

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. R5-2008-0705

FOR

SYLVIA DELLAR SURVIVOR'S TRUST
CITY OF SACRAMENTO
DELLAR PROPERTY LANDFILL
SACRAMENTO COUNTY

This Order is issued to the Sylvia Dellar Survivor's Trust and the City of Sacramento (hereafter jointly referred to as Discharger) based on provisions of California Water Code Section (CWC) 13304, which authorizes the Regional Water Quality Control Board, Central Valley Region (hereafter Regional Water Board) to issue a Cleanup and Abatement Order.

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

1. The Sylvia Dellar Survivor's Trust owns property referred to hereafter as the Dellar Property. The City of Sacramento formerly operated an unlined landfill on this property. The landfill on the Dellar Property covers 29 acres along "A" Street immediately north of the north end of 24th and 25th Streets in the City of Sacramento, as shown in Attachment I, which is incorporated herein and made part of this Order by reference. The Dellar Property includes 6 parcels: APNs 001-0160-008, 001-0160-009, 001-0160-013, 001-0160-038, 001-0160-039, and 003-0032-013. The property is in Section 32, T9N, R5E, MDB&M.
2. The Dellar Property is bounded to the north by the American River; to the west by undeveloped land (owned by the California Almond Growers Exchange); to the south by A Street (an unpaved road); and to the east by industrial facilities, including a materials recycling yard (Bell Marine Company) and the closed 28th Street Landfill (described in Waste Discharge Requirements Order No. R5-2004-0039).

HISTORICAL OPERATIONS

3. The Dellar Property is one of several properties within a 130-acre area north of B Street and west of the terminus of 29th Street, which, or portions of which, were historically operated as landfills from 1940 to 1971. The historical fill area included the following properties, as shown in Attachment II herein (made part of this Order by reference):

<u>Current Property Owner</u>	<u>Area (acres)</u>	<u>Active Period</u>
a. Sacramento Municipal Utility District (SMUD)	10	1940-49
b. California Almond Growers Exchange	21	1940-49
c. Sylvia Dellar Survivor's Trust	29	1959-63
d. Cannon Family Trust et al.	2	Pre-1961
e. Scollan Credit Trust et al.	2	Pre-1961
f. Susan Bell	18	1963-68

<u>Current Property Owner</u>	<u>Area (acres)</u>	<u>Active Period</u>
g. City of Sacramento	16	Pre-1960
h. City of Sacramento	23	Pre-1971
i. City of Sacramento	9	Pre-1971

Total Historical Fill Area: 130 acres

4. Landfill operations conducted in the historical fill area are described in the following documents:
 - a. June 1991 *Revised Final Closure and Post-Closure Maintenance Plan Amendment, 28th Street Landfill*, prepared by the City of Sacramento Department of Public Works (This document included the final closure plan only for the City's 28th Street Landfill.)
 - b. June 1987 *28th Street Landfill Calderon Report* prepared by the City of Sacramento Department of Public Works (referred to herein as 1987 Solid Waste Assessment Test (SWAT) Report).

The City's discharges in the historical fill area consisted primarily of garbage, rubbish and street cleaning wastes. Garbage disposal began on the westernmost parcel (currently owned by SMUD) in about 1940 and generally proceeded eastward toward 29th Street (excepting the California Almond Growers Exchange parcel, where discharges were limited to "hydraulic wastes" discharged to a sedimentation pond in the northeast part of that parcel). Several of the properties, including all three City-owned properties in the historical fill area, were operated as burn dumps prior to 1959.

Rubbish (e.g., ashes, paper, cardboard, tin cans, wood, glass, bedding, crockery, plastics and litter) and street cleaning wastes were discharged to the City-owned parcels east and west of 28th Street where they were burned prior to cessation of burn dump activities in 1959. After 1959, rubbish and street cleaning wastes were commingled with other waste discharges. The City generally ceased discharges west of 28th Street upon start-up of the 28th Street Landfill facility, which incorporated most of the two City-owned parcels in the historical fill area north and east of 28th Street (Parcels g and i referenced in Finding 3). The north parcel and City-owned parcel west of 28th street (Parcel h in Finding 3) are both regulated as closed, abandoned, or inactive (CAI) sites under WDRs Order No. R5-2004-0039 for the 28th Street Landfill.

5. Public dumping also occurred in the historical fill area, primarily in a salvage area on the City-owned property north of 28th Street. These wastes typically consisted of rubbish and miscellaneous bulk wastes (e.g., tires, wood, and furniture). However, only a small percentage of the wastes (e.g., fiber board) were actually recycled; most of the waste was either burned or buried (see Page 46, 1987 *Calderon Report*). Unauthorized or unregulated public disposal is also believed to have occurred on privately owned parcels in the historical fill area.

6. Available records do not reveal how much waste was discharged to the historical fill area, and of this waste, how much was buried, burned or recycled. Based on an estimated average service population during the period (i.e., 200,000 in 1959), the City estimates that it collected and discharged about 100,000 tons per year (2.4 million tons total) of garbage and street cleaning wastes to the historical fill area from 1949 to 1973 (Page 44, 1987 *Calderon Report*). The City further estimates that about 50,000 tons per year (0.5 million tons total) of waste was discharged to the salvage area before the City closed the area to the public in 1959. The total amount of waste discharged to the historical fill area is therefore estimated to be at least 2.9 million tons.

DELLAR PROPERTY

7. The City operated the Dellar Property as a landfill under operating agreements with the former owners (R. Cannon and A. Lucas) from 1959 to 1963. The agreements with the former owners authorized the discharge of "garbage, garden refuse, and other waste material" to the property (see Appendix A, December 2004 *Site Summary Report, 28th Street Landfill (Dellar Properties)*, prepared by Alisto Engineering Group). These wastes included household and commercial garbage, rubbish, and street cleaning wastes (e.g., yard trimming and maintenance wastes) from the City of Sacramento area.
8. Waste filling on the Dellar Property is reported to have included trench and fill and/or area fill methods (Page 46, 1987 *Calderon Report*). Deep borrow pits on the eastern half of the Dellar Property and on an adjacent City-owned property to the southeast were also filled with refuse (see 1989 Fill Sequence Map). Refuse received little or no compaction prior to disposal and was typically covered with soil excavated from the trench or pit. It is unknown whether any portion of the property was ever operated as a burn dump. No liner or leachate collection system was constructed on the Dellar Property or on any of the other privately or City-owned parcels west of 28th Street.
9. The City ceased landfill operations on the Dellar Property in 1963. Reports on file indicate that the landfill was left with uncompacted soil cover of varying thickness, but that it did not received an engineered cover (i.e., it was not capped and graded for drainage). A conceptual closure plan for the landfill on the Dellar Property was included in an amendment to the Final Closure Plan for the 28th Street Landfill (see December 1995 *Final Closure Plan Amendment No. 2 City of Sacramento 28th Street Sanitary Landfill*, prepared by Harding Lawson Associates), but was never finalized or implemented.
10. In 1988, the City conducted a geotechnical investigation to assess the feasibility of extending Richards Avenue through the historical fill area, including the Dellar Property. As part of this investigation, four soil borings were installed along the southern portion of the Dellar Property, including two on the western half and two on the eastern half. Waste depths ranged from 18 to 22 feet on the western side of the landfill, and from 43 to 62 feet on the eastern side of the landfill. See 1988 *Geotechnical Investigation, Richards Boulevard Extension*, prepared by Harding Lawson Associates; 1991 *Final Environmental Impact Report, Sutter's Landing Park and Richard's Connector Between*

28th Street and the Union Pacific Railroad Tracks, prepared by STA Planning, Inc. (Page 181). The average depth of waste was about 35 feet. The findings were consistent with the fill history, which indicated that waste was discharged to a deep borrow pit on the eastern side of the site. Based on this information, wastes in the eastern part of the landfill may be in contact with groundwater (see Finding 16).

11. Regional Water Board staff inspections of the Dellar Property conducted on 16 January 2002, 6 February 2003, 27 May 2004, and 2 June 2005 found that the landfill cover surface was hummocky from long term differential settlement and that it did not adequately drain. Storm water was found to both pond on the landfill surface and infiltrate into landfill wastes. The property has a history of subsurface fires associated with the landfilled wastes.
12. In a 13 March 2003 letter to the current property owner, Regional Water Board staff noted that the landfill was a "closed, abandoned, or inactive" (CAI) unit under Title 27 regulations (see Finding 31) and requested that the owner submit a Corrective Action Plan (CAP) to address evidence of groundwater quality impairment from the landfill (see Findings 18 and 20). The initial due date for submission of the CAP, 13 June 2003, was extended to 2 September 2003 at the owner's request, but the owner did not submit the CAP by either due date.
13. In 2003, a third-party prospective purchaser of the property conducted a Phase I Site Assessment, which included site reconnaissance, interviews with City staff, and a review of available records. The Site Assessment concluded that the landfill had been abandoned and that the surface was not draining due to settlement of underlying wastes. The report recommended closure of the landfill as a corrective action, which would provide surface drainage and mitigate a threat to groundwater from surface infiltration. The study also recommended a follow-up Phase II assessment of the nature and extent of any landfill impacts, including in situ wastes and landfill gas testing (See Pages 15-17, July 2003 *Phase I Environmental Site Assessment Report*, prepared by SCS Engineers (Phase I report).)

A 2004 site assessment by the owner, conducted for the purpose of preparing the requested Corrective Action Plan (per Finding 12), made similar findings and recommendations. This report asserted that the City, as the former operator of the dump, was the sole responsible party (See December 2004 *Site Summary Report, 28th Street Landfill (Dellar Properties)*, prepared by Alisto Engineering Group.) To date, no follow-up (i.e., Phase II) investigation of the landfill has been conducted.

14. The land surface is vacant except for a 75-foot steel truss radio tower and associated equipment storage shed, both located within a small fenced area on the site and owned by Moon Broadcasting Sacramento, LLC. The landfill surface elevation averages about 38 feet above mean sea level (MSL), about 8 feet above natural grade to the southwest. The western side of the landfill has a 10H:1V slope, except along its north end, where it steepens to 4H:1V and is contiguous with the interior slope of the old sedimentation

pond (now dry) on the California Almond Growers Exchange property. The bottom of this pond is about 18 feet MSL.

15. No gas monitoring wells have been installed at the site to date and it is unknown whether landfill gas is an issue at the site. Limited bar hole punch sampling conducted by the California Integrated Waste Management Board in March 2003 showed low concentrations of methane (<500 parts per million by volume) in surface soil at the landfill.
16. Groundwater elevations at the Dellar Property and nearby 28th Street Landfill site, particularly in areas nearest the American River, are strongly influenced by water levels in the American River, which vary seasonally up to about 10 feet (i.e., 0 to 10 feet MSL). Groundwater flow in the area is complex, but generally flows in a radial fashion away from the river bend north of 28th Street, except in the summer when lower river levels can result in flow reversals in some areas near the river. The groundwater gradient direction in the Dellar Property area varies seasonally from west-southwest in the dry season (including periods when there is only a slight gradient) to southwest in the wet season. Groundwater elevations in nearby monitoring wells can range seasonally from 3 to 9 feet MSL. The depth to groundwater is typically between about 18 to 24 feet below ground surface (bgs), depending on surface location and water table elevation.
17. The Dellar Property is within the groundwater monitoring well field for the 28th Street Landfill. The City studied the Dellar Property landfill as part of a Solid Waste Assessment Test (SWAT) investigation of the unclassified and classified fill areas of the 28th Street Landfill (see 1987 Calderon Report). In 1986, the City installed five shallow groundwater monitoring wells proximate or relevant to the Dellar Property, which range in depth from about 30 to 54 feet. These consist of wells B-4 to the northeast near the American River and C-13 along the eastern property boundary adjacent to the City-owned parcels, which are both predominantly (i.e., except during limited periods of flat gradient or gradient reversal) upgradient; wells C-12 to the southeast and C-15 to the northwest, which are both predominantly side gradient; and well C-14 proximate to the southern perimeter of the property (on the south side of the railroad tracks), which is predominantly downgradient. Additional monitoring wells were subsequently installed, including a deep well (D-18) screened below C-14 to about 85 feet bgs, and two shallow offsite wells, one to the south (D-19) and one to the southwest (D-20). However, no wells were installed along the western perimeter of the Dellar Property.
18. Monitoring data for wells in the Dellar Property area shows concentrations of general minerals in the shallow groundwater:

Constituent		Concentration (mg/L, except where noted) ¹			
		River Area Well B-4 ² (NE)	Parcel Perimeter Well C-13 ² (East)	Well C-14 ³ (South)	Offsite Well D-20 ³ (SW)
Alkalinity	<i>Range</i>	60 - 230	300 - 530	640 - 840	540 - 730
	<i>Average</i>	116	363	703	606
Chloride	<i>Range</i>	4 - 16	19 - 88	94 - 200	31 - 89
	<i>Average</i>	5	53	150	56
Sulfate	<i>Range</i>	<1 - 5	<1	<1 - 60	170 - 200
	<i>Average</i>	<1	<1	18	195
TDS	<i>Range</i>	69 - 240	260 - 660	760 - 930	900 - 1,170
	<i>Average</i>	162	353	822	1,042
Specific Conductance (μ mhos/cm)	<i>Range</i>	120 - 476	770 - 1,800	1,400 - 2,300	1,400 - 1,900
	<i>Average</i>	276	1,033	1,867	1,611

1. Based on semiannual monitoring data submitted from June 2000 through June 2007.
2. Well upgradient, except during periods in dry season when gradient may be flat or reversed.
3. Well downgradient, except during periods in dry season when gradient may be flat or reversed.

In general, concentrations in wells close to the river are lower due to the influence of river water. However, elevated concentrations/chemical variability detected in wells B-4 (near the American River) and C-13 (on the parcel perimeter) may be attributable to dry season gradient reversals that cause these wells to be downgradient of the Dellar Property, 28th Street Landfill site (including unclassified fill west of 28th Street), and the adjacent Bell property. The chemistry in these wells also appears to be significantly influenced by bicarbonate alkalinity, which could be from landfill gas from the 28th Street Landfill and/or adjacent historical fill areas, or other sources.

19. Time series data since 1996 indicate significant declining trends for chloride, TDS and specific conductance in well C-13, but no clear trends for these constituents in wells C-14, D-18, D-19, and D-20. It is unknown whether the landfill on the Dellar Property could be a source of the elevated sulfate detected in offsite well D-20, since no wells have been installed upgradient of D-20 along the western perimeter of the Dellar Property. Elevated concentrations of general minerals similar to those in well C-14 have also been historically detected in deep zone well D-18.
20. Low to trace concentrations of volatile organic compounds (VOCs) have also been historically detected in wells in the Dellar Property area, such as follows:

VOC	Concentration (µg/L) ¹			
	Well B-4 ²	Well C-13 ²	Well C-14 ³	Well D-18 ³
cis-1,2-Dichloroethylene	< 0.3	< 0.3	0.5 ⁴	0.7 ⁴
Chlorobenzene	< 0.3	< 0.3	1.1	0.9
1,2-Dichlorobenzene	< 0.3	< 0.3	0.5 ⁴	0.4 ⁴
1,4-Dichlorobenzene	< 0.3	< 0.3	3.5	2.1
Vinyl chloride	< 0.3	< 0.3	0.5 ⁴	0.5 ⁴

1. Based on semiannual monitoring data submitted from June 2000 through June 2007.
2. Well upgradient, except during periods in dry season when gradient may be flat or reversed.
3. Well downgradient, except during periods in dry season when gradient may be flat or reversed.
4. Intermittently detected VOCs.

These VOCs have also been historically detected in compliance wells for the 28th Street Landfill, and/or in its sump liquid. The extent to which such impacts may be from the 28th Street Landfill, however, is unknown. The City claims that these VOCs are historical impacts from one or more industrial facilities (e.g., vehicle dismantler, dry cleaner, salvage yard) formerly located west of the historical fill area. Time series plots of VOC monitoring data since 1996 do not indicate any clear trends in either well C-14 or D-18.

21. On 29 January 2007, the City submitted (on behalf of both the City and property owner), a conceptual plan for closure of the Dellar Property landfill (*Proposed Plan for Resolution of Dellar Property Issues*, prepared by City of Sacramento). The plan proposed construction of a three to four foot thick, non-prescriptive soil cover over the landfill. Both the existing interim cover soil and imported fill (approximately 90,000 cubic yards) would be used for the final cover. The cover would be graded to drain both to the east and west from a north-south central crown. Drainage would be captured in perimeter (V) ditches and routed to either the City's storm drain system (i.e., drainage from southern two-thirds of site) or north toward the American River (i.e., drainage from northern third of the site). A storm water detention basin might also need to be constructed, depending on any capacity limitations of the City storm drain. The conceptual closure schedule in the plan anticipated that the work could be completed in a single construction season. The time schedule for corrective action and final closure contained in this Order is based on the City's plan.
22. In subsequent meetings with Regional Water Board staff regarding the closure plan, the City agreed to investigate whether there may be any landfill gas issues at the site and to address any such issues in the final closure design. The landfill gas investigation would include review of available data from existing monitoring probes proximate to the landfill and installation and monitoring of additional onsite probes, as warranted based on the investigation findings. The City also agreed to assess the adequacy of the existing (28th Street Landfill) groundwater monitoring well network for monitoring the Dellar Property, and to propose additional wells, if necessary, as part of the final closure/post-closure monitoring plan.

REGULATORY CONSIDERATIONS

23. The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition (hereafter Basin Plan) designates beneficial uses, establishes water quality objectives, contains implementation plans and policies for protecting waters of the basin, and incorporates by reference, plans and policies adopted by the State Water Resources Control Board.
24. Surface water drainage is to the American River. The beneficial uses of the American River stated in the Basin Plan are municipal and domestic supply; agricultural supply; industrial service supply; hydropower generation; water contact recreation, non-contact water recreation; warm freshwater habitat; cold freshwater habitat; migration of aquatic organisms; spawning, reproduction and/or early development; and wildlife habitat.
25. The beneficial uses of underlying groundwater stated in the Basin Plan are municipal and domestic supply, agricultural supply, industrial service supply, and industrial process supply.
26. Landfill wastes released from the Dellar Property have caused or contributed to exceedances of groundwater quality objectives for Specific Conductance, Total Dissolved Solids, and chloride.
27. As a result of the events and activities described in this Order, the Discharger 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.
28. CWC Section 13304(a) states, in part: "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 fact may warrant."
29. CWC Section 13267(b)(1) states: "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 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.”

30. The technical reports required by this Order are necessary to assure compliance with this Order and to protect waters of the state. The Sylvia Dellar Survivor's Trust owns, and the City of Sacramento operated, the property identified in this Order. Both parties as Discharger are responsible for the discharge of waste at this facility.
31. 27 CCR Section 20080(g) states: “CAI Units—Persons responsible for discharges at Units which were closed, abandoned, or inactive on or before November 27, 1984 (CAI Units), may be required to develop and implement a detection monitoring program in accordance with Article 1, Subchapter 3, Chapter 3, Subdivision 1 of this division (§20380 et seq.). If water quality impairment is found, such persons may be required to develop and implement a corrective action program under that article.”

The Dellar Property Landfill is a ‘CAI’ Unit under Title 27, since waste discharges to it ceased in 1963 (i.e., prior to November 27, 1984). As described in Findings 18, 19, and 20, groundwater monitoring data for the site shows evidence of water quality impairment, including (but not limited to) elevated general minerals.

32. 27 CCR Section 20385(a)(4) states: “Corrective Action — The discharger shall institute a corrective action program under §20430 of this article when the RWQCB determines (pursuant to §20425) that the assessment of the nature and extent of the release and the design of a Corrective Action Program have been satisfactorily completed and the RWQCB approves the application for an amended report of waste discharge for corrective action submitted by the discharger during an evaluation monitoring program [pursuant to §20425(d)].”
33. 27 CCR Section 20430(c) states, in part: “Scope of Actions — The discharger shall implement corrective action measures that ensure that COCs [constituents of concern] achieve their respective concentration limits at all Monitoring Points and throughout the zone affected by the release, including any portions thereof that extend beyond the facility boundary, by removing the waste constituents or treating them in place. The discharger shall take other action approved by the RWQCB to prevent noncompliance with those limits due to a continued or subsequent release from the Unit, including but not limited to, source control . . .”
34. 27 CCR Section 20400(c) states, in part: “Establishing a CLGB — For a corrective action program, the RWQCB shall establish a CLGB [Concentration Limit Greater Than Background] [under ¶(a)(3)] only if the RWQCB finds that it is technologically or economically infeasible to achieve the background value for that constituent and that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the CLGB is not exceeded . . .”
35. Further, 27 CCR Section 20400(e) states, in part: “CLGB Ceiling — In no event shall a CLGB for a constituent of concern exceed the lowest concentration that the discharger demonstrates and the RWQCB finds is technologically and economically achievable. No provision of this section shall be taken to allow a CLGB for a constituent of concern to exceed the maximum concentration that would be allowed under other applicable statutes or regulations . . .”

36. The State Water Resources Control Board (hereafter State Water Board) has adopted Resolution No. 92-49, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304*. This policy sets forth the policies and procedures to be used during an investigation or cleanup of a polluted site and requires that cleanup levels be consistent with State Water Board Resolution No. 68-16, the *Statement of Policy With Respect to Maintaining High Quality of Waters in California*. Resolution No. 92-49 requires the waste to be cleaned up to background, or if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with Title 23, CCR Section 2550.4 (now 27 CCR Section 20400). Any alternative cleanup level to background must (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial uses of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board.
37. Chapter IV of the Basin Plan contains the *Policy for Investigation and Cleanup of Contaminated Sites*, which describes the Regional Water Board's policy for managing contaminated sites. This policy is based on CWC Sections 13000 and 13304; Title 27, Division 2, Subdivision 1 regulations; and State Water Board Resolution Nos. 68-16 and 92-49. The policy addresses site investigation, source removal or containment, information required to be submitted for consideration in establishing cleanup levels, and the basis for establishment of soil and groundwater cleanup levels.
38. The State Water Board's Water Quality Enforcement Policy states in part: "At a minimum, cleanup levels must be sufficiently stringent to fully support beneficial uses, unless the Regional Board allows a containment zone. In the interim, and if restoration of background water quality cannot be achieved, the Order should require the discharger(s) to abate the effects of the discharge. Abatement activities may include the provision of alternate water supplies." (Enforcement Policy, p. 19).
39. The issuance of this Order is an enforcement action by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.), pursuant to Title 14, CCR, Section 15321(a)(2). The implementation of this Order is also an action to assure the restoration of the environment and is exempt from the provisions of the California Environmental Quality Act in accordance with Title 14, CCR, Sections 15308 and 15330.
40. Any person adversely affected by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with CWC Section 13330 and Title 23, CCR, Sections 2050-2068. The State Water Board must receive the petition within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions are available at www.waterboards.ca.gov, or will be provided on request.

IT IS HEREBY ORDERED that, pursuant to Sections 13267 and 13304 of the California Water Code, the Sylvia Dellar Survivor's Trust; the City of Sacramento; and their agents, assigns and successors shall forthwith investigate the discharges of waste; cleanup the waste; and abate the effects of the waste resulting from landfilling activities on the Dellar Property, in accordance with State Water Board Resolution No. 92-49 *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304*; with the Regional Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* (in particular the Policies and Plans listed within the Control Action Considerations portion of Chapter IV); and with the corrective action provisions of Title 27 CCR Division 2 applicable to a CAI unit, as set forth herein.

'Forthwith' means as soon as is reasonably possible. Compliance with this requirement shall include, but not be limited to, completing the tasks listed below.

1. By **15 August 2008**, pursuant to 27 CCR § 20080(g) and 27 CCR § 20430, the Discharger shall submit a final plan for landfill closure as a corrective action. The landfill Final Closure Plan (FCP) shall include (or reference) the following items:
 - a. Site and facility information
 - b. Proposed 30% cover design and grading plans
 - c. Plans for erosion and drainage controls
 - d. Proposed landfill gas controls, if necessary
 - e. A closure schedule (consistent with Order 2 herein)
 - f. A landfill post-closure maintenance plan (27 CCR § 21090(a)(4) and § 21090(c))
 - g. Cost estimates for landfill post-closure maintenance (27 CCR § 21769(c)(2)(A)).
 - h. A post-closure monitoring program, including plans for:
 - i. Facility monitoring;
 - ii. Gas monitoring, if applicable;
 - iii. Groundwater background monitoring; and
 - iv. Groundwater corrective action monitoring, including evaluation monitoring. This plan shall specify constituents of concern, monitoring parameters, monitoring points, and the point of compliance, as defined in 27 CCR § 20164.
 - i. Other relevant information required under 27 CCR § 21750 and § 21769, as applicable to a CAI unit.
2. The Discharger shall implement landfill closure as a corrective action consistent with the approved FCP and the following schedule:

	Task	Due Date
	<u>Phase 1</u>	
a.	Obtain coverage under Construction Activities General Storm Water Permit; Initiate preliminary closure construction activities—importation and stockpiling of fill and cover soil. Install Best Management Practices to	15 September 2008

control Run-off/Run-on of storm water

- | | |
|--|--------------------------|
| b. Beginning 1 August 2008, and by the first day of the second month following each calendar quarter (i.e. 1 February, 1 May, 1 August and 1 November each year), the Discharger shall submit a project status report describing the work completed to date regarding each of the reporting requirements described in this Order. | 1 August 2008 |
| c. Submit erosion control plan | 15 September 2008 |
| d. Submit erosion control plan
<u>Phase 2</u> | 15 September 2009 |
| e. Begin closure construction—grading, engineered cover and drainage controls | 1 June 2010 |
| f. Submit erosion control plan | 15 September 2010 |
| g. Complete closure construction | 30 October 2010 |
| h. Submit Closure Certification Report, including construction CQA and as-built drawings | 15 December 2010 |

3. The Discharger shall implement post-closure corrective action monitoring consistent with the approved post-closure monitoring plan (part of the FCP) as follows:

Task	Due Date
a. Initiate post-closure monitoring	First Half 2011
b. Submit semiannual monitoring reports	31 July 31 January

4. This Order may be revised or amended to require additional site corrective action or monitoring, as necessary, in accordance with Title 27 regulations.

5. Pursuant to CWC Section 13304(c)(1), the Discharger shall reimburse the Regional Water Board for reasonable costs associated with oversight of the cleanup of the site subject to this Order. Failure to do so upon receipt of a billing statement from the State Water Board shall be considered a violation of this Order.

In accordance with California Business and Professions Code Sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by, or under the direction of, registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain work plans for, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain the professional's signature and/or stamp of the seal.

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.*"

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 of violation, or \$5,000 per day of violation, depending on the violation, pursuant to California Water Code Sections 13268 and 13350. The Regional Water 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

4 June 2008

TAD: 5/27/2008

Attachment II: Property Ownership Map
 Dellar Property Landfill Area
 CAO No. R5-2008-0705

