

# ReedSmith

**Julia C. Butler**  
Direct Phone: +1 415 659 4762  
Email: [jbutler@reedsmith.com](mailto:jbutler@reedsmith.com)

Reed Smith LLP  
101 Second Street  
Suite 1800  
San Francisco, CA 94105  
+1 415 543 8700  
Fax +1 415 391 8269  
[reedsmith.com](http://reedsmith.com)

October 7, 2009

The Honorable William H. Alsup  
United States District Court  
Northern District of California  
Courtroom 9, 19th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

**Re: Northern California River Watch v. Redwood Landfill, Inc.**  
**Case No. C-07-5058 WHA; Case No. C-08-1686 WHA**


Dear Judge Alsup:

On or about October 20, 2008, this Court entered a consent decree in the above-referenced matters. That consent decree required defendant Redwood Landfill, Inc. to conduct an annual audit to determine compliance with its permits and water quality laws or regulations within one year of the entry of the Consent Decree. Because Redwood Landfill, Inc. is combining the audit required by the Consent Decree with another audit of its facility, Redwood asks the Plaintiff to agree to a short extension of the deadline to complete the audit required by the Consent Decree. Plaintiff agreed to the extension requested.

The Consent Decree provides that it may be changed by a writing duly executed by authorized representatives of all Parties to the Consent Decree and the Court. Thus, the Parties executed the attached First Amendment to Consent Decree to provide for the extension of the deadline by which to complete the requisite audit and ask the Court to review and execute the Amendment as well.

We appreciate the Court's consideration of the Parties' request. Please contact us if you should have any questions about this matter or need additional information.

Very truly yours,

  
Julia C. Butler  
Counsel for Defendants

cc: Jack Silver (counsel for plaintiff)

Enclosure  
US\_ACTIVE-102450616.1

1 Jack Silver (SBN 160575)  
lhm28843@sbcglobal.net  
2 Jerry Bernhaut (SBN 206264)  
Law Office of Jack Silver  
3 Post Office Box 5469  
Santa Rosa, CA 95402-5469  
4 Telephone: 707 528 8175  
Facsimile: 707 528 8675

5 Attorneys for Plaintiff  
6 Northern California River Watch

7 John Lynn Smith (SBN 154657)  
Email: jlsmith@reedsmith.com  
8 Julia C. Butler (SBN 199133)  
Email: jbutler@reedsmith.com  
9 REED SMITH LLP  
10 101 Second Street, Suite 1800  
San Francisco, CA 94105  
Telephone: +1 415 543 8700  
11 Facsimile: +1 415 391 8269

12 Attorneys for Defendant  
13 Redwood Landfill, Inc.

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA

16 NORTHERN CALIFORNIA RIVER WATCH, a  
non-profit corporation,

17 Plaintiff,

18 vs.

19 WASTE MANAGEMENT, INC., REDWOOD  
LANDFILL, INC., and DOES 1 - 10, inclusive,

20 Defendants.

Nos.: C07-5058  
C08-1686

**FIRST AMENDMENT TO CONSENT  
DECREE**

Honorable William Alsup

21 **A. BACKGROUND**

22  
23 1. On or about October 20, 2008, the Court entered the Consent Decree in this action in  
24 which, among other things, Redwood Landfill, Inc. ("RLI") agreed to conduct an annual audit to  
25 determine compliance with its permits and any laws or regulations related to water quality within  
26 one year of the effective date of the Consent Decree. The parties to the Consent Decree are Plaintiff  
27 Northern California River Watch ("NCRW"), Defendant Redwood Landfill, Inc. and Waste  
28

1 Management, Inc. ("WMI"). NCRW, RLI and WMI are collectively referred to herein as the  
2 Parties.

3  
4 2. The Consent Decree set a deadline by which RLI must complete the compliance  
5 audit. As a permitting requirement associated with its recent expansion, RLI is required to complete  
6 a third-party environmental compliance audit of its Solid Waste Facilities Permit, and has agreed to  
7 include all water quality-related permits in this audit program. The compliance audit is anticipated  
8 to be completed by December 18, 2009. In order to avoid duplicative compliance audits, RLI has  
9 requested from NCRW a short extension of the deadline for completing the audit required by the  
10 Consent Decree.

11  
12 3. As a result, the Parties now desire to amend the Consent Decree to set a new deadline  
13 by which RLI must complete the compliance audit.

14  
15 4. The Consent Decree provides that it may be changed by a writing duly executed by  
16 authorized representatives of all Parties to the Consent Decree and the Court.

17  
18 NOW THEREFORE, with the consent of the Parties to this Consent Decree, it is  
19 ORDERED, ADJUDGED AND DECREED that the Consent Decree be amended as follows:

20  
21 **2. Compliance Audit**

22  
23 The first sentence of Section C.2. is hereby deleted and replaced with the following:

24  
25 2. By December 18, 2009, and repeated once within thirteen (13) months thereafter,  
26 RLI will conduct an annual audit to determine compliance with its permits and any laws or  
27 regulations related to water quality by an independent auditor mutually agreeable to the Parties and  
28 will provide NCRW with copies of any compliance reports generated by the independent auditor

1 within thirty (30) days of their receipt by RLI for a period of three (3) years of the Effective Date of  
2 this Consent Decree.

3  
4 Except as modified by this Amendment, the Consent Decree shall remain unchanged and in  
5 full force and effect.

6  
7 **SO AGREED AND STIPULATED:**

8 Dated: 10/5/09

NORTHERN CALIFORNIA RIVER WATCH

9 By Jerry Benm... AHorn  
10 (Title)

11  
12 Dated: \_\_\_\_\_

REDWOOD LANDFILL, INC.

13 By: \_\_\_\_\_  
14 (Title)

15 Dated: \_\_\_\_\_

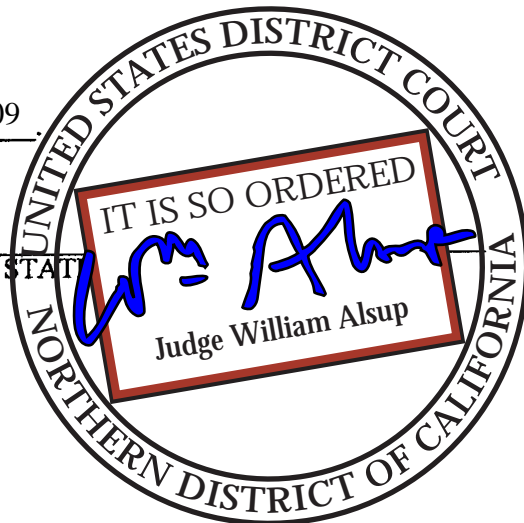
WASTE MANAGEMENT, INC.

16 By: \_\_\_\_\_  
17 (Title)

18 **IT IS SO ORDERED.**

19 Dated and entered into on October 13, 2009

20 UNITED STATES



21  
22  
23 US\_ACTIVE-102407470.1

24  
25  
26  
27  
28

1 within thirty (30) days of their receipt by RLI for a period of three (3) years of the Effective Date of  
2 this Consent Decree.

3  
4 Except as modified by this Amendment, the Consent Decree shall remain unchanged and in  
5 full force and effect.

6  
7 **SO AGREED AND STIPULATED:**

8 Dated: \_\_\_\_\_

NORTHERN CALIFORNIA RIVER WATCH

9  
10 By \_\_\_\_\_  
(Title)

11  
12 Dated: October 5, 2009

REDWOOD LANDFILL, INC.

13 By: Robert E. Go  
14 Vice President & Assistant Secretary (Title)

15 Dated: October 5, 2009

WASTE MANAGEMENT, INC.

16 By: Robert E. Go  
17 Vice President & Assistant Secretary (Title)

18 **IT IS SO ORDERED.**

19 Dated and entered into on \_\_\_\_\_.

20  
21  
22 \_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

23 US\_ACTIVE-102407470.1