Countywide Services Agency

Environmental Management Department

Hazardous Materials Division
Dennis Green, Chief

County of Sacramento

Terry Schutten, County Executive
Penelope Clarke, Agency Administrator
Val F. Siebal, Department Director

NOTICE AND ORDER
DIXON PIT LANDFILL

Public Resources Code (PRC), Section 45000
Title 14, California Code of Regulations (14 CCR), Section 18304

To Operator	Mr. Gyan Kalwani **(RESPONDENT)** Super Pallet Recycling Corporation P.O. Box 1832 Elk Grove, CA 95759 **CERTIFIED MAIL # 7006 2150 0005 4528 6847**
To Property Owner	Mr. Jasmail Singh **(RESPONDENT)** Five Star Auto and Towing, Inc. 8956 East Valley Drive Elk Grove, CA 95624 **CERTIFIED MAIL # 7006 2150 0005 4528 6816** 8973 Elk Grove-Florin Road Elk Grove, CA 95624 **VIA GENERAL MAIL**
c: Attorney for Operator & Property Owner	Mr. Mark Pruner, Esq. 1206 Q Street, Suite 1 Sacramento, CA 95814 **CERTIFIED MAIL # 7006 2150 4528 6830**
In the Matter of:	Dixon Pit Landfill 8973 Elk Grove-Florin Road Elk Grove, CA 95624 Solid Waste Facility Number: 34-AA-0007
Issuing Agency	County of Sacramento Environmental Management Department Local Enforcement Agency 8475 Jackson Road, Suite 230 Sacramento, CA 95826
Date of Issuance	September 30, 2008

Regulatory Authority

The County of Sacramento Environmental Management Department (EMD), as the Local Enforcement Agency (LEA) for the California Integrated Waste Management Board (CIWMB), is authorized by Division 30 Public Resources Code (PRC) Sections 43209, and Title 14 of the California Code of Regulations (14 CCR) Sections 18051 and 18084, to implement the solid waste regulatory program in Sacramento County. Pursuant to PRC Sections 45000, 45005, and 45011, the LEA is further authorized to order solid waste facility owners and/or operators who are in violation of the aforementioned statutes, regulations or any corrective action or cease and desist order, and/or whose facility or operation poses a potential or actual threat to public health and safety or the environment, to cease and desist any improper action, to correct the violations, and/or to abate the threat, according to a time schedule established by the enforcement agency.

Background

The Dixon Pit Landfill is a closed landfill located at 8973 Elk Grove-Florin Road, APN 127-0010-062-000. Super Pallet Recycling Corporation owned the Dixon Pit Landfill until June 2006 when it was sold to Five Star Auto and Towing, Inc. The landfill was certified as closed on July 2, 2007. Super Pallet Recycling Corporation is designated as the operator of Dixon Pit Landfill on the facility's Solid Waste Facility Permit (SWFP) #34-AA-0007, issued on July 2, 2007, and Five Star Auto and Towing, Inc. is designated as the owner. Super Pallet Recycling Corporation will remain the facility operator unless a new facility operator establishes financial assurances through the CIWMB. Therefore, the LEA issues this Notice and Order (Order) to both **the operator of record, SUPER PALLET RECYCLING CORPORATION and the facility owner, FIVE STAR AUTO AND TOWING, INC. (Respondent).**

The facility has a history of violations including failure to maintain the gas control system to prevent the methane gas concentration detected at perimeter monitoring probes from exceeding the regulatory limit of 5% methane by volume in air.

The Respondent declined a September 13, 2007, meeting request by the LEA to discuss methane gas exceedances and instead submitted a letter dated September 18, 2007, that included the "Operator's Plan to Address Methane Concentrations in Subsurface Probe LFG 10-2". This plan described modifications to the gas collection pipe system and the construction of new infill gas extraction wells.

Background, continued

In a letter dated October 25, 2007, the Respondent proposed additional measures to abate the gas violation at probe 10-2 including leveling and alignment of the gas collection pipe system and further stated that "if compliance is still not achieved by all these efforts, then we will move on to the installation of the additional infill extraction wells as has been recommended by our engineer".

On December 28, 2007, the Respondent submitted plans for the installation of the two proposed gas extraction wells to the LEA, CIWMB and the Regional Water Quality Control Board (RWQCB). The plans were approved by the LEA on January 3, 2008 and the RWQCB on January 7, 2008, respectively. CIWMB approved the plans on February 7, 2008.

As of this date, the Respondent has not installed the approved infill gas extraction wells despite the fact that gas probe 10-2 has been found to have methane gas concentrations in excess of the regulatory limit of 5% methane by volume in air for the months of May, June, July, August and September 2008.

Pursuant to the Respondent's Landfill Gas Monitoring Plan (LGMP) in the facility's Post Closure Maintenance Plan, the Respondent is required to increase gas monitoring frequency to weekly if any gas probe concentration is detected at greater than 5% methane by volume in air.

Methane, Gas Control and Monitoring History

May 8, 2008, inspection: Violation 27CCR 20921 (Gas Monitoring and Control) and 27CCR 20937 (Reporting and Control of Excessive Gas Concentrations)

- Gas monitoring by LEA staff of probe 10-2 indicated **5.5%** methane by volume in air.

May 14, 2008, inspection

- LEA and CIWMB staff and Mr. Emslander, Five Star Auto and Towing staff, performed gas monitoring of probe 10-2. The monitoring results obtained by LEA and CIWMB staff were consistent with the results obtained by Mr. Emslander. All three parties used their own, separate, GEM 2000 gas meters and all readings were below 5 % methane by volume in air.

Methane, Gas Control and Monitoring History, continued

- However, LEA and CIWMB staff questioned the reliability of the data since Mr. Emslander had conducted gas monitoring of probe 10-2 approximately two hours earlier. His monitoring results indicated 5% methane by volume in air.

June 19, 2008, inspection: Violation 27CCR 20921(Gas Monitoring and Control) and 27CCR 20937 (Reporting and Control of Excessive Gas Concentrations)

- Gas monitoring by LEA staff of probe 10-2, in the presence of Mr. Emslander, indicated **5.8%** methane by volume in air.

July 14, 2008, inspection: Violation 27CCR 20921(Gas Monitoring and Control) and 27CCR 20937 (Reporting and Control of Excessive Gas Concentrations)

- Gas monitoring performed by LEA staff of probe 10-2, in the presence of Mr. Emslander, indicated **6.6%** methane by volume in air.

August 25, 2008, inspection: Violation 27CCR 20921 (Gas Monitoring and Controls) and 27CCR 20937 (Reporting and Control of Excessive Gas Concentrations)

- Gas monitoring performed by LEA staff of probe 10-2, in the presence of CIWMB staff, indicated **6.5%** methane by volume in air.

In addition, the following weekly gas monitoring data for probe 10-2 was submitted by the Respondent for July, August, and September 2008: (all values are % methane by volume in air; those values exceeding the regulatory limit are in **boldprint**)

July 2, 2008	4.8%	Aug. 21, 2008	**7.0%**
July 10, 2008	**5.4%**	Aug. 29, 2008	**6.4%**
July 18, 2008	**6.1%**	Sept. 5, 2008	**7.6%**
July 25, 2008	**5.9%**	Sept. 12, 2008	**6.4%**
Aug. 1, 2008	**6.0%**	Sept. 19, 2008	**6.6%**
Aug. 8, 2008	**5.5%**	Sept. 26, 2008	**7.5%**
Aug. 15, 2008	**8.1%**		

LEA Determination

The following determinations have been made and documented:

- **Respondent** has repeatedly failed to control methane gas at the property boundary at or below the regulatory limit of 5% methane by volume in air.
- **Respondent** has violated and continues to violate the following regulatory requirements.
  - 27CCR 20921 Gas Monitoring and Control
  - 27CCR 20937 Reporting and Control of Excessive Gas Concentrations

Therefore, based upon the above findings, the LEA has determined that the Respondent is in violation of Title 27 of the California Code of Regulations (CCR) and Division 30 of the Public Resources Code (PRC).

Specific actions required

Respondent shall take the actions specified in the following compliance table on or before each listed compliance date.

Violation	Requirements	Compliance Date
27CCR 20921 Gas Monitoring and Control	1. The methane gas concentration at gas probe 10-2 and all other perimeter probes must be continuously controlled so as not to exceed the regulatory limit of 5 percent methane by volume in air.	1. Immediately and continuously.
27CCR 20937 Reporting and Control of Excessive Gas Concentrations	2. Implement the approved plans for the installation of two new infill gas extraction wells to control gas at the permitted boundary of the landfill and have both wells be operational. (Notify LEA staff at least seventy two (72) hours prior to installation of the extraction wells).	2. By November 17, 2008.
	2.1 In addition, implement any other corrective measures to the gas collection system necessary to abate the gas violation at probe 10-2.	2.1 By November 17, 2008

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Additional required actions

Because gas monitoring of gas probe 10-2 on June 19, 2008, was performed with a GasTech model GT Land Surveyor 105, which is designated as the backup instrument in the facility's Landfill Gas Monitoring Plan (LGMP), and because the Respondent has repeatedly failed to control landfill gas at the property boundary, the Respondent shall take the additional actions specified in the table below:

Additional Actions to be Taken	Compliance Date
1.0 If the Gem 2000 needs repair or service, the following actions are required: 1.1 The LEA must be notified immediately by telephone or fax on the day the Gem 2000 is sent in for service. 1.2 Receipts documenting repair or calibration dates and type of service must be sent to the LEA within one (1) week of repair if the Gem 2000 is out of service for any reason. 1.3 The backup instrument, GasTech model GT Land Surveyor 105, may be used ONLY as a backup in the event that the GEM 2000 is being serviced or repaired and may NOT be used for weekly gas monitoring for more than two (2) consecutive weeks during any period of use. 1.4 The Respondent must make alternate arrangements to continuously monitor perimeter probes if the primary meter is out of service for longer than two (2) weeks. This can be accomplished by renting a GEM 2000 or comparable gas meter or by hiring a qualified contractor to conduct gas monitoring using comparable equipment. 1.5 Oxygen and carbon dioxide readings must be submitted to the LEA along with weekly methane monitoring data when using the GT Land Surveyor 105.	1.0 through 1.5 All actions are required effective immediately.

Additional Actions to be Taken, continued	Compliance Date
2. The Respondent shall continue to monitor gas probe 10-2 weekly until approval has been received in writing from the LEA to reduce monitoring frequency, based upon the LEA's determination that gas control has been achieved and is considered reliable.	2. Continuously and immediately.
2.1 Amend the LGMP to state that, when required to increase the monitoring frequency to weekly, the operator will submit the monitoring data to the LEA by either general mail or electronically within five (5) days of the monitoring event.	2.1 Within five days of receipt of this Order.
2.2 Submit a draft copy of the changes to LGMP to the LEA.	2.2 Within 30 days of receipt of this Order.
2.3 Submit a final copy to the LEA of changes to the LGMP after LGMP changes have been approved by the LEA.	2.3 Within 30 days of written approval by the LEA.

Terms and Conditions

Each and every required action specified in the above Compliance table shall be complied with on or before the dates specified.

The Respondent will be charged the expense of any additional time spent by LEA staff in relation to this enforcement action.

If violation of the compliance table item, the PRC, and/or the CCR is noted, the period of such additional inspections and monitoring shall be extended. The Respondent shall fully cooperate with all inspections.

Penalties

Failure to comply by the applicable deadlines in this Notice and Order may result in enforcement action.

Pursuant to PRC 45011, penalties up to $5,000.00 per day may be imposed by the LEA by written notification to the owner or operator or both for failure to achieve compliance by the deadlines established by the LEA in this Notice and Order.

Penalties, *continued*

Failure to comply by the applicable deadlines may result in the LEA contracting for corrective action at the expense of the owner, operator or both, which may be recovered pursuant to PRC section 45000.

Failure to comply by the applicable deadlines may result in the LEA petitioning the superior court to enjoin the violations, and continued violation after the granting of an injunction may be punishable as contempt of court.

Right to Appeal

You may appeal the stated violations by completing the following:

1. Submit a completed Notice of Defense (Attachment 1) along with the written statement providing the reason(s) why you should not be subject to the enforcement action postmarked within 15 days of receipt of this notice.
2. Be available to participate in an appeal hearing before the Hearing Officer.

Please be advised that you may be liable for all or a portion of the costs of the Appeal Hearing.

Contact

If you have any questions or wish to meet to discuss this Notice and Order, please contact Sharon Zimmerman at (916)-875-1730.

Date: 9-30-08

By: Dennis Green

Dennis Green, Chief
Hazardous Materials Division

LT:SZ:gfb

Attachment: Notice of Defense

c: John Reed, Sacramento County Counsel
Gino Yekta, California Integrated Waste Management Board
Todd Del Frate, Central Valley Regional Water Quality Control Board

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DECLARATION

I, Sharon Zimmerman, declare under penalty of perjury that the following is true and correct:

The information and allegations contained in the foregoing Notice and Order issued to Super Pallet Recycling Corporation, the operator of Dixon Pit Landfill, and Five Star Auto and Towing, Inc., the owner of Dixon Pit Landfill, are declared by my personal knowledge to be correct. This knowledge was obtained by site inspections, review of site records, or review of the LEA site files.

Executed at 8475 Jackson Road, Suite 230, Sacramento, CA, on July 1, 2008.

Sharon Zimmerman

Sharon Zimmerman,
Environmental Specialist

DG:LT:SZ:gfb

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COUNTY OF SACRAMENTO
ENVIRONMENTAL MANAGEMENT DEPARTMENT
LOCAL ENFORCEMENT AGENCY (LEA)

In Re:	**Dixon Pit Landfill** **Attn: Mr. Jasmail Singh** **Five Star Auto and Towing, Inc.** **8973 Elk Grove- Florin Road** **Elk Grove, CA 95624**	) **NOTICE OF DEFENSE**) **Public Resources Code**) **(PRC) Section 44307 and 44310**) **File No. 34-AA-0007**

1. Pursuant to Division 30 of the Public Resources Code, you are hereby notified of your right to appeal the **Notice and Order** issued to **Super Pallet Recycling Corporation and Five Star Auto and Towing, Inc. in the matter of the Dixon Pit Landfill** on September 30, 2008.
2. If you choose to appeal this action, you must file a request for hearing no later than 15 days after receipt of the **Notice and Order**. Your request for a hearing must include this Notice of Defense and attached a written Statement of Issues providing the reason(s) why you believe you should not be subject to the enforcement actions identified in the **Notice and Order.** Your request must be made to the following address: Sacramento County LEA, Environmental Management Department, 8475 Jackson Road, Suite 230, Sacramento, CA 95826.
3. If you fail to request a hearing within the required time, the **Notice and Order** will become final and enforceable.

Please be advised, that the appellant may be liable for a portion or all of the hearing costs.

I, the undersigned Respondent, acknowledge the receipt of a copy of the **Notice and Order** and a copy of the Notice of Defense.

I request a hearing to permit me to present my defense to the allegations contained in the **Notice and Order**.

Dated: _____ _____
(Signature of Respondent)

_____ _____
Name Street Address

_____ _____
Phone City State Zip

LT:SZ:gfb
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COUNTY OF SACRAMENTO
ENVIRONMENTAL MANAGEMENT DEPARTMENT
LOCAL ENFORCEMENT AGENCY (LEA)

In Re:	**Dixon Pit Landfill** **Attn: Gyan Kalwani** **Super Pallet Recycling Corporation** **P.O. Box 1832** **Elk Grove, CA 95759**	) **NOTICE OF DEFENSE**) **Public Resources Code**) **(PRC) Section 44307 and 44310**) **File No. 34-AA-0007**

1. Pursuant to Division 30 of the Public Resources Code, you are hereby notified of your right to appeal the **Notice and Order** issued to **Super Pallet Recycling Corporation and Five Star Auto and Towing, Inc. in the matter of the Dixon Pit Landfill** on September 30, 2008.
2. If you choose to appeal this action, you must file a request for hearing no later than 15 days after receipt of the **Notice and Order**. Your request for a hearing must include this Notice of Defense and attached a written Statement of Issues providing the reason(s) why you believe you should not be subject to the enforcement actions identified in the **Notice and Order.** Your request must be made to the following address: Sacramento County LEA, Environmental Management Department, 8475 Jackson Road, Suite 230, Sacramento, CA 95826.
3. If you fail to request a hearing within the required time, the **Notice and Order** will become final and enforceable.

Please be advised, that the appellant may be liable for a portion or all of the hearing costs.

I, the undersigned Respondent, acknowledge the receipt of a copy of the **Notice and Order** and a copy of the Notice of Defense.

I request a hearing to permit me to present my defense to the allegations contained in the **Notice and Order**.

Dated: _____ _____
(Signature of Respondent)

_____ _____
Name Street Address

_____ _____
Phone City State Zip

LT:SZ:gfb

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Countywide Services Agency

Environmental Management Department

Hazardous Materials Division
Dennis Green, Chief

County of Sacramento

Terry Schutten, County Executive
Penelope Clarke, Agency Administrator
Val F. Siebal, Department Director

CERTIFICATE OF PERSONAL SERVICE

This is to certify that a NOTICE AND ORDER, dated September 30, 2008, was hand-delivered to the office of Five Star Auto and Towing, Inc. located at 8973 Elk Grove-Florin Road, Elk Grove, CA 95624.

The NOTICE AND ORDER is issued to Mr. Jasmail Singh as owner of Dixon Pit Landfill, a solid waste facility located at 8973 Elk Grove-Florin Road, Elk Grove, CA 95624.

I declare under penalty that the foregoing is true and correct, and that this Declaration was executed on the 30h day of September, 2008, in Sacramento, California.

Declarant's Name (print) Sharon Zimmerman

(Signature) Sharon Zimmerman

Authorized Representative (print) JASMAIL SINGH

(Signature) Jasmail Sinh

Title President

SZ:gfb

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Countywide Services Agency

Environmental Management Department

Hazardous Materials Division
Dennis Green, Chief

County of Sacramento

Terry Schutten, County Executive
Penelope Clarke, Agency Administrator
Val F. Siebal, Department Director

CERTIFICATE OF PERSONAL SERVICE

This is to certify that a NOTICE AND ORDER, dated September 30, 2008, was hand-delivered to the office of Super Pallet Recycling Corporation located at 10401 Grant Line Road, Elk Grove, CA 95624.

The NOTICE AND ORDER is issued to Mr. Gyan Kalwani as operator of Dixon Pit Landfill, a solid waste facility located at 8973 Elk Grove-Florin Road, Elk Grove, CA 95624.

I declare under penalty that the foregoing is true and correct, and that this Declaration was executed on the 30h day of September, 2008, in Sacramento, California.

Declarant's Name (print) Sharon Zimmerman

(Signature) Sharon Zimmerman

Authorized Representative (print) Gyan Kalwani

(Signature) _____

Title President

SZ:gfb

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CERTIFIED MAIL

COUNTY OF SACRAMENTO
ENVIRONMENTAL MANAGEMENT DEPARTMENT
HAZARDOUS MATERIALS DIVISION
8475 Jackson Road, suite 230
Sacramento, CA 95826-3904

RETURN SERVICE REQUESTED

7006 2150 0005

UNITED STATES POSTAGE
PITNEY BOWES
02 1A $ 05.49⁰
0004342481 SEP 30 2008
MAILED FROM ZIP CODE 95827

[redacted]

MR. GYAN KALWANI RESPONDENT
SUPER PALLET RECYCLING
CORPORATION
P.O. BOX 1832
ELK GROVE, CA 95759

Hand Delivered 9/30/08

10-1

10-16
10-21

RETURN
TO SENDER
NOT DELIVERABLE
AS ADDRESSED
UNCLAIMED

F-19

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. GYAN [redacted]LWANI RESPONDENT
SUPER PA[redacted]ET RECYCLING
CORPORA[redacted]ON
P.O. BOX [redacted]32
ELK GROVE, CA 95759

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

7006 2150 0005 4528 6847

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PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. MARK PRUNER, ESQ.
1206 Q STREET, SUITE 1
SACRAMENTO, CA 95814

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Mark Pruner
☐ Agent
☒ Addressee

B. Received by (Printed Name) Mark A. Pruner
C. Date of Delivery 10-1-08

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

OCT - 3 2008

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

☐ Yes

9.2.

102595-02-M-1540

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F-16