

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

RECORD OF COMMUNICATION

Phone Call Other (specify) _____
 Meeting

P A R T I E S

John Moody, RWQCB

Dave Altmann, Placer Co. LEA*
 Greg Thompson, Russ Quhn,
 Jerome Beauchamp, investors
 Brad Hirsch, attorney

DATE: 7 March 2007

TIME: 10:30 a.m.

* Party Initiating Communication

SUBJECT: Property Purchase/Clean Closure

FILE: Berry Street Mall
 (Fingers) Landfill

SUMMARY OF COMMUNICATION:

Staff participated in a conference call with the LEA and a group of investors considering purchasing the Berry Street Landfill site. The transaction is currently in escrow and the investors are trying to determine their responsibilities regarding the landfill if they complete purchase of the property. The main points of the discussion were as follows:

- New owner(s) of the property would need to be named on the landfill WDRs in place of the current owner, A Greener Globe Corporation as discharger. This could be accomplished through a name change order, if the sale was completed. The WDRs require post-closure maintenance and monitoring of the landfill. Postclosure financial assurances also need to be maintained with the CIWMB.
- Two enforcement orders regarding the site have been issued to the discharger A Greener Globe Corp. – Cleanup and Abatement Order 99-724 and a Stipulated Final Judgement. The investors' attorney (Hirsch) will review the current discharger's compliance status under these orders and evaluate implications for a purchaser of the property.
- The investors are interested in clean closing the property and would like to evaluate whether it would be cost effective. I referred them to Title 27 regulations, noting that clean closure would entail removing all wastes such that they no longer pose a threat to water quality. Groundwater monitoring may also need to continue for a few years to monitor VOC trends after clean closure. I suggested that parties consider retaining a consultant to review the technical issues associated with clean closing the site.
- The property is subject to a 99-year lease to Capitol Waste Inc. and the owner (Greener Globe) has been in litigation with Capitol over lease/sublease issues. Although the litigation was recently settled, legal relationships between the property owner and lessee remain an issue to be considered in the transaction and could affect ultimate plans to develop the property.

CONCLUSIONS, ACTION TAKEN OR REQUIRED:

REVIEWED BY:



WRITTEN BY:

