

Countywide Services Agency

Environmental Management
Department

Environmental Health Division
Richard Sanchez, Chief



Terry Schutten, County Executive
Penelope Clarke, Agency Administrator
Mel Knight, Department Director

County of Sacramento

**STIPULATED AGREEMENT TO INCREASE TONNAGE
LIMITATION AT THE L AND D LANDFILL**

Title 14, California Code of Regulations (14 CCR), Section 18304

TO: Operator
L AND D LANDFILL LP
PO BOX 255009
SACRAMENTO, CA 95865-5009

CC: Owner
FRUITRIDGE ROAD LAND CO
PO BOX 13416
SACRAMENTO, CA 95813-3416
ATTN: BOB HAMEL

IN THE MATTER OF L AND D LANDFILL
8635 FRUITRIDGE ROAD
SACRAMENTO, CA 95828

ISSUING AGENCY COUNTY OF SACRAMENTO
ENVIRONMENTAL MANAGEMENT DEPARTMENT
LOCAL ENFORCEMENT AGENCY
8475 JACKSON ROAD, SUITE 240
SACRAMENTO, CA 95826

ISSUANCE DATE JUNE 28, 2005

L AND D LANDFILL, STIPULATED AGREEMENT

Background

This Department, as the Local Enforcement Agency (LEA), is authorized by 14 CCR 18051 and 18084 for Solid Waste Code Enforcement in Sacramento County. In accordance with Title 14, California Code of Regulations (14CCR), Section 17211 et al, the LEA is authorized to enter into a stipulated agreement with an Operator of a permitted solid waste facility for the purpose of granting a Temporary Waiver of Terms of a Solid Waste Facility Permit (SWFP).

On March 14, 2002, L and D Landfill received a SWFP to operate a disposal facility receiving up to 2540 tons per day (tpd). The April 1996 Negative Declaration and April 1996 City of Sacramento Special Use Permit (CUP) associated with this site both limit the incoming waste volumetrically at 10,000 cyds. These permitting documents do not limit weight received, only volume.

In January 2005, the Florin Perkins Inert Landfill closed unexpectedly. Although this facility was subject to LEA enforcement action to Cease and Desist operations, appeals were pending which authorized the continued operation of the facility. This facility was allowed to receive up to 2000 tons of inert material daily. As a result of this unexpected closure, an alternative disposal site was needed.

In February 2005, L and D Landfill began receiving an increased number of inert waste loads. The resulting increase in tonnage pushed the facility to the existing permit tonnage limit of 2540 tpd.

On June 15, 2005, L and D Landfill submitted an application to revise the SWFP # 34-AA-0020 to increase the permitted daily tonnage limit from 2540 to 4125 tpd. In this application, the Operator explains that the increased density of the inert waste has resulted in an increase in tonnage, but not in volume, thereby allowing an increase in the SWFP limit without conflicting with existing CEQA analysis, or the CUP.

SWFP Term/Condition Waiver Requested	On June 24, 2005, the Operator submitted a request for Temporary Stipulated Agreement to increase the SWFP tonnage limit from 2540 to 4125 tons per day.
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LEA Determination	In accordance with the requirements found in 14 CCR 17211.4, the LEA has made the following determinations: <ul style="list-style-type: none">• The Operator holds a valid SWFP• The facility is in compliance with state minimum standards and the terms and conditions of the SWFP• Operation under the terms of the stipulated agreement will not pose a threat to public health or safety or the environment.• The need for the stipulated agreement is temporary, due to the impending revision to the SWFP, which will request an increase in tonnage.
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L AND D LANDFILL, STIPULATED AGREEMENT

LEA Determination, continued

- The unexpected closure of the nearby Florin Perkins Inert Landfill disposal facility provided an unforeseen circumstance of increased demand for inert disposal.
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Terms and Conditions of the Agreement

The request to increase tonnage to 4125 tons per day is granted for a period not to exceed 90 days, subject to the following terms and conditions:

- This stipulated agreement will commence on July 1, 2005 and will expire on September 30, 2005. A request for extension to this expiration date may be submitted for just cause at least 10 days prior to the end of the waiver period.
 - The Operator will not allow the facility to exceed the permitted tonnage of 2540 tpd more than 15 days per month.
 - The Operator will continue to work with the LEA to facilitate processing of the application for revision to SWFP # 34-AA-0020, submitted on June 15, 2005.
 - The Operator shall ensure that facility operations will return to the permitted 2540 tpd if any problems arise at the facility as a result of this waiver.
 - No other term or condition of the Solid Waste Facility Permit may be violated during the period of this agreement.
 - This stipulated agreement shall be effective as to each party as of the date such party signs the agreement documents.
 - This stipulated agreement can be revoked or cancelled by the LEA without advance notice in accordance with 14CCR 17211.2 (g).
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Operator Reporting Requirements

The Operator shall submit a written report to the LEA within 10 days prior to the termination date of the stipulated agreement.

The written report shall include:

1. Information regarding changes in operation or design that took place as a result of the stipulated agreement.
2. Description of steps taken to find a longer term and/or permanent solution to address unforeseeable circumstances.
3. Whether a request to discontinue the stipulated agreement on a date certain, or a request to continue the stipulated agreement for another 90 days.

If the agreement is extended beyond the initial 90 days, the Operator shall submit a subsequent report once every 10 days prior to a termination date of the stipulated agreement.

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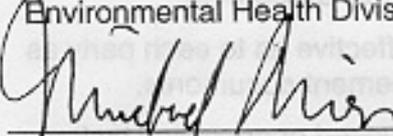
L AND D LANDFILL, STIPULATED AGREEMENT

Penalties for Non-Compliance	Should the Operator not comply with the Terms and Conditions of this Stipulated Agreement one or more of the following may be applied: <ul style="list-style-type: none">➤ Administrative civil penalties will be sought of up to \$5,000 per day per violation pursuant to Division 30 PRC, Section 45011;➤ Civil penalties may be sought of up to \$10,000 per day per violation for statutory violations pursuant to Division 30 PRC, Section 45023;➤ The LEA may petition the Sacramento County Superior Court to enjoin the violations and impose other appropriate injunctive relief;➤ Continued violation after obtaining injunctive relief may be punishable as Contempt of Court.
Contact	Please feel free to contact Tammy Derby at (916) 875-8573 or myself at (916) 875-8409 should you have any questions.

IT IS SO STIPULATED:


Richard Sanchez, Chief
Environmental Health Division

6-30-05
Date


Michael P. Lien, General Manager
L and D Landfill, LP
Operator

30 June 2005
Date

C: Tammy Derby, LEA
Angela Basquez, CIWMB
Robert Busby, RWQCB