

ITEM: 20

SUBJECT: a. Florin Perkins Landfill, Inc., Jackson Road Landfill, Sacramento County
b. Florin Perkins Landfill, Inc., Florin Perkins Landfill, Sacramento County

BOARD ACTION: *Consideration of Administrative Civil Liability Orders*

BACKGROUND: Florin Perkins Landfill, Inc. (FPLI) operated the 25-acre Jackson Road Landfill and the 106-acre Florin Perkins Landfill from 1993 to February 2005. Both unlined landfills are near the Jackson Highway at Florin Perkins Road in the City of Sacramento. The landfills are commonly owned by a group of family trusts, led by Nancy Cleavinger, Trustee of the Nancy C. Cleavinger Revocable Trust, and both the operator and owners are named as Discharger in the WDRs for each site. In February 2005 the owners evicted the operator from the site. In March 2005, the Regional Board's Executive Officer issued separate administrative civil liability complaints to FPLI for violations at each landfill as follows:

A. Jackson Road Landfill

The Discharger violated its WDRs (Order No. R5-2003-0075) for the landfill by failing to close the landfill and failing to conduct a landfill gas (LFG) investigation to address potential groundwater impacts at the site. The Discharger then violated a Cease and Desist Order (No. R5-2003-0138) issued by the Board in 2004 for the WDR violations. The CDO included revised compliance schedules for landfill closure and the LFG investigation. The Discharger violated the CDO by failing to submit a revised final closure plan and by failing to install LFG monitoring wells at the site.

On 4 February 2005, the Executive Officer issued an administrative civil liability complaint to the owners and operators for the CDO violations. On 5 March 2005 the Executive Officer withdrew and re-issued the complaint (ACL Complaint No. R5-2005-0506) in the amount of \$50,000 to only FPLI after the owners provided information that FPLI was, by contract, in exclusive control of site operations and responsible for permitting and regulatory compliance.

B. Florin Perkins Landfill

A release consisting of low concentrations of the volatile organic compound Freon 11 was confirmed in groundwater at the site in October 2002. The landfill's WDRs (Order No. 95-196) required the Discharger to investigate the release and submit an Engineering Feasibility Study report containing the results of the investigation, an evaluation of remedial options and a corrective action plan. The Discharger failed to submit this report in violation of the WDRs and subsequent staff enforcement letters. The Discharger then failed to submit the report in response to a California Water Code Section 13267 Order issued by the Executive Officer in August 2003.

On 3 March 2005, the Executive Officer issued ACL Complaint No. R5-2005-0503 in the amount of \$50,000 to FPLI for the Section 13267 Order violation. The owners were not named as Discharger in the complaint because the operator was, by contract, in exclusive possession and control of site operations and responsible for permitting and regulatory compliance.

ISSUES:

The Dischargers are in continuing violation of the CDO at the Jackson Road Landfill and are in continuing violation of the WDRs and Section 13267 Order at the Florin Perkins Landfill.

The operator has not paid either ACLC and contends that the owner also had control over site operations and should not have been removed from the Jackson Road ACL Complaint. Board staff believes that the ACL Orders are appropriate as proposed.

RECOMMENDATION Adopt the ACL orders as proposed.

Mgmt. Review _____

Legal Review _____

29 April 2005
Central Valley Regional Water Quality Control Board Meeting
11020 Sun Center Drive #200
Rancho Cordova, California 95670-6114