

From: "Hackett, Jeff" <JHackett@CIWMB.ca.gov>
To: "hhernand@rb3.swrcb.ca.gov" <hhernand@rb3.swrcb.ca.gov>
Date: 12/15/03 11:58AM
Subject: General WDR R3-2004-0006

Hi Hector,

It was good to finally meet you the other day after all these years of seeing your name on correspondence. I will look over the general order and get you any comments by 12/19. Below is some information I have on each of the sites in Santa Cruz listed in Attachment 2 of the WDR:

RMC Lonestar - Was issued Closure WDR 94-66 and was closed per the FCPMP. I think they are still under a monitoring and reporting program with the RWQCB. The CIWMB inspects annually and has not observed any problems. Site is pretty well maintained.

Kennolyn Camps - Was just a small site used only by the camp. We know the general vicinity of the site, but do not now the actual footprint of the site. The CIWMB inspects annually and has not noticed any problems. I actually tried to archive the site from the CIWMB's database, but was informed it would take a little further investigation. It just doesn't seem like a site that really warrants a lot of investigation (\$\$), at least from the CIWMB perspective.

Lockheed - Site was closed per Chapter 15 requirements back in the early 80s. Inspect annually and have not noticed any problems.

Old City of Watsonville - Property recently changed owners. The new owner is well aware of the dump site. Some erosion has occurred on the northeast portion of the site exposing a small amount of old waste. New owner is working with the Santa Cruz County Planning Dept on a grading permit to correct. Don't know the exact footprint of waste, but the new owner understands that any proposed change in land use will require further investigation of the site (e.g., Phase II) to delineate the disposal footprint. Site gets a bit of runoff/run-on from adjacent strawberry fields and the new owner is working with the Natural Resource Conservation Service on drainage plans. I was completing an enforcement order against Telles Ranches to correct the exposed waste, but as we went to issue, the property changed hands (around June 2003). I have been working with the new owner to correct and he seems to be working on it. We'll see..

New Owner: Mr. Jeff Finsand
400 Nob Hill Drive
Walnut Creek, CA 94596
PH: 925.945.7819

Peterson - This is from back in 1993. Contractor was dumping construction and demo debris on his property. Did not observe actual burial of waste. The county code enforcement was going to work with owner to clean up. No further action was taken by the CIWMB. I will try and contact someone at the county to find out if the debris was ever removed. It was a really hard place to find in the back woods, but I remember hearing about a timber harvest plan in the area just a couple of years ago.

Gilbertson - (Mike L. might remember this one...) This was a site used by the previous owner (Mr. Gilbertson) to dump construction and demo debris. A

lot of the material came following the 1989 Loma Prieta earthquake. The City of Watsonville bought/claimed the property and completed a Phase I and Phase II investigation. Mr. Gilbertson filed bankruptcy and left. The investigations revealed mostly C&D/inert debris with no LFG and minimal threat. City has been pursuing a grading permit for years to add 100,000 cubic yards of clean soil to bring the site up to surrounding grade. The grading permit was finally issued last year but has not yet been exercised. The Coastal Commission actually appealed the first grading permit. The grading project will serve as a "closure" of the site since additional cover will be placed on the slopes and top deck with drainage and erosion controls. Inspect quarterly and just waiting for the grading/import of material to begin.

I hope this information is helpful to you at this point. If you need more detailed info, let me know and I will see what info may be worth copying for you to have on file.

jeff
916.341.6413

From: "Hackett, Jeff" <JHackett@CIWMB.ca.gov>
To: "hhernand@rb3.swrcb.ca.gov" <hhernand@rb3.swrcb.ca.gov>, "David Athey"
<DAthey@rb3.swrcb.ca.gov>
Date: 12/17/03 11:13AM
Subject: WDR R3-2004-0006

Update on info: I was able to get some additional information on the Peterson Illegal Dump Site listed on Attachment 2 of the WDR. I spoke to a representative of the Santa Cruz County Planning Department and he informed me that the (new) property owner had cleaned up the site in April 2003. In addition to the removal of the solid waste, approximately 30 cars were removed from the property. I thought the site had been cleaned up, but it was good to get confirmation from the planning department (for grading ordinance violations and illegal dumping). I plan to archive the site here.

jeff

From: "Hackett, Jeff" <JHackett@CIWMB.ca.gov>
To: "Hector Hernandez (E-mail)" <Hhernand@rb3.swrcb.ca.gov>
Date: 12/19/03 1:34PM
Subject: WDR R3-2004-0006

Hi Hector,

I have just a few comments/questions on the proposed subject WDR:

Background 10., Page 2 - Is the intent only for burn dumps as stated? The sites in Santa Cruz that are included in Attachment 2 are not considered burn dumps. May want to restate to include other types of disposal sites and not state only as owner or operators of burn dumps. It is clarified under other sections, but you may want to clarify here.

Background 11., Page 2 - How would an owner propose to remove their site from the respective attachment and not be subject to the order? Same process of filing a ROWD? Would it be a case-by-case basis and the owner would contact the RWQCB (as indicated in the footnote) to determine if the site is covered by the order?

Provisions 29., Page 11 - States this order supersedes any other existing order, however, on Page 2, part 12. indicates sites currently under individual WDRs will be considered for coverage under the general order when the individual WDRs are scheduled for review. Be consistent on the requirement.

Since a majority of the sites may not have any type of monitoring systems in place (either for ground water monitoring or gas monitoring), will they be required to install monitoring systems? Will there be a time frame by which this would have to be done? Would this be part of the MRP, which is required within 90 days of receipt of the order? Will there be an exclusion for "small" sites which were ranked very low on the original SWAT list. Such a requirement would be a big economic impact on the owner requiring time to attain the resources to complete and comply with the requirements.

No formal response is necessary, but I thought I would share some of the questions that came to mind for me.

I really like the idea of the discharger/owner having to include a notice on the deed. This should help to take care of disclosure problems that we have seen in the past with some of the "legacy" sites.

Happy Holidays!

jeff

From: "Mike Schmaeling" <mikeschm@co.santa-barbara.ca.us>
To: <Hhernand@rb3.swrcb.ca.gov>
Date: 12/17/03 9:07AM
Subject: Comments on General WDRs

Hello Hector,

The only comments I have on this document deal with Attachments 1 & 2. They are:

1. The Santa Maria Airport - consists of two separate landfills, and to my knowledge, neither was a "burn dump".
2. The Ventucopa Landfill - this site was "clean - closed". There is no longer any refuse at this site and soils analysis verified that the site was clean.
3. A couple of sites listed on the CIWMB's website may be of concern to the Regional Water Quality Control Board. Attached is a link to the site where the Closed sites are listed. If you click on the SWIS Number that corresponds with a specific site you can get additional info on that site. If you still need any additional information, please contact me and I'll do what I can to help you.

<http://www.ciwmb.ca.gov/SWIS/Inventory.asp?OUT=HTML&PG=INV&COUNTY=Santa+Barbara&NAME=&FAC=&OPSTATUS=Closed®STATUS=>

Thank you for the opportunity to review and comment on this document. I hope that this e-mail can be used as a method of submitting "formal comments", if not, please let me know ASAP.

Mike Schmaeling
Santa Barbara County, Environmental Health Services

CC: "David Brummond" <Brummond@co.santa-barbara.ca.us>, "Lisa Sloan"
<Lsloan@co.santa-barbara.ca.us>

From: "Lisa Sloan" <lsloan@co.santa-barbara.ca.us>
To: <Hhernand@rb3.swrcb.ca.gov>
Date: 12/17/03 4:47PM
Subject: Re: Comments on General WDRs

Hi Hector,

I would add the following comments for Santa Barbara County:

4. Attachment one includes the Carpinteria City Dump site. However, punch tests indicated no impacts to groundwater. The Carp City site is a former burn dump, relatively small in size. It more closely fits the characteristics described for those sites listed under Attachment Two.

5. Attachment Two includes Elings Park. This site was ranked a 7 based upon the 1988 Air SWAT. The Water SWAT has yet to be completed. Perhaps it should be moved to Attachment One.

6. Attachment Two includes the Santa Barbara Transfer Station. However, the Foothill Dump underlies a portion of the Transfer Station. There is no separate closed landfill at the Transfer Station. Thus, this listing is redundant.

Please consider Mike's comment regarding additional sites that may be of interest to you. The CIWMB has a list of closed landfills in Santa Barbara County on their web page.

Thank you for the opportunity to comment.

Sincerely,

Lisa Sloan
Senior Environmental Health Specialist
lsloan@co.santa-barbara.ca.us
(805) 681-4942

>>> Mike Schmaeling 12/17/03 09:06AM >>>
Hello Hector,

The only comments I have on this document deal with Attachments 1 & 2. They are:

1. The Santa Maria Airport - consists of two separate landfills, and to my knowledge, neither was a "burn dump".

2. The Ventucopa Landfill - this site was "clean - closed". There is no longer any refuse at this site and soils analysis verified that the site was clean.

3. A couple of sites listed on the CIWMB's website may be of concern to the Regional Water Quality Control Board. Attached is a link to the site where the Closed sites are listed. If you click on the SWIS Number that corresponds with a specific site you can get additional info on that site. If you still need any additional information, please contact me and I'll do what I can to help you.

<http://www.ciwmb.ca.gov/SWIS/inventory.asp?OUT=HTML&PG=INV&COUNTY=Santa+Barbara&NAME=&FAC=&OPSTATUS=Closed®STATUS=>

Thank you for the opportunity to review and comment on this document. I hope that this e-mail can be used as a method of submitting "formal comments", if not, please let me know ASAP.

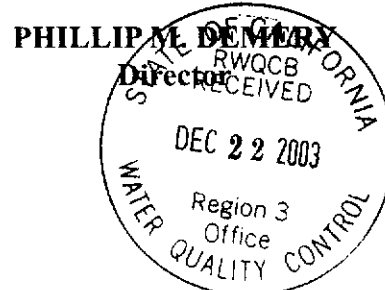
Mike Schmaeling

Santa Barbara County, Environmental Health Services

CC: "David Brummond" <Brummond@co.santa-barbara.ca.us>, "Mike Schmaeling" <Mikeschm@co.santa-barbara.ca.us>

**COUNTY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT**

123 East Anapamu Street
Santa Barbara, California 93101
805\568-3000 FAX 805\568-3019



December 19, 2003

Roger Briggs
Executive Officer
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

**SUBJECT: DRAFT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER
NO. R3-2004-0006 AND GENERAL MONITORING AND REPORTING
PROGRAM NO. R3-2004-0006**

Dear Mr. Briggs:

The County of Santa Barbara Public Works Department Solid Waste & Utilities Division (County) provides the following comments to the subject:

General WDRs

1. Page 2 Background Finding 14. The County has reviewed California Code of Regulations Title 23, Division 3, Chapter 9, Section 2200 and has interpreted that the Threat to Water Quality and Complexity Rating for CAI Landfills containing significant quantities of decomposable waste, as described in Finding 7 of the Draft General WDRs, are "III-B" rather than "III-A". Complexity Rating "A" is for Class I waste management units. The CAI Landfills operated by the County would be classified as Class III waste management units under today's classification, and therefore should be a Complexity Rating "B".

Please clarify if the CAI Landfills in Attachment 1 (REVISED) are III-Bs, and the CAI Landfills in Attachment 2 are III-Cs. Clarification will assist the County in budgeting for the annual fees associated with the General WDRs for CAI Landfills previously operated by the County.

2. Page 3 Background Finding 15 and 17. Please specify which County CAI Landfills will fall under the General WDRs, and which CAI
AA/EEO Employer

Roger Briggs

SUBJECT: DRAFT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER NO. R3-2004-0006
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Landfills will fall under current WDRs and Monitoring & Reporting Programs (M&RPs). Currently, the New Cuyama Landfill has WDRs and a M&RP, and the Ballard Canyon/Chalk Hill Road and Santa Ynez Airport Landfills have M&RPs.

3. Page 4 Background Finding 27. This finding implements the prescriptive standards and performance goals of Title 27, as promulgated on July 18, 1997, and 40 CFR 258. 40 CFR 258.1(c) states "These criteria do not apply to municipal solid waste landfill units that do not receive waste after October 9, 1991".

Since all of the County's CAI Landfills, except for the New Cuyama Landfill, stopped receiving waste prior to October 9, 1991, would any part of the General WDRs that include prescriptive standards and performance goals of 40 CFR 258 apply? This section should be clarified to specify that only Title 27 applies to landfills that stopped receiving waste before October 9, 1991.

4. Page 5 Finding B.1. Since 40 CFR does not apply to landfills that stopped receiving waste before October 9, 1991, it would not apply to any of the County's CAI Landfills except for the New Cuyama Landfill. This section should be clarified to specify that only Title 27 applies to landfills that stopped receiving waste before October 9, 1991.
5. Page 5 Finding B.3. CAI Landfills previously operated by the County have been inactive for between five and over 30 years. The County believes that potential releases from the site related to storm water runoff are minimal and in the worst-case scenario, would be limited to erosion. We believe that requiring the County to comply with all the requirements contained in the "State Water Resources Control Board Water Quality Order No. 97-03-DWQ National Pollution Discharge Elimination System (NPDES) General Permit No. CAS000001 Waste Discharge Requirement for Discharge of Storm Water Associated with Industrial Activities Excluding Construction Activities is overly burdensome and will not provide additional protection of water quality.

The County request that the California Regional Water Quality Control Board (CRWQCB) review each CAI Landfill on an individual

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basis and determine the sites threat to water quality, and develop an appropriate storm water monitoring program for each site.

6. Page 8.E.8. Since all of the County's CAI Landfills, except for the New Cuyama Landfill, stopped receiving waste before October 9, 1991, 40 CFR does not apply. This section should be clarified to specify that only Title 27 applies to landfills that stopped receiving waste before October 9, 1991.
7. Page 12 Report and Task Implementation Date Summary. The Report and Task Implementation Date Summary under implementation date requires that within 90-days of receipt of this order, that a Sampling and Analysis Plan is to be submitted. This appears to be in conflict with Monitoring and Observation Schedule Page 2.C.2 which states "Within 120 days of receipt of this Order, the Discharger shall submit either, a proposed Monitoring Plan for its landfill site, or a request a waiver from monitoring".

The CRWQCB has identified the County as the Discharger on nine sites on Attachments 1 and 2. Because of the significant effort required to develop individual Sampling and Analysis Plans for each site, the County request that the CRWQCB consider requiring that "Within 180 days of receipt of this Order, the Discharger shall submit either, a proposed Monitoring Plan for its landfill site, or a request a waiver from monitoring". The County believes that 180 days is more reasonable than the 90 or 120 days in the Draft General WDRs.

Monitoring and Observation Schedule

8. Page 1.A.1. The County believes requiring site inspections to be performed on each CAI Landfill following each storm event producing a minimum of 1" rain within a 24-hour period is overly burdensome and unnecessary. The County's CAI Landfills have been closed for a minimum of five years, and therefore would have experienced erosion or drainage problems by now. The County believes the CRWQCB should establish a Site Inspection Schedule and Standard Observations on a site-by-site basis, and that a general requirement to follow the Site Inspection Schedule and Standard Observations as

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proposed in the Draft General WDRs is overly burdensome and unnecessary.

9. Page 3 D.2. This section specifies that gas monitoring probes shall be monitored semi-annually for methane, carbon dioxide and volatile organic constituents, yet the next sentence specifies that volatile organic compounds be tested annually. The County suggests that the testing of volatile organic constituents (compounds) be performed when, during the monitoring of a probe, methane is detected above its lower explosive limit (LEL), and that the testing for volatile organic constituents (compounds) be limited to the probe with the highest methane concentration in case methane is detected above its LEL in more than one probe.

This section requires that gas monitoring probes shall be monitored for volatile organic compounds either semi-annually or annually. This conflicts with Page 2.C.3 which states "If required, gas monitoring points shall be sampled on a yearly basis". Please clarify if the gas monitoring probes are to be monitored semi-annually or annually, or if required.

10. Page 7 A. The County requests that staff of the CRWQCB work with the County on a schedule due date for the Annual Reports. The CRWQCB has identified nine CAI Landfills that the County is the Discharger on Attachments 1 and 2, and with two operating sites, the County has the potential to be required to submit eleven reports by January 30th. The County believes that the requirement to submit eleven reports simultaneously is overly burdensome, and proposes that the annual reporting period be changed so that annual reports would be submitted for two to three sites each quarter.
11. Page 10.3.b.ii. 40 CFR §258.55(g)(1)(ii) would only apply to the New Cuyama Landfill, as the other County CAI Landfills on Attachments 1 and 2 stopped receiving waste before October 9, 1991. Please clarify this section.

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Attachment 1 (REVISED)

12. Attachment 1 identifies the Santa Maria Airport Landfill as a burn dump. In 1995, Earth Systems Consultants performed a site assessment on the older of the two landfills located on Santa Maria Airport property. The investigations entitled 'Subsurface Site Assessment, Santa Maria Airport Property, Former County Landfill Northwest Corner of Foster and Blosser Roads, Santa Maria, California' included trenching and borings within the landfill.

The investigation did locate some burn material, but it consisted of wood waste only. It may be incorrect to define the entire landfill as a burn dump, since the burning appears to be limited to wood waste, and the available information indicates it occurred at one of the two landfills. We suggest removal of the burn dump description for the Santa Maria Airport Landfill.

Attachment 2 (REVISED)

13. The "Carpinteria City Dump" is listed in this attachment, although it is unclear from the discharger identification, as listed, if this entry refers to the former Carpinteria Burn Dump site that has recently been investigated by the County, with oversight by the CRWQCB. It should be noted that the former Carpinteria Burn Dump site has been characterized as reported in the following documents:

Padre Associates, Inc., June 2002, Additional Site Assessment, Former Carpinteria Burn Dump"

County of Santa Barbara, July 24, 2002, Carpinteria Burn Site Closure and Postclosure Maintenance Plan"

County of Santa Barbara, November 7, 2002, Letter report to Lisa Sloan, "Additional Information for Conditional Approval of Closure and Postclosure Maintenance Plan Former Carpinteria Burn Site"

The information included in the above referenced reports was reviewed by CRWQCB staff with the conclusion that "there is a low probability of impact to surface water and groundwater at the site"

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(July 30, 2002 letter from Roger Briggs to Phil Demery). No further surface water or groundwater monitoring was determined to be needed. On-going erosion control and cap maintenance for the site are each included with the Closure and Postclosure Maintenance Plan.

On the basis of the above information, it is proposed that the "Carpinteria City Dump" and/or the "former Carpinteria Burn Dump site" be removed from the list of sites required to implement the General WDR and MRP.

14. The County requests that the CRWQCB remove the Turnpike Dump from the list of CAI Landfills. The County has reviewed its files, and has no record of a dump being at this location. The County also contacted Ms. Vivian Nelson and Ms. Lisa Sloan of the County of Santa Barbara Public Health Department, Environmental Health Services. Ms. Nelson performed a historical research of all of the CAI Landfills in the County. In a telephone discussion with Ms. Nelson regarding the Turnpike Dump, Ms. Nelson said during her research she could not find any information that the site existed. Ms. Nelson speculated that the site could have been the site of illegal dumping, and not a County operated landfill or dump.

The County also discussed the Turnpike Dump with Ms. Sloan. Ms. Sloan is the Local Enforcement Agency for the portion of the County that includes the Turnpike Dump. Ms. Sloan is also unfamiliar with a dump actually being located at the site. Ms. Sloan has previously requested that the California Integrated Waste Management Board remove the Turnpike Dump from its SWIS database.

Thank you for your consideration of our comments on the Draft General WDRs. Please contact Imelda Cragin at 882-3603 if you have questions on any of our comments, or wish to discuss any of our comments.

Sincerely,



Mark A. Schleich
Deputy Director
Solid Waste & Utilities Division

Roger Briggs

**SUBJECT: DRAFT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER NO. R3-2004-0006
AND GENERAL MONITORING AND REPORTING PROGRAM NO. R3-2004-0006**

December 19, 2003

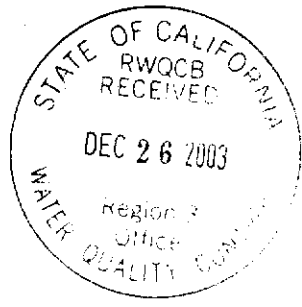
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**cc: Imelda Cragin, Public Works
Mark Zuber, Public Works
Claudia Stine, City of Lompoc
Gary Rice, Santa Maria Airport District
Lisa Sloan, Public Health Department
Michael Schmaeling, Public Health Department
Project No. 170000**



December 23, 2003
Project 4389

Mr. Hector Hernandez ✓
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401



Subject: Comments to the Draft General Waste Discharge Requirements
Order No. R3-2004-0006

Dear Mr. Hernandez:

On behalf of the Monterey County Department of Public Works (MCDPW), Geomatrix Consultants, Inc. (Geomatrix), has prepared this letter summarizing our comments to the Draft General Waste Discharge Requirements (WDR) Order No. R3-2004-006 (draft WDR). As you requested in our December 17, 2003, telephone conversation, we have prepared the following paragraphs to provide the Regional Water Quality Control Board – Central Coast Region (RWQCB) with a better understanding of the current status of the sites listed in the draft WDR that are administered by the MCDPW.

Ten sites listed in Attachment 2 of the draft WDR are under the oversight of the MCDPW. The sites are listed below:

1. San Antonio North Shore Disposal Site
2. Antonio South Shore Disposal Site
3. Bradley Sanitary Landfill
4. San Ardo II Disposal Site
5. San Ardo Disposal Site
6. Parkfield Disposal Site #1
7. Parkfield Disposal Site #2
8. Chualar River Road Disposal Site
9. Greenfield Disposal Site
10. Lockwood Disposal Site

Mr. Hector Hernandez
California Regional Water Quality Control Board
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Geomatrix provides monitoring services on behalf of the MCDPW for the first four sites. A brief description of the status of those four sites is presented in the following paragraphs.

LAKE SAN ANTONIO NORTH SHORE LANDFILL (NORTH SHORE): North Shore is a non-operational landfill that is monitored under the directive of WDR Order No. R3-2002-0056 adopted by the RWQCB on September 24, 2002. Closure activities were conducted in 1988, but the report was not submitted. Geomatrix is currently working with the MCDPW and the RWQCB (Frank DeMarco) to assess the landfill cover and properly close the landfill. MCDPW and Geomatrix personnel recently met with Mr. DeMarco at the landfill to discuss methods used to properly assess the cover and close the landfill. We are in the process of preparing a work plan to assess the landfill cover. Because the landfill has not been formally closed, it should not be included with the referenced draft WDR and should be left as is until closure is completed.

LAKE SAN ANTONIO SOUTH SHORE (SOUTH SHORE): South Shore was properly closed in 1999. Monitoring activities were performed under the directive of WDR Order No. 89-132 until December 1997. At that point, the RWQCB amended the monitoring and reporting program (MRP) of the WDR in their December 24, 1997, letter to the MCDPW. In March 2002, the RWQCB rescinded the WDR and MRP. As part of rescinding the WDR and at the request of the RWQCB and the Monterey County Health Department, all monitoring devices (groundwater monitoring wells, lysimeters, and neutron probes), except the landfills perimeter gas probes, were destroyed in November 2002. Geomatrix prepared a report documenting the activities in February 2003 and submitted the report to the MCDPW and the RWQCB. Because the WDR for this landfill was recently rescinded by the RWQCB, it should not be included in the draft WDR.

BRADLEY LANDFILL: The Bradley Landfill was properly closed in 1988 in accordance with WDR Order No. 81-07 and the revised California Administrative Code, Title 23, Chapter 3, Subchapter 15, Section 2597, Part A. The Bradley Landfill has been monitored under several WDRs, the most recent being WDR Order No. 01-086 adopted by the RWQCB on July 19, 2001. While the landfill is closed, there were previously detections of volatile organic compounds (VOCs) that led Geomatrix to issue a notice of a measurably significant release in April 2000. The RWQCB responded with a letter dated June 30, 2002, that concurred that monitoring should continue. VOCs attributable to the landfill have not been detected since April 2002, and inorganic concentrations at the site appear stable. However, with the fact that only three monitoring events have passed without the detection of VOCs attributable to the landfill and that the WDR was revised in 2001, we recommend that the site not be incorporated into the draft WDR at this time.

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SAN ARDO II DISPOSAL SITE (SAN ARDO II): San Ardo II was properly closed in October 1988 in accordance with WDR Order No. 88-83. San Ardo II has been monitored under several WDRs, the most recent being WDR Order No. 01-085 adopted by the RWQCB on July 19, 2001. Similar to the Bradley Landfill, trace detections of the VOC Freon 11 were reported from 1999 to 2001. VOCs attributable to San Ardo II have not been detected for the last four consecutive monitoring events, and the concentrations of inorganic parameters appear stable. As with the Bradley Landfill and with the fact that only four monitoring events have passed without the detection of VOCs attributable to the landfill and that the WDR was revised in 2001, we recommend that the site not be incorporated into the draft WDR at this time.

OTHER LISTED SITES: To assess the status of the other six listed sites, Geomatrix is currently working with Mike Rhodes of the MCDPW to find and catalog documents relating to the closure of these sites. We have already located several documents concerning these sites, but need a little more time to locate all of the pertinent information. We will continue our search and provide you with the available information as soon as possible. A summary of the documents located at this time is included below.

San Ardo I Disposal Site

- Closure Plan, San Ardo Solid Waste Disposal Site, Monterey County, California, EMCON Associates, December 1985.
- San Ardo I Solid Waste Disposal Site, Solid Waste Assessment Questionnaire, EMCON Associates, March 1989.

Chualar River Road Disposal Site

- SWAT Proposal, Chualar Solid Waste Disposal Site, Woodward-Clyde, June 1991.

Greenfield Disposal Site

- SWAT Exemption Proposal for the Greenfield Disposal Site, Monterey County, California, Monterey County Public Works Department, January 1991.

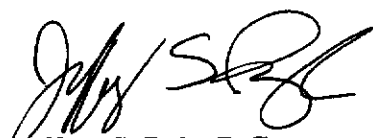
Lockwood Disposal Site

- SWAT Exemption Proposal for the Lockwood Disposal Site, Monterey County, California, Monterey County Public Works Department, January 1991.

Mr. Hector Hernandez
California Regional Water Quality Control Board
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We hope the information provided for the first four sites answers the questions you may have. We will obtain and provide you with the available information for the remaining sites as soon as possible. We would like to thank you and the RWQCB for allowing us to comment on the draft WDR. Please contact either of the undersigned if you have any questions.

Sincerely yours,
GEOMATRIX CONSULTANTS, INC.



Jeffrey S. Pyle, R.G.
Senior Geologist/Hydrogeologist



Paul C. Deutsch
Principal Scientist

cc: Mr. Michael Rhodes, Monterey County Department of Public Works

PETERSON & ASSOCIATES, LLP

**San Luis Obispo County Since 1976*

DAVID C. PETERSON, *JD, MDR
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Cynthia A. Peterson
Office Administrator / Legal Assistant

Laurie May Higginbotham
Assistant Administrator

December 17, 2003

Hector Hernandez
Roger W. Briggs
California Regional Water Quality Control Board
Via Fax 788-3530

RE: Morro Bay Burn Dump

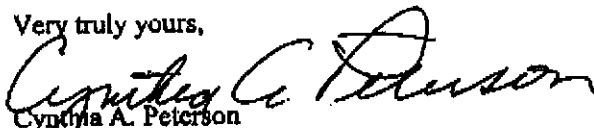
Dear Mr. Hernandez:

Pursuant to your correspondence of November 21, 2003 and our conversation of today, please find attached copies of correspondence and judgement with regard to our client and the various agencies that were involved the determinations regarding the Morro Bay Burn Dump.

Our client's grandparents, Addie and Robert Guerra, leased to the City of Morro Bay access to the location of the burn dump. Ultimately, it was determined that the city dumped on adjacent property as well as a small portion of our client's grandparents property.

I hope that this information is helpful to resolve any involvement our client might have. If I can be of any further assistance, please do not hesitate to contact me.

Very truly yours,


Cynthia A. Peterson
Legal Assistant

Attachments.



April 1, 1998

Pete Wilson
Governor

Central Coast
Regional Water
Quality Control
Board

81 Figueroa Street
Suite 200
San Luis Obispo, CA
93401-5427
(805) 549-3147
FAX (805) 543-0397

David Cole, City Manager
City of Morro Bay
695 Harbor Street
Morro Bay, CA 93442

Cathy Novak, Mayor
City of Morro Bay
595 Harbor Street
Morro Bay, CA 93442

Dear Mr. Cole and Ms. Novak:

MORRO CREEK BURN DUMP, SAN LUIS OBISPO COUNTY

The Morro Creek Burn Dump (Burn Dump) is situated along Morro Creek adjacent to Highway 41, 2.8 miles east of Highway 1. The Burn Dump reportedly operated between the late 1940's and early 1960's on private property leased by the Morro Bay Sanitary District. In April, 1997, the San Luis Obispo County Health Department informed this Regional Board office that the Burn Dump was actively eroding to Morro Creek. Board staff, along with staff from the California Integrated Waste Management Board (Waste Board), inspected the Burn Dump site on April 23, 1997. Samples of burn ash, creek sediment, and surface water were collected. Sample analysis showed numerous metals at elevated concentrations in the burn ash. Lead levels in the ash samples exceeded the Total Threshold Limit Concentration of 1000 mg per kg, thus qualifying the burn ash as Hazardous Waste under State of California standards.

Throughout the summer of 1997, Waste Board staff worked to acquire state funds for stabilization of the Burn Dump site. In August 1997, the Waste Board approved funding (\$300,000.00) for a Burn Dump stabilization project. Unfortunately, the property owners disagreed on the plan for stabilization and with winter weather approaching the project was put on hold. Throughout this extremely wet winter, lead laden burn ash continues to erode into Morro Creek.

It is our understanding the dispute over the stabilization plan arose from the fact that the erodible area of the Burn Dump is located almost entirely on property adjacent to that which was leased by the Morro Bay Sanitary District for Burn Dump operation. Additionally, ownership of both parcels, the one leased for dump operation (currently owned by Guerra, et al.) and the adjacent parcel where much of the dumping apparently occurred (currently owned by the Curtis Trust), has changed since the Burn Dump was in operation. In order to increase the chance for success of any creek bank stabilization project, the vertically cut (incised) banks must be resloped to create a less steep, less erodible slope. To accommodate this process, the stabilization plan for the Burn Dump requires some ash residue to be moved from the Curtis Trust parcel to the Guerra, et al. parcel. While the private parties agree stabilization is needed, none wish to accept more of the ash liability than they presently hold and are thus resisting placement of additional ash on their properties.

Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.



Mr. Cole & Ms. Novak

-2-

April 1, 1998

Our charter is protection of water quality, primarily through implementation of the California Water Code. In this case, given the lease history, trespass indications (ash waste on property adjacent to property leased for dump operation), and the time elapsed since disposal, we believe a typical Water Code enforcement approach may be a protracted process. While prepared to pursue this course if necessary, a cooperative solution agreeable to all involved parties appears to be more timely, efficient and effective at abating the impacts of this erosion.

Discussions with Bill Boucher of your staff, County Building and Planning staff, County Health Department staff, Waste Board staff and the involved private parties and their counsel indicate a desire and willingness to advance the following strategy. Rather than moving burn ash from one private parcel to another, the portions of the two parcels which include Burn Dump land would be separated from the two parcels to form a third parcel owned by the City of Morro Bay. The Burn Dump waste would be reconfigured on the new City of Morro Bay parcel by the Waste Board to prevent erosion and water quality degradation. Both private property owners have agreed in principle to this approach. It appears the City, with historic connection to the waste and possible shared liability for its uncontrolled discharge to the creek, would benefit from this approach because the remedial work would be funded, engineered and implemented by the Waste Board, minimizing current City cost and future City liability. The State has shown a willingness and commitment to provide funding and allow reasonable solutions for environmental problems caused by this and other abandoned waste sites throughout California.

While no agency or person can be absolved from all future liabilities associated with this Burn Dump, any agreement with the intent of mitigating the current environmental impacts will be clearly documented, with the intent and willingness of all parties clearly reflected. Our agency pledges its commitment and long term support to all parties involved in reaching a creative, yet viable, solution to this problem.

Please consider the general aspects of this proposal. If you have any questions, please call Michael LeBrun of my staff at (805) 542-4645. We hope all issues can be resolved to allow completion of remediation and prevention of further water pollution by this site before the 1998/1999 rains. We will schedule a meeting of all involved parties for the near future and would appreciate a call to Michael LeBrun at your earliest convenience to notify of your scheduling preferences.

Sincerely,

Roger W. Briggs
for Roger W. Briggs
Executive Officer

cs: (See page 3)



Mr. Cole & Ms. Novak

-3-

April 1, 1998

cc:

Bill Boucher, Director
City of Morro Bay
Public Works Dept.
695 Harbor Street
Morro Bay, CA 93442

Alex Hinds, Director
San Luis Obispo County
Planning & Building/Planning Dept.
County Government Center
San Luis Obispo, CA 93408

Curtis A. Batson, Director
Attn: Michael McGee
San Luis Obispo Co. Health Dept.
2156 Sierra Way
San Luis Obispo, CA 93406

P. Terence Schubert
Andre Morris & Buttery
P. O. Box 730
San Luis Obispo, CA 93406-0730

Lois Curtis
1506 Wentworth Ave.
Sacramento, CA 95822

Robert E. Guerra
1835 Atascadero Road
Morro Bay, CA 93442

Mr. David C. Peterson, Esq.
Cal Fed Bank Building, Second Floor
6955 El Camino Real
Atascadero, CA 93422

Wes Mindermann, P. E.
Assoc. Waste Mngmt. Engineer
Remediation, Closure, and Tech. Services
Integrated Waste Mngmt. Board
8800 Cal Center Drive
Sacramento, CA 95826

Jennifer Soloway
State Water Resources Control Board
Office of Chief Counsel
P. O. Box 100
Sacramento, CA 95812-0100

H:\NON-LANDS\LOC\O\MBURN2.LTR
Task: 139-01
File: LDU : Morro Creek Burn Dump

Recycled Paper



Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.



Central Coast
Regional Water
Quality Control
Board

81 Higuera Street
Suite 200
San Luis Obispo, CA
93401-5427
(805) 549-3147
FAX (805) 549-0397



Pete Wilson
Governor

March 10, 1998

Robert E. Guerra
1835 Atascadero Road
Morro Bay, CA 93442

Dear Mr. Guerra:

MORRO BAY BURN DUMP

Our records indicate the following history. The Morro Bay Burn Dump (Dump) operated between the late 1940's and early 1960's on property owned by Adeline and Batista Guerra. On August 25, 1947, a lease was executed and land was leased from the Guerras to the Morro Bay Sanitary District for the purpose of Dump operation. The Dump operated until October 1961. On July 23, 1974, Lot 23 of the Subdivisions of Rancho Moro Y Cayucos, which contained the property that the Dump had operated on, was gifted to you, Robert Elmer Guerra.

In April 1997, Regional Board staff were contacted by the San Luis Obispo Health Department and informed that the Dump was actively eroding to Morro Creek. Board staff, along with staff from the California Integrated Waste Management Board (Waste Board), inspected the Dump site on April 23, 1997, and sampled burn ash, creek sediment, and surface water at the Dump site. At that time Board staff determined that a condition of waste discharge into waters of the State was occurring. Numerous metals were found at elevated concentrations in erodible burn ash samples. Lead levels in the ash samples exceeded the Total Threshold Limit Concentration of 1000 mg/kg, thus qualifying the burn ash as Hazardous Waste under State of California standards.

Throughout the summer of 1997, Waste Board staff worked to acquire state funds for stabilization of the Dump site. In late August 1997, the Waste Board approved funding for an environmentally beneficial stabilization project at the Morro Bay Burn Dump. On October 22, 1997, the law firm of David C. Peterson wrote the Waste Board on behalf of Robert Guerra and stated objection to the planned Dump stabilization project. Without property owner concurrence, the stabilization project was unable to be performed.

Pursuant to California Water Code Section 13267, you (Robert E. Guerra), as the property owner responsible for the discharge of contaminants to Waters of the State from the Dump, are ordered to provide this office with a report describing how you intend to prevent degradation of water quality caused by such discharge. The report shall include a time schedule for your proposed work that ensures work completion before October 1, 1998. The report is due to this office by May 8, 1998. Failure to submit the requested report is a violation of California Water Code Section 13267, and is cause to assess administrative civil liability, pursuant to Water Code Section 13268, of up to \$1,000 per day for each day the report is late.



Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

Mr. Guerra

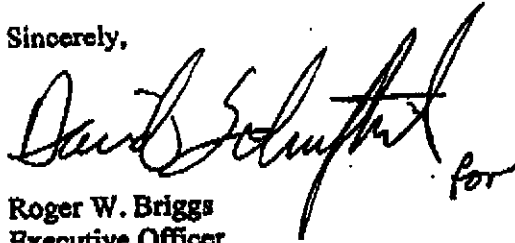
-2-

March 10, 1998

Additionally, I have directed my staff to draft a Cleanup or Abatement Order, pursuant to California Water Code Section 13304, as an additional legal mechanism for remediation of this illegal discharge, should it become necessary. Violation of Cleanup or Abatement Orders is cause to levy civil penalties against you in an amount not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs (this illegal discharge dates back to at least the date of our original documentation of conditions, April 23, 1997).

Failure to comply with the requirements herein may subject you to civil and/or criminal remedies pursuant to the California Water Code, the Federal Clean Water Act, and/or other applicable laws. If you have any questions please contact Michael LeBrun of my staff at (805) 542-4645 or David Schwartzbart at (805) 542-4643.

Sincerely,

Handwritten signature of David Schwartzbart in cursive, with the word "for" written below it.

Roger W. Briggs
Executive Officer

MSL

cc:
Michael McGee
Division of Env. Health
San Luis Obispo Co. Health Dept.
2156 Sierra Way
San Luis Obispo, CA 93406

Bill Boucher, Director
Morro Bay Public Works
695 Harbor Street
Morro Bay, California 93442

P. Terence Schubert
Andre Morris & Buttery
P. O. Box 730
San Luis Obispo, CA 93406-0730

Lois Curtis
1506 Wentworth Ave.
Sacramento, CA 95822

Mr. David C. Peterson, Esq.
Cal Fed Bank Building, Second Floor
6955 El Camino Real
Atascadero, California 93422

Wes Mindermann, P. E.
Assoc. Waste Mngmt. Engineer
Remediation, Closure, and Tech. Services
Integrated Waste Mngmt. Board
8800 Cal Center Drive
Sacramento, CA 95826

Jennifer Soloway
Office of Chief Council
P. O. Box 100
Sacramento, CA 95812-0100

R/NON-LANDFILL/COMBURN/LTR



Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.



California Integrated Waste Management Board

Daniel G. Pennington, Chairman
8800 Cal Center Drive • Sacramento California 95826 • (916) 255-2200
www.ciwmb.ca.gov



Pete Wilson
Governor

Peter M. Rooney
Secretary for
Environmental
Protection

July 22, 1998

Mr. Robert E. Guerra
1835 Atascadero Road
Morro Bay, California 93442

Dear Mr. Guerra:

As you are aware, the Integrated Waste Management Board (IWMB) approved funding for remediation of the Morro Bay Burn Dump in August, 1997. Several methods of remediation have been investigated since that time, with a plan for consolidating the burn ash on property owned by the Lois Curtis Trust now being reviewed by State and Federal agencies. It is hoped that we obtain the necessary permits and approvals to allow a start of construction the first part of August. A copy of the overall site plan is included for your information.

Access to the Curtis Trust property is limited, and your assistance is requested in allowing access to the site through your property. Access would be limited to construction equipment, materials and labor. Burn ash would not be removed through your property nor placed on your property. The March 18, 1998 letter from your attorney, David C. Peterson indicated that you would be willing to allow this access.

Any consultants and contractors used by IWMB are required to maintain liability insurance with a combined single limit coverage of \$1,000,000 per occurrence. In addition, negligent acts by the State of California would give rise to a claim under the California Tort Claims Act. We believe these measures provide adequate protection to you from our acts during the remediation activities.

Two copies of a Property Access Authorization form and a stamped return envelope are enclosed. Please sign and date one copy of the form and return it in the envelope at your earliest convenience. The second copy of the form is for your records.

If you have any questions, do not hesitate to contact me at (916) 255-3829, or my supervisor, Ms. Marge Rouch at (916) 255-2347.

Respectfully,

Jeff Cornette →

Enclosure

CC: Marge Rouch, IWMB
David C. Peterson, Esq.
Michael LeBrun, Regional Water Quality Control Board
Michael McGee, Environmental Health Department

(916)
255-6333

FROM :

FEB. 16. 1999 9:14 PM

P 6

REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
VENTURA FIELD OFFICE
2151 ALESSANDRO DRIVE, SUITE 255
VENTURA, CALIFORNIA 93001

December 2, 1998

Office of the Chief
Regulatory Branch

California Integrated Waste Management Board
c/o Brian A. Stirrat & Associates
Attn: Mr. Kevin Fellows
1360 Valley Vista Drive
Diamond Bar, California 91765

Dear Mr. Fellows:

Reference is made to your letter dated November 23, 1998, in which you requested concurrence from the Corps of Engineers that construction of a farm road adjacent to the Morro Bay Burn Site is considered exempt from regulation under section 404 of the Clean Water Act. This information was provided at our request due to a compliance inspection of remediation activities at the Morro Bay Burn Site when we became aware of construction of the access road.

Upon review of the information and photographs you furnished, the Corps of Engineers concurs with your assertion that the farm access road recently constructed by Granite Construction for Mr. Dale Guerra is exempt by regulation at 33 CFR 323.4(a)(6). As such, a permit was not required from our office. We appreciate your cooperation in bringing this matter to resolution.

If you have any questions, please contact Tiffany Welch of my staff at (805) 641-2935. Please refer to this letter and 98-50352-TW in your reply.

Sincerely,

David J. Castanon
Chief, North Coast Section
Regulatory Branch

DEC - 7 1998

FROM :

FEB. 16. 1999 9:05 PM P 1

November 23, 1998

JN: 9775

Mrs. Tiffany Welch
Los Angeles District, Army Corps of Engineers
2151 Allesandro Drive, Suite 255
Ventura, California 93001

RE: MORRO BAY BURN DUMP - CULVERT INSTALLATION/PERMIT STATUS

Dear Mrs. Welch:

The purpose of this letter report is to provide information regarding the farm road crossing and culvert which Granite Construction Company (GCC) installed on the Guerra Property, adjacent to the Morro Bay Burn Site (site). The Army Corps of Engineers communicated to Bryan A. Stirrat and Associates (BAS) that the installation of the culvert on the Guerra property may have required a Section 404 permit. BAS reviewed Title 33 Code of Federal Regulations, Part 323, Section 323.4 - Discharges not Requiring Permits, Paragraph (a)(6) and concluded that the farm road crossing and culvert installation was exempt from Section 404 permit requirements. The following is a discussion of the applicable exemption requirements and the relevant construction activities.

BACKGROUND

During remediation improvements at the Morro Bay Burn Site, Mike Torres, GCC Site Foreman, notified BAS that Mr. Dale Guerra asked GCC to construct a road crossing and install a 36 inch corrugated steel pipe (CSP) culvert on the adjacent parcel. The purpose of Guerra's request was to provide access across a drainage ditch between two of Guerra's established fields. BAS notified the CIWMB of Guerra's request and approval was granted in a good faith effort, to assist Guerra.

The drainage ditch extends south from a double 24 inch CSP culvert under HWY 41 to Morro Creek and averages four to six feet in depth (see Photograph No. 2, 5, and 8). The culvert was installed near the north limits of the property, approximately 300 feet north of Morro Creek. The culvert was installed and backfilled with native soil. The exposed backfilled slopes were rocked to minimize erosion, as indicated in Photograph Nos. 3 and 4. The road crossing constructed provides the only access between the two fields (see Photograph Nos. 1 and 2).

EXEMPTION STATUS

As discussed above, BAS reviewed CFR 323.4(a)(6). The installation was completed in

FROM :

FEB. 16. 1999 9:07 PM

P 2

Mrs. Tiffany Welch
November 23, 1998

Page 2 of 4

accordance with the specified baseline provisions of Paragraph (a)(6), as discussed below.

(i) Permanent roads (for farming or forestry activities), temporary access roads (for mining, forestry, or farm purposes) and skid trails (for logging) in waters of the U.S. shall be held to the minimum feasible number, width, and total length consistent with the purpose of specific farming, silvicultural or mining operations, and local topographic and climatic conditions;

The road and culvert installed was constructed with the purpose of allowing equipment access between the two developed farming properties. The width and length of the improvement was held to the minimum required, and indicated in Photograph No. 1.

(ii) All roads, temporary or permanent, shall be located sufficiently far from streams or other water bodies (except for portions of such roads which must cross water bodies) to minimize discharges of dredged or fill material into waters of the U.S.;

The farm road crossing was installed near the north limits of the properties and indicated in Photograph Nos. 2, 5 and 8. This is approximately 300 feet north of the ditch discharge point into Morro Creek.

(iii) The fill shall be bridged, culverted, or otherwise designed to prevent the restriction of expected flood flows;

The road fill was culverted with a 36 inch CSP which has a greater capacity than the existing Caltrans double 24 inch CSP's upstream of the crossing. Upon visual inspection, it was determined that run-off between the existing 24 inch Caltrans culverts and the 36 inch culvert which was installed is minimal (see Photograph Nos. 4 and 5).

(iv) The fill shall be properly stabilized and maintained during and following construction to prevent erosion;

The fill was constructed during a dry period and immediately stabilized with rock (averaging 4-8 inches nominal diameter). Refer to Photograph Nos. 3 and 4 for rock placement locations.

(v) Discharges of dredged or fill material into waters of the United States to construct a road fill shall be made in a manner that minimizes the encroachment of trucks, tractors, bulldozers, or other heavy equipment within waters of the United States (including adjacent wetlands) that lie outside the lateral boundaries of the fill itself;

An Excavator was used to construct the road fill which minimized the encroachment of heavy equipment into the ditch. The adjacent areas are developed farms.

FROM.:

FEB. 16. 1999 9:09 PM P 3

Mrs. Tiffany Welch
November 23, 1998

Page 3 of 4

(vi) In designing, constructing, and maintaining roads, vegetative disturbance in the waters of the U.S. shall be kept to a minimum;

As discussed above, an excavator was used to construct the road fill, and encroachment and/or disturbance was kept to a minimum during construction. In addition, vegetation within the ditch was almost not existent at the time of construction, riparian or otherwise (see Photographs).

(vii) The design, construction and maintenance of the road crossing shall not disrupt the migration or other movement of those species of aquatic life inhabiting the water body;

The culverted road fill construction was completed in September, 1998 during a dry period while the ditch was dry. The culvert will allow migration or other movement of aquatic life inhabiting the water body.

(viii) Borrow material shall be taken from upland sources whenever feasible;

The road fill was taken from the adjacent farming properties

(ix) The discharge shall not take, or jeopardize the continued existence of, a threatened or endangered species as defined under the Endangered Species Act, or adversely modify or destroy the critical habitat of such species;

Based upon visual observation, the culverted road crossing did not jeopardize and threatened or endangered species or adversely modify or destroy the habitat of such species.

(x) Discharges into breeding and nesting areas for migratory waterfowl, spawning areas, and wetlands shall be avoided if practical alternatives exist;

Upon visual inspection, it was determined that the road fill was not constructed in a breeding or nesting area.

(xi) The discharge shall not be located in the proximity of a public water supply intake;

No public water supply intakes were observed to be in proximity of the culverted road fill.

(xii) The discharge shall not occur in areas of concentrated shellfish production;

The area where the road fill was developed is not an area of concentrated shellfish production.

FROM :

FEB. 16. 1998 9:11 PM

P 4

Mrs. Tiffany Welch
November 23, 1998

Page 4 of 4

(xiii) The discharge shall not occur in a component of the National Wild and Scenic River System;

The discharge did not occur in a component of the National Wild and Scenic River System. The subject drainage ditch is not listed as a Wild or Scenic River.

(Viv) The discharge of material shall consist of suitable material free from toxic pollutants in toxic amounts; and

The soil to develop the road fill was taken from the adjacent areas and was believed to be free from toxic pollutants.

(xv) All temporary fills shall be removed in their entirety and the area restored to its original elevation.

This item is not applicable. Temporary fills were not involved with construction of the road crossing.

CONCLUSION

The subject culverted road crossing was constructed as the only point of access between two established fields. The road crossing was constructed in accordance with the baseline provisions listed in 33CFR, Section 323.4, Paragraph (a)(6) and good construction practices. Therefore, per regulation, the culvert construction did not require a Section 404 permit.

If you have questions or require additional information, please advise.

Sincerely,

Kevin Follows
Construction Manager

cc: Jerry Oberhelman, CIWMD
Rich Huffmire, BAS

FROM :

FEB. 16. 1999 9:12 PM

P

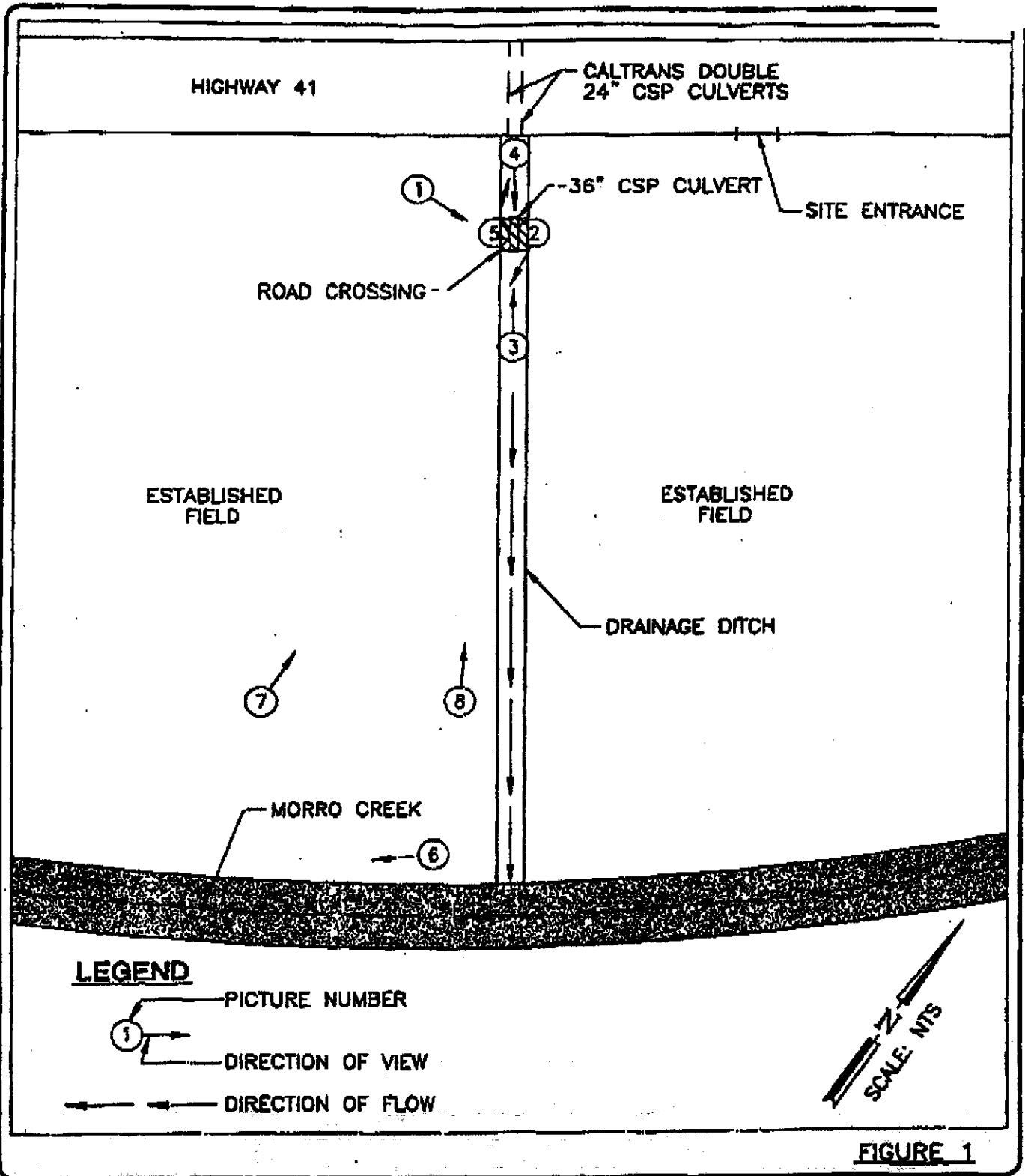



FIGURE 1

| | | |
|--|--|---|
|  <p>BRYAN A. STIRRAT & ASSOCIATES CIVIL AND ENVIRONMENTAL ENGINEERS 1360 VALLEY VISTA DRIVE DIAMOND BAR, CA 91768</p> | <p>(909) 860-7777</p> <p>MORRO BAY BURN DUMP</p> <p>PHOTOGRAPH ORIENTATION MAP</p> | <p>JOB NO. 8779</p> |
| | | <p>DATE 11-1998</p> <p>DRAWN BY T.J.S.</p> <p>DRAWING NO. 1780-CR-010</p> |

DAVID C. PETERSON
ATTORNEY/MEDIATORE-Mail: depeterson@thegrid.netCalifornia Federal Bank Building
Second Floor
6955 El Camino Real
Atascadero, CA 93422PHONE: (805) 466-0686
FACSIMILE: (805) 466-3947Orange County Office
30021 Tomas Street, Suite 300
Rancho Santa Margarita, CA 92688CYNTHIA A. PETERSON
CERTIFIED PARALEGAL

(Reply to Atascadero Address)

January 11, 1999

COUNTY OF SAN LUIS OBISPO
HEALTH AGENCY
ENVIRONMENTAL HEALTH DIVISION
P.O. Box 1489
San Luis Obispo, California 93406-1489Re: Invoice Number 99440035
Robert Guerra

Dear Agency Representative:

This office represented Robert Guerra prior to his passing. A copy of an invoice directed to him has been given to me by Mr. Guerra's family to provide a response.

I understand the bill sent to Mr. Guerra relates to what has been called the Morro Bay Burn Dump that was operated many years ago by the City of Morro Bay. Through a suit involving the real property adjacent to the Guerra land, it was confirmed that the Burn Dump was not on the Guerra property but was located on the adjacent Curtis property. Access only was provided through the Guerra property for the Burn Dump. Further, Robert Guerra did not own the property at 1835 Atascadero Road, the time the dump was being operated. The bill should not have been directed to him as he did not own the property where the dump was located nor did he operate the dump, and the dump was not on his property.

If you have any questions or wish to discuss this matter further, feel free to contact me.

Very truly yours,

David C. Peterson

cc: Client

FROM :

JAN. 4, 1999 5:23 PM P 1



COUNTY OF SAN LUIS OBISPO
HEALTH AGENCY

PUBLIC HEALTH DEPARTMENT

Environmental Health Division

2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406-1489
Phone: (805) 781-5544 FAX: (805) 781-4211

Susan G. Zepeda, Ph.D.
Health Agency Director
Gregory Thomas, M.D., M.P.H.
Health Officer
Curtis A. Betson, R.E.H.S.
Director

ROBERT GUERRA
1835 ATASCADERO RD
MORRO BAY CA 93442

| COMPUTER # | INVOICE # | BILLING DATE | DUE DATE | BILLING PERIOD |
|------------|-----------|--------------|----------|------------------------|
| 4481-15013 | 99440035 | 12-31-98 | 01-31-99 | 01-01-99 THRU 12-31-99 |

SITE: ROBERT GUERRA
4040 1835 ATASCADERO RD
MORRO BAY CA 93442

DUE ON RECEIPT...PENALTIES FOR LATE PMT

| DESCRIPTION | FEE | REFERENCE | AMOUNT\$ |
|---|---------------|-----------|----------|
| -SITE- CLOSED/INACTIVE ANNUAL IN 481 | ROBERT GUERRA | | 551.00 |
| 1999 ENFORCEMENT FEE FOR SOLID WASTE FACILITIES | | | 551.00 |
| 25% PENALTY AFTER DUE DATE/50% AFTER THIRTY DAYS | | | |
| PAST DUE DATE*NOTE:FOR FEES OVER \$10,000 CONTACT THIS OFFICE FOR PAYMENT SCHEDULE. | | | |
| TOTAL DUE \$ | | | 551.00 |

Retain top portion for your records

Return bottom portion with payment

| | | | |
|---|-------------------------------------|-------------|----------|
| ROBERT GUERRA 1835 ATASCADERO RD MORRO BAY CA 93442 | 01-01-99 THRU 12-31-99 44-551.00 | 4481- 15013 | 99440035 |
|---|-------------------------------------|-------------|----------|

PLEASE REMIT TO: SD-4040 DUE DATE: 01-31-99

SAN LUIS OBISPO COUNTY ENVIRONMENTAL HEALTH
P.O. BOX 1489
2156 SIERRA WAY
SAN LUIS OBISPO, CA 93406

TOTAL DUE \$ 551.00

DAVID C. PETERSON

ATTORNEY/MEDIATOR

E-Mail: depeterson@thegrid.net

California Federal Bank Building
Second Floor
6955 El Camino Real
Atascadero, CA 93422

PHONE: (805) 466-0686
FACSIMILE: (805) 466-3947

Orange County Office
30021 Tomas Street, Suite 300
Rancho Santa Margarita, CA 92688

CYNTHIA A. PETERSON
CERTIFIED PARALEGAL

(Reply to Atascadero Address)

February 3, 1999

ATTN: CURTIS A. BATSON
DIRECTOR
Division of Environmental Health
County of San Luis Obispo Health Agency
P.O. Box 1489
San Luis Obispo, California 93406-1489

Re: Robert Guerra/Morro Bay Burn Dump

Dear Mr. Batson:

Thank you for your letter of February 1, 1999, in reply to my letter of January 11.

I am advised by my client that the Guerra family did not operate the dump but only provided the land for the Morro Bay Sanitary District to do so. However, ultimately, none of the remaining members of the Guerra family can be held responsible for any aspect of the material on the Curtis property. Robert Guerra is deceased. The dump was operated only during the period that his father and mother owned the present Guerra ranch. Dale Guerra and his minor son and daughter are the third and fourth generation of family members since the dump was operated. Neither Robert Guerra nor Dale Guerra owned the property when the dump was operated nor did they have anything to do with its operation.

I know of no provision in the law that allows for a personal liability of the sort we are dealing with here, to be passed to later generations of the family. I am happy to receive any authority to the contrary to review and to discuss with my clients.

Very truly yours,

David C. Peterson

cc: Client



COUNTY OF SAN LUIS OBISPO
HEALTH AGENCY
PUBLIC HEALTH DEPARTMENT
Environmental Health Division
2158 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406-1489
Phone: (805) 781-5544 FAX: (805) 781-4211

Susan G. Zapeda, Ph.D.
Health Agency Director

Gregory Thomas, M.D., M.P.H.
Health Officer

Curtis A. Batson, R.E.H.S.
Director

February 1, 1999

David C. Peterson, Esq.,
6955 El Camino Real
Atascadero, CA. 93422

Re: Robert Guerra/Morro Bay Burn Dump

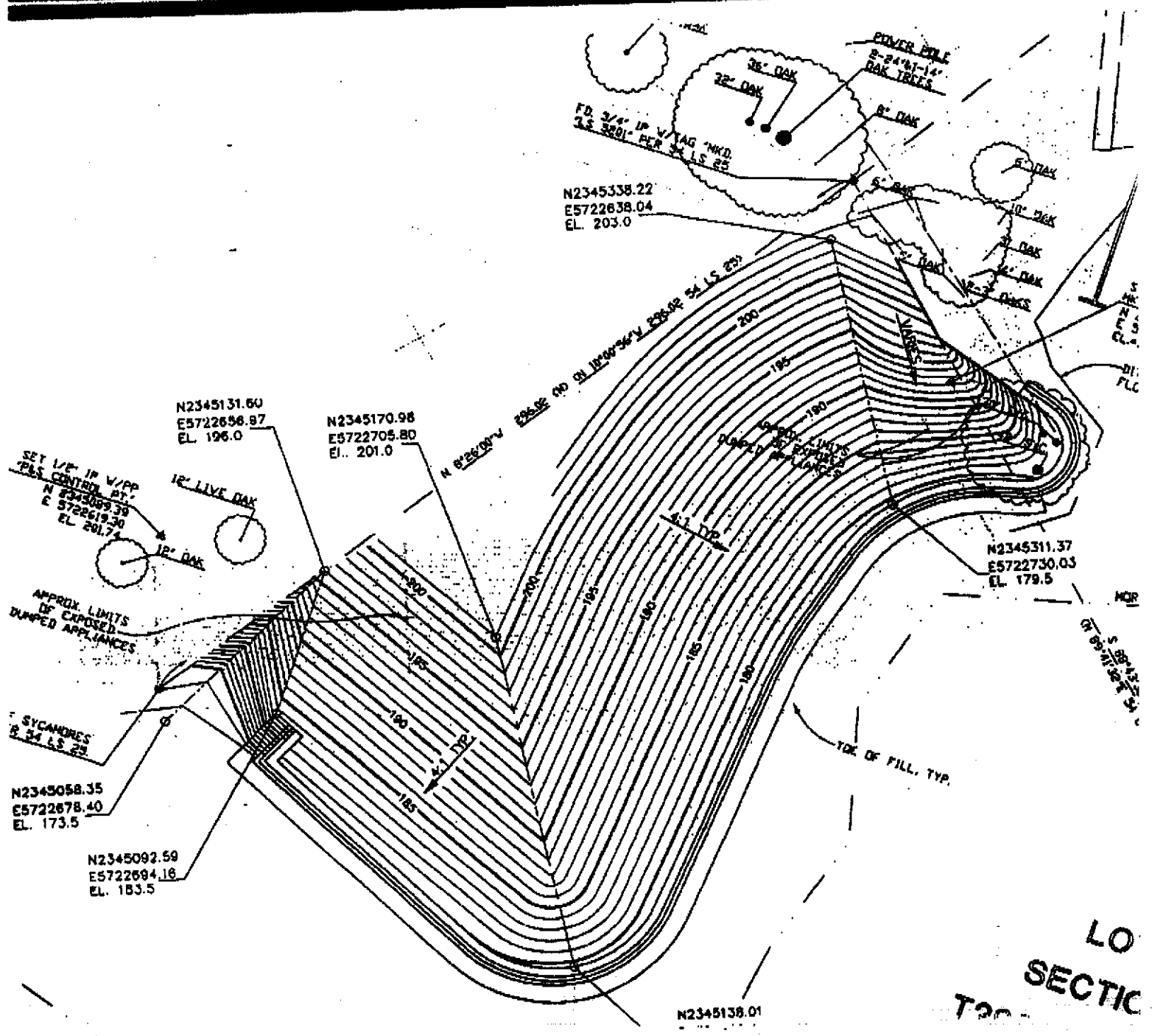
Dear Mr. Peterson,

This office is in receipt of your letter dated January 11, 1999, regarding the billing invoice that was sent to Mr. Robert Guerra for inspection services for the Morro Bay Burn Dump. The Guerra family operated the burn dump under contract for the Morro Bay Sanitary District for disposal services. We understand that a portion of the solid waste was ultimately found to have been deposited on the adjacent Curtis property. Nevertheless, the Guerra family operated the Burn dump and is responsible for the inspection fees authorized by law.

If you have any questions, please call me at (805) 781-5544.

A handwritten signature in cursive script, appearing to read "Curtis A. Batson".

Curtis A. Batson, Director
Division of Environmental Health



(ENDORSED)
FILED

NOV 20 1996

LARRY D. REINER, EXECUTIVE OFFICER
By Kristen Mandfeldt
DEPUTY CLERK

1 DAVID C. PETERSON CSB #69272
2 CALIFORNIA FEDERAL BANK BUILDING
3 6955 El Camino Real, Ste. 201
4 Atascadero, CA 93422
5 (805) 466-0686

6 Attorney for ROBERT GUERRA, Plaintiff & Cross-Defendant

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN LUIS OBISPO

10 ROBERT GUERRA,

CASE NO. CV 078502

11
12 Plaintiff,

STIPULATION FOR ENTRY OF
JUDGMENT AND JUDGMENT ON
STIPULATION

13 vs.

14 LOIS JUNE CURTIS TRUST, LOIS
15 JUNE CURTIS, Individually
16 and as Trustee of the LOIS
17 JUNE CURTIS TRUST, and
18 DOES 1 through 50, Inclusive,

19 Defendants.

20 LOIS JUNE CURTIS,
21 Individually and as Trustee
22 of the LOIS JUNE CURTIS
23 TRUST,

24 Cross-Complainant,

25 vs.

26 ROBERT GUERRA and ROES
27 51-100, Inclusive,

28 Cross-Defendants.

STIPULATION FOR ENTRY OF JUDGMENT

29 The parties hereby enter into the following stipulation for
30 the purpose of settling the disputes between them and, in this

1 respect, they stipulate and agree as follows:

2 WHEREAS, plaintiff and cross-defendant, ROBERT GUERRA
3 (hereinafter "GUERRA"), is the fee owner of certain real property
4 subject to this action, the same being described in Exhibit "A"
5 attached hereto and incorporated herein by reference (hereinafter
6 "GUERRA PARCEL"), and

7 WHEREAS, defendant and cross-complainant, LOIS JUNE CURTIS
8 TRUST (LOIS JUNE CURTIS, Trustee) (hereinafter "CURTIS"), is the fee
9 owner of adjacent real property subject to this action, the same
10 being described in Exhibit "B" attached hereto and incorporated
11 herein by reference (hereinafter "CURTIS PARCEL"), and

12 WHEREAS, CURTIS is the fee owner of an access road running
13 from State Highway 41, in a southerly direction, to Morro Creek
14 where it crosses the creek onto the CURTIS PARCEL, providing access
15 thereto from Highway 41 (said road hereinafter referred to as the
16 "ACCESS ROAD"), and

17 WHEREAS, the parties have had a disagreement concerning, inter
18 alia, the boundary between their parcels, particularly along the
19 creek running between their properties, commonly referred to as
20 "Morro Creek" (hereinafter "CREEK"), the disputed portion being along
21 the CREEK from a point at ACCESS ROAD to the westerly corners of
22 said properties, and

23 WHEREAS, the parties and their experts have been unable to
24 agree upon where the boundary is precisely located along this said
25 area between the parcels, and

26 WHEREAS, it appears, from the legal description traditionally
27 utilized concerning the subject parcels, that the boundary along
28 this portion of the CREEK may have been altered over time due to

1 changes in the course of the CREEK, and

2 WHEREAS, GUERRA filed this action for the purpose, inter alia,
3 of quieting title to the disputed portion of property he believes
4 belongs to him, and

5 WHEREAS, CURTIS filed a cross-action for the purpose, inter
6 alia, of quieting title to the disputed portion of property she
7 believes belongs to her, and

8 WHEREAS, the parties have reached an agreement resolving their
9 differences relative to the boundary between their parcels and
10 relative to the other issues arising in this action, and

11 WHEREAS, they have agreed upon the location of the boundary
12 between their parcels and have agreed to release each other from
13 any and all claims each may have against the other;

14 WHEREFORE, IT IS HEREBY STIPULATED by and between the parties
15 that judgment is to be entered in this action as follows:

16 1. The boundary between the GUERRA PARCEL and CURTIS PARCEL,
17 from the ACCESS ROAD to the westerly corners of the properties,
18 commences from a point ten feet (10') to the north of the large
19 Sycamore tree adjacent to the ACCESS ROAD and near the CREEK,
20 beginning at the boundary between the ACCESS ROAD and the GUERRA
21 PARCEL and running in a westerly direction passing ten feet (10')
22 to the south of the existing GUERRA water well on the GUERRA
23 PARCEL, and continuing in a straight line to the westerly
24 boundaries of the parcels. The point at which this line, beginning
25 from ten feet north of the Sycamore tree at the ACCESS ROAD,
26 intersects with the westerly boundary of the properties, is agreed
27 to establish the boundary between and corners of, the parcels. A
28 diagram depicting this boundary is attached hereto, marked Exhibit

1 "C" and is incorporated herein by reference.

2 2. The remainder of the boundary between the parcels, to the
3 east of the ACCESS ROAD, shall remain along the center of the
4 existing creek.

5 3. CURTIS shall have the right to utilize an area of the
6 GUERRA PARCEL to the east of the ACCESS ROAD for a distance
7 reasonably required to the east of said road, commencing at the
8 SYCAMORE TREE and continuing to the boundary between the parcels,
9 for the purpose of an equipment crossing over the CREEK. In this
10 respect, no fencing shall be erected along the ACCESS ROAD, between
11 the CREEK and the SYCAMORE TREE, nor shall this area be otherwise
12 blocked. A diagram of this CROSSING AREA is attached hereto, marked
13 Exhibit "D" and is incorporated herein by reference. This area shall
14 be identified on the parcel map referred to herein below.

15 4. There is a portion of property belonging to CURTIS near the
16 easterly most boundary of the properties, near the easterly corners
17 thereof, which GUERRA has in the past utilized for farming. CURTIS,
18 as long as CURTIS owns the CURTIS PARCEL, shall offer this portion
19 of the CURTIS PARCEL to GUERRA to lease, on a year-to-year basis,
20 for farming purposes at a nominal charge. A diagram of this area is
21 attached hereto, marked Exhibit "E" and is incorporated herein by
22 reference. This area shall be identified on the parcel map referred
23 to herein below.

24 5. The parties shall cooperate in obtaining County approval
25 and acceptance of the boundary agreed upon and designated by this
26 stipulation and Judgment, and each shall pay one-half the
27 reasonable costs of doing so, including any reasonable surveying
28 and engineering fees, but excluding attorney's fees incurred by the

1 other party. CURTIS will hire a licensed surveyor approved by
2 GUERRA. Survey stakes will be placed identifying the boundaries,
3 equipment crossing area and area for farming purposes. The parties
4 will split the reasonable cost of a lot line adjustment, if one is
5 required, and the employment of a parcel map to finalize the lot
6 line adjustment or record of survey, if no lot line adjustment is
7 required. Each party shall timely pay one-half of the invoiced
8 charges incurred. Either party shall have the right, consistent
9 with this Stipulation and Judgment, to construct a fence along the
10 boundaries at their own cost. The fee interest of CURTIS in the
11 ACCESS ROAD shall be shown on the parcel map, record of survey
12 and/or lot line adjustment.

13 6. Each party shall bear their own attorney's fees and costs.

14 7. No damages shall be awarded to either party.

15 8. The court shall retain jurisdiction to enforce the terms of
16 the Stipulation and Judgment, and to enter such other and further
17 orders consistent with the terms of the Stipulation and the intent
18 of the parties as expressed therein. The court shall have the
19 discretion to award reasonable attorney's fees to the prevailing
20 party in any subsequent action on this Stipulation and Judgment.

21 9. This Stipulation and Judgment shall run with the respective
22 parcels subject to this action, and it shall be binding upon and
23 inure to the benefit of, the parties as well as their heirs,
24 executors, personal representatives, assigns and all those who
25 succeed their interests.

26 IT IS FURTHER STIPULATED that the parties, except as set forth
27 in this Stipulation, release each other along with their
28 representatives and agents, from any and all claims of any nature

1 whatsoever, which the parties assert or may assert have arisen to
 2 the date of execution of this Stipulation. In this respect the
 3 parties waive the provisions of Civil Code, Section 1542, which
 4 states as follows:

5 A general release does not extend to claims which the
 6 creditor does not know or suspect to exist in his favor
 7 at the time of executing the release, which if known by
 8 him must have materially affected his settlement with the
 9 debtor.

10 IT IS FURTHER STIPULATED that the parties waive their rights
 11 to a trial by court or by jury, to have a statement of decision,
 12 statement of findings of fact and law, and their right to appeal
 13 the judgment entered by way of this Stipulation.

14 Robert E. Guerra 10/31, 1996
 15 ROBERT GUERRA, Plaintiff and
 16 Cross-Defendant

17 David C. Peterson 10/31, 1996
 18 DAVID C. PETERSON, Attorney
 19 for ROBERT GUERRA

20 LOIS JUNE CURTIS TRUST

21 BY: Lois June Curtis Trustee 11/9, 1996
 22 LOIS JUNE CURTIS, Trustee,
 23 Defendant and Cross-
 24 Complainant

25 John W. Belsher 11/5, 1996
 26 JOHN W. BELSHER, Attorney for
 27 LOIS JUNE CURTIS TRUST,
 28 Defendant and Cross-
 Complainant

JUDGMENT PURSUANT TO STIPULATION

Having read and considered the Stipulation of the parties
 contained herein above, the same being approved and good cause

1 appearing;

2 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

3 1. The boundary between the GUERRA PARCEL and CURTIS PARCEL,
4 from the ACCESS ROAD to the westerly corners of the properties,
5 commences from a point ten feet (10') to the north of the large
6 Sycamore tree adjacent to the ACCESS ROAD and near the CREEK,
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8 PARCEL and running in a westerly direction passing ten feet (10')
9 to the south of the existing GUERRA water well on the GUERRA
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11 boundaries of the parcels. The point at which this line, beginning
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13 intersects with the westerly boundary of the properties, is agreed
14 to establish the boundary between and corners of, the parcels. A
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18 east of the ACCESS ROAD, shall remain along the center of the
19 existing creek.

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21 GUERRA PARCEL to the east of the ACCESS ROAD for a distance
22 reasonably required to the east of said road, commencing at the
23 SYCAMORE TREE and continuing to the boundary between the parcels,
24 for the purpose of an equipment crossing over the CREEK. In this
25 respect, no fencing shall be erected along the ACCESS ROAD, between
26 the CREEK and the SYCAMORE TREE, nor shall this area be otherwise
27 blocked. A diagram of this CROSSING AREA is attached hereto, marked
28 Exhibit "D" and is incorporated herein by reference. This area shall

1 be identified on the parcel map referred to herein below.

2 4. There is a portion of property belonging to CURTIS near the
3 easterly most boundary of the properties, near the easterly corners
4 thereof, which GUERRA has in the past utilized for farming. CURTIS,
5 as long as CURTIS owns the CURTIS PARCEL, shall offer this portion
6 of the CURTIS PARCEL to GUERRA to lease, on a year-to-year basis,
7 for farming purposes at a nominal charge. A diagram of this area is
8 attached hereto, marked Exhibit "E" and is incorporated herein by
9 reference. This area shall be identified on the parcel map referred
10 to herein below.

11 5. The parties shall cooperate in obtaining County approval
12 and acceptance of the boundary agreed upon and designated by this
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14 reasonable costs of doing so, including any reasonable surveying
15 and engineering fees, but excluding attorney's fees incurred by the
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24 with this Stipulation and Judgment, to construct a fence along the
25 boundaries at their own cost. The fee interest of CURTIS in the
26 ACCESS ROAD shall be shown on the parcel map, record of survey
27 and/or lot line adjustment.

28 6. Each party shall bear their own attorney's fees and costs.

1 7. No damages shall be awarded to either party.

2 8. The court shall retain jurisdiction to enforce the terms of
3 the Stipulation and Judgment, and to enter such other and further
4 orders consistent with the terms of the Stipulation and the intent
5 of the parties as expressed therein. The court shall have the
6 discretion to award reasonable attorney's fees to the prevailing
7 party in any subsequent action on this Stipulation and Judgment.

8 9. This Stipulation and Judgment shall run with the respective
9 parcels subject to this action, and it shall be binding upon and
10 inure to the benefit of, the parties as well as their heirs,
11 executors, personal representatives, assigns and all those who
12 succeed their interests.

13 Dated: NOV 20 1996, 1996

14
15 /s/ PAUL H. COFFEE

16 JUDGE OF THE SUPERIOR COURT

17
18
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28

Lot 23 of the Subdivisions of the Rancho Moro Cayucos, as per Map thereof filed September 28, 1875 in the Office of the Recorder of said County.

Except therefrom that portion thereof conveyed to S.C. Davis by deed dated October 1, 1887, recorded in Book X, Page 513 of Deeds, being a parcel of land said to contain about 2 acres.

Also excepting therefrom that portion thereof conveyed for a private roadway to Mrs. E.C. Isom, Administratrix of the Estate of Hugh Isom, deceased, by Deed recorded in Book Y, Page 79 of Deeds.

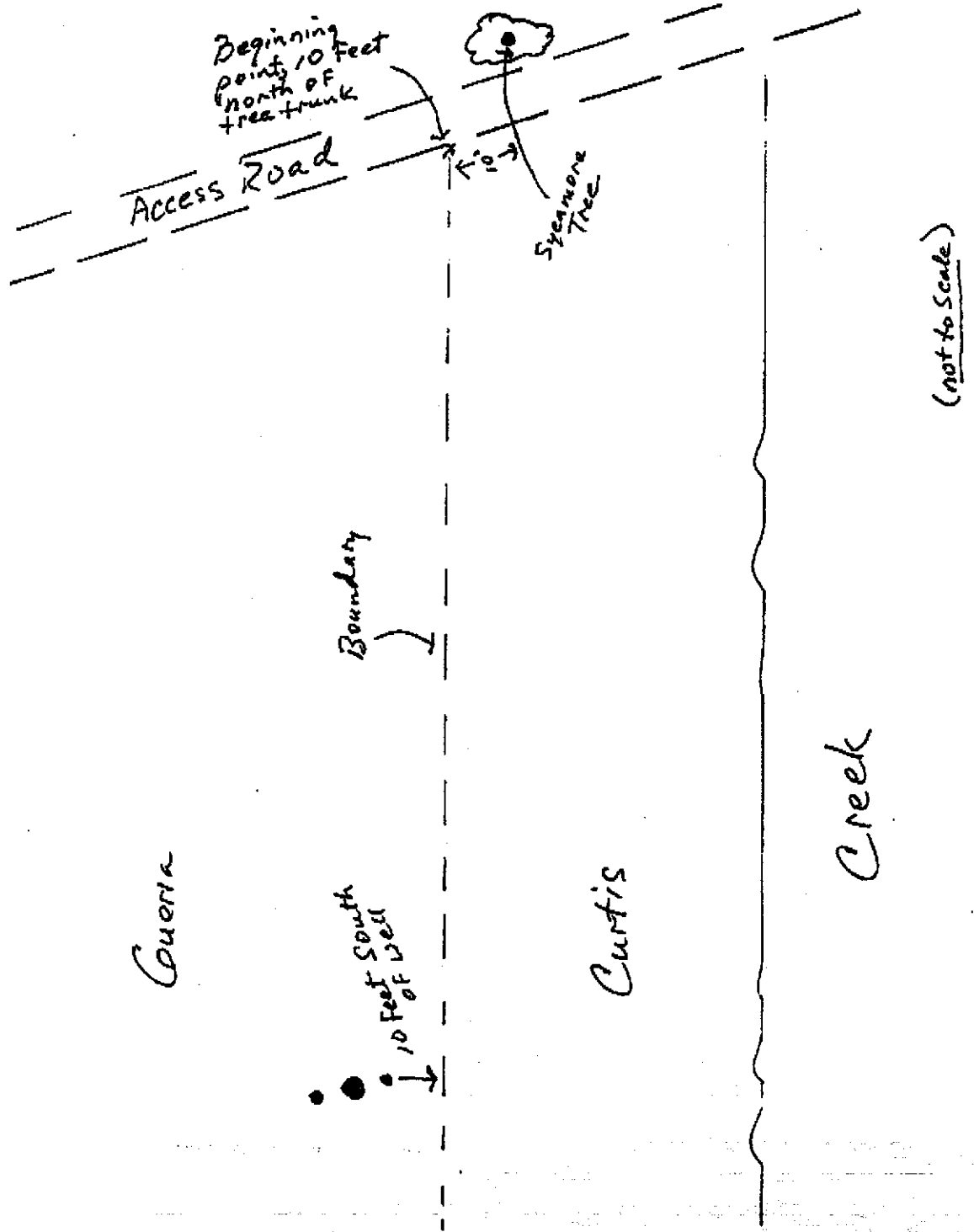
EXHIBIT A

Real property consisting of 350.81 acres of land near Morro Bay, CA, more particularly described as follows:

LOTS 3, 4, and 5 and the Northeast quarter of the Northwest quarter of Section 20, Lot 3 and the Southwest quarter of the Southeast quarter, the East half of the Southeast quarter of Section 17, and that portion of Lot 4 of said Section 17; all in Township 29 South, Range 11 East, Mount Diablo Base and Meridian, in the County of San Luis Obispo, State of California, according to the official plat of the survey of said land approved by the Surveyor General, April 2, 1968, described as follows:

BEGINNING at a 3" x 4" stake set for the Southwest corner of said Lot 4 and running thence from said stake Northerly along the Westerly line of said Lot, 146.71 feet to a 3/4 inch iron pipe; thence North 62° 50' East 326.05 feet to a 2 inch iron pipe set in said Lot; thence North 18° West 1114.66 feet to a point in the center of Morro Creek and the Northwest corner of said Lot thence Northeasterly along the Northerly line of said Lot to the Northeast corner thereof; thence South along the Easterly line of said Lot to the Southeast corner thereof; thence West along the Southerly line of said Lot to the point of beginning.

EXHIBIT B



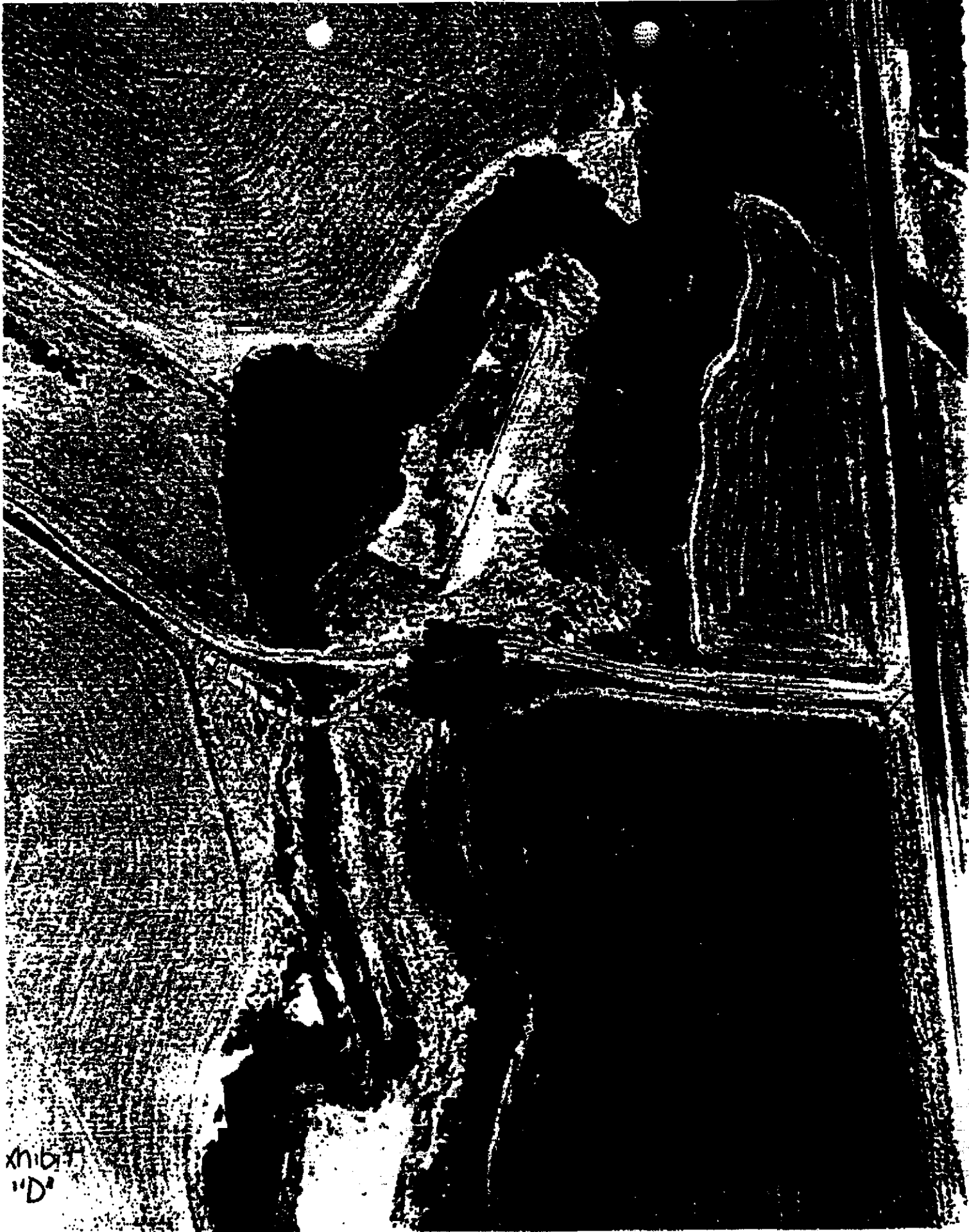
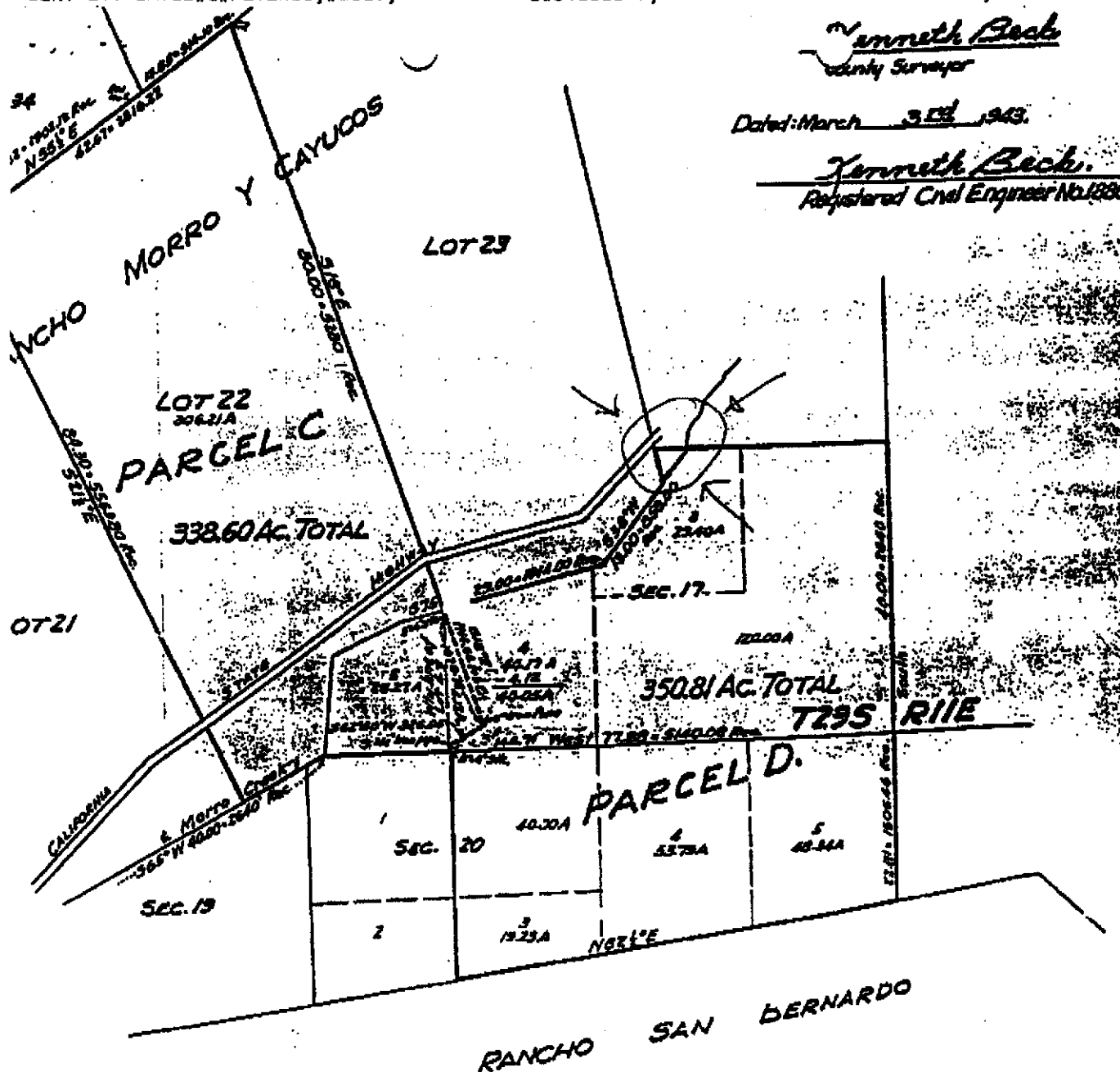


EXHIBIT
"D"

Kenneth Beck
County Surveyor

Dated: March 3rd 1943.

Kenneth Beck
Registered Civil Engineer No. 1230



RANCHO SAN BERNARDO

Scale 1"=100.'

basis of bearings for this survey was taken
easterly line of Lot 22 of the Rancho Morro
s, the bearing being noted as S 13° E.

Indicates limit of this survey.

MAP

SHOWING LOTS 1 AND 2 IN THE RANCHOS CANADA
DE LOS OSOS AND LA LAGUNA AND LOT 22 IN THE
RANCHO MORRO Y CAYUCOS AND PORTIONS OF
SECTIONS 17 AND 20 T29S R11E MDBM.

AND
SURVEY IN LOT 4 OF SAID SECTION 17
SAN LUIS OBISPO COUNTY, CALIFORNIA.

In accordance with decree in action No. 13739
entitled MARIA C. RODRIGUEZ ET AL. plaintiffs
Vs. MARIA V. BAPTISTA ET AL. defendants.

at work & Park. Engrs.

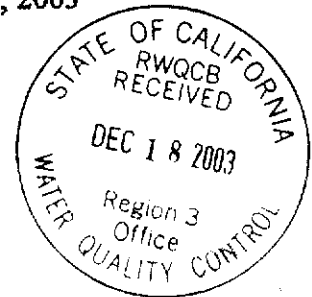
Exhibit "E"

L.S.

1005 El Camino Real
Arroyo Grande, Ca. 93420

December 15, 2003

Regional Water Quality Control Board
Central Coast Division
895 Aerovista Place, Suite 101
San Luis Obispo, Ca. 93401-7906



Dear Mr. Hector Hernandez, Water Resources Control Engineer:

Subject: Brisco Pit Landfill

This letter is a request that this old Landfill site be removed from your Regulatory List of sites for the following reasons:

1. This site has not been used for over thirty or forty years.
 2. The site is flat and paved, developed into commercial use with a rental yard and vehicle storage.
 3. All water, on this site, drains to the West of the property, down a paved swale into a City owned drainage basin, which they maintain by cleaning annually. This water goes under Brisco Road, from this City drainage basin, onto a paved Street in the Arroyo Grande Cemetery, then to Grand Avenue around a half mile away, into the City Drainage system to the Pacific Ocean.
 4. I have included pictures of the site showing current use.
 - a. Pictures marked No. 1, 2 & 3 show the United Rental Operation and pavement on the site. All the water drains from the front of the pictures to the rear into a paved drainage swale, as described in #3 above.
 - b. Pictures marked No. 4 & 5 paved drainage facilities. Picture #4 shows paved drainage from the paved lot to the Brisco Road the City retention basin. Note: the three white streaks across the pavement, in the picture, is sunlight coming from between the stored trailers at time picture was taken.
- Picture #5 is the retention basin. Water passes under Brisco Road rises up to pass along the A. G. Cemetery street as explained in #3 above.

5. I have enclosed correspondence from the California Integrated Waste Management Board, regarding the Brisco Pit Landfill, Solid Waste Information System (SWIS database giving detailed information on inspections some time after the closure of this Pit.

This material explains pretty well the standing of this site by SWIS.

There are six pages, beginning with a letter from Mr. Randy Friedlander, and five pages, of correspondence and reports, which seem to be self-explanatory.

I hope this material is sufficient for you to remove the site from your list.

Thank you very much,


Howard D. Mankins

Enc. 11



California Integrated Waste Management Board



Terry Tamminen
Secretary for
Environmental
Protection

Linda Moulton-Patterson, Chair
1001 I Street • Sacramento, California 95814 • (916) 341-6000
Mailing Address: P. O. Box 4025, Sacramento, CA 95812-4025
www.ciwmb.ca.gov

Arnold Schwarzenegger
Governor

December 1, 2003

Mr. Howard Mankins
C/O Brisco Hardware
1005 El Camino Real
Arroyo Grande CA 93420-2588

**RE: Brisco Pit Landfill
SWIS No. 40-CR-0002**

Dear Mr. Mankins:

Thank you for your telephone call and request for information of the subject site on December 1, 2003.

Enclosed please find copies of the Site Identification Process (SIP) form, Closed Site Inspection Report of March 1, 1996, and correspondence between San Luis Obispo County Division of Environmental Health and California Integrated Waste Management Board staff regarding the Brisco Pit Landfill, Solid Waste Information System (SWIS) database No. 40-CR-0002.

If you have any questions, please call me at (916) 341-6718.

Sincerely,

Randy Friedlander
Facilities Operations Branch
Permitting and Enforcement Division

California Environmental Protection Agency

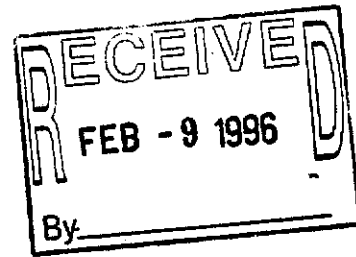
Printed on Recycled Paper



**SAN LUIS OBISPO COUNTY HEALTH DEPARTMENT
DIVISION OF ENVIRONMENTAL HEALTH**

2156 Sierra Way • P.O. Box 1489 • San Luis Obispo, California 93406
TELEPHONE (805) 781-5544 • FAX (805) 781-4211

February 7, 1996



CIWMB - Closure Branch
Stacey Mason
8800 Cal Center Dr.
Sacramento, CA. 95826

Dear Stacey,

Please find enclosed a revised SIP form for the Brisco Pit Landfill. I am requesting that this site be taken off the CIA site list. If you agree the APN will be forwarded to the City of Arroyo Grande Planning Dept., so that we may be notified in advanced of a change in landuse or development proposed in the future.

Thank you for your consideration. If you have any questions please feel free to call me at (805) 781-5544.

A handwritten signature in cursive script that reads "Michael McGee".

Michael McGee, R.E.H.S.
Environmental Health Specialist

SITE IDENTIFICATION FORM

3A

(Attach additional description or explanation as needed.)

Initial I.D. (Y/N): No Follow-up Investigation (Y/N): No

SITE INFORMATION

Site Name: Brisco Pit Landfill

AKA: _____

SWIS #: _____ County: SLO Parcel #(s): 077-051-017

Location: 203 Brisco Rd., Arroyo Grande
(Include Location or Quad. Map with Township, Range, and Section, and Parcel Map.)

Land Owner(s): Howard Mankins

Address: 1005 El Camino Real

City: Arroyo Grande State: CA Zip: 93420 Phone: 805-489-5536

Types of Waste: Inert. Res. Com. Indust., Haz., Liquid

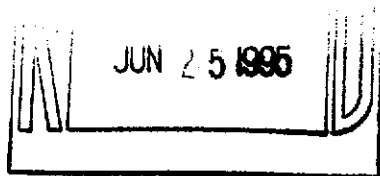
Site Type: Illegal Dumping, Landfill, Burn Dump, Treatment Unit

Disposal Area (Acre): 1 Acre SWFP Date: _____ WDR Number: _____

Dates of Operations: mid 1950's Closure Approved By: _____

LAND USE ON OR WITHIN 1000 FT 1 MILE OF WASTE BOUNDARY

| | 1000 FT | 1 MILE |
|--------------------------|---|---|
| Rural: | Yes <input type="radio"/> No <input checked="" type="radio"/> | Yes <input type="radio"/> No <input checked="" type="radio"/> |
| Residential: | Yes <input checked="" type="radio"/> No <input type="radio"/> | Yes <input checked="" type="radio"/> No <input type="radio"/> |
| Commercial: | Yes <input checked="" type="radio"/> No <input type="radio"/> | Yes <input checked="" type="radio"/> No <input type="radio"/> |
| Industrial: | Yes <input type="radio"/> No <input checked="" type="radio"/> | Yes <input type="radio"/> No <input checked="" type="radio"/> |
| Environmental Sensitive: | Yes <input type="radio"/> No <input checked="" type="radio"/> | Yes <input checked="" type="radio"/> No <input type="radio"/> |
| Water Supply Wells: | Yes <input type="radio"/> No <input checked="" type="radio"/> | Yes <input checked="" type="radio"/> No <input type="radio"/> |
| Surface Water Bodies: | Yes <input type="radio"/> No <input checked="" type="radio"/> | Yes <input checked="" type="radio"/> No <input type="radio"/> |
| Inhabitable Structures: | Yes <input checked="" type="radio"/> No <input type="radio"/> | Yes <input checked="" type="radio"/> No <input type="radio"/> |
| Enclosed Structures: | Yes <input checked="" type="radio"/> No <input type="radio"/> | Yes <input checked="" type="radio"/> No <input type="radio"/> |
| Planned Improvements: | Yes <input checked="" type="radio"/> No <input type="radio"/> | Yes <input checked="" type="radio"/> No <input type="radio"/> |



OBSERVATIONS

Date of Field Visit: _____ Sig. Change Since Last Visit? (Y/N/NA): _____

Surface Condition: Graded and flat, asphalt on one side.

Landfill Gas: n/a

Leachate: n/a

Other: _____

RECOMMENDATION

Emergency Response: _____

Other (e.g. small scale illegal dumping that warrants removal): _____

Reassess Site? (Y/N/NA): Yes No Further Action? (D Priority Y/N): _____

Priority for Site Assessment (High/Med/Low): Low

Prepared By: Michael McGee Date: 6/4/95

CIWMB Approval: C&R Branch Compliance _____

40-076-000 2
File

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

88001 Cal Center Drive
Sacramento, California 95826



March 6, 1996

Mr. Michael McGee
San Luis Obispo County Health Department
2156 Sierra Way, P.O. Box 1489
San Luis Obispo CA 93406

Subject: Closed, Illegal and Abandoned (CIA) Site Inventory Review

Dear Mr. McGee:

California Integrated Waste Management Board (Board) staff have reviewed your February 7, 1996 submittal of the request to have the Brisco Pit landfill archived. During my March 1, 1996 visit to San Luis Obispo County in which I inspected the subject site, I observed no exposed waste, settlement or any other signs that the site poses any health threat. I am therefore placing the site in the Board's SWIS archive files. As you outlined in your February letter the APN # will be forwarded to the Arroyo Grande Planning Department so that proper notification will occur if any future development is planned at the site.

Board staff appreciate your continued work and cooperation on the CIA site inspections.

Should you have any questions or comments, I may be reached at (916) 255-3826

Sincerely,

Stacey Mason
Closure and Remediation Branch
Permitting and Enforcement Division

cc: Skip Amerine, IWMB

Enforcement Agency: SLO COUNTY HEALTH

Page 1 Of 1

| | | | | |
|--|---|--|---|----------------------------------|
| FACILITY FILE NUMBER <u>40-02</u> DOT ASSIGNED 0002 | PROGRAM CODE LOCAL * L STATE * S <u>C</u> | INSPECTION DATE MM DD YY <u>3 1 96</u> | TIME IN | INSPECTION TIME (WHOLE HOURS) |
| | | | TIME OUT | |
| FACILITY NAME <u>PRISID PIT INFILL</u> | | | RECEIVED BY (OPERATOR) <u>SAUT TO HOWARD MANWINS</u> | |
| FACILITY LOCATION <u>EL CAMINO REAL</u> | | | OWNER | |
| INSPECTOR <u>MICHAEL MCGEE</u> | INSPECTOR SIGNATURE <u>Michael McGee</u> | | ALSO PRESENT <u>STACEY MASON - CUMMB</u> | |

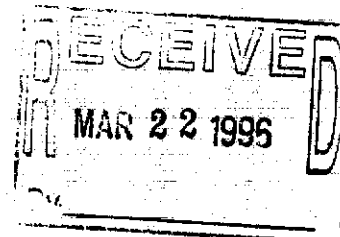
THE ABOVE FACILITY WAS INSPECTED FOR COMPLIANCE WITH APPLICABLE SECTIONS OF DIVISION 30 OF THE PUBLIC RESOURCES CODE (PRC) AND TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS (CCR).
THE STANDARDS BELOW ARE CONSIDERED IN COMPLIANCE UNLESS OTHERWISE MARKED WITH ONE OF THE FOLLOWING: V = VIOLATION A = AREA OF CONCERN NA = NOT APPLICABLE

| SITES NOT SUBJECT TO 7.8 STANDARDS | V A NA | | |
|--------------------------------------|--------|---|----|
| | V | A | NA |
| 17658 - SITE SECURITY | | | |
| 17704 - LEACHATE CONTROL | | | |
| 17705 - GAS CONTROL | | | |
| 17708 - DRAINAGE AND EROSION CONTROL | | | |
| 17710 - GRADING OF FILL SURFACES | | | |
| 17711 - LITTER CONTROL | | | |
| 17715 - PONDED LIQUID | | | |
| 17695 - GENERAL MAINTENANCE | | | |
| 17796 (b) - POSTCLOSURE LAND USE | | | |
| OTHER | | | |

COMMENTS (USE SWRB-85 FOR ADDITIONAL SPACE)

CONCURRENCE INSPECTION TO TAKE SITE OFF CIA INVENTORY

SPACE FOR ADDITIONAL COMMENTS, DIAGRAMS, OR NOTES.



Brisco Pit Landfill

Facility Name: Brisco Pit Landfill

Location: Brisco Road
Arroyo Grande, CA
A part of lot 101 Rancho Corral de Piedre,
265.85 feet Northerly from Brisco Rd.
along old Hwy. 101.

N boundary-inside fenceline of Ryder truck rental
W boundary-over back fence into RV storage area
E boundary-Brisco Rd. S boundary-under asphalt (by hopper)

Operator Name: Leo A. Brisco

Land Owner Data: Howard Mankins
1005 Old 101 Hwy.
Arroyo Grande, CA
805/489-5536

Operational Status: Closed

Permitted Date: Not applicable, operational by mid-1950's
Closure Date: Unknown, but prior to 1970

Fill Area (acres): Approximately 1

Fill Method: Area

Environmental Setting: Industrial

Waste Types Received: Residential, Commercial, Demolition,
Agricultural

Current Land Use: Parking lot

Distance to Nearest Structure: .25 mile

On-site Structures: business buildings

Comments: Site was an old gravel pit from county roadwork,
filled to become usable ranch land
Minimum of 8' cover over site

Inspected: 7/03/91

6/26/91

Memo:

To: Mr. Hector Hernandez

From: Howard D. Mankins

Subject: Additional Information separate from required response.

Hector, in talking with Michael LeBrun yesterday about my response to you, he suggested that as another issue, I send you the Parcel Number for this site, so that some record could be made for any future owner concerning the properties prior use.

The Assessors parcel Number is 077-051-018 and copy of the description. It would be a part of this parcel, not the entire parcel.

Please let me know if you need any other information.

EXHIBIT "A" - LEGAL DESCRIPTION

PARCEL 2:

Real property situate in the County of San Luis Obispo,
State of California, described as follows:

Commencing at a 3" x 4" stake set in the Southwesterly line of the California State Highway right-of-way in Lot 106 of the Subdivisions of the Ranchos Corral de Piedra, Pismo and Bolsa de Chemical, County of San Luis Obispo, State of California, as shown on the official map of said Ranchos on file in the County Recorder's office of said County and filed for record in Book A of Maps at Page 65, records of said County, said 3" x 4" stake the point of commencement being distant along said right-of-way line North 57 degrees 48' West 780.00 feet from the most Easterly corner of that certain parcel of land as described in that certain deed from S. C. Beckett and Laura May Beckett, his wife, to the State of California and recorded in the office of the County Recorder of said County on October 31, 1928 in Book 58 of Official Records at page 62, records of said County; thence running from said point of commencement South 57 degrees 48' East 494.05 feet along the said Southwesterly right-of-way line of the California State Highway to a 3" x 4" stake, the most Northerly corner of that certain tract of land conveyed by the County of San Luis Obispo to Leo A. Briscoe by deed dated September 20, 1937 and recorded in the office of the County Recorder of said County in Book 222 of Official Records at Page 224, records of said County; thence leaving said last mentioned corner and running South 56° 44' West 313.28 feet along the Northwesterly line of said last mentioned conveyed tract to the most Westerly corner thereof and a point on the Southwesterly line of the aforementioned tract conveyed by the Security First National Bank of Los Angeles to the County of San Luis Obispo; thence leaving said last mentioned point and running North 57° 48' West 363.97 feet along the Southwesterly line of said tract as conveyed by the Security First National Bank of Los Angeles to the County of San Luis Obispo to a 3" x 4" stake; thence North 32° 12' East 285.00 feet along said last mentioned conveyed tract to the point of beginning containing 2.911 acres and being a part of said Lot 106 of the Subdivisions of the Ranchos Corral de Piedra, Pismo and Bolsa de Chemical.

Leo A. Briscoe
LEO A. BRISCOE

Minta L. Briscoe
MINTA L. BRISCOE

From: "Andy Hovey" <AndyHovey@VRSD.COM>
To: <hhernand@rb3.swrcb.ca.gov>
Date: 12/19/03 3:53PM
Subject: General WDR comments

Hello Hector,

During our conversation we discussed that the monitoring and reporting program elements could be changed by the executive officer after the adoption of the general WDR.

Could page 5 item 3. regarding NPDES monitoring be changed later without board action even though it is in the WDR and not the M&R program?

It will be difficult to sample stormwater during the first hour of run-off at remote sites.

What is "significant quantities of decomposable waste"?

Table 1 - monitoring parameters:

metals - should total metals or soluble be tested?

Andy Hovey
VRSD

CITY OF WATSONVILLE

"Opportunity through diversity; unity through cooperation"



ADMINISTRATION BUILDING

215 Union Street
Second Floor
Fax 831.761.0736

December 16, 2003

MAYOR & CITY COUNCIL

215 Union Street
831.728.6006

CITY MANAGER
831.728.6011

CITY ATTORNEY
831.728.6013

CITY CLERK
831.728.6005

PERSONNEL
831.728.6012

Roger W. Briggs
Executive Officer
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

CITY HALL OFFICES

250 Main. St.

COMMUNITY
DEVELOPMENT
831.728.6018

Fax 831.728.6173

FINANCE

831.728.6031

Fax 831.763.4066

PUBLIC WORKS &

UTILITIES

831.728.6049

Fax 831.728.4065

PURCHASING

831.728.6029

Fax 831.763.4066

REDEVELOPMENT & HOUSING

831.728.6014

Fax 831.763.4114

AIRPORT

100 Aviation Way

831.728.6075

Fax 831.763.4058

FIRE

115 Second Street

831.728.6060

Fax 831.763.4054

LIBRARY

310 Union Street

831.728.6040

Fax 831.763.4015

PARKS & COMMUNITY SERVICES

30 Maple Avenue

831.728.6081

Fax 831.763.4078

Attn: Hector Hernandez

RE: Removal of Gilbertson Property from Attachment 2 of Draft WDR Order No. R3-2004-0006.

Dear Mr. Briggs,

City of Watsonville staff has reviewed the draft General Waste Discharge Requirements Order No. R3-2004-0006 and the associated MRP. The Gilbertson property, owned by the City, has been listed in Attachment 2 of the WDR, which requires extensive environmental monitoring of the site. The City has completed a number of environmental investigations at the site, and is currently in the process of closing the site, under a Closure Plan approved by both the RWQCB and CIWMB. We expect to complete site closure by August 2004. It is the City's position that the Gilbertson site does not have the potential to pose a threat to water quality and should be removed from Attachment 2 of the draft WDR.

Included below is a brief history of the site, a summary of the environmental investigations completed to date, and a review of the current closure activities.

Site History

The Gilbertson property is an 11.6-acre site located at 852 Airport Boulevard, just outside the Watsonville City limits. The Gilbertson Development Company used the property as an unpermitted fill site from 1982 to 1994. The existing fill material is estimated to have a total volume of about 65,000 cubic yards. The City of Watsonville purchased the site in 1996 to expand the safety zone around the Watsonville Airport.

Site Investigations

The City completed a Phase I and Limited Phase II Environmental Site Assessment in 1994, and a full Phase II Investigation in 1995. These investigations included 30 test borings and analysis of 100 soil samples and three groundwater samples. The study concluded that the landfill is comprised almost entirely of a soil matrix with significant lenses of concrete, brick rubble and other inert material. No significant household refuse was encountered and the landfill was not generating methane.

The landfill surface was found to have some low-level petroleum contamination. Approximately 500 cubic yards of soil were treated on-site by bioremediation, under a plan approved by the RWQCB. No other significant sources of hazardous or toxic materials were identified in the landfill soil borings or groundwater samples.

Site Closure

In November 2003, the City approved a contract with Granite Construction to complete the closure of the Gilbertson site. The City has initiated construction, and expects to complete the project by August 2004. The Closure Plan was reviewed and approved by many agencies, including the RWQCB, CIWMB, the Coastal Commission, and the County of Santa Cruz.

The Closure Plan includes placing approximately 100,000 cubic yards of clean fill over the existing landfill. The Plan also requires extensive temporary and permanent erosion control measures, and a wetland restoration project at the base of the fill area. The completed project will provide stabilized slopes and long-term storm water conveyance channels to minimize erosion generated from the site. A complete copy of the Closure Plan is available upon request.

Post-Closure Requirements

In consideration of the above investigations and closure efforts, the City does not agree that it is appropriate to list the Gilbertson property in Attachment 2 of the draft WDR. The proposed monitoring requirements are far too onerous for a site determined to be clean and that will soon be properly closed.

The City understands that post-closure requirements will be necessary, and requests that the RWQCB work with the City to develop an individual WDR and MRP that includes a monitoring program more appropriate for this site.

Should you have any questions or comments regarding this matter, please contact me at (831) 728-6046 or Steve Palmisano at (831) 728-6176.

Sincerely,



David A. Koch
Director of Public Works and Utilities





2/27





