

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2005-0105

SETTLEMENT REGARDING
LODI CENTRAL PLUME AREA
CLEANUP AND ABATEMENT ORDER NO. R5-2004-0043
SAN JOAQUIN COUNTY

WHEREAS, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) is responsible for ensuring protection of the beneficial uses of water, and protection against pollution and nuisance conditions resulting from the discharge of wastes and pollutants.

WHEREAS, the Central Valley Water Board issued a Cleanup and Abatement Order (CAO) to the City of Lodi, Oddfellows Hall Association of Lodi, Guild Cleaners, Inc., the Lodi News Sentinel and Beckman Capital Corporation to investigate and cleanup a condition of pollution and nuisance in the Central Plume Area (CPA) of Lodi caused by the discharge of tetrachloroethene (PCE).

WHEREAS, the CPA Dischargers have settled legal claims between themselves. In the settlement agreements, the City agrees to assume the settling Dischargers' responsibility for complying with the CAO. The settlement agreements are contingent upon the Central Valley Water Board granting to the non-City Dischargers covenants-not-to-sue (CNS) regarding the discharge of PCE in the Lodi CPA.

WHEREAS, the Central Valley Water Board has entered a settlement agreement and CNS with the Lodi News Sentinel and Fred Weybret.

WHEREAS, the settlements provide for the immediate availability of \$5,375,000 for cleanup of the pollution at the Lodi CPA, in addition to \$2,200,000 that the City will contribute and \$2,000,000 that the Lodi News Sentinel will contribute, and for the City to assume responsibility for additional costs as are necessary to comply with the requirements of the CAO.

WHEREAS, the settlements remove some of the uncertainty regarding the Dischargers' ability to fund a complete cleanup, resolve the City's objections to the CAO that are the subject of Petition SWRCB/OCC No. A- File A-1639(c), and end time-consuming and costly litigation between the Dischargers.

WHEREAS, the Central Valley Water Board has reviewed the proposed settlement agreement with the City and the proposed agreement with Guild that were attached to the Staff Report for the August 05, 2005 board meeting.

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RESOLVED, that the Central Valley Water Board authorizes the Executive Officer to enter into an agreement with the City of Lodi wherein the City of Lodi assumes the obligations of the non-City Dischargers under, and agrees to comply with, the Lodi CPA CAO, and with future amendments to the CAO, and to enter into agreements granting covenants not to sue to Beckman Capital Corporation, Oddfellows Hall Association of Lodi, and the “Guild Parties”, which include Guild Cleaners, Inc., the Estate of Dwight Alquist, Jack Alquist, Beulah Viva Alquist, the Alquist Family Trust and Trustees of the Alquist Family Trust.

RESOLVED, that the Central Valley Water Board authorizes the Executive Officer to revise the Lodi CPA CAO to (i) remove the non-City Dischargers after the settlements become final and are approved by the court; (ii) make revisions to the work to be performed and schedule in the Order as necessary to implement the cleanup of the Lodi CPA; and (iii) make other revisions to the Lodi CPA CAO that the Executive Officer deems necessary or appropriate.

I, Thomas R. Pinkos, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the Regional Water Quality Control Board, Central Valley Region, on August 05, 2005.

THOMAS. R. PINKOS, Executive Officer