

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. R5-2006-0702

FOR

STOCKTON SPORTS PARK LLC
ALLIED WASTE INDUSTRIES INC.

FRENCH CAMP LANDFILL
SAN JOAQUIN COUNTY

This Order is issued to Stockton Sports Park LLC and Allied Waste Industries Inc. based on provisions of California Water Code Section 13304 and 13267 that authorizes 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. Stockton Sports Park LLC is the owner and Allied Waste Industries Inc. (Allied) is the operator (hereafter jointly referred to as Discharger) of the French Camp Landfill, an inactive municipal solid waste landfill. The facility is an unlined landfill on a 72-acre site, approximately one mile south of downtown Stockton. The facility stopped taking waste in 1999.
2. Waste Discharge Requirements (WDRs) Order Number R5-2004-0159, adopted by the Regional Board in 2004, approved a closure plan for the landfill and established a time schedule to complete closure construction by 31 December 2005. The Discharger has informed Regional Board staff that they want to revise the closure plan and delay final closure until 2006. However, the Discharger failed to submit the revised plan needed to write new WDRs. By not closing the landfill during the 2005 construction season and by failing to submit a revised plan, the Discharger has violated the requirement to complete closure by 31 December 2005. This Cleanup and Abatement Order establishes an enforceable time schedule to return this facility to compliance and to close the landfill during the 2006 construction season.

BACKGROUND

3. The facility was owned and operated by the City of Stockton from 1938 till 1999 when the landfill stopped accepting waste and was sold to Forward, Inc. In October 2001 Forward Inc. submitted an initial Closure Plan and in February 2004 submitted final amendments to complete the plan. In October 2004, the Regional Board adopted revised WDRs approving Forward's closure plan and establishing a time schedule to close the landfill by 31 December 2005.

4. On 7 July 2004, ownership of the French Camp Landfill was transferred to Stockton Sports Park, LLC. Allied Waste Industries Inc. acquired Forward Inc., and has retained operator responsibility for the site.
5. On 4 April 2005, the Discharger submitted a Project Scoping Document (scoping document) outlining plans to redevelop the site. The scoping document projects sports fields over the closed landfill footprint and retail buildings along Manthy Road. The small amount of waste contained within the retail area will be removed. The scoping document anticipated delaying completion of closure construction for one year, until December 2006.
6. On 14 April 2005, staff commented on the scoping document by indicating that while there is no regulatory objection to the re-development plans, the current WDRs for this site require closure by 31 December 2005. The Discharger was requested to submit a revised closure plan by 31 August 2005 to allow preparation of updated WDRs. However, the Discharger did not work on closing the landfill during the 2005 construction season and has not yet submitted a revised closure plan.
7. Staff repeated the request for submittal of a revised closure plan in letters dated 12 May and 8 August 2005.
8. On 14 October 2005, staff met with representatives of Allied to discuss the status of closure activities. They indicated that Stockton Sports Park was having problems finalizing the redevelopment plans and has been unable to complete a revised closure plan. Allied indicated that if a revised plan were not submitted by Stockton Sports Park, then Allied would close the site under the existing approved plan during the 2006 construction season.
9. Intermittent, low level Volatile Organic Contaminant (VOC) concentrations have been detected in groundwater at the French Camp Landfill repeatedly in recent years. VOCs are detected intermittently at very low concentrations and do not justify installation of a landfill gas extraction system. The pattern of VOC detections is consistent with groundwater contamination from landfill gases. We expect VOC concentrations to increase when the landfill is covered. The existing closure WDRs require implementation of landfill gas extraction if VOC detections increase. Closure of the landfill and subsequent installation of a landfill gas extraction system will be an effective corrective action for VOC releases to groundwater.

REGULATORY CONSIDERATIONS

10. By failing to comply with its Waste Discharge Requirements and close French Camp Landfill in a timely manner, the Discharger has delayed corrective actions designed to remediate VOC 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.

11. 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.
12. 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.
13. Title 27 California Code of Regulations (CCR), 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.*
14. Title 27 CCR Section 21110 states the following: *"(b)(1) If a solid waste landfill that has remaining permitted capacity is inactive for 12 consecutive months, the operator shall begin closure activities in accordance with the time frames specified in the closure plan unless granted an extension..."*
15. 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."*
16. 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."*

17. The technical reports required by this Order are necessary to ensure compliance with this Order and WDR Order No. R5-2004-0159, and to ensure the protection of the public health and safety. The Discharger owns and operates the facility that discharges waste subject to this Order.
18. 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.), pursuant to Section 15321(a)(2), Title 14, California Code of Regulations.
19. 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 Section 13267 and 13304 of the California Water Code, Stockton Sports Park LLC and Allied Waste Industries Inc. shall install a final landfill cover at the French Camp Landfill 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 **1 March 2006**, the Discharger shall submit a revised closure plan containing a detailed description of the final cover, final grading plan, and maintenance plan. Alternatively, the Discharger shall submit a document stating an intention to close the unit in conformance with the existing closure plan.
2. By **15 May 2006**, the Discharger shall submit a report demonstrating that sufficient soil has been allocated on site so that the landfill can be closed by **15 October 2006**.
3. By **31 December 2006**, the Discharger shall submit a report certifying that it has completed closure construction.
4. By **28 February 2007**, the Discharger shall submit a complete closure CQA report in accordance with CCR Title 27 Sections 20323 and 20324.

5. Work shall be conducted only after submitted documents have received concurrence or conditional concurrence from the Executive Officer. The Discharger must incorporate all conditions of approval into the documents before they are deemed final.
6. The Discharger shall notify the Regional Board at least five working days prior to any on-site work, testing, or sampling.
7. The Discharger shall obtain all local and state permits necessary to fulfill the requirements of this Order prior to beginning any work.
8. 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.

In addition to the above, the Discharger shall comply with existing WDRs Order 94-097 and all applicable provisions of the California Water Code that are not specifically referred to in this Order. 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.

JACK E. DEL CONTE, Assistant Executive Officer

(Date)