAYMENT OF ANNUAL FEES

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Board) finds that:

1. Berry Street Mall Inc., Finger's Class III Landfill Closure, (hereafter Discharger) has violated Section 13260(d) of the California Water Code which requires that each person for whom waste discharge requirements have been prescribed pursuant to Water Code Section 13263 shall pay an annual fee according to a fee schedule established by the State Water Resources Control Board (State Board).
2. Waste discharge requirements have been issued to the Discharger and an annual fee has been assessed accordingly. The Discharger was sent an invoice (AFBS No. 02475) for this annual fee on 22 January 1992. An additional notice was sent to the Discharger on 26 March 1992. A final past due notice was sent to the Discharger on 30 April 1992. State Board records indicate that the Discharger failed to make payment in response to those notices.
3. The total annual fee assessed in the notices for Fiscal Year 1991-92 was \$4,000.00.
4. Section 13261(b) provides that failure to pay the annual fee assessed pursuant to Water Code Section 13260 may result in the imposition of administrative civil liability of not more than \$1,000 per day for each day in which the violation occurs. The first day of the violation for non-payment of the required annual fee for Fiscal Year 1991-92 occurred on 26 March 1992.
5. On 15 July 1992, the Executive Officer issued Administrative Civil Liability Complaint No. 92-55017 to the Discharger in the amount of \$5,000.00.
6. The Discharger has not paid the required fees and did not waive the right to a hearing.
7. On 14 August 1992, in Sacramento, California, after due notice to the Discharger, the Board conducted a public hearing at which evidence was received concerning the violation.

ORDER NO.
BERRY STREET MALL
PLACER COUNTY

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8. The Board, after hearing all testimony, determined the Discharger is liable civilly. The Board considered the factors in Water Code Section 13327 in determining the amount of the liability. Specifically, the violation is non-payment of fees. Fees were adequately noticed and the Discharger was fully aware of the fees. Fees are necessary to support the Board's program. The Discharger received economic benefit of non-payment of fees and any interest on the amount not paid.
9. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), in accordance with Section 15321, Title 14, of the California Code of Regulations.

IT IS HEREBY ORDERED, pursuant to Section 13260(d) and 13261(b) of the California Water Code, that Berry Street Mall Inc., Finger's Class III Landfill Closure, pay \$5,000.00 to the State Water Resources Control Board, attention: Accounting Office, 901 P Street, Sacramento, California 95814. This amount shall become due and payable within 30 days of the adoption of this Order.

I, WILLIAM H. CROOKS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 14 August 1992.

WILLIAM H. CROOKS, Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGIONCLEANUP AND ABATEMENT ORDER
FOR
MR. WILLIAM FINGER
FINGER'S SANITARY LANDFILL
PLACER COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Board) finds that:

1. Mr. William Finger is the owner and operator of Finger's Sanitary Landfill, a Class II-2 solid waste disposal facility in the NE-1/4 of Section 35, T11N, R6E, MDB&M.
2. Surface drainage is to the South Branch Pleasant Grove Creek, thence to Pleasant Grove Creek, thence to Verona Cross Canal, thence to the Sacramento River.
3. The beneficial uses of surface waters include industrial and agricultural supply; recreation; aesthetic enjoyment; and preservation and enhancement of fish, wildlife, and other aquatic resources. Beneficial uses of ground waters include domestic supply and emergency municipal supply for the City of Roseville.
4. Waste discharge requirements adopted by the Regional Board on 23 July 1971, and as established in Order No. 72-17, state in part:
 - "A. Discharge Specifications:
 1. The discharge shall not cause a pollution.
 2. Neither the treatment nor the discharge shall cause a nuisance.
 4. Any surface run-off from the surrounding area shall be excluded from the disposal site.
 5. There shall be no direct discharge of liquid waste, solid waste, or leachate into surface drainage courses.
 6. The top of the site shall be graded to promote lateral runoff from precipitation and prevent ponding of water."
5. On 6 August 1980, staff observed violation and threatened violation of specifications A.1, A.2, A.4, A.5, and A.6 of Board Order 72-17. By letter, dated 11 August 1980, the Regional Board staff requested Mr. Finger to prepare a report describing corrective action to be taken to prevent any further violation and threatened violation of requirements. Mr. Finger was also requested to prevent waste from being discharged into a large pit, which had been excavated immediately west of the main landfill, until it was demonstrated to staff that ground water would be adequately protected.

CLEANUP AND ABATEMENT ORDER
FINGER'S SANITARY LANDFILL
PLACER COUNTY

-2-

6. By reports, dated August 1979, December 1980, and July 1981, prepared by Atteberry and Associates, measures to be taken for compliance with existing requirements were recommended to Mr. Finger. These included leachate, surface drainage, and ground water protection controls. To date, these measures have not been implemented.
7. During a meeting on 11 September 1980 with Mr. Finger, staff was informed that Gash and Associates had been retained to provide geohydrologic data, to evaluate potential percolation of waste fluids from the pit, and to recommend monitoring well locations. To date, a report from this firm has not been received.
8. By report, dated 2 February 1981, prepared by Moore and Taber, Engineering Geologists for Mr. Finger, it was determined that the large pit had been excavated into a permeable soil stratum. In this report, Moore and Taber recommended that the pit be backfilled to the top of that stratum and a two foot clay layer be added to provide additional protection of ground waters beneath the pit before any solid waste was deposited in it. To date, this has not been done.
9. By Board letter, dated 28 May 1981, Mr. Finger was requested to monitor ground water, address leachate problems, and implement mitigation measures recommended by Moore and Taber for ground water protection.
10. By Board certified letter, dated 22 October 1981, Mr. Finger was informed that the issues specified in the 28 May 1981 letter still needed to be addressed adequately by 22 November 1981.
11. Atteberry and Associates submitted a letter on 3 December 1981 in response to the Board's 22 October 1981 written request. From the information provided, staff concluded the concerns specified in previous Board correspondence had still not been adequately addressed.
12. In a memo, dated 15 January 1982, staff described their inspection of 6 January 1982 with Mr. Jim Parsons, State geologist, and indicated that the issues specified in the 28 May 1981 letter and the 22 October 1981 letter to Mr. Finger had not been addressed and no construction measures had been implemented. Moreover, the pit had now been partially filled with trash and large quantities of leachate were flowing out of the main landfill into the bottom of the pit to a depth of about three feet. Mr. Finger was not present at the time of the inspection and has been unable to be contacted to date.
13. Section 13304(a) of the California Water Code states:

CLEANUP AND ABATEMENT ORDER
FINGER'S SANITARY LANDFILL
PLACER COUNTY

"Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirements or other order or prohibition issued by a regional 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 board clean up such waste or abate the effects thereof or, in the case of threatened pollution or nuisance, take other necessary remedial action. Upon failure of any person to comply with such 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 such person to comply therewith. In any suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as facts may warrant."

Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.) in accordance with Section 2714(h)(2), Chapter 3, Title 23, of the California Administrative Code.

IT IS HEREBY ORDERED, that pursuant to California Water Code, Section 13304, Mr. William Finger shall:

1. Cease from depositing any solid wastes into the large, excavated pit west of the main landfill until it is demonstrated to staff that consistent compliance with requirements is achieved.
2. Remove and properly dispose of all solid and liquid wastes from the large excavated pit west of the main landfill.
3. Comply immediately with waste discharge requirements established in Order No. 72-17. A California Registered Civil Engineer shall certify upon completion of the work that improvements will provide compliance with requirements.
4. Comply with the following Monitoring Program by 1 March 1982. Sample and analyze ground water collected from the existing monitoring wells or from new monitoring wells capable of allowing representative ground water samples to be obtained, according to the following program:

<u>Constituent</u>	<u>Units</u>	<u>Frequency</u>
COD	mg/l	Weekly
TDS	mg/l	Weekly
BOD ₅	mg/l	Weekly

CLEANUP AND ABATEMENT ORDER
FINGER'S SANITARY LANDFILL
PLACER COUNTY

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Monthly monitoring reports shall be submitted to the Regional Board by the 15th day of the month following the period of record.

5. Submit a written report to this office by 1 March 1982 which includes an explanation of what has been done to comply with this Order and a time schedule showing when other proposed corrective actions will be implemented.



JAMES A. ROBERTSON, Executive Officer

DATED: 29 January 1982



California Regional Water Quality Control Board

Central Valley Region

Steven T. Butler, Chair



Vinston H. Hickox
Secretary for
Environmental
Protection

Gray Davis
Governor

Sacramento Main Office

Internet Address: <http://www.swrcb.ca.gov/~rwqcb5>
3443 Routier Road, Suite A, Sacramento, California 95827-3003
Phone (916) 255-3000 • FAX (916) 255-3015

18 May 1999

CERTIFIED MAIL
Z 100 456 318

A Greener Globe Corporation
6355 Dorne's Road
Lincoln, CA 95648

***TRANSMITTAL OF ADOPTED ORDER NO. 99-023, REGARDING CHANGE OF NAME
AND/OR OWNERSHIP OF FACILITIES HAVING WASTE DISCHARGE REQUIREMENTS,
FINGER SANITARY LANDFILL, PLACER COUNTY***

Enclosed is an official copy of Order No. 99-023 as adopted by the California Regional Water Quality Control Board, Central Valley Region on 30 April 1999 meeting. Order No. 99-023 updates the ownership as shown.

WENDY WYELS, Chief
Waste Discharge to Land Unit
Lower Sacramento River Watershed

Enclosure

APPROVED	
author	_____
senior	WW

FILE

EXHIBIT B

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. 99-023

CHANGE OF NAME AND/OR OWNERSHIP OF FACILITIES
HAVING WASTE DISCHARGE REQUIREMENTS

The California Regional Water Quality Control Board, Central Valley Region, finds that:

1. The Regional Board Orders listed below are for facilities that have had a change of name and/or ownership since adoption of the Orders.
2. These Orders need to be revised to show the current name and/or ownership of these facilities.
3. The Board has notified each discharger of its intent to amend the Orders by substituting the current name and/or ownership of the facilities.
4. The Board heard and considered all comments pertaining to the proposed change of name and/or ownership of each facility.
5. This action is exempt from provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et. seq.) in accordance with Section 15301, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, that the following Orders and Resolutions are amended by updating the discharge facility name and/or ownership name and address as shown below:

<u>Order</u>	<u>Current Facility Name</u>	<u>Current Owner</u>	<u>New Facility Name</u>	<u>New Owner</u>
58-477	M.H. Whittier, LLC Coalinga Oil Field Secs 14 & 24 Lease	M.H. Whittier, LLC 801 Kern St Taft, CA 93268	Chevron USA, Inc. Coalinga Oil Field - Secs 14 & 24 Lease	Chevron USA, Inc. 4900 Calif. Ave. Bakersfield, CA 93309
58-490	Alferitz Resources, Inc., Devils Den Alferitz Lease	Alferitz Resources, Inc. 2880 Mi Elana Circle Walnut Crk, CA 94598	Adams, Arthur Devils Den Alferitz Lease	Arthur McAdams Star Rt. 2, Box 20 Avenal, CA 9320458
58-526	Stinnett Oil Co., Welcome Valley Oil Field, Still- Mayberry Lease	Stinnett Oil Company Star Rt. 2 Box 20 Avenal, CA 93204	McAdams, Arthur Welcome Valley Oil Field Still-Mayberry Lease	McAdams, Arthur Star Rt. 2 Box 20 Avenal, CA 93204
68-208	Rio Bravo Jasmin Jasmin Oil Field Cantleberry Lease	Rio Bravo Jasmin 16845 Von Karman Ave. Irvine, CA 92714	Tetra Oil Company Jasmin Oil Field Cantleberry Lease	Tetra Oil Company 1400 Easton Dr., Ste. 152 Bakersfield, CA 93309
69-229	Bruce Anderson Kern River Oil Field Kern River Lease	Bruce Anderson 1000 Louisiana St., Ste 900 Houston, TX 77002	Weller, Wendell 8221 So. Granite Rd. Bakersfield, CA 93308	Weller, Wendell 8221 So. Granite Rd. Bakersfield, CA 93308

ORDER NO. 99-023
CHANGE OF NAME/OWNERSHIP

<u>Order</u>	<u>Current Facility Name</u>	<u>Current Owner</u>	<u>New Facility Name</u>	<u>New Owner</u>
69-243	Chaparral Petroleum, Inc Kern River Boots Lease	Chaparral Petroleum, Inc 206 H Street Bakersfield, CA 93304	Pace Western Corp., Kern River Boots Lease	Pace Western Corp. 2809 China Grade Loop Bakersfield, CA 93308
87-196	Anderson Solid Waste, Inc., Class III Landfill, Class II Surface Impoundments, Shasta Co.	Anderson Solid Waste, Inc., 18703 Cambridge Road Anderson, CA 96007	Anderson Landfill, Inc., Class III Landfill, Class II Surface Impoundments, Shasta County	Anderson Landfill, Inc., Class III Landfill, Class II Surface Impound- ments, Shasta County
88-184	Iron Mountain Ski Resort, Highway 88 Pioneer, CA 95666	Iron Mountain Ski Resort 1345 E. Roland Street Carson City, NV 89701	Iron Mountain Ski Resort Highway 88, Pioneer, CA 95666	Sierra Acquisition Company, 9998 I Mormon Emigrant Trail Pioneer, CA 95666 (209) 258-4400
89-115	Finger Sanitary Landfill, Berry Street, Roseville, Placer County	Berry Street Mall, Inc. William Finger 901 Berry Street Roseville, CA 95678	Finger Sanitary Landfill Berry Street, Roseville (APN 015-100-048)	A Greener Globe Corporation, 6355 Dorne's Road, Lincoln, CA 95648
89-198	Simpson Paper Company, Twin Bridges Landfill Facility, Class II Landfill, Class II Surface Impound- ment, Shasta Co.	Simpson Paper Company P.O. Box 637 Anderson, CA 96007-0637	Shasta Paper Company Twin Bridges Landfill Facility, Class II Landfill, Class II Surface Impoundment, Shasta Co.	Shasta Paper Company P.O. Box 637. Anderson, CA 96007- 0637
90-055	Waste Treatment Facility	Gold Beach Park 8201 Hwy 49, Box No. 5 El Dorado, CA 95623	Gold Beach Park WWTF 8201 Hwy 49, Box No. 5 El Dorado, CA 95623	Larry Morales, Gold Beach Park, P.O. Box 1086, El Dorado, CA 95623, (530) 620-6905
92-079	Mokelumne Bluffs Wastewater Treatment Plant Hwy. 88 at Meadowbrook Rd	Amador County Water Dist. 12800 Ridge Road Sutter Creek, and Mokelumne Bluffs, L.P. P. O. Box 1066 Woodbridge, CA	Mokelumne Bluffs Wastewater Treatment Facility	Amador County Water Dist., 12800 Ridge Road Sutter Creek 95685, and The Awbrey Trust 12201 Pioneer Road Jackson, CA 95642
92-197	Roseville Railyard 9499 Atkinson Street, Roseville, CA 95678	Southern Pacific Transportation Company One Market Plaza, Room 1007, San Francisco, CA 94105	Roseville Railyard 9499 Atkinson Street Roseville, CA 95678	Union Pacific Railroad 1416 Dodge Street, Room 930, Omaha, NE 68179, (402) 271-2262

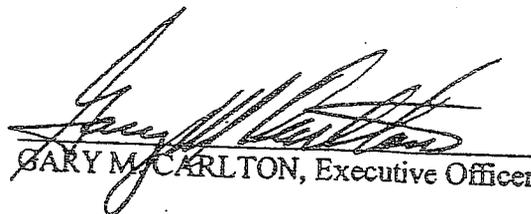
ORDER NO. 99-023
CHANGE OF NAME/OWNERSHIP

<u>Order</u>	<u>Current Facility Name</u>	<u>Current Owner</u>	<u>New Facility Name</u>	<u>New Owner</u>
94-099	Capell Valley Mobile Home Park, 6004 Montecello Road, #44, Napa, CA 94558	Capell Valley Mobile Home Park, 6004 Montecello Road, #44 Napa, CA 94558	Capell Valley Mobile Home Park, 6004 Montecello Road, #44, Napa, CA 94558	Robert Joe, Capell Valley Estates, P.O. Box 118, Clayton, CA 94517, (925) 672-3444
94-310	Tenney Construction Company, Inc. - Pit 2, Tehama County	Eugene A. & Marjorie L. Tenney, 19990 Bowman Road, Cottonwood, CA 96022	Cottonwood Creek Sand and Gravel, Tehama County	Cottonwood Creek Sand and Gravel, P. O. Box 493416, Redding, CA 96049
95-064	Silva Ranch Sludge Application, 11540 Clay Station Road Herald, CA	Future-Tech Environmental 1116 Hastings Court Antioch, CA 95638	Silva Ranch Sludge Application, 11540 Clay Station, Road, Herald, CA	Residuals Processing, Inc., 33333 Western Ave., Union City, CA 94587, (510) 429-4900
95-123	Orland Pit	Jaxon Enterprises P.O. Box 994248 Redding, CA 96099.	Orland Plant, Baldwin Contracting, Company, Inc. 6415 County Road 7 Orland, CA 95963	Baldwin Contracting Company, Inc., 1764 Skyway, Chico, CA 95928, (530) 891-6555
96-073	Terry E. Smith and Gale Easley, Essayons-Hardrock, JV, and Dorothea E. Kramer Trust, et al., Kramer Quarry and Asphalt Operation, Lassen County	Essayons-Hardrock, JV P.O. Box 493699 Redding, CA 96049	Tony Cruse and Gale Easley, dba Hard Rock Construction, and Dorothea E. Kramer Trust, et al., Kramer Quarry and Asphalt Operation, Lassen County	Tony Cruse and Gale Easley Hard Rock Construction P.O. Box 879 Alturas, CA 96101
96-120	Quail Lake Estates WWTF, 4382 N. Waterside Way Clovis, CA 93611	Quail Lake Estates, The Cambrian Group and Fresno County Service Area No. 47, One Kaiser Plaza Suite 650, Oakland, CA 94612	Quail Lake Estates WWTF 4382 N. Waterside Way Clovis, CA 93611	Fresno County Service Area No. 47, 2220 Tulare St., 6th Floor, Fresno, CA 93721, (559) 262-4259
96-205	Atwater Canning Company	Atwater Canning Company P. O. Box 814, Atwater, CA 95301	Atwater Facility	Sun Garden-Gangi Canning Company, LLC, P. O. Box 830, Riverbank, CA 95267
97-100	Wastewater Treatment Pond System, Hwy 113, Dixon	Ellensburg Lamb Company, dba Superior Packing Company and Ellen Dutton, 1477 Drew Avenue, Suite 101, Davis, CA 95616	Wastewater Treatment Pond System, Hwy 113, Dixon	Ellensburg Lamb Company, dba Superior Packing Company and Transhumance, Inc., c/o Superior Packing Company, 1477 Drew Avenue, Suite 101, Davis, CA 95616

ORDER NO. 99-023
CHANGE OF NAME/OWNERSHIP

<u>Order</u>	<u>Current Facility Name</u>	<u>Current Owner</u>	<u>New Facility Name</u>	<u>New Owner</u>
97-120	ARCO Western Energy Kern River Oil Field China Grade Loop & Manor, Bakersfield, CA	ARCO Western Energy P.O. Box 147 Bakersfield, CA 93302	Texaco Exploration and Production, Inc. Kern River Oil Field China Grade Loop & Manor, Bakersfield, Ca	Texaco Exploration and Production, Inc. P.O. Box 5197X Bakersfield, CA 93388
98-023	Silva Ranch II - Biosolids Application, 11540 Clay Station Road Herald, CA	Future-Tech Environmental 1116 Hastings Court Antioch, CA 95638	Silva Ranch II - Biosolids Application, 11540 Clay Station Road, Herald, CA	Residuals Processing, Inc., 33333 Western Ave. Union City, CA 94587 (510) 429-4900

I, GARY M. CARLTON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 30 April 1999.


GARY M. CARLTON, Executive Officer

AMENDED 4/30/99

EXHIBIT C



California Regional Water Quality Control Board

Central Valley Region

Steven T. Butler, Acting Chair



Gray Davis
Governor

John H. Hickox
Secretary for
Environmental
Protection

Sacramento Main Office
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3443 Rautier Road, Suite A, Sacramento, California 95827-3003
Phone (916) 255-3000 • FAX (916) 255-3015

15 October 1999

Mr. Daniel Sheehan
A Greener Globe Corporation
6355 Dorne's Road
Lincoln, CA 95648

FILE

CERTIFIED MAIL
No. Z 684 995 512

CLEANUP AND ABATEMENT ORDER NO. 99-724, FINGER SANITARY LANDFILL, (BERRY STREET MALL), PLACER COUNTY

Enclosed is Cleanup and Abatement Order (CAO) No. 99-724 for the Finger Sanitary Landfill. The CAO requires that you (a) pay \$12,000 in past due annual fees, (b) pay future annual fees in a timely manner, (c) conduct quarterly groundwater monitoring as required by Waste Discharge Requirements No. 89-115, (d) complete an investigation to determine the lateral and vertical extent of groundwater contaminated by the Finger Sanitary Landfill, (e) clean up a small fuel spill and, (f) remove waste material located in and around the sedimentation pond.

If you have any questions, please contact Robert Busby of my staff at (916) 255-3136.

GARY M. CARLTON
Executive Officer

RDB
[Handwritten signature]

Enclosures: CAO Order No. 99-724
Stormwater NOI

cc w/ Order: Regional Board Members

- Ms. Frances McChesney, Office of Chief Counsel, State Water Resources Control Board, Sacramento
- Mr. John Youngerman, Division of Water Quality, State Water Resources Control Board, Sacramento
- Ms. Margie Youngs, Compliance and Enforcement Branch, State Water Resources Control Board, Sacramento
- Mr. Frank Limacher, Office of Statewide Consistency, State Water Resources Control Board, Sacramento
- Ms. Michele Bond, Division of Administrative Services, State Water Resources Control Board, Sacramento
- Mr. Tim Crist, California Integrated Waste Management Board, Sacramento
- Mr. Paulino Luna, Permitting and Enforcement Division, California Integrated Waste Management Board, Sacramento
- Mr. Dave Altman, Placer County Department of Environmental Health, Auburn
- Mr. Michael Wixon, City of Roseville Planning Department, Roseville
- Mr. Cal Brown, Capitol Waste, Sacramento

California Environmental Protection Agency

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. 99-724

FOR
A GREENER GLOBE CORPORATION
FINGER SANITARY LANDFILL
PLACER COUNTY

This Order is issued to A Greener Globe Corporation (hereafter known as Discharger) based on provisions of California Water Code Section 13304 which authorizes the Regional Water Quality Control Board, Central Valley Region (hereafter Board) to issue a Cleanup and Abatement Order.

The Board finds, with respect to the Discharger's acts, or failure to act, the following:

1. The Finger Sanitary Landfill is located at the northern end of Berry Street in Roseville within the NE1/4 of the NE1/4, Section 35, T11N, R6E, MDB&M. The parcel number is APN-015-100-048.
2. A Greener Globe Corporation is the current owner of record of the Finger Sanitary Landfill. William Finger operated the landfill from 1952 through approximately 1987. The landfill was owned by Berry Street Mall, Inc. and the Estate of William Finger from November 1987 until August 1996 when A Greener Globe Corporation acquired ownership through foreclosure.
3. The Board adopted closure Waste Discharge Requirements (WDRs) Order No. 89-115 on 23 June 1989 after unsuccessful attempts by Board staff to secure a completed Report of Waste Discharge from Berry Street Mall, Inc. WDRs No. 89-115 contain closure requirements and a monitoring and reporting program that requires the Finger Sanitary Landfill owners to periodically monitor surface and groundwater and to submit quarterly reports to the Board.
4. Due to the failure of the Berry Street Mall, Inc. to close the landfill, the California Integrated Waste Management Board (CIWMB) decided to undertake the closure of the facility including, in part, groundwater monitoring and installation of a clay cap. Closure was completed in 1993. However, the CIWMB did not take over ownership or responsibility of the site.
5. In a memo of 3 June 1992, the CIWMB stated that the Berry Street Mall, Inc. and the Estate of William Finger were the financially responsible parties of the landfill. Further, the remedial activities of the CIWMB were not considered operations activities. Board staff concurred with the findings of the CIWMB.
6. The CIWMB installed four onsite groundwater monitoring wells in 1993. The wells were sampled four times between June and October 1993. The following volatile organic compounds (VOCs) were detected at the corresponding maximum concentrations: chloroform (18.0 micrograms per liter (ug/L)); dibromochloromethane (13.0 ug/L); 1,2-dichloroethene (2.0 ug/L); ethylbenzene (0.7 ug/L); tetrachloroethene (1.3 ug/L); toluene (2.0 ug/L); trichloroethene (1.3 ug/L);

trichlorofluoromethane (7.0 ug/L); and total xylenes (1.5 ug/L). The concentrations of three of these VOCs exceed their applicable water quality limits.

7. The presence of VOCs in the groundwater constitutes evidence of a release as described in Section 20420 of Title 27 of the California Code of Regulations. Section 20430 of Title 27 requires the Discharger to take corrective action to remediate releases and to achieve concentration limits at all monitoring points throughout the zone affected by the release. The landfill was closed as an initial corrective action measure; however, continued monitoring is required to demonstrate that this corrective action will lead to a condition in which the concentration of waste constituents in groundwater are reduced to levels which are below concentration limits.
8. On 10 January 1997, Chamberlain, Chamberlain and Baldo (Attorneys at Law) wrote a letter to the State Water Resources Control Board entitled "Estate of William Finger, Deceased, Placer County Probate Matter No. 85906, Berry Street Mall, Inc.". The letter stated that "proceedings in reference to the estate of William Finger, deceased, have been pending in the Placer County Superior Court since early 1992 and are covered under probate proceedings P-0339.....and that a change of ownership occurred by virtue of foreclosure proceedings and title was transferredto A Greener Globe Corporation (deed recorded on 8/19/96)."
9. In an 11 March 1997 letter to A Greener Globe Corporation, Board staff stated that "as a new owner of the landfill, A Greener Globe Corp. is responsible for postclosure maintenance and monitoring of the landfill."
10. In a certified letter to the Discharger dated 2 July 1997, Board staff requested payment of annual fees for the landfill and stated that an Administrative Civil Liability Complaint may be issued pursuant to the penalty provisions of Section 13261 of the California Water Code if full payment was not made. The letter also requested submittal of an acceptable time table for sampling the landfill monitoring wells and submission of monitoring reports to the Regional Board as required by WDRs No. 89-115. The Discharger did not pay the annual fees and did not submit a schedule for sampling the landfill monitoring wells and submitting monitoring reports. 7-2-97
AOL
In re: estate
11. In a certified letter to the Discharger dated 10 August 1998, Board staff stated that the Discharger is responsible for complying with the requirements in the WDRs and that the Discharger has not paid annual fees and has not complied with WDR provisions for post-closure maintenance and ground and surface water monitoring requirements. Once again, the Discharger did not pay the annual fees or initiate groundwater or surface water monitoring.
12. On 22 December 1998, Board staff inspected the site and met with a representative of the Discharger. Staff was informed that the Discharger had retained Espana Geotechnical to conduct quarterly monitoring. The preliminary results of the quarterly monitoring were discussed. Apparently, only one of the four groundwater monitoring wells was sampled. The Discharger stated that a copy of the final report would be mailed to the Board.

13. On 15 January 1999, Board staff issued a certified letter to the Discharger stating that, pursuant to Section 13267 of the Porter-Colgne Water Quality Control Act, the Discharger was required to furnish a surface water and groundwater monitoring report and that all four groundwater monitoring wells must be sampled. The letter also requested past due WDR fees in the amount of \$12,000. The letter stated that civil liability may be administratively imposed by the Board in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.
14. The Discharger verbally notified staff on 21 January 1999 that a contract was being negotiated with a consultant to implement the surface and groundwater monitoring program.
15. On 22 January 1999, Board staff received Espana Geotechnical's December 1998 *Limited Ground Water and Landfill Gas Monitoring Report*. The data show that chloroform and cis-1,2-dichloroethene were detected in groundwater monitoring well MW-4 at 1.22 ug/L and 0.158 ug/L, respectively. Because the other three wells were not sampled as required by WDRs 89-115, staff do not know the direction of groundwater flow. The report stated that two of the wells were not sampled due to the height of the well casing above the actual wellhead and that the third was not sampled since the dedicated submersible pump was not operable. Gas samples were obtained from the four gas monitoring wells.
16. On 24 May 1999, Board staff issued a draft version of this Cleanup and Abatement Order that required submission of any comments by 9 June 1999.
17. On 7 June 1999, Board staff met with the Discharger to discuss the Draft Cleanup and Abatement Order. The Discharger stated that they did not have the financial resources to fulfill all of the requirements identified in the Order. The Discharger submitted laboratory analytical results for three of the four on-site groundwater monitoring wells which were sampled on 10 May 1999. However, a technical report describing the monitoring procedures and analytical results has not been submitted to date.
18. In a 14 June 1999 letter, the Discharger stated that they could not pay the required fees and conduct the required quarterly monitoring. The Discharger proposed that all fees be waived and the quarterly monitoring be continued for two years.
19. In a 12 August 1999 letter to the Discharger, Board staff requested that the Discharger submit financial records including the last two years of corporate tax returns or sole-proprietorship returns, audited balance sheets, audited income statements, and proof of non-profit status. Financial records were received on 27 September 1999.
20. An economist with the State Water Resources Control Board's Office of State Wide Consistency has reviewed the Discharger's financial records and determined that the Discharger has not proven inability to pay or proven that the proposed penalty will pose a severe financial burden to A Greener Globe Corporation.

21. On a 7 October 1999 inspection, Board staff observed numerous large piles of concrete rubble, sheet rock and trash located west of the transfer station. Some of the piles were located within a sedimentation pond. Fuel spillage was observed beneath an above ground fuel storage tank.
22. This Cleanup and Abatement Order has been issued because the Discharger is out of compliance with Title 27 of the California Code of Regulations. Completion of the work at the dates specified in this Cleanup and Abatement Order will bring the Discharger back into regulatory compliance.
23. The limited groundwater monitoring completed to date clearly shows that the landfill has adversely impacted groundwater at this facility, causing a condition of pollution or nuisance.
24. As a result of the activities described in this Order, the Board finds that the Discharger has caused or permitted waste to be discharged or deposited where it has discharged to waters of the state and has created, and continues to threaten to create, a condition of pollution or nuisance.
25. The Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Fourth Edition)* (Basin Plan) establishes beneficial uses of the waters of the state and water quality objectives to protect those uses. The beneficial uses of the groundwater beneath the site are domestic, municipal, industrial, and agricultural supply.
26. The State Water Resources Control Board has adopted Resolution No. 92-49, the "*Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304.*" This Policy sets forth the procedures to be used during an investigation or cleanup of a contaminated site and requires that cleanup standards be consistent with State Water Board Resolution 68-16 (the antidegradation policy). Resolution 92-49 and the Basin Plan establish the cleanup levels to be achieved.
27. Section 13304(a) of the California Water Code 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 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 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. 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 any such suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant."
28. Section 13267(b) of the California Water Code provides that: "In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of discharging, or who proposes to discharge waste outside of its region that could affect the quality of waters of the state within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of

these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports."

29. Section 13260(d)(1) of the California Water Code provides that: "Each person for whom waste discharge requirements have been prescribed pursuant to Section 13263 shall submit an annual fee not to exceed ten thousand dollars (\$10,000) according to a reasonable fee schedule established by the state board. Fees shall be calculated on the basis of total flow, volume, number of animals, or area involved."
30. 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, pursuant to Section 15321(a)(2), Title 14, California Code of Regulations.
31. Any person affected by this action of the Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with Title 23 California Code of Regulations sections 2050- 2068. The petition must be received by the State Board within 30 days of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Board, any person adversely affected by this Order may request the Regional Board to reconsider this Order. Such request should be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Board is sought, filing a petition with the State Board within the statutory time period is necessary to preserve the petitioner's legal rights.

IT IS HEREBY ORDERED that, pursuant to Sections 13304, 13260, and 13267 of the California Water Code, A Greener Globe Corporation shall:

1. By **15 November 1999**, submit a total of \$12,000 in past due annual fees. Failure to do so shall be considered a violation of this Order.
2. Pay future annual fees in a timely manner. Failure to do so shall be considered a violation of this Order.
3. Within seven days of receipt of this Order, clean up the small fuel spill located near the above ground diesel storage tank and implement spill containment measures.
4. By **15 November 1999**, remove all waste and trash located in and around the sedimentation pond located near the southwestern corner of the site.
5. By **15 November 1999**, submit a completed Notice of Intent to comply with the requirements set forth in State Water Resources Control Board Orders Nos. 91-13-DWQ and 92-12-DWQ for discharge of storm water.
6. Conduct monitoring of the existing wells, and any additional wells that may be installed during the duration of this Order, as required by WDRs No. 89-115. In addition to the constituents listed in WDRs No. 89-115, all groundwater samples shall be analyzed for Total Petroleum Hydrocarbons

as gasoline and as diesel (by US EPA Method 8015) and methyl tert-butyl ether (by US EPA Method 8260).

7. Submit the Third Quarter 1999 Monitoring Report by **1 December 1999** and quarterly monitoring reports thereafter in accordance with WDRs No. 89-115.
8. Investigate the extent of all groundwater contaminated by Finger Sanitary Landfill. Compliance with this requirement shall include, but not be limited to, the measures below. All activities shall conform State Board's *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304* and with the Water Quality Control Plan.

The Discharger shall comply with all applicable provisions of Title 27 of the California Code of Regulations that are not specifically referred to in this Order. All workplans and reports shall follow the outline found in Attachment A. Work shall be accomplished only after workplans are approved or conditionally approved the Regional Board staff. The Discharger must incorporate all conditions of approval into the workplan. The Discharger may not make any modifications to any workplan without a written request to staff and a written approval by staff. Failure to complete every item in an approved workplan will be considered a violation of this Order.

As required by the California Business and Professions Code Sections 6735, 7835, and 7835.1, all reports shall be prepared by, or under the supervision of, a registered professional engineer or geologist and signed by the registered professional.

The Discharger shall complete the following activities by the listed dates:

- a. By **20 November 1999** submit proof that a consultant has been retained to conduct an investigation.
 - b. By **1 January 2000**, submit a workplan to determine (1) the lateral and vertical extent of groundwater contamination and (2) background groundwater quality.
 - c. Within **120 days** of staff approval of the workplan, submit the results of the groundwater investigation. The report shall also contain a proposal for the installation of any additional monitoring wells necessary to monitor the dimensions of the plume.
 - d. Within **60 days** of staff approval of the well installation proposal, submit a well installation report.
9. Notify Board staff at least five working days prior to any on-site work, testing, or sampling.
 10. Obtain all local and state permits necessary to fulfill the requirements of this Order prior to beginning the work.

11. Any remediation or monitoring activities shall be continued until such time as the Board determines that sufficient cleanup has been accomplished and this Order has been rescinded.
12. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability.

This Order is effective upon the date of signature.


GARY M. CARLTON, Executive Officer

15 October 1999

(Date)

RDB: 14 October 1999

Attachment

ITEMS TO BE INCLUDED IN A SITE ASSESSMENT WORK PLAN

The outline below is a minimum requirement for items to be included and discussed in the text of all site assessment work plans submitted to the Board. All work plans must be signed by a registered geologist, certified engineering geologist, or civil engineer registered or certified by the State of California.

I. BACKGROUND

A. Site History

- State all operations conducted at the site.
- Identify present and hisotric chemical usage and handling procedures.
- List all chemical spills and their disposition.
- Identify all past and present above ground and under ground tank locations.
- Identify tank capacities and other specifications as necessary.
- Identify tank contents, past and present.
- Submit all records of tests or repairs on fuel lines and tanks.
- Identify locations of maintenance shops, chemicals used in the shops, method of chemical storage and disposal.

B. Topographic map of site vicinity showing:

- All natural and man-made drainage features including ditches and surface impoundments, and the drainages destination;
- Utilities, especially storm drain system;
- Location of existing monitoring wells, including those installed by other parties;
- Location of above ground and underground storage tanks, other waste-handling facilities, and/or spill site;
- Location of a major body of water relative to the site;
- Location of any nearby private, municipal, or irrigation wells; and
- Other major physical and man-made features.

C. Geology/Hydrogeology

- Include proposal for logging of boreholes and characterizing site geology, and identifying unconfined or confined aquifers and contaminant flowpaths.

II. PREVIOUS SITE ASSESSMENTS

- Provide a detailed description of any previous site assessment conducted to determine if there is any soil or ground water contamination. Include analytical results of all soil and water samples analyzed, and water level and floating product measurements.

III. FIELD INVESTIGATION

A. General

- Monitoring well locations and rationale
- Survey details
- Equipment decontamination procedures
- Health and safety plan

B. Drilling Details

- Describe drilling and logging methods

C. Monitoring Well Design

- Casing diameter
- Borehole diameter
- Depth of surface seal
- Well construction materials
- Diagram of well construction
- Type of well cap
- Size of perforations and rationale
- Grain size of sand pack and rationale
- Thickness and position of bentonite seal and sand pack
- Depth of well, length and position of perforated interval

D. Well Development

- Method of development to be used
- Method of determining when development is complete
- Method of development water disposal

E. Soil Sampling

- Cuttings disposal method
- Analyses to be run and methods
- Sample collection and preservation method
- Intervals at which soil samples are to be collected
- Number of soil samples to be analyzed and rationale
- Location of soil samples and rationale
- QA/QC procedures

F. Well Sampling

- Minimum time after development before sampling (48 hours)
- Well purging method and amount of purge water
- Sample collection and preservation method

QA/QC procedures

G. Water Level Measurement

Elevation reference point at each monitoring well shall be within 0.01 foot. Ground surface elevation at each monitoring well shall be within 0.1 foot. Method and time of water level measurement shall be specified.

IV. QA/QC PROCEDURES

Specify number of field blanks and duplicates.

V. TIME SCHEDULE FOR PROPOSED WORK

The work plan shall include a time schedule for implementation of work.

ITEMS TO BE INCLUDED IN A SITE ASSESSMENT REPORT

The outline below is a minimum requirement for items to be included and discussed in the text of all site assessment reports submitted to the Board. Other supporting data to be included in the report, either within the text of the report or in appendices, are italicized at the end of each section. All reports must be signed by a registered geologist, certified engineering geologist, or civil engineer registered or certified by the State of California.

I. INTRODUCTION

Summary of past investigations

Purpose of the recent investigation

Scope of the recent investigation

Time period in which the recent investigation was carried out

II. SUMMARY

Number of wells drilled

Results of soil and water analyses

Ground water flow direction and gradient

Possible source determination

III. FIELD INVESTIGATION

Well Construction

Number and depth of wells drilled

Date(s) wells drilled

Description of drilling and construction

Approximate locations relative to facility site(s)

Supporting Data:

A well construction diagram for each well should be included in the report which shows the following details:

*Total depth drilled
 Depth of open hole (same as total depth drilled if no caving occurs)
 Footage of hole collapsed
 Length of slotted casing installed
 Depth of bottom of casing
 Depth to top of sand pack
 Thickness of sand pack
 Depth to top of bentonite seal
 Thickness of bentonite seal
 Thickness of concrete grout
 Boring diameter
 Casing diameter
 Casing material
 Size of perforations
 Number of bags of sand
 Well elevation at top of casing
 Depth to ground water
 Date of water level measurement
 Monitoring well number
 Date drilled
 Location*

Well Development

*Date(s) of development of each well
 Method of development
 Volume of water purged from well
 How well development completion was determined
 Method of effluent disposal*

Supporting Data:

Field notes from well development should be included in report.

Water Sampling

*Date(s) of sampling
 How well was purged
 How many well volumes purged
 Levels of temperature, EC, and pH at stabilization
 Sample collection, handling, and preservation methods
 Sample identification
 Analytical methods used*

Soil Sampling

*Date(s) of sampling
 Sample collection, handling, and preservation method*

Sample identification
Analytical methods used

IV. FINDINGS OF THE INVESTIGATION

Lithology

Types of sediments encountered
Presence, location, and lateral continuity of any significant sand, silt, or clay layers
Any visual signs of contamination

Supporting Data:

Well logs geologic cross-sections should be included in the report.

Analytical Results of Soil and Ground Water Sampling

Analytical results of each monitoring well should be summarized

Supporting Data:

*Laboratory analytical sheets
Chain-of-custody forms*

Water Levels

Static water levels measured when well drilled
Date(s) of water level measurements
Water levels determined prior to sampling

Supporting Data:

Dates of water level measurement, depths to ground water, and ground water elevations should be tabulated and included in the report.

Ground Water Gradient and Flow Direction

Ground water gradient and flow direction determined by the investigation should be discussed and compared to the regional gradient and flow direction.

Supporting Data:

A ground water contour map, drawn to scale, should be provided which shows each well, its ground water elevation, and lines of equal ground water elevation. Ground water gradient and flow direction should be shown on the map. The calculation of the gradient should be included.

V. RESULTS OF QA/QC

QA/QC procedures
QC sample identification
Field blank analyses
Comparison of duplicate sample results

VI. CONCLUSIONS AND RECOMMENDATIONS

Note any contamination found

Identify any suspected source of contamination, if possible

Recommend any further investigative needs

The topics listed above are only the minimum which need to be included in site assessment reports for the Board. All other pertinent information specific to each individual investigation also should be included.

SENDER:

- Complete item 1 and/or 2 for additional services.
- Complete item 1, 2, 3, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

RBB

Let us wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Is your RETURN ADDRESS completed on the reverse side?

Article Addressed to:
Mr. Daniel Sheehan
A Greener Globe Corporation
6355 Dorne's Road
Lincoln, CA 95648

4a. Article Number
2 6P4 995 512

4b. Service Type

- Registered
- Express Mail
- Return Receipt for Merchandise
- Certified
- Insured
- COD

7. Date of Delivery
10-19-99

5. Received By: (Print Name)
D. Sheehan

6. Signature (Addressee or Agent)
[Handwritten Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-99-B-0223 Domestic Return Receipt

Thank you for using Return Receipt Service.

DECLARATION OF SERVICE

Case Name : Central Valley Regional Water Quality Control Board v. A Greener Globe
Case No. : SCV11383
Court : Placer County Superior Court

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the Bar of this Court at which member's direction this service is made. I am 18 years of age or older and not a party to the within entitled case.

On June 26, 2003, I served the following:

STIPULATED FINAL JUDGEMENT

addressed as follows:

RICHARD D. STEFFAN, Esq.
389 Auburn Ravine Road
Auburn, California 95603-3715

U.S. MAIL: I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

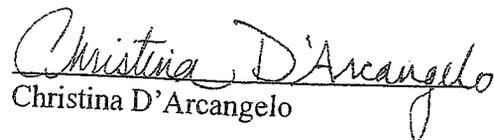
FACSIMILE TRANSMISSION: On the date below from facsimile machine number (916) 327-2319, I personally transmitted to the above-named person(s) to the facsimile number(s) shown above, pursuant to California Rules of Court 2003-2008. A true copy of the above-described document(s) were transmitted by facsimile transmission and the transmission was reported as complete and without error. A copy of the transmission report issued by the transmitting machine is attached to this proof of service.

OTHER SERVICE: I caused such envelope(s) to be delivered to the office of the addressee(s) listed above by:

Express Mail
Golden State Overnight
Messenger

PERSONAL SERVICE: By causing a true copy of the above-described documents to be hand delivered to the office(s) of the addressee(s).

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on June 26, 2003, at Sacramento, California.


Christina D'Arcangelo

DECLARATION OF SERVICE
(AG Mailroom)

Case Name: State v. A Greener Globe

No.: SCV13231

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On July 11, 2003, I served the attached **Notice of Entry of Stipulated Final Judgment** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 1300 I Street, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

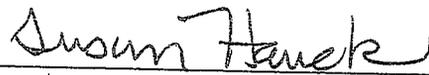
Richard D. Steffan
Attorney at Law
389 Auburn Ravine Road
Auburn, CA 95603-3715

Dan Sheehan, Project Manager for Defendant
A Greener Globe, Inc.
6355 Dorne's Road
Lincoln, CA 95648

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 11, 2003. at Sacramento, California.

Susan Hauck

Typed Name



Signature