

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

CEASE AND DESIST ORDER No. 99-90  
WEST MARIN SANITARY LANDFILL INC.,  
HAZEL MARTINELLI, LEROY MARTINELLI, PATRICIA MARTINELLI, AND  
STANLEY MARTINELLI

CLASS III SOLID WASTE DISPOSAL SITE  
POINT REYES STATION, MARIN COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Board), finds that:

1. West Marin Sanitary Landfill Inc. leases and operates West Marin Sanitary Landfill (WMSL), an inactive, 14.7 acre, Class III municipal landfill located in Point Reyes Station, Marin County.
2. WMSL is located on a 1059-acre ranch owned by Hazel, Leroy, Patricia, and Stanley Martinelli. Hazel, Leroy, Patricia, and Stanley Martinelli are also the majority shareholders of WMSL. West Marin Sanitary Landfill Inc. and Hazel, Leroy, Patricia, and Stanley Martinelli are hereinafter the dischargers.
3. The dischargers are violating Waste Discharge Requirements Order No. 98-074 that established a timeline for closing and capping the landfill and requires the completion of site grading by July 15, 1999; construction of the final cover and drainage control by August 30, 1999; and expansion of the leachate extraction system by September 30, 1999. The discharges have failed to meet any of the above deadlines.
4. WMSL leachate contains elevated levels of ammonia, volatile organic compounds, and inorganic salts and represents a threat to water quality.
5. Order No. 98-074 requires that the dischargers drain the leachate pond by September 15<sup>th</sup> of each year and properly dispose of the leachate. The dischargers have violated this requirement because the leachate pond was not drained and the leachate properly disposed of by September 15, 1999 (Reference: Provision 1, Task 3; Provision 7; Prohibition A.4; and Specification 5 of Order 98-074).
6. The Board finds that the dischargers have impacted Waters of the State with elevated total dissolved solids in surface water and volatile organic compounds in groundwater. In addition, ammonia in the leachate can be toxic if discharged to surface water. This Order, therefore, requires the dischargers to cease violating Order 98-074.

7. The Board has notified the dischargers and interested agencies and persons of its intent to issue this Order and has provided them with the opportunity for a public hearing and to submit their written views and recommendations.
8. The Board in a public hearing, heard and considered all comments pertaining to this matter.
9. This Order is an action for the protection of the environment and is categorically exempt from the California Environmental Quality Act, pursuant to Section 15321, Chapter 3, Title 14 of the California Code of Regulations.

IT IS HEREBY ORDERED, pursuant to Section 13301, of Division 7 of the California Water Code, that the dischargers shall Cease and Desist from violating Order 98-074 as follows:

**Task 1:** Document the hauling of leachate to a wastewater treatment plant and operate the onsite leachate collection system in a manner consistent with Provision 1, Task 3; Provision 7; Prohibition A.4; and Specification 5 of Order 98-074.

**Report Due Date: November 10, 1999**

**Task 2:** Document compliance with the requirements established in Provision C.1., Task 3, of Order 98-074 which required the completion of site grading by July 15, 1999; construction of the final cover and drainage control by August 30, 1999; and expansion of the leachate extraction system by September 30, 1999.

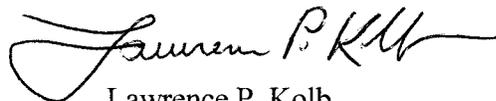
**Report Due Date: November 10, 1999**

**Task 3:** Submit monthly progress reports on compliance with Tasks 1 and 2 above.

**Report Due Date: Monthly beginning November 1, 1999**

Pursuant to California Water Code Section 13301, if a discharger fails to comply with the provisions of this order, the Board may schedule a hearing to consider assessing civil monetary penalties. The Executive Officer is authorized to request the Attorney General to take appropriate enforcement action against the dischargers, including injunctive and civil monetary liability.

I, Lawrence P. Kolb, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on October 20, 1999.



Lawrence P. Kolb  
Acting Executive Officer