

ITEM: 10

SUBJECT: Ma-Ru Holding Company, Inc. and Bonzi Sanitation Landfill, Stanislaus County

BOARD ACTION: *Consideration of a Resolution Requiring Payment of \$50,000 as Described by the Stipulated Judgment*

BACKGROUND: On 21 December 2005, a Stipulated Judgment for the Ma-Ru Holding Company, Inc. and Bonzi Sanitation Landfill (hereafter Discharger) was filed with the Superior Court of the State of California for the County of Stanislaus (Case No. 376882). The Stanislaus County District Attorney's Office and the Regional Board Executive Officer jointly negotiated this \$1.95 million settlement for the Discharger's failure to comply with the waste discharge requirements and enforcement orders issued by the Regional Board.

Of the \$1.95 million, the Discharger must pay \$450,000 over a two-year period, while \$1.4 million has been stayed contingent upon the Discharger's satisfactory completion of 21 studies and improvements to the landfill. These tasks must be completed by the timelines listed in the Judgment. An additional \$100,000 is payable if there are any violations of Penal Code Section 115.

ISSUES:

The Discharger satisfactorily submitted the first of the 21 reports required by the Stipulated Judgment. However, the Discharger has not completed the second item, which was due by 1 January 2006. This item regarded the removal of vegetation and inspection of the liner in the pond to which treated groundwater and storm water is discharged. The Discharger was first directed to complete this work in October 2003 and again directed to complete the work in August 2005. During the negotiations regarding the Stipulated Judgment, the Discharger agreed to complete the work by 1 January 2006. However, during a 22 December 2005 inspection, Regional Board staff was verbally told that the work would not be completed on time. A letter received on 29 December 2005 reiterates that fact. The penalty listed in the Stipulated Judgment for missing this due date is \$50,000.

The Bonzi Landfill has a long history of failure to address noncompliance issues, failure to operate its groundwater extraction and treatment system, failure to submit adequate reports, and failure to comply with its April 2005 Cease and Desist Order.

The proposed Resolution simply states that the Discharger has violated Item No. 11 of the Terms and Conditions of the Stipulated Judgment, and per the penalties described therein, must immediately submit payment of \$50,000 to the State's Cleanup and Abatement Account.

RECOMMENDATION: Adopt the proposed resolution.

Mgmt. Review _____

Legal Review _____

26 January 2006
Central Valley Regional Water Quality Control Board meeting
11020 Sun Center Dr. #200
Rancho Cordova, CA 95670