



California Regional Water Quality Control Board

Central Valley Region

Steven T. Butler, Acting Chair



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Protection

Gray Davis
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15 October 1999

Mr. Daniel Sheehan
A Greener Globe Corporation
6355 Dorne's Road
Lincoln, CA 95648

FILE

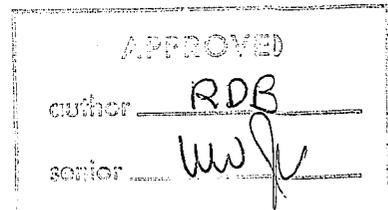
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CLEANUP AND ABATEMENT ORDER NO. 99-724, FINGER SANITARY LANDFILL, (BERRY STREET MALL), PLACER COUNTY

Enclosed is Cleanup and Abatement Order (CAO) No. 99-724 for the Finger Sanitary Landfill. The CAO requires that you (a) pay \$12,000 in past due annual fees, (b) pay future annual fees in a timely manner, (c) conduct quarterly groundwater monitoring as required by Waste Discharge Requirements No. 89-115, (d) complete an investigation to determine the lateral and vertical extent of groundwater contaminated by the Finger Sanitary Landfill, (e) clean up a small fuel spill and, (f) remove waste material located in and around the sedimentation pond.

If you have any questions, please contact Robert Busby of my staff at (916) 255-3136.

GARY M. CARLTON
Executive Officer



Enclosures: CAO Order No. 99-724
Stormwater NOI

cc w/ Order: Regional Board Members

- Ms. Frances McChesney, Office of Chief Counsel, State Water Resources Control Board, Sacramento
- Mr. John Youngerman, Division of Water Quality, State Water Resources Control Board, Sacramento
- Ms. Margie Youngs, Compliance and Enforcement Branch, State Water Resources Control Board, Sacramento
- Mr. Frank Limacher, Office of Statewide Consistency, State Water Resources Control Board, Sacramento
- Ms. Michele Bond, Division of Administrative Services, State Water Resources Control Board, Sacramento
- Mr. Tim Crist, California Integrated Waste Management Board, Sacramento
- Mr. Paulino Luna, Permitting and Enforcement Division, California Integrated Waste Management Board, Sacramento
- Mr. Dave Altman, Placer County Department of Environmental Health, Auburn
- Mr. Michael Wixon, City of Roseville Planning Department, Roseville
- Mr. Cal Brown, Capitol Waste, Sacramento

California Environmental Protection Agency



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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. 99-724

FOR
A GREENER GLOBE CORPORATION
FINGER SANITARY LANDFILL
PLACER COUNTY

This Order is issued to A Greener Globe Corporation (hereafter known as Discharger) based on provisions of California Water Code Section 13304 which authorizes the Regional Water Quality Control Board, Central Valley Region (hereafter Board) to issue a Cleanup and Abatement Order.

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

1. The Finger Sanitary Landfill is located at the northern end of Berry Street in Roseville within the NE1/4 of the NE1/4, Section 35, T11N, R6E, MDB&M. The parcel number is APN-015-100-048.
2. A Greener Globe Corporation is the current owner of record of the Finger Sanitary Landfill. William Finger operated the landfill from 1952 through approximately 1987. The landfill was owned by Berry Street Mall, Inc. and the Estate of William Finger from November 1987 until August 1996 when A Greener Globe Corporation acquired ownership through foreclosure.
3. The Board adopted closure Waste Discharge Requirements (WDRs) Order No. 89-115 on 23 June 1989 after unsuccessful attempts by Board staff to secure a completed Report of Waste Discharge from Berry Street Mall, Inc. WDRs No. 89-115 contain closure requirements and a monitoring and reporting program that requires the Finger Sanitary Landfill owners to periodically monitor surface and groundwater and to submit quarterly reports to the Board.
4. Due to the failure of the Berry Street Mall, Inc. to close the landfill, the California Integrated Waste Management Board (CIWMB) decided to undertake the closure of the facility including, in part, groundwater monitoring and installation of a clay cap. Closure was completed in 1993. However, the CIWMB did not take over ownership or responsibility of the site.
5. In a memo of 3 June 1992, the CIWMB stated that the Berry Street Mall, Inc. and the Estate of William Finger were the financially responsible parties of the landfill. Further, the remedial activities of the CIWMB were not considered operations activities. Board staff concurred with the findings of the CIWMB.
6. The CIWMB installed four onsite groundwater monitoring wells in 1993. The wells were sampled four times between June and October 1993. The following volatile organic compounds (VOCs) were detected at the corresponding maximum concentrations: chloroform (18.0 micrograms per liter (ug/L)); dibromochloromethane (13.0 ug/L); 1,2-dichloroethene (2.0 ug/L); ethylbenzene (0.7 ug/L); tetrachloroethene (1.3 ug/L); toluene (2.0 ug/L); trichloroethene (1.3 ug/L);

trichlorofluoromethane (7.0 ug/L); and total xylenes (1.5 ug/L). The concentrations of three of these VOCs exceed their applicable water quality limits.

7. The presence of VOCs in the groundwater constitutes evidence of a release as described in Section 20420 of Title 27 of the California Code of Regulations. Section 20430 of Title 27 requires the Discharger to take corrective action to remediate releases and to achieve concentration limits at all monitoring points throughout the zone affected by the release. The landfill was closed as an initial corrective action measure; however, continued monitoring is required to demonstrate that this corrective action will lead to a condition in which the concentration of waste constituents in groundwater are reduced to levels which are below concentration limits.
8. On 10 January 1997, Chamberlain, Chamberlain and Baldo (Attorneys at Law) wrote a letter to the State Water Resources Control Board entitled "Estate of William Finger, Deceased, Placer County Probate Matter No. 85906, Berry Street Mall, Inc.". The letter stated that "proceedings in reference to the estate of William Finger, deceased, have been pending in the Placer County Superior Court since early 1992 and are covered under probate proceedings P-0339.....and that a change of ownership occurred by virtue of foreclosure proceedings and title was transferredto A Greener Globe Corporation (deed recorded on 8/19/96)."
9. In an 11 March 1997 letter to A Greener Globe Corporation, Board staff stated that "as a new owner of the landfill, A Greener Globe Corp. is responsible for postclosure maintenance and monitoring of the landfill."
10. In a certified letter to the Discharger dated 2 July 1997, Board staff requested payment of annual fees for the landfill and stated that an Administrative Civil Liability Complaint may be issued pursuant to the penalty provisions of Section 13261 of the California Water Code if full payment was not made. The letter also requested submittal of an acceptable time table for sampling the landfill monitoring wells and submission of monitoring reports to the Regional Board as required by WDRs No. 89-115. The Discharger did not pay the annual fees and did not submit a schedule for sampling the landfill monitoring wells and submitting monitoring reports.
11. In a certified letter to the Discharger dated 10 August 1998, Board staff stated that the Discharger is responsible for complying with the requirements in the WDRs and that the Discharger has not paid annual fees and has not complied with WDR provisions for post-closure maintenance and ground and surface water monitoring requirements. Once again, the Discharger did not pay the annual fees or initiate groundwater or surface water monitoring.
12. On 22 December 1998, Board staff inspected the site and met with a representative of the Discharger. Staff was informed that the Discharger had retained Espana Geotechnical to conduct quarterly monitoring. The preliminary results of the quarterly monitoring were discussed. Apparently, only one of the four groundwater monitoring wells was sampled. The Discharger stated that a copy of the final report would be mailed to the Board.

13. On 15 January 1999, Board staff issued a certified letter to the Discharger stating that, pursuant to Section 13267 of the Porter-Colgne Water Quality Control Act, the Discharger was required to furnish a surface water and groundwater monitoring report and that all four groundwater monitoring wells must be sampled. The letter also requested past due WDR fees in the amount of \$12,000. The letter stated that civil liability may be administratively imposed by the Board in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.
14. The Discharger verbally notified staff on 21 January 1999 that a contract was being negotiated with a consultant to implement the surface and groundwater monitoring program.
15. On 22 January 1999, Board staff received Espana Geotechnical's December 1998 *Limited Ground Water and Landfill Gas Monitoring Report*. The data show that chloroform and cis-1,2-dichloroethene were detected in groundwater monitoring well MW-4 at 1.22 ug/L and 0.158 ug/L, respectively. Because the other three wells were not sampled as required by WDRs 89-115, staff do not know the direction of groundwater flow. The report stated that two of the wells were not sampled due to the height of the well casing above the actual wellhead and that the third was not sampled since the dedicated submersible pump was not operable. Gas samples were obtained from the four gas monitoring wells.
16. On 24 May 1999, Board staff issued a draft version of this Cleanup and Abatement Order that required submission of any comments by 9 June 1999.
17. On 7 June 1999, Board staff met with the Discharger to discuss the Draft Cleanup and Abatement Order. The Discharger stated that they did not have the financial resources to fulfill all of the requirements identified in the Order. The Discharger submitted laboratory analytical results for three of the four on-site groundwater monitoring wells which were sampled on 10 May 1999. However, a technical report describing the monitoring procedures and analytical results has not been submitted to date.
18. In a 14 June 1999 letter, the Discharger stated that they could not pay the required fees and conduct the required quarterly monitoring. The Discharger proposed that all fees be waived and the quarterly monitoring be continued for two years.
19. In a 12 August 1999 letter to the Discharger, Board staff requested the that the Discharger submit financial records including the last two years of corporate tax returns or sole-proprietorship returns, audited balance sheets, audited income statements, and proof of non-profit status. Financial records were received on 27 September 1999.
20. An economist with the State Water Resources Control Board's Office of State Wide Consistency has reviewed the Discharger's financial records and determined that the Discharger has not proven inability to pay or proven that the proposed penalty will pose a severe financial burden to A Greener Globe Corporation.

21. On a 7 October 1999 inspection, Board staff observed numerous large piles of concrete rubble, sheet rock and trash located west of the transfer station. Some of the piles were located within a sedimentation pond. Fuel spillage was observed beneath an above ground fuel storage tank.
22. This Cleanup and Abatement Order has been issued because the Discharger is out of compliance with Title 27 of the California Code of Regulations. Completion of the work at the dates specified in this Cleanup and Abatement Order will bring the Discharger back into regulatory compliance.
23. The limited groundwater monitoring completed to date clearly shows that the landfill has adversely impacted groundwater at this facility, causing a condition of pollution or nuisance.
24. As a result of the activities described in this Order, the Board finds that the Discharger has caused or permitted waste to be discharged or deposited where it has discharged to waters of the state and has created, and continues to threaten to create, a condition of pollution or nuisance.
25. The Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Fourth Edition)* (Basin Plan) establishes beneficial uses of the waters of the state and water quality objectives to protect those uses. The beneficial uses of the groundwater beneath the site are domestic, municipal, industrial, and agricultural supply.
26. The State Water Resources Control Board has adopted Resolution No. 92-49, the "*Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304.*" This Policy sets forth the procedures to be used during an investigation or cleanup of a contaminated site and requires that cleanup standards be consistent with State Water Board Resolution 68-16 (the antidegradation policy). Resolution 92-49 and the Basin Plan establish the cleanup levels to be achieved.
27. 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 any such suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant."
28. 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 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 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.”

29. Section 13260(d)(1) of the California Water Code provides that: “Each person for whom waste discharge requirements have been prescribed pursuant to Section 13263 shall submit an annual fee not to exceed ten thousand dollars (\$10,000) according to a reasonable fee schedule established by the state board. Fees shall be calculated on the basis of total flow, volume, number of animals, or area involved.”
30. 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, pursuant to Section 15321(a)(2), Title 14, California Code of Regulations.
31. Any person affected by this action of the Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with Title 23 California Code of Regulations sections 2050- 2068. The petition must be received by the State Board within 30 days of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Board, any person affected adversely by this Order may request the Regional Board to reconsider this Order. Such request should be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Board is sought, filing a petition with the State Board within the statutory time period is necessary to preserve the petitioner’s legal rights.

IT IS HEREBY ORDERED that, pursuant to Sections 13304, 13260, and 13267 of the California Water Code, A Greener Globe Corporation shall:

1. By **15 November 1999**, submit a total of \$12,000 in past due annual fees. Failure to do so shall be considered a violation of this Order.
2. Pay future annual fees in a timely manner. Failure to do so shall be considered a violation of this Order.
3. Within seven days of receipt of this Order, clean up the small fuel spill located near the above ground diesel storage tank and implement spill containment measures.
4. By **15 November 1999**, remove all waste and trash located in and around the sedimentation pond located near the southwestern corner of the site.
5. By **15 November 1999**, submit a completed Notice of Intent to comply with the requirements set forth in State Water Resources Control Board Orders Nos. 91-13-DWQ and 92-12-DWQ for discharge of storm water.
6. Conduct monitoring of the existing wells, and any additional wells that may be installed during the duration of this Order, as required by WDRs No. 89-115. In addition to the constituents listed in WDRs No. 89-115, all groundwater samples shall be analyzed for Total Petroleum Hydrocarbons

as gasoline and as diesel (by US EPA Method 8015) and methyl tert-butly ether (by US EPA Method 8260).

7. Submit the Third Quarter 1999 Monitoring Report by **1 December 1999** and quarterly monitoring reports thereafter in accordance with WDRs No. 89-115.
8. Investigate the extent of all groundwater contaminated by Finger Sanitary Landfill. Compliance with this requirement shall include, but not be limited to, the measures below. All activities shall conform State Board's *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304* and with the Water Quality Control Plan.

The Discharger shall comply with all applicable provisions of Title 27 of the California Code of Regulations that are not specifically referred to in this Order. All workplans and reports shall follow the outline found in Attachment A. Work shall be accomplished only after workplans are approved or conditionally approved the Regional Board staff. The Discharger must incorporate all conditions of approval into the workplan. The Discharger may not make any modifications to any workplan without a written request to staff and a written approval by staff. Failure to complete every item in an approved workplan will be considered a violation of this Order.

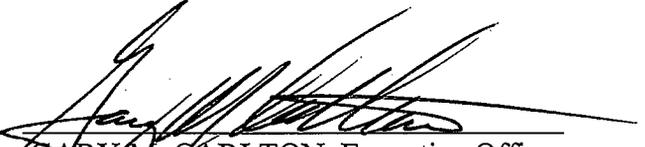
As required by the California Business and Professions Code Sections 6735, 7835, and 7835.1, all reports shall be prepared by, or under the supervision of, a registered professional engineer or geologist and signed by the registered professional.

The Discharger shall complete the following activities by the listed dates:

- a. By **20 November 1999** submit proof that a consultant has been retained to conduct an investigation.
 - b. By **1 January 2000**, submit a workplan to determine (1) the lateral and vertical extent of groundwater contamination and (2) background groundwater quality.
 - c. Within **120 days** of staff approval of the workplan, submit the results of the groundwater investigation. The report shall also contain a proposal for the installation of any additional monitoring wells necessary to monitor the dimensions of the plume.
 - d. Within **60 days** of staff approval of the well installation proposal, submit a well installation report.
9. Notify Board staff at least five working days prior to any on-site work, testing, or sampling.
 10. Obtain all local and state permits necessary to fulfill the requirements of this Order prior to beginning the work.

11. Any remediation or monitoring activities shall be continued until such time as the Board determines that sufficient cleanup has been accomplished and this Order has been rescinded.
12. 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.

This Order is effective upon the date of signature.



GARY M. CARLTON, Executive Officer

15 October 1999

(Date)

RDB: 14 October 1999

Attachment

ITEMS TO BE INCLUDED IN A SITE ASSESSMENT WORK PLAN

The outline below is a minimum requirement for items to be included and discussed in the text of all site assessment work plans submitted to the Board. All work plans must be signed by a registered geologist, certified engineering geologist, or civil engineer registered or certified by the State of California.

I. BACKGROUND

A. Site History

State all operations conducted at the site.

Identify present and hisotric chemical usage and handling procedures.

List all chemical spills and their disposition.

Identify all past and present above ground and under ground tank locations.

Identify tank capacities and other specifications as necessary.

Identify tank contents, past and present.

Submit all records of tests or repairs on fuel lines and tanks.

Identify locations of maintenance shops, chemicals used in the shops, method of chemical storage and disposal.

B. Topographic map of site vicinity showing:

All natural and man-made drainage features including ditches and surface impoundments, and the drainages destination;

Utilities, especially storm drain system;

Location of existing monitoring wells, including those installed by other parties;

Location of above ground and underground storage tanks, other waste-handling facilities, and/or spill site;

Location of a major body of water relative to the site;

Location of any nearby private, municipal, or irrigation wells; and

Other major physical and man-made features.

C. Geology/Hydrogeology

Include proposal for logging of boreholes and characterizing site geology, and identifying unconfined or confined aquifers and contaminant flowpaths.

II. PREVIOUS SITE ASSESSMENTS

Provide a detailed description of any previous site assessment conducted to determine if there is any soil or ground water contamination. Include analytical results of all soil and water samples analyzed, and water level and floating product measurements.

III. FIELD INVESTIGATION

A. General

Monitoring well locations and rationale
Survey details
Equipment decontamination procedures
Health and safety plan

B. Drilling Details

Describe drilling and logging methods

C. Monitoring Well Design

Casing diameter
Borehole diameter
Depth of surface seal
Well construction materials
Diagram of well construction
Type of well cap
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
Method of development water disposal

E. Soil Sampling

Cuttings disposal method
Analyses to be run and methods
Sample collection and preservation method
Intervals at which soil samples are to be collected
Number of soil samples to be analyzed and rationale
Location of soil samples and rationale
QA/QC procedures

F. Well Sampling

Minimum time after development before sampling (48 hours)
Well purging method and amount of purge water
Sample collection and preservation method

QA/QC procedures

G. Water Level Measurement

Elevation reference point at each monitoring well shall be within 0.01 foot. Ground surface elevation at each monitoring well shall be within 0.1 foot. Method and time of water level measurement shall be specified.

IV. QA/QC PROCEDURES

Specify number of field blanks and duplicates.

V. TIME SCHEDULE FOR PROPOSED WORK

The work plan shall include a time schedule for implementation of work.

ITEMS TO BE INCLUDED IN A SITE ASSESSMENT REPORT

The outline below is a minimum requirement for items to be included and discussed in the text of all site assessment reports submitted to the Board. Other supporting data to be included in the report, either within the text of the report or in appendices, are italicized at the end of each section. All reports must be signed by a registered geologist, certified engineering geologist, or civil engineer registered or certified by the State of California.

I. INTRODUCTION

Summary of past investigations
Purpose of the recent investigation
Scope of the recent investigation
Time period in which the recent investigation was carried out

II. SUMMARY

Number of wells drilled
Results of soil and water analyses
Ground water flow direction and gradient
Possible source determination

III. FIELD INVESTIGATION

Well Construction
Number and depth of wells drilled
Date(s) wells drilled
Description of drilling and construction
Approximate locations relative to facility site(s)

Supporting Data:

A well construction diagram for each well should be included in the report which shows the following details:

- Total depth drilled*
- Depth of open hole (same as total depth drilled if no caving occurs)*
- 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*
- Number of bags of sand*
- Well elevation at top of casing*
- Depth to ground water*
- Date of water level measurement*
- Monitoring well number*
- Date drilled*
- Location*

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

Supporting Data:

Field notes from well development should be included in report.

Water Sampling

- Date(s) of sampling
- How well was purged
- How many well volumes purged
- Levels of temperature, EC, and pH at stabilization
- Sample collection, handling, and preservation methods
- Sample identification
- Analytical methods used

Soil Sampling

- Date(s) of sampling
- Sample collection, handling, and preservation method

Sample identification
Analytical methods used

IV. FINDINGS OF THE INVESTIGATION

Lithology

Types of sediments encountered
Presence, location, and lateral continuity of any significant sand, silt,
or clay layers
Any visual signs of contamination

Supporting Data:

Well logs geologic cross-sections should be included in the report.

Analytical Results of Soil and Ground Water Sampling

Analytical results of each monitoring well should be summarized

Supporting Data:

*Laboratory analytical sheets
Chain-of-custody forms*

Water Levels

Static water levels measured when well drilled
Date(s) of water level measurements
Water levels determined prior to sampling

Supporting Data:

Dates of water level measurement, depths to ground water, and ground water elevations should be tabulated and included in the report.

Ground Water Gradient and Flow Direction

Ground water gradient and flow direction determined by the investigation should be discussed and compared to the regional gradient and flow direction.

Supporting Data:

A ground water contour map, drawn to scale, should be provided which shows each well, its ground water elevation, and lines of equal ground water elevation. Ground water gradient and flow direction should be shown on the map. The calculation of the gradient should be included.

V. RESULTS OF QA/QC

QA/QC procedures
QC sample identification
Field blank analyses
Comparison of duplicate sample results

VI. CONCLUSIONS AND RECOMMENDATIONS

Note any contamination found

Identify any suspected source of contamination, if possible

Recommend any further investigative needs

The topics listed above are only the minimum which need to be included in site assessment reports for the Board. All other pertinent information specific to each individual investigation also should be included.