



California Regional Water Quality Control Board Central Valley Region

Robert Schneider, Chair



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Schwarzenegger
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Protection

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2 August 2006

FILE COPY

APPROVED	
author	<i>[Signature]</i>
senior	<i>[Signature]</i>

Dan Sheehan
A Greener Globe, Inc.
6355 Dorne's Road
Lincoln, CA 95648

NOTICE OF VIOLATION; SITE INSPECTION; WASTE DISCHARGE REQUIREMENTS ORDER NO. 89-115, FINGERS (BERRY STREET MALL) LANDFILL, PLACER COUNTY

Waste Discharge Requirements (WDRs) Order No. 89-115, Monitoring and Reporting Program (MRP) No. 89-115, "Reporting," states, in part:

"Quarterly . . . monitoring reports shall be submitted to the Board by the 15th day of the month following the calendar quarter in which the samples were taken. . . . A report shall be submitted to the Board by 30 January of each year containing both tabular and graphical summaries of the monitoring data obtained during the previous year."

A review of the files conducted as part of an 8 June 2006 site inspection indicates the following monitoring reports for the Fingers (Berry Street Mall) Landfill are past due:

Monitoring Report	Due Date	Days Past Due (as of 2 August 2006)
First Quarter 2005	15 April 2005	474
Second Quarter 2005	15 July 2005	383
Third Quarter 2005	15 October 2005	291
Fourth Quarter 2005	15 January 2006	199
Annual 2005	30 January 2006	184
First Quarter 2006	15 April 2006	109
Second Quarter 2006	15 July 2006	18
		Total: 1,658

Each failure to submit monitoring reports is a continuing violation of both the WDRs and Cleanup and Abatement Order (CAO) Order No. 99-724 (Paragraph 7), which requires that monitoring reports be submitted in accordance with the WDRs. The failure to submit the above monitoring reports is also a continuing violation of the Stipulated Final Judgment, Paragraph 5, which states, in part:

- "Pursuant to the Court's equitable authority, Defendant GREENER GLOBE is permanently restrained and enjoined from:
- violating WDR 89-115 and the Monitoring and Reporting Program associated therewith; and
 - violating CAO 99-724."

California Environmental Protection Agency

The Stipulated Final Judgment, Paragraph 8, states, in part:

"If the Defendant fails to perform the tasks required in Paragraph 5, including all Subparagraphs thereof, in a timely and satisfactory manner, Plaintiff REGIONAL BOARD shall be entitled to a penalty of \$1,000 per day per task. . . . Upon such failure to perform, Plaintiff's counsel shall be authorized to make application to the court to amend the judgment to reflect that the cumulative penalty shall be added to the judgment amount."

The Discharger's cumulative potential liability under the Stipulated Final Judgment for the above violations is currently \$1,658,000. To avoid application for having this penalty added to the judgment amount, please submit the above past due monitoring reports **forthwith** and no later than **31 August 2006**. Also, A Greener Globe, Inc. must resume submitting the quarterly monitoring reports by their due dates under the WDR/MRP, beginning with the Third Quarter 2006 monitoring report, due by **15 October 2006**.

A copy of the inspection report for the 8 June 2006 inspection is enclosed for your review. Overall the landfill appeared to be in good condition. A few maintenance items were identified (e.g., weed growth in drains) as noted in the inspection report. Such items should be addressed in accordance with the post-closure maintenance and monitoring plan for the landfill and the requirements of the Local Enforcement Agency.

If you have any questions, please contact me at (916) 464-4641.

JOHN MOODY
Water Resources Control Engineer
Land Disposal Program
Lower Sacramento River Watershed

Enclosure

cc: Bruce Reeves, Office of Attorney General, Department of Justice, Sacramento
Frances McChesney, Office of Chief Counsel, State Water Resources Control Board,
Sacramento
Alan Berry, California Integrated Waste Management Board, Sacramento
Dave Altman, Placer County Department of Health and Human Services, Auburn
Thomas Ballard, Western Resource Management, Citrus Heights
Richard Steffan, Attorney, Auburn

INSPECTION REPORT

13 June 2006

DISCHARGER: Berry Street Landfill
LOCATION & COUNTY: Roseville, Placer County
CONTACT(S): Dan Sheehan, A Greener Globe, Inc.
INSPECTION DATE: 8 June 2006
INSPECTED BY: John Moody – RWQCB
ACCOMPANIED BY: Dave Altman, Placer County LEA

OBSERVATIONS AND COMMENTS:

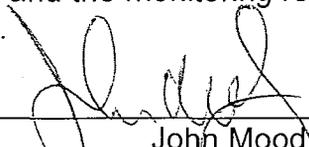
I arrived at the site at 11:10 a.m. The weather was partly cloudy and mild, about 65 degrees. Site conditions were dry.

The top deck and side slopes had thick vegetative cover consisting of long brown grass (Photos 1 and 2). The vegetation appeared to be healthy; I did not see any distressed areas. I also did not see any erosion or new settlement, although visual inspection of the cover was limited due to the length of the grass. The LEA pointed out an area along the northwest side slope where it had observed deep rills in previous inspections, but the area had filled in with grass and the rills were no longer visible. It was not clear whether the rills had been repaired.

The landfill appeared to be well drained and the drainage facilities generally appeared to be in good condition. I did not see any mud residue or other indications of ponding or saturation on the landfill crest. The overside drain inlets were clear of debris and both overside drains appeared to be functional (Photos 3 and 4). There was a moderate amount of sedimentation and weed growth in the perimeter drains along the access road, but the drains appeared to be functional (Photo 5). (There was also substantial weed growth through the asphalt cover over the perimeter access roads in several areas, Photo 6). There was no flow in the drains at the time of the inspection, and no water in the sedimentation basin in the southwest corner of the site (Photo 7). There was a small amount of flow in the natural drain along the western side of the site, but the flow appeared to be coming from offsite (Photo 8).

The LEA pointed to some pipes protruding outward from the rim of the crest, indicating that they part of an in situ gas collection system installed during landfill closure to allow for connection to an LFG extraction system. No such system has yet been installed at the site, however, and the pipes ends were capped.

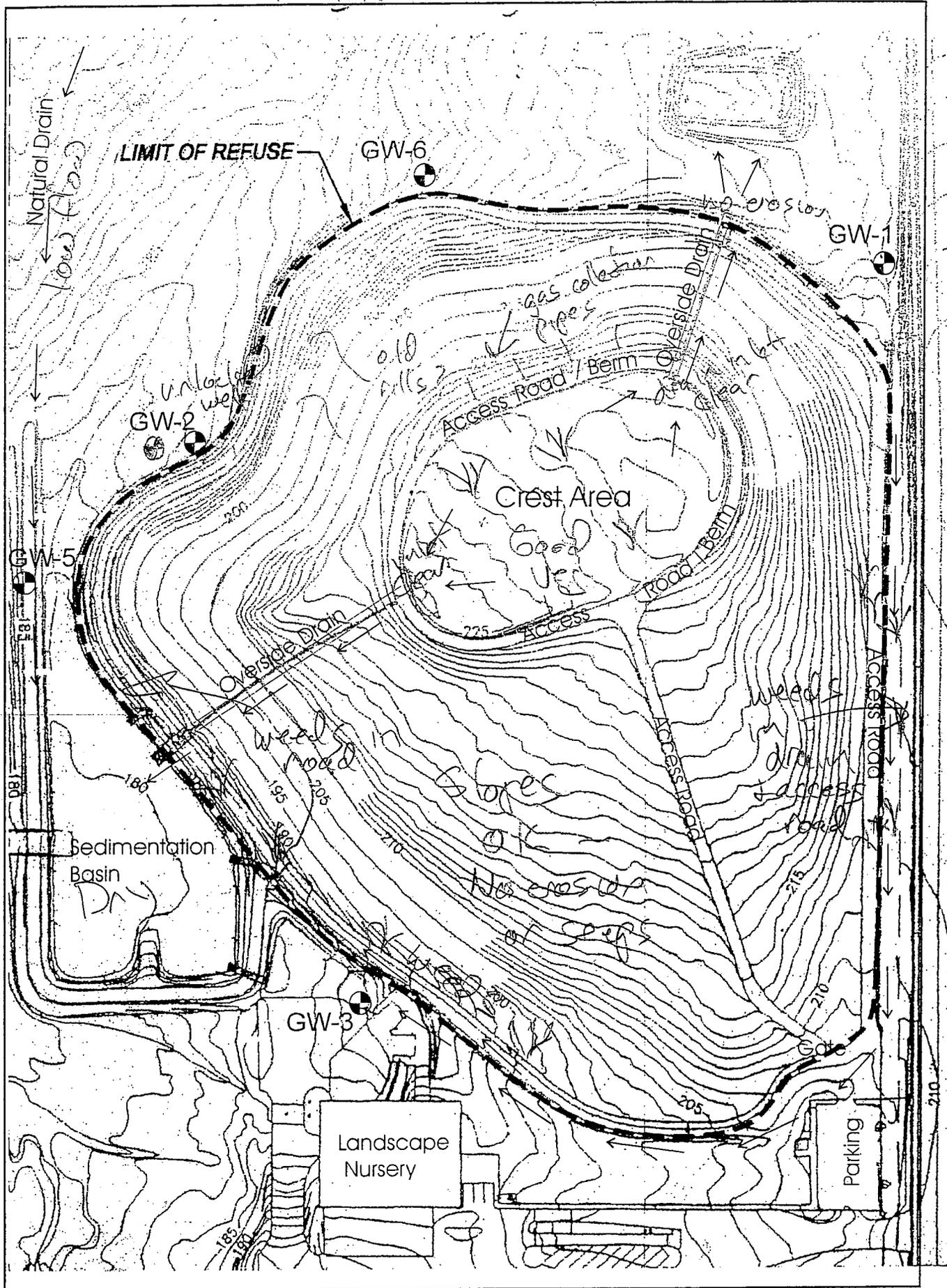
All wells at the site were locked, except for a well along the western landfill perimeter. I was not able to identify the well since it was near another well and the monitoring reports indicate that only one well, GW-5, exists at that location, Photo 9).


 John Moody
 Water Resources Control Engineer

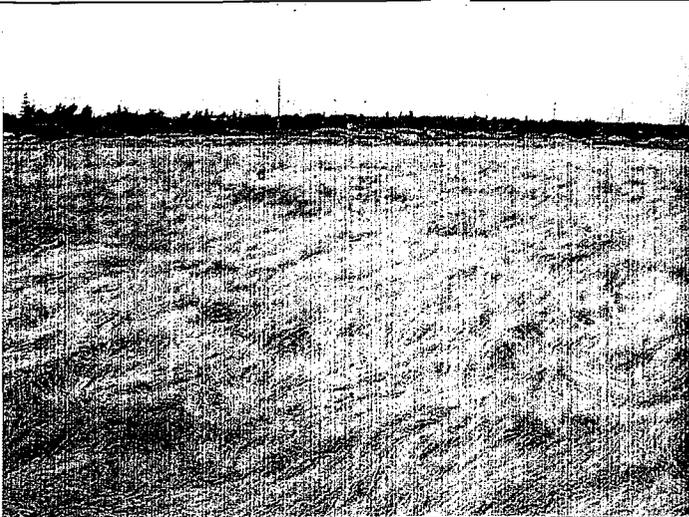
Approved: 

Site Inspection
Francers (Belcoy St. Mall) Landfill

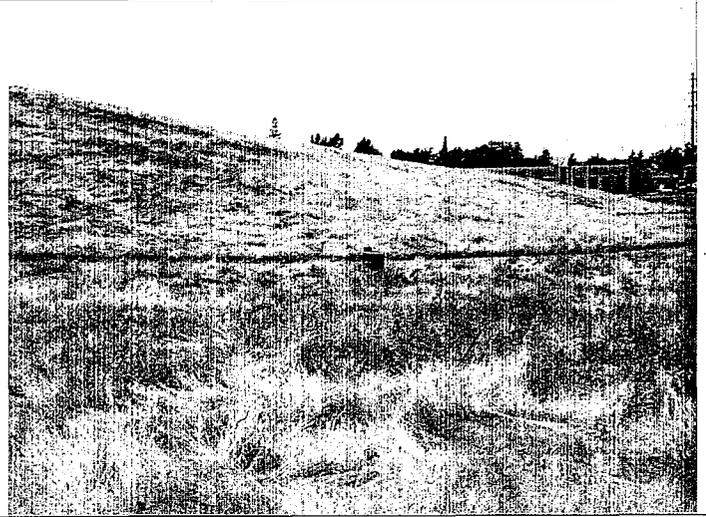
3 June 2006



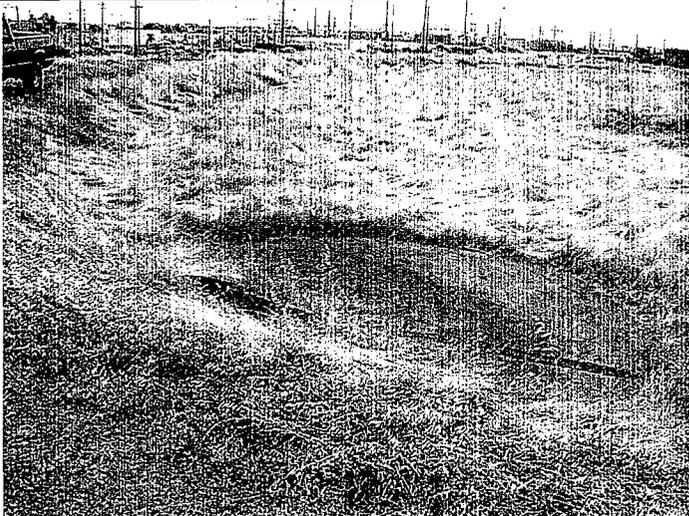
John Mealy



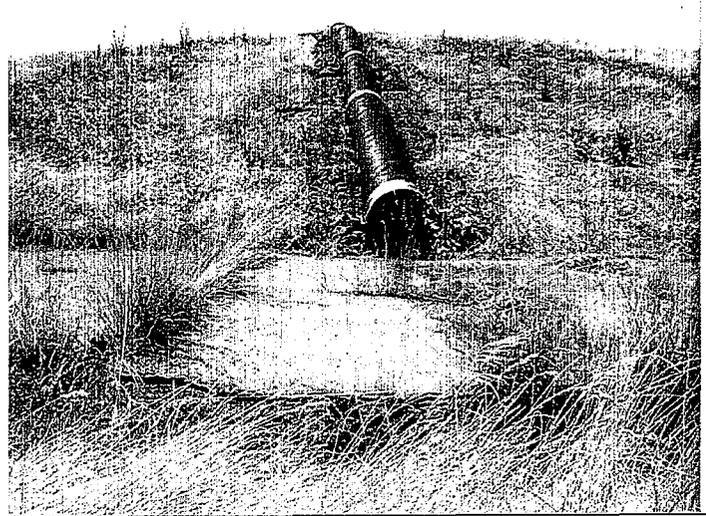
1. Typical vegetative cover on landfill deck.



2. Landfill side slope and well GW-6. View to SE.



3. Mouth of NE overside drain within crest berm.
View to east.



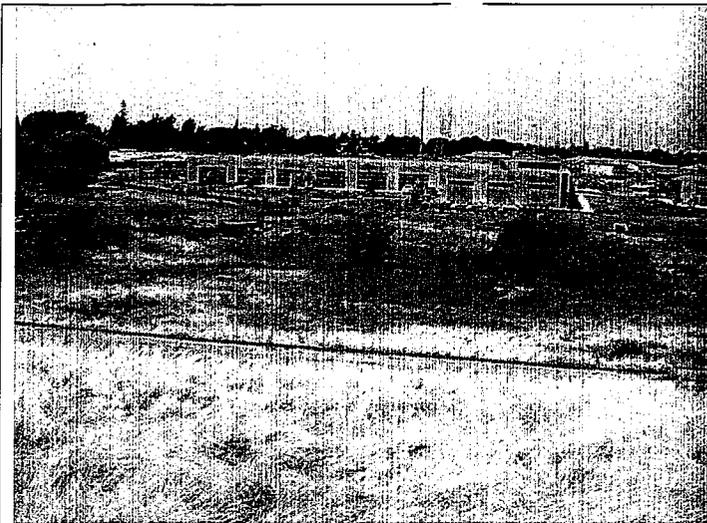
4. NE overside drain. View to south.



5. Sedimentation and weed growth in lined drain and
access road along eastern site perimeter.



6. Weed growth in access road along southern site
perimeter.



7. Sedimentation basin in SW part of site. View to SW from landfill crest.

8. Water in natural drain along western side of site. View to north.



9. Unidentified well pair, including GW-2. Unlocked well in foreground.

10.

11.

12.