

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. R5-2006-0707

FOR

COVE CONTRACTORS, INC.
EL DORADO PROPERTY MANAGEMENT, INC.

COVE CONTRACTORS FACILITY
SAN JOAQUIN COUNTY

This Order is issued to the Cove Contractors, Inc. and El Dorado Property Management, based on provisions of California Water Code Sections 13304 and 13267 that authorize the Regional Water Quality Control Board, Central Valley Region (hereafter Regional Board) to issue a Cleanup and Abatement Order (Order).

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

1. Cove Contractors, Inc. and El Dorado Property Management, Inc., (hereafter jointly referred to as Discharger) are the owners of the former Cove Contractors, Inc. facility (facility). The facility was located on 24-acres at what are now 3200 and 3242 South El Dorado Street in Stockton, California.
2. The facility was an unpermitted landfill. Wastes deposited at the facility included, but were not limited to, inert construction debris, concrete, dirt and auto shredder waste. The facility has not been closed in accordance with Title 27, California Code of Regulations, Division 2 (Title 27). Groundwater monitoring performed at the site in 1989 and 2003 demonstrate that groundwater is impacted by metals, total dissolved solids (TDS), and volatile organic compounds (VOCs). This Order establishes an enforceable time schedule for the Discharger to close the landfill during the 2006 construction season.

BACKGROUND

3. California Clay Products operated a 24-acre brick factory from 1910 to 1955 at what are now 3200 and 3242 South El Dorado Street. The southeastern 10-acres of the site was mined for clay used for brick manufacturing. The brick manufacturing ceased in 1955, but clay continued to be mined at the site until 1967. After 1955, the mine pit was partially backfilled with inert materials, such as dirt and concrete from building and road contractors. Beginning in 1973, auto shredder waste and other non-liquid, non-putrescent, non-petroleum and inert materials were disposed of in the eastern portion of the site.
4. The 24-acre parcel of the former California Clay Product site was split into two parcels. In June 1979, Cove Contractors purchased the southern 8.69 acres of the site (APN 177-02-029). The

northern 15 acres (APN 177-020-028) was sold to El Dorado Property Management and is now the site of Universal Services Recycling, LLC. Waste disposal operations ceased in 1982. Waste was disposed on nearly the entire southern portion of the site (owned by Cove Contractors) and an eastern triangular portion of the property (owned by El Dorado Property Management) as shown on Attachment A, which is included and made part of this Order by reference.

5. Technical reports submitted to the Regional Board have indicated that only inert and non-putrescible waste was disposed of at the facility. Groundwater monitoring data suggests, however, that non-inert waste was disposed of at the facility because VOCs and increasing concentrations of inorganic constituents (TDS, sulfate, chloride and metals) have been detected in the groundwater. In addition, methane was measured at 52% in one of the interior gas probes, which is not a characteristic of inert waste.
6. In February 1995, the Regional Board received a *Closure and Post Closure Plan* for the facility and found the plan to be incomplete. Between 1995 and 2003, the Regional Board requested additional information regarding the closure. In 2003, the Regional Board received a *Landfill Closure and Post-Closure Maintenance Plan*. The plan was incomplete and additional information was requested.

GROUNDWATER POLLUTION

7. In 1989, the Regional Board received a groundwater monitoring report. Based on the results of the groundwater monitoring, the site is impacting groundwater because of the increased concentrations of TDS and sulfate in downgradient monitoring wells as compared to upgradient monitoring wells. In addition, aromatic VOCs and increased concentrations of metals were detected.
8. In 2003, additional groundwater monitoring was performed. The data showed detectable concentrations of benzene, ethylbenzene, isopropylbenzene, toluene, p/m xylenes, acetone and trichloroethene in downgradient wells. In addition, increased concentrations of TDS, chloride and sulfate were present in downgradient monitoring wells. Seven metals (arsenic, barium, beryllium, total chromium, nickel, selenium, and vanadium) exhibited concentrations exceeding water quality objectives in one or more wells. For example, in downgradient well MW-3, concentrations of arsenic, barium, total chromium and nickel exceeded their Primary Maximum Contaminant Levels.

RECENT REGULATORY HISTORY

9. On 26 September 2005, the Executive Officer issued a California Water Code (CWC) Section 13267 Order requiring the Discharger to submit a Revised Closure Plan and a Groundwater Investigation Workplan for the facility.

10. On 26 October 2005, in response to the CWC Section 13267 Order, the Discharger submitted a *Groundwater Investigation Workplan*. On 2 December 2005, Regional Board staff concurred with the proposed plan. The Discharger has proposed to perform at least two quarterly sampling events.
11. On 1 November 2005, in response to the CWC Section 13267 Order, the Discharger submitted a *Landfill Closure and Post-Closure Maintenance Plan*. On 17 January 2006, the Discharger submitted a *Revised Closure and Post-Closure Maintenance Plan*.
12. The Discharger has proposed to install a Title 27 prescriptive cover at the facility. The cover will include at least a two-foot foundation layer, overlain by at least a one-foot low hydraulic conductivity layer (not to exceed 1×10^{-6} cm/s) and at least a one-foot vegetation layer. The Discharger requested a reduction in grade from the required three percent to one percent. To mitigate the reduction, the Discharger shall install at least one settling monument per acre.
13. Elevated levels of methane in the interior gas probes have been detected at the site. This Order requires the Discharger to perform at least two quarterly gas sampling events for VOCs using the USEPA Method TO-15.
14. This Order requires the Discharger to perform at least two quarterly groundwater monitoring events. Attachment B lists the constituents of concern and analyses required.
15. This Order requires the submittal of the results of the groundwater and gas monitoring and a report including a feasibility study and proposed corrective action measures for the cleanup of groundwater pursuant to Title 27 Section 20430.

REGULATORY CONSIDERATIONS

16. By failing to close the Cove Contractors landfill in a timely manner, the Discharger has delayed corrective actions designed to remediate VOC, metal and inorganic releases and thus has caused or permitted, or threatens to cause or permit, waste to be discharged in such a manner that it threatens to create a condition of pollution or nuisance.
17. The Regional Board's Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, (Fourth Edition), 1998 (Basin Plan) establishes beneficial uses of the waters of the state and water quality objectives to protect those uses.
18. The beneficial uses of underlying groundwater, as stated in the Basin Plan, are municipal and domestic water supply, agricultural supply, and industrial service and process supply.
19. Title 27, Section 20080(d) states: "*Units which were operating, or had received all permits necessary for construction and operation, on or before November 27, 1984, are designated as "existing" Units. This includes disposal sites classified under previous regulations and*

unclassified Units. Dischargers shall continue to operate existing Units under existing classifications and WDRs until those classifications and requirements are reviewed in accordance with §21720(c). Existing Units shall be closed and maintained after closure according to Subchapter 5, Chapter 3 of this subdivision (§20950 et seq.). . .”

20. Title 27, Section 20180 states: *“Responsibility for compliance with the standards in this chapter shall rest with both the owner and the operator. If specifically designated, the operator is considered to have prime responsibility for compliance; however this does not relieve the owner of the duty to take all reasonable steps to assure compliance with these standards and any assigned conditions.”*
21. Title 27, Section 20950(a)(1) states: *“Dischargers who are implementing final closure of a new or existing classified solid waste management unit (Unit) or are implementing complete final closure of a portion of a solid waste landfill [incremental closure under §21090(b)(1)(D)] shall comply with the provisions of this article. The discharger shall carry out both mandatory closure (under §22190) and normal closure (e.g., at the end of the active life of the Unit) in accordance with a closure and post-closure plan (under §21769) which the RWQCB finds meets all applicable requirements that section and of this Subchapter, including but not limited to applicable performance standards under ¶(a)(2). . .”*
22. 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 the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.”*
23. 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 having discharged or 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 having discharged or 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. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”

24. The technical reports required by this Order are necessary to ensure compliance with this Order and to ensure the protection of the public health and safety and waters of the state. The Discharger owns the facility subject to this Order, and, therefore, is subject to Water Code sections 13267 and 13304.
25. 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 (Public Resources Code, Section 21000, et seq.) (CEQA), pursuant to Section 15321(a)(2), Title 14, California Code of Regulations. The construction of the landfill cover is exempt from CEQA pursuant to Sections 15330 and 15301, Title 14, California Code of Regulations.
26. Any person affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with Section 2050 through 2068, Title 23, California Code of Regulations. The petition must be received by the State Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions may be found on the Internet at http://www.waterboards.ca.gov/water_laws/cawtrcde/wqpetition_instr.html or will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to Sections 13267 and 13304 of the California Water Code, Cove Contractors, Inc. and El Dorado Property Management, Inc., shall install a final landfill cover at the Cove Contractors Facility in order to cleanup waste and abate the condition of pollution or nuisance and potential threat to public health, in accordance with the scope and schedule set forth below:

Any person signing a document submitted under this Order shall make the following certification:

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

1. By **15 May 2006**, the Discharger shall submit an itemized cost analysis for the closure of the Facility. The cost analysis shall be in accordance with Title 27 Section 21769(c)(A).
2. By **1 June 2006**, the Discharger shall submit a Quality Construction Assurance Plan in accordance with Title 27 Sections 20323 and 20324.

3. By **1 June 2006**, the Discharger shall submit a slope stability analysis for the final proposed cover. The stability analysis shall be in accordance with Title 27 Section 21090(6).
4. By **1 June 2006**, the Discharger shall submit a *Groundwater Monitoring Well Installation Workplan* to replace monitoring wells MW-9 and MW-10. The workplan shall be consistent with, and include the items listed in, the first section of Attachment B, which is attached hereto and made part of this Order by reference. In addition, the workplan shall address the abandonment of MW-9 and MW-10.
5. By **1 July 2006**, the Discharger shall provide evidence that they have obtained an irrevocable fund (or provide other means) for closure and post-closure maintenance of the landfill in accordance with an approved closure and post-closure maintenance plan per Title 27 Section 20950.
6. By **1 July 2006**, the Discharger shall provide evidence that they have obtained an approved amount of assurances of financial responsibility for initiating and completing corrective action for all known or reasonably foreseeable releases from the landfill in accordance with Title 27 Section 20380.
7. By **1 August 2006**, the Discharger shall submit the results of the two quarterly groundwater and gas probe sampling events as proposed in the *Groundwater Investigation Workplan* submitted by the Discharger in October 2005 and *Revised Closure Plan* submitted in January 2006. All site monitoring wells shall be analyzed for the constituents listed in Attachment C. This report shall include an evaluation of the nature and extent of the groundwater and vadose zone plumes and a determination of whether the monitoring system meets the requirements of Title 27 Section 20415(b)(1)(C). The report shall also propose additional monitoring locations to comply with Title 27 Section 20415(b)(1)(C).
8. By **1 August 2006**, the Discharger shall submit an engineering feasibility study for a corrective action program that addresses the results of the groundwater and gas monitoring. The corrective action program shall meet the requirements of Title 27 Section 20430.
9. By **1 August 2006**, the Discharger shall submit a *Monitoring Well Abandonment and Installation Report* that describes the abandonment of MW-9 and MW-10 and installation of replacement groundwater monitoring wells. This report shall contain the items found in the second and third sections of Attachment A.
10. By **31 December 2006**, the Discharger shall submit a report certifying that it has completed closure construction.
11. By **28 February 2007**, the Discharger shall submit a final closure CQA report in accordance with Title 27 Sections 20323 and 20324.

12. Work shall be conducted only after submitted documents have received concurrence or conditional concurrence. The Discharger must incorporate all conditions of approval into the documents before they are deemed final.
13. The Discharger shall notify the Regional Board at least five working days prior to any on-site work, testing, or sampling.
14. The Discharger shall obtain all local and state permits necessary to fulfill the requirements of this Order prior to beginning any work.
15. The Discharger shall continue any remediation or monitoring activities until such time as the Regional Board determines that sufficient cleanup has been accomplished and this Order has been rescinded. Sufficient cleanup will be accomplished when waste is no longer a threat to water quality, and waste constituent levels in downgradient groundwater have been reduced to background or levels that comply with the Cleanup Policy, are determined to be technically and economically feasible, and at least result in compliance with water quality objectives as approved by the Regional Board.

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 California Registered Engineer or Professional Geologist and signed by the registered professional.

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.

Failure to comply with this Order may result in the assessment of an Administrative Civil Liability up to \$1,000 per day or up to \$10,000 per day of violation, depending on the violation, pursuant to the California Water Code, including Sections 13268, 13271, and 13350. The Regional Board reserves its right to take any enforcement actions authorized by law.

This Order is effective upon the date of signature.

PAMELA C. CREEDON, Executive Officer

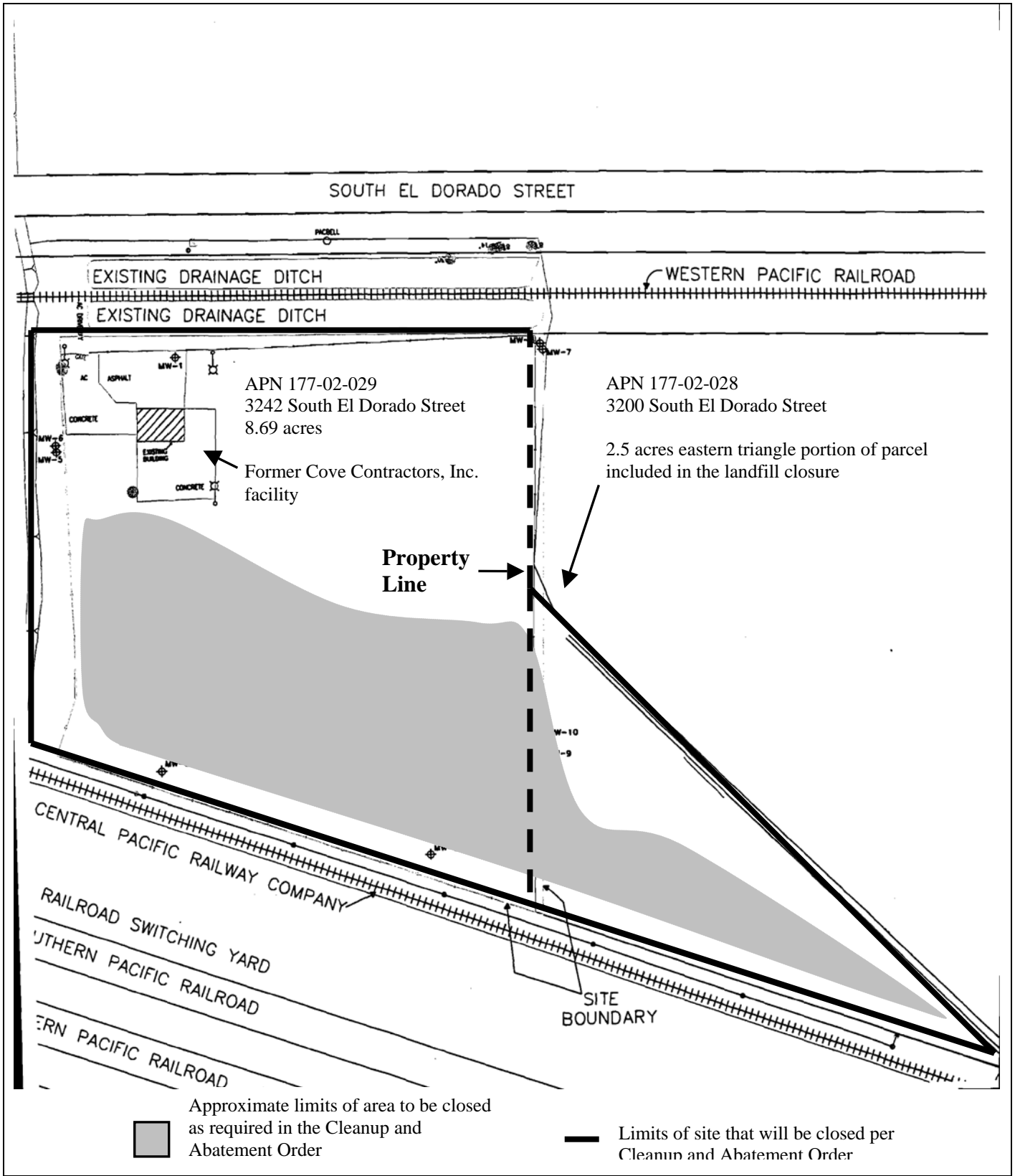
(Date)

Attachment A: Site Map, Cove Contractors, Inc.

Attachment B: Requirements for Monitoring Well Installation Workplans and Monitoring Well Installation Reports

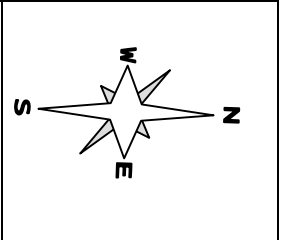
Attachment C: Groundwater Monitoring Requirements

MMW: 4/26/06



Drawing Reference:
Clayton Group Services

Site Map
Cove Contractors, Inc.
Stockton, California



ATTACHMENT B
CLEANUP AND ABATEMENT ORDER NO. R5-2006-0707
COVE CONTRACTORS, INC. AND EL DORADO PROPERTY
MANAGEMENT, INC.
COVE CONTRACTORS FACILITY
SAN JOAQUIN COUNTY

**MONITORING WELL WORKPLAN AND MONITORING WELL
INSTALLATION REPORT REQUIREMENTS**

Prior to installation of groundwater monitoring wells, the Discharger shall submit a workplan containing, at a minimum, the information listed in Section 1, below. Wells may be installed after staff approve the workplan. Upon installation of the monitoring wells, the Discharger shall submit a well installation report, which includes the information contained in Section 2, below. All workplans and reports must be prepared under the direction of, and signed by, a registered geologist or civil engineer licensed by the State of California.

SECTION 1 - Monitoring Well Installation Workplan

A. General Information:

- Purpose of well installation project
- Copies of County Well Construction Permits (to be submitted after workplan review)
- Monitoring well locations and rationale
- Survey details
- Equipment decontamination procedures
- Health and safety plan
- Topographic map showing any existing wells, proposed wells, waste handling facilities, utilities, and other major physical and man-made features.

B. Drilling Details:

- Describe drilling technique
- Sampling intervals, and logging methods

C. Monitoring Well Design:

- Casing diameter and centralizer spacing (if needed)
- Borehole diameter
- Depth of surface seal
- Well construction materials
- Diagram of proposed well construction details
- Type of well cap, bottom cap either screw on or secured with stainless steel screws
- 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
- Parameters to be monitored during development
- Method of development water storage and disposal

E. Well Survey:

Identify the Licensed Land Surveyor or Civil Engineer that will perform the survey
Describe what well features will be surveyed (i.e. top of casing, horizontal and vertical coordinates, etc.)
Vertical accuracy shall be to at least 0.01 foot

F. Well Sampling:

Minimum time after development before sampling (48 hours)
Well purging method and amount of purge water
Sample containers, collection method, and preservation method
Table describing sample volumes, sample containers, preservation agents, and hold times
QA/QC procedures

G. Water Level Measurement:

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

H. Proposed time schedule for work.

SECTION 2 – Groundwater Sampling and Analysis Plan

A. General Information:

Site Location
Monitoring well locations
Monitoring well construction details including elevation, well depth, casing material and size, and screen interval
Equipment decontamination procedures
Health and safety plan
Topographic map showing any existing wells, proposed wells, waste handling facilities, utilities, and other major physical and man-made features.

B. Water Level Measurement:

Ground surface elevation at each monitoring well shall be within 0.01 foot.
Method and time of water level measurement shall be specified
Water level in well shall be allowed to equilibrate prior to measuring the depth to water

C. Well Sampling:

Well purging method and amount of purge water, purge water storage
Sample containers, collection method, and preservation method
Table describing sample volumes, sample containers, preservation agents, and hold times
Identification of analytical laboratory
Chain of custody procedures
QA/QC procedures

D. Proposed time schedule for work.

SECTION 3 - Monitoring Well Installation Report

A. Well Construction:

- Number and depth of wells drilled
- Date(s) wells drilled and completed
- Description of drilling and construction
- Scaled map of facility site features including monitoring wells, buildings, storage ponds, waste piles, etc.
- A well construction diagram for each well must be included in the report, and must contain the following details:

- Drilling Contractor and driller name
- Depth of open hole (same as total depth drilled if no caving occurs)
- Method and materials of grouting excess borehole
- 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
- Well elevation at top of casing
- Stabilized depth to groundwater
- Date of water level measurement
- Monitoring well number
- Date drilled
- Location

B. 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
- Field notes from well development should be included in report.

C. Well Survey:

- Identify the coordinate system or reference points
- Survey the well casing with the cap removed (horizontal and vertical coordinates)
- Registered Engineer or Licensed Surveyor's report and field notes in appendix
- Describe the measuring points (i.e. ground surface, top of casing, etc.)
- Tabular survey data

ATTACHMENT C
 CLEANUP AND ABATEMENT ORDER NO. R5-2006-0707
 COVE CONTRACTORS, INC. AND EL DORADO PROPERTY MANAGEMENT, INC.
 COVE CONTRACTORS FACILITY
 SAN JOAQUIN COUNTY

Field Parameters	Units
Groundwater Elevation	Ft. & hundredths, M.S.L.
Temperature	°C
Electrical Conductivity	µmhos/cm
pH	pH units
Turbidity	Turbidity units
Monitoring Parameters	
Total Dissolved Solids (TDS)	mg/L
Chloride	mg/L
Carbonate	mg/L
Bicarbonate	mg/L
Nitrate - Nitrogen	mg/L
Sulfate	mg/L
Calcium	mg/L
Magnesium	mg/L
Potassium	mg/L
Sodium	mg/L
Volatile Organic Compounds (USEPA Method 8260)	µg/L
Semi-Volatile Organic Compounds (that include polyaromatic hydrocarbons) (USEPA Method 8270C)	µg/L
Hexavalent chromium (USEPA Method 7199)	µg/L
TPH gas and diesel (USEPA Method M8015)	mg/L
PCBs (USEPA Method 8082)	µg/L
Aluminum, Barium, Beryllium, Chromium, Cobalt, Copper, Iron, Manganese, Molybdenum, Silver, Tin, Vanadium and Zinc (USEPA Method 6010B)	µg/L
Antimony (USEPA Method 7041)	µg/L
Arsenic (USEPA Method 7062)	µg/L
Cadmium (USEPA Method 7131A)	µg/L
Lead (USEPA Method 7421)	µg/L
Mercury (USEPA Method 7470A)	µg/L
Nickel (USEPA Method 7521)	µg/L
Selenium (USEPA Method 7742)	µg/L
Thallium (USEPA Method 7841)	µg/L