

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

WATER QUALITY INVESTIGATION ORDER NO. R9-2006-0044

CITY OF SAN MARCOS
BRADLEY PARK/OLD LINDA VISTA LANDFILL
SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board) finds that:

REGULATORY AND FACTUAL BACKGROUND

1. **UNAUTHORIZED RELEASE OF WASTE:** The City of San Marcos owns and maintains a closed municipal solid waste landfill known as the Bradley Park/Old Linda Vista Landfill at a property located southeast of the intersection of Rancho Sante Fe Road and Linda Vista Drive in the City of San Marcos, California. The City of San Marcos caused or permitted an unauthorized release of waste constituents, including volatile organic chemical and inorganic mineral waste constituents, from the waste management unit (the “Unit”) into both ground water underlying the landfill and a municipal separate storm water conveyance system (MS4) where it probably will be discharged to San Marcos Creek. The City of San Marcos has caused and threatens to cause conditions of pollution and nuisance, and violated requirements prescribed the Regional Board by discharging waste beyond the limits of the Unit to ground water and into a MS4 tributary to San Marcos Creek that exceeds applicable water quality objectives for the groundwater and toxic pollutants in the creek.
2. **PERSONS RESPONSIBLE:** Between the years 1948 to 1968, the County of San Diego owned, operated, and discharged wastes into the Bradley Park/Old Linda Vista Landfill. Upon completion or waste disposal activities, the County of San Diego covered the wastes with soil, and subsequently, sold the property to the City of San Marcos who redeveloped the landfill into a park and recreation area. The City of San Marcos is responsible for its management and maintenance under the Regional Board’s waste discharge requirements (Order 97-11) for inactive landfills. The City of San Marcos is referred to as “Discharger” in this Order.
3. **BENEFICIAL USES:** The Water Quality Control Plan for the San Diego Region (“Basin Plan”) designates the following beneficial uses and water quality objectives for the water resources in the San Marcos Creek watershed:

a. Surface waters of San Marcos Creek (HU 4.52):

- Agricultural supply (AGR)
- Contact Water Recreation (REC1)
- Non-contact Water recreation (REC2)
- Warm Freshwater habitat (WARM)
- Wildlife habitat (WILD)

Constituent	Water Quality Objectives (mg/L)
Total Dissolved Solids (TDS)	500
Chloride (Cl)	250
Sulfate (SO ₄)	250

b. Groundwater of San Marcos Creek (HU 4.50): the Basin Plan currently exempts the area from designated beneficial uses and water quality objectives for groundwater.

4. **WASTE DISCHARGE REQUIRMENTS (WDR):** The Bradley Park/Old Linda Vista Landfill is currently regulated under Order No. 97-11, and addenda thereto: [“General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Landfills Containing Hazardous and Nonhazardous Waste within the San Diego Region.”](#)

WASTE DISCHARGES

5. **WASTE RELEASE TO GROUNDWATER:** Monitoring reports submitted by the County of San Diego since January 2000 indicate that waste containing volatile organic chemicals and inorganic mineral waste constituents has migrated from the landfill into the ground water underlying the Unit summarized below Failure to adequately contain past discharges of solid wastes within the waste management threatens to create a condition of pollution in surface waters located adjacent to the Unit. Results from monitoring reported from January 2000 to present include the following range of concentrations for waste constituents in groundwater:

Constituent	Concentration Ranges (2000 to 2004)
1,4-Dichlorobenzene	ND (0.2) to 3.2 µg/L
Cis-1,2-Dichloroethene	ND (0.3) to 9.8 µg/L
Vinyl Chloride	ND (0.3) to 3.1 µg/L
Chlorobenzene	ND (0.3) to 0.53 µg/L

Total Dissolved Solids	3,480 to 4,330 mg/L
Chloride	920 to 2,000 mg/L
Sulfate	210 to 700 mg/L
Calcium	330 to 980 mg/L
Magnesium	105 to 3,410 mg/L
Sodium	670 to 2,100 mg/L

6. **DISCHARGE TO SURFACE WATER:** During November 2004, the California Regional Board was informed by, the County of San Diego Department of Public Works (DPW), that a groundwater seep had been discovered at the Bradley Park/Old Linda Vista Landfill. The DPW staff provided the Regional Board with analytical results in a Seep Investigation Report on January 20, 2005. The sample results indicated that the discharge contains the following constituents:

Constituent	Concentration
Benzene	0.53 µg/l
1,4-Dichlorobenzene	0.47 µg/l
Dichlorodifluoromethane	0.31 µg/l
Cis-1,2-Dichloroethene	1.6 µg/l
Total Dissolved Solids	6,600 mg/l
Chloride	1,500 mg/l
Sulfate	2,300 mg/l

On January 26, 2005, the Regional Board staff conducted a compliance inspection and determined that the seep of polluted water was leaking into the storm water conveyance system at the site. The current waste containment unit fails to adequately contain waste constituents in the Bradley Park/Old Linda Vista Landfill. As a result, there are continuing releases of waste constituents into groundwater and into the surface water drainage, located at the north side of the Unit, in violation of Prohibitions B.4, B.5, and Maintenance Specification C.4 in Order No. 97-11.

On March 29, 2006, via telephone an environmental consultant for the City of San Marcos reported another discharge (“seep”) of liquid wastes, from the Bradley Park/Old Linda Vista Landfill, into an unnamed tributary to San Marcos Creek. The seep was reportedly observed after several rainstorm events had occurred at the Unit. The verbal report from the consultant indicated that a technical report, concerning the observed seep/release, would be submitted to the Regional Board.

7. **LEGAL AND REGULATORY AUTHORITY:** This Order is based on (1) section 13267 of the [Porter-Cologne Water Quality Control Act \(Division 7 of the Water Code](#), commencing with Section 13000); (2) applicable state and federal regulations; (3) all applicable provisions of statewide Water Quality Control Plans adopted by the State Water Resources Control Board and the [Water Quality Control Plan for the San Diego Basin \(Basin Plan\)](#) adopted by the Regional

Board including beneficial uses, water quality objectives, and implementation plans; (4) State Water Board policies, including State Water Resolution No. 68-16 (*Statement of Policy with Respect to Maintaining High Quality of Waters in California*) Resolution No. 88-63 (*Sources of Drinking Water*); [California Code of Regulations \(CCR\) Title 27](#) [§20090(g) and §20385(a)(3)]; and (5) relevant standards, criteria, and advisories adopted by other state and federal agencies.

8. **CEQA EXEMPTION:** This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, *et seq.*) in accordance with [CCR Title 14](#), Chapter 3, section 15321.

ORDER DIRECTIVES

IT IS HEREBY ORDERED, pursuant to sections [13267](#) of the California Water Code, the City of San Marcos (hereinafter the Discharger) shall report results from a field investigation of effects of the discharge and complies with the following Directives:

A. INVESTIGATION OF DISCHARGES

1. ***Duty to Comply*** - The Discharger shall take all actions¹ necessary to:
 - a. Investigate and delineate impairment of water resources by discharges of waste constituents into groundwater, surface water (including volatile organic chemicals and inorganic waste constituents), and the vadose zone (via landfill gas/soil vapors) from the Unit [pursuant to [CCR Title 27](#), § 20080(g), §20385(a)(3), and §20425];
 - b. Achieve compliance with applicable requirements for an Evaluation Monitoring Program (EMP) pursuant to section 20425 of California Code of Regulations, [Title 27 \(CCR Title 27\)](#).
 - c. Report results from an investigation and technical evaluation of illicit waste discharges to the waters of the State in violation of the terms and conditions of Order No. 97-11 and addenda thereto: “*General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Landfills Containing Hazardous and Nonhazardous Waste within the San Diego Region.*”

B. EVALUATION MONITORING PROGRAM (EMP)

1. ***Evaluation Monitoring Program Workplan:*** The Discharger shall develop and submit to the Regional Board by **July 17, 2006** a workplan for implementation of

¹ Actions include the following surface and subsurface investigation methods including but not limited to: geological borings, groundwater monitoring wells, in-situ groundwater sampling methods, soil vapor survey methods, and geophysical methods.

an evaluation monitoring program, as required by CCR Title 27, §20385 and §20425, to assess the nature and extent of the release from the Unit and to design a corrective action program meeting the requirements of CCR Title 27, §20430. The workplan shall include relevant data collection that will address all the information called for in CCR Title 27, §20425, including:

- (1) *Extent and Characterization of Waste Discharge*--The workplan shall provide for the collection and analysis of all data, necessary to assess the spatial distribution and concentration of solid wastes at the site and each waste constituent throughout the zone affected by the release in soil and ground water to background concentrations.
- (2) *Monitoring Parameters*--The Discharger shall propose a list of Monitoring Parameters for each medium (ground water, surface water, and the unsaturated zone) to be monitored pursuant to §20415. The list for each medium shall include all wastes that have been detected in that medium and those physical parameters, waste constituents, and reaction products that provide a reliable indication of changes in water quality resulting from any release from the Unit to that medium.
- (3) *Monitoring Parameter Analyses*--the Discharger shall propose data analysis methods and frequencies for collecting samples and for conducting data analyses that comply with CCR, Title 27, §20415(e)(7) for evaluating changes in water quality due to the release from the Unit.
- (4) *Geological Characterization*--The workplan shall provide for the collection of data to characterize site geology using vertical cross sections that identify soil types, aquifer heterogeneities, and preferential pathways to waste migration;
- (5) *Hydrogeological Characterization*--Collection of data to document the rate(s) and direction(s) of local ground water flow, in both the horizontal and vertical direction for all water bearing units potentially affected by the waste constituents from the Unit;
- (6) *Field Methodologies*--The workplan shall describe the field methodologies to be used for drilling, soil sampling, ground and surface water sampling, and other activities,

- (7) *Conceptual Site Model*--The workplan shall include an initial conceptual site model (CSM)² based on available data on the occurrence of defects in the waste containment features of the Bradley Park/Old Linda Vista Landfill. The workplan shall identify chemical characteristics of the waste, transport mechanism, points of exposures, exposure routes, and receptors. The CSM shall describe or show the physical characteristics and properties of the subsurface and identify the environmental issues that need to be investigated (as well as those issues that do not need to be addressed). The initial CSM shall include a discussion of the level of uncertainty of conclusions, outline data gaps remaining in the conceptual model, and describe the additional work needed to fill identified data gaps.
- (8) *Report Completion Schedule*--The workplan shall include a schedule for completion of all activities and submission of a final Evaluation Monitoring Program Report described in Directive B.2 of this Order.
- (9) *Regional Board Notification* - The workplan shall provide for Regional Board notification at least two weeks before the start of fieldwork.
- (10) *Presumptive Remedies*--Presumptive remedies³ shall be considered during the development of the workplan so that data needed for selection and design of remedial alternatives may be collected during site characterization.

² Development of a Conceptual Site Model (CSM) is an important first step in planning and scoping any site assessment designed to determine the potential impacts of discharges of wastes creating a condition of pollution or threatened condition of pollution upon beneficial uses of water resources and the environment. In documenting current site conditions, CSMs are used as a planning tool during the environmental site investigation phase to allocate finite financial and personnel resources to address data gaps, identify sources of contamination, release mechanisms, exposure pathways, and human or ecological receptors. The CSM is a narrative and graphical description of the characteristics of the site that may affect the distribution and migration of waste constituents.

³ Presumptive remedies are preferred technologies based on USEPA's scientific and engineering evaluation of performance data on remedial technology implementation in the Superfund Program. The five types of sites for which there is USEPA presumptive remedy guidance are: Volatile Organic Compounds (VOCs) in Soils, Municipal Landfills, Metals in Soils, Wood Treaters, and Contaminated Ground Water. The objective of USEPA's presumptive remedies initiative is to use the experience gained by USEPA in the Superfund Program to streamline site investigation and speedup selection of cleanup actions. Additional information on presumptive remedies can be obtained from USEPA's website at [Presumptive Remedies: Policy and Procedures, Superfund, US EPA](#).

- (11) *Workplan Modification*--The Discharger shall modify the workplan as requested by the Regional Board.
- (12) *Implementation*--The Discharger shall implement the workplan ninety (90) days after submission of the workplan, unless otherwise directed in writing by the Regional Board. Before beginning these activities the Discharger shall:
 - (a) Notify the Regional Board of the intent to initiate the proposed actions included in the workplan submitted; and
 - (b) Comply with any conditions set by the Regional Board, including mitigation of adverse consequences from investigation activities.

2. ***Evaluation Monitoring Program Report***--The Discharger shall complete and submit to the Regional Board an Evaluation Monitoring Report based on the final workplan submitted pursuant to B.1. The Evaluation Monitoring Report shall be submitted on a schedule to be established by the Regional Board in a subsequent amendment to this Order. The Evaluation Monitoring Report shall:

- a. Contain a complete analysis of the source, nature, and extent of the solid wastes and waste constituents discharge to water resources, background concentrations, and a hydrogeological characterization of the Site with sufficient detail to provide the basis
 - (1) To design a corrective action program meeting the requirements of CCR Title 27, §20430.
 - (2) For decisions regarding feasible and effective cleanup and abatement technologies and development of preferred cleanup and abatement alternatives.
- b. *Conceptual Site Model* --Contain an updated CSM based on the results of implementation of the Evaluation Monitoring program study;

C. Amended Report of Waste Discharge

1. By **December 18, 2006**, the Discharger shall submit to the Regional Board an updated Report of Waste Discharge (ROWD) to amend this Order to establish a corrective action program meeting the requirements of CCR Title 27, §20430. The ROWD shall contain the following information:
 - a. *Delineation of Release*--a detailed assessment of the nature and extent of the release/discharge of waste constituents from the Unit into surface waters,

groundwater, and the vadose zone (via landfill gas/soil vapors). The Discharger may append the Evaluation Monitoring Report required under Directive 2 to the ROWD to satisfy this requirement.

- b. *Constituents of Concern* - A proposed Constituents of Concern (COC) List (under CCR, Title 27, §20395) including waste constituents, reaction products and hazardous constituents that are reasonably expected to be present in or derived from waste contained in the Landfill Site. The initial COC list shall include all constituents listed in Appendix II to the Code of Federal Regulations Title 40 (40 CFR) Part 258. The COC list may be narrowed to include only those constituents that are detected, in water and/or soil vapor samples, above practical quantitative limits (PQLs);
- c. *Water Standard*--a proposed Water Quality Protection Standard⁴ under Title 27 CCR, §20390, for each proposed Constituent of Concern, including any proposed (Concentration Limits Greater than Background) (CLGBs) under Title 27 CCR §20400, and all data necessary to justify each such limit. The Discharger shall propose one the following for each medium
 - (1) *Background Value*--a concentration limit not to exceed the background value of that constituent as determined pursuant to §20415(e)(10)(A);
 - (2) *Concentration Limits Greater Than Background (CLGB)* A CLGB established pursuant to CCR, Title 27, §20400. The Discharger shall include information for each proposed CLGB demonstrating that it is technologically or economically infeasible to achieve the background value for that constituent and that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the CLGB is not exceeded.
 - (a) The Discharger shall consider the factors set forth in §20400(d), the results of the engineering feasibility study required under Directive C.1.d. below, data contained in the Evaluation Monitoring Report submitted pursuant to Directive B.2. above; and comments on the proposal.
 - (b) The Discharger shall include a demonstration that the aggregate of hazardous constituents in the environment will not result in excessive exposure to a sensitive biological receptor. In the absence of scientifically valid data to the contrary, theoretical risks from chemicals associated with the release from the Unit shall be considered

⁴ A Water Standard is a water quality protection standard consisting of a list of constituents of concern (under CCR, Title 27, §20395), their respective concentration limits (under CCR, Title 27 §20400) and the Point of Compliance and all monitoring points (under CCR, Title 27 §20405).

additive across all media of exposure, and shall be considered additive for all chemicals having similar toxicological effects or having carcinogenic effects.

- (c) CLGBs shall not unreasonably affect present and anticipated beneficial uses of waters;
 - (d) CLGBs shall not result in water quality less than that prescribed in (1) the Water Quality Control Plans adopted by the State and Regional Board, including beneficial uses, water quality objectives, and implementation plans; (2) State Water Board policies, including State Water Resolution Nos. 68-16 (*Statement of Policy with Respect to Maintaining High Quality of Waters in California*), No. 88-63 (*Sources of Drinking Water*); and 92-49 (*Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304*); or (3) other relevant standards, criteria, and advisories adopted by other state and federal agencies “
- d. *Engineering Feasibility Study*--An engineering feasibility study of remedial action alternatives, including the cost, implementation schedule and effectiveness of each alternative, to attain the Water Standard proposed for each Constituent of Concern as described in Directives C.1.b. and C.1.c. throughout the zone affected by the release, including any portions thereof that extend beyond the facility boundary, by removing the waste constituents or treating them in place. At a minimum, the feasibility study shall contain a detailed description of the corrective action measures that could be taken to accomplish the following objectives:
- (1) terminate the illicit discharges of liquid from the unit into the surface waters,
 - (2) remove or contain exposed wastes located in the unnamed tributary to San Marcos Creek crossing the northern portion of Bradley Park,
 - (3) abate any adverse effects, threats of pollution and/or nuisance created by the discharge of landfill gas/soil vapors from the Unit,
 - (4) cleanup and abatement of effects from discharges of waste constituents/ degradation products into groundwater and achieve background concentrations⁵ for all Constituents of Concern.

⁵ “Background” means the concentrations or measures of constituents or indicator parameters in water or soil that has not been affected by waste constituents or leachate from the waste management unit being monitored.

- e. *Recommended Corrective Action Program*--A detailed description of a recommended Corrective Action Program describing the proposed corrective action measures that will be taken to achieve compliance with each proposed Water Standard
- (1) *Scope of Action*--The corrective measures shall ensure that COCs achieve their respective concentration limits at all Monitoring Points and throughout the zone affected by the release, including any portions thereof that extend beyond the facility boundary, by removing the waste constituents or treating them in place.
 - (2) *Source Containment*--The corrective action measures must result in effective control of the source(s) of soluble groundwater pollutants, and control of conditions that contribute to the migration of soluble pollutants from wastes.
 - (3) *Protection of human health*--The corrective action measures must result in a cumulative carcinogenic risk level of no greater than 1×10^{-6} , including all exposure pathways for residual waste constituents. The non-carcinogenic effects from exposure to waste constituents shall be quantified as the hazard index (HI), derived from summation of hazard quotients (HQ) for individual residual waste constituents, and shall be less than 1 ($HI < 1$). Examples and methods used to quantify carcinogenic risk and non-carcinogenic hazards may be found in USEPA Risk Assessment Guidance for Superfund (1989, Chapter 8, see http://www.epa.gov/oswer/riskassessment/risk_superfund.htm).
 - (4) *Public Participation Plan*. The Discharger shall develop a plan for public participation in the corrective action process. Public participation shall be consistent with all applicable State and local requirements. The plan shall be submitted to the Regional Board as part of the updated ROWD, and the Discharger shall modify the plan as requested by the Regional Board.
- f. *Monitoring Plan*--A plan for a water quality-monitoring program that will demonstrate the effectiveness of the proposed corrective action measures. This ground water monitoring program shall include
- (1) a sufficient number of Background Monitoring Points (as defined in CCR Title 27 §20164) installed at appropriate locations and depths to yield ground water samples from the uppermost aquifer that represent the quality of ground water that has not been affected by a release from the Unit;
 - (2) a sufficient number of Monitoring Points installed at appropriate locations and depths to yield ground water samples from the uppermost aquifer that

represent the quality of ground water passing the Point of Compliance and at other locations in the uppermost aquifer to provide the data needed to evaluate the effectiveness of the corrective action program

- (3) a sufficient number of Monitoring Points and Background Monitoring Points installed at appropriate locations and depths to yield ground water samples from zones of perched water to provide the data needed to evaluate the effectiveness of the corrective action program
- (4) *Monitoring Parameters*--the Discharger shall propose a list of Monitoring Parameters for each medium (ground water, surface water, and the unsaturated zone) to be monitored pursuant to §20415. The list for each medium shall include all hazardous constituents that have been detected in that medium and those physical parameters, waste constituents, and reaction products that provide a reliable indication of changes in water quality resulting from any release from the Unit to that medium.
- (5) *Monitoring Parameter Analyses*--the Discharger shall propose data analysis methods and frequencies for collecting samples and for conducting data analyses that comply with CCR, Title 27, §20415(e)(7) to evaluate changes in water quality due to the release from the Unit.

D. INTERIM REMEDIAL ACTIONS

1. *Take Interim Remedial Actions* - The Discharger shall take interim remedial actions as necessary to abate or correct the actual or potential effects of the waste discharges described in this Order. Interim remedial actions can occur concurrently with any phase of the site investigation or remedial action.
2. *Interim Remedial Actions* - Interim remedial actions include but are not limited to:
 - a. Excavation and disposal of contaminated soil: Excavation and treatment of contaminated soil.
 - b. Pumping and treatment of ground water to remove dissolved constituents; and
 - c. Vacuum extraction of waste constituents from soil and ground water.
3. *Regional Board Notification* -, The Discharger shall notify the Regional Board before taking any proposed interim remedial action, and comply with any additional requirement that the Regional Board sets.

E. WATER QUALITY MONITORING

1. *Monitoring Provisions*

- (a) Unless otherwise allowed by the Regional Board, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. Specific methods of analysis for water and soils must be identified if the discharger proposes to use methods other than those included in the most current version of "[Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846](#)" (U.S. Environmental Protection Agency), the exact methodology must be submitted for review and must be approved by the Regional Board prior to use. Samples of landfill gas/soil vapors must be analyzed using the appropriate methods (*e.g.*, U.S. EPA methods TO-14, TO-15, or TO-17). The director of the laboratory whose name appears on the certification shall supervise all analytical work in his/her laboratory and shall sign all reports of such work submitted to the Regional Board.
 - (b) If the Discharger monitors any pollutants more frequently than required by this Order, using the most recent version of "[Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846](#)" for soil or water, or appropriate method(s) for analysis of vapor samples; the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharger's monitoring reports. The increased frequency in monitoring shall also be reported.
 - (c) All monitored instruments and equipment used by the Discharger to fulfill the prescribed monitoring program shall be properly calibrated and maintained as necessary to ensure their continued accuracy.
 - (d) Records of monitoring information shall include all information required to comply with WDR Order No. 97-11, "[General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Landfills Containing Hazardous and Nonhazardous Waste within the San Diego Region](#)", and addenda thereto.
2. **Groundwater Quality Monitoring** - The Discharger shall follow the requirements of the groundwater monitoring program specified by Order No. 97-11, "[General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Landfills Containing Hazardous and Nonhazardous Waste within the San Diego Region](#)", and addenda thereto.

All additional groundwater-monitoring wells shall be properly developed after construction and prior to collecting samples for the purpose of complying with the water quality monitoring requirements in this Order. The Discharger shall provide a technical report that describes the new well construction details in the "development method(s)" employed at each new monitoring well in an appendix to the next available semi-annual report.

3. ***Environmental Sampling and Analysis*** - By **December 18, 2006**, the Discharger shall submit a plan for sampling and analysis of groundwater for the purpose of executing an effective Evaluation Monitoring Program (EMP) as required pursuant to CCR Title 27 §20425. The first round of samples collected from all sampling points (*i.e.*, groundwater wells, soil vapor monitoring probes, and surface water samples/seeps) shall contain analytical results for all constituents listed in Appendix II to the Code of Federal Regulations, Title 40 (40 CFR) Part 258. The Discharger shall continue to regularly monitor those constituents found in concentrations above designated water quality objectives and report results in subsequent water quality monitoring reports in compliance with this Order.
4. All monitoring reports shall be signed by an authorized person(s) as required by **Report Declaration, Directive G** of this Order.

F. REPORTS TO BE FILED WITH THE REGIONAL BOARD

Reports shall be comprised of at least the following, in addition to the specific contents, listed for each respective report type:

1. ***Transmittal Letter*** - A letter summarizing the essential points shall be submitted with each report. The transmittal letter shall include:
 - (a) A discussion of any violations of Order 97-11 found since the last such report was submitted and shall describe actions taken or planned for correcting the violations. If the Discharger has previously submitted a detailed time schedule for correcting the violations, a reference to the correspondence transmitting such schedule will be satisfactory. If violations have not occurred since the last submittal, this shall be stated in the transmittal letter.
 - (b) ***Identify Documents Using Code Number*** – In order to assist the Regional Board in the processing of correspondence and reports submitted in compliance with this Order, the Discharger shall include the following code number in the header or subject line portion of all correspondence or reports submitted to the Regional Board: **LDU:06-0022.05**.
2. ***Groundwater Summary Reports*** -
 - (a) The Discharger shall continue to submit semi-annual reports to the Regional Board in compliance with Order No. 97-11, “*General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Landfills Containing Hazardous and Nonhazardous Waste within the San Diego Region*”, and addenda thereto.
 - (b) The Discharger shall continue to submit annual reports to the Regional Board in compliance with Order No. 97-11, “*General Waste Discharge*

Requirements for Post-Closure Maintenance of Inactive Landfills Containing Hazardous and Nonhazardous Waste within the San Diego Region”, and addenda thereto.

(c) The Discharger shall amend the groundwater reports required by Order No. 97-11, and addenda thereto, with additional separate appendices containing any additional information collected/reported during the execution of the Evaluation Monitoring Program (EMP: pursuant to CCR Title 27, §20425) as required by this Order.

3. ***Schedule for Monitoring Reports*** – After July 1, 2005, all reports shall be submitted as full paper copies to the Regional Board and electronically (per **Directive F.6** of this Order) by the due dates specified in this Order. The semi-annual Report Periods end on September 30 and March 31. The annual Report Period ends March 31 of each year. Monitoring reports shall be submitted to the Regional Board in accordance with the schedule included in Order No. 97-11, and addenda thereto:

Reporting Frequency	Report Period	Report Due
Semiannually	October – March	April 30
	April – September	October 30
Annually	April - March	April 30

4. ***Notification of Emergency Conditions***- The Discharger shall notify the Regional Board by telephone or facsimile **within 24-hours** of any condition that is created by the discharge of wastes to land or water resources resulting from corrective actions taken at this site. The initial notification must be followed by a detailed written description of the discharge, an explanation of the conditions that resulted in the discharge of wastes, and the emergency remedial actions taken to mitigate the effects of the discharge. The written notification shall be sent to the Regional Board by certified mail.
5. ***Notification of Off-site Discharge*** - If the Discharger determines that a release has crossed the facility boundary; the discharger shall, within 30 days of such determination, provide the Regional Board with a written list of the names and addresses of all “affected parties” [all persons who currently own or reside upon land that overlies the release]. The Regional Board may invite these affected parties to a Regional Board meeting at which time the potential corrective measures are discussed and either chosen or revised.
6. ***Electronic Reporting Requirements*** - Beginning **January 1, 2005**, all reports submitted to the Regional Board by the Discharger, pursuant to Sections 13304 and 13268 of the California Water Code, must be submitted in an electronic format. This includes all workplans, technical reports, and monitoring reports. The Discharger

shall comply with electronic reporting requirements of [CCR Title 23](#), Division 3, §3893, including the provision that complete copies of all reports be submitted in PDF format, and include the signed transmittal letter and professional certification. In addition to these requirements, the Discharger shall also submit paper copies of the all submittals to the Regional Board. All paper copies shall include a properly signed transmittal letter (per **Directives F.1 and G** of this Order) to the Regional Board. The Discharger shall submit both electronic and paper copies of all reports required under this Order.

G. REPORT DECLARATIONS AND SIGNATURES

All applications, reports, or information submitted to the Regional Board shall be signed and certified as follows:

1. ***Use of Registered Professionals*** - The Discharger shall provide documentation that plans and reports required under this Order are prepared under the direction of appropriately qualified professionals. California Business and Professions Code Sections 6735, 7835, and 7835.1 require that engineering and geologic evaluations and judgments be performed by or under the direction of registered professionals. A statement of qualifications and registration numbers of the responsible lead professional shall be included in all plans and reports submitted by the Discharger. The lead professional shall sign and affix their registration stamp to the report, plan or document.
2. ***Signatory Requirements*** – All reports required under this Order shall be signed and certified by either a principal executive officer or ranking elected official or the person with overall responsibility for environmental matters for that municipality.
 - (a) ***Changes to Authorization*** – If an authorized signer is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of this provision must be submitted to the Regional Board prior to or together with any reports or information to be signed by an authorized representative.
 - (b) ***Certification Statement*** – Any person signing a document under this provision shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

H. REPORTING TO THE REGIONAL BOARD

All monitoring and technical reports shall be submitted to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340
Attn: Supervisor Land Discharge Unit

I. PROVISIONS

1. **Waste Management**--The Discharger shall properly manage, store, treat, and dispose of contaminated soils, ground water, and solid wastes in accordance with applicable federal, state, and local laws and regulations. The storage, handling, treatment, or disposal of all wastes shall not create conditions of pollution, contamination or nuisance as defined in California Water Code section 13050. The Discharger shall, as required by the Regional Board, obtain, or apply for coverage under, waste discharge requirements or a conditional waiver of waste discharge requirements for the management of wastes.
2. **Request to Provide Information**--The Discharger may present characterization data, preliminary interpretations and conclusions as they become available, rather than waiting until a final report is prepared. This type of on-going reporting can facilitate a consensus being reached between the Discharger and the Regional Board and may result in overall reduction of the time necessary for regulatory approval.
3. **Waste Constituent Analysis**--Unless otherwise allowed by the Regional Board, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. Specific methods of analysis must be identified. If the Discharger proposes to use methods or test procedures for water or soil other than those included in the most current version of "*Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846*" (U.S. Environmental Protection Agency) or 40 CFR 136, "*Guidelines Establishing Test Procedures for the Analysis of Pollutants; Procedures for Detection and Quantification* ", the exact methodology must be submitted for review and must be approved by the Regional Board prior to use. The Discharger shall use appropriate test methods (*e.g.*, U.S. EPA methods TO-14, TO-15, or TO-17) to analyze vapor samples for constituents of concern at the site. The director of the laboratory whose name appears on the certification shall supervise all analytical work in his/her laboratory and shall sign all reports submitted to the Regional Board.

4. **Monitoring Points**--The Discharger shall install water quality and landfill gas/soil vapor monitoring systems that are appropriate for evaluation monitoring and that comply with the provisions of CCR Title 27 §20415. These water quality monitoring systems can include all or part of existing monitoring systems
5. **Duty to Operate and Maintain**--The Discharger shall, at all times, properly operate and maintain all facilities and systems of treatment, control, storage, disposal and monitoring (and related appurtenances) which are installed or used by the Discharger to achieve compliance with this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities, which are installed by the Discharger only when the operation is necessary to achieve compliance the conditions of this Order.
6. **Duty to Submit Other Information**--When the Discharger becomes aware that it failed to submit any relevant facts in any report required under this Order, or submitted incorrect information in any such report, the Discharger shall promptly submit such facts or information to the Regional Board.

J. NOTIFICATIONS

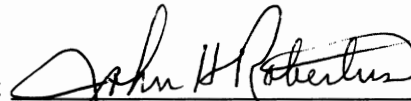
1. **Enforcement Discretion**--The Regional Board reserves its right to take any enforcement action authorized by law for violations of the terms and conditions of this Order.
2. **Enforcement Notification**--The Porter-Cologne Water Quality Control Act commencing with Chapter 4, Regional Water Quality Control, section 13268(a)(1) provides that any person failing or refusing to furnish technical or monitoring report information as required by subdivision b of section 13267, or falsifying any information provided therein is guilty of a misdemeanor and may be liable civilly for an administratively imposed liability of up to \$1,000 per day for each day compliance is not achieved with an Order issued in accordance with subdivision 13267(b). Chapter 5, Enforcement and Implementation, section 13304, provides that any person who has discharged waste in violation of any waste discharge requirement, or other order or prohibition issued by a Regional Board or the State Board, or who has caused or permitted, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance shall cleanup the waste or abate the effects of the waste or take other necessary remedial action upon issuance of a cleanup and abatement Order by the regional Board. Section 13308, provides that if there is a threatened or continuing violation of a cleanup and abatement Order the Regional Board may issue a Time Schedule Order prescribing a civil penalty in an amount not to exceed \$10,000 per day for each day compliance is not achieved in accordance with that time schedule. Section 13350 provides that any person may be assessed administrative civil liability by the Regional Board for violating a cleanup

April 17, 2006

and abatement order in an amount not to exceed \$5,000 for each day the violation occurs, or on a per gallon basis, not to exceed \$10 for each gallon of waste discharged. Alternatively the court may impose civil liability in an amount not to exceed \$15,000 for each day the violation occurs, or on a per gallon basis, not exceed \$20 for each gallon of waste discharged. Section 13383 provides that any person may be assessed administrative civil liability by the Regional Board for violating a cleanup and abatement order for an activity subject to regulation under Division 7, Chapter 5.5 of the California Water Code, in an amount not to exceed the sum of both of the following: (1) \$10,000 for each day in which the violation occurs; and (2) where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed \$10 multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons. Alternatively the civil liability may be imposed by the court in an amount not to exceed the sum of both of the following: (1) \$25,000 for each day in which the violation occurs; and (2) where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed \$25 multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

I, John H. Robertus, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of a Water Quality Investigation Order issued on April 17, 2006.

Ordered By:



JOHN H. ROBERTUS
Executive Officer
April 17, 2006

TABLE 1:

**SUMMARY OF COMPLIANCE DATES
FOR INVESTIGATION ORDER NO. R9-2006-0044
CITY OF SAN MARCOS
BRADLEY PARK/OLD LINDA VISTA LANDFILL**

DIRECTIVE NO.	SUBMITTAL TO REGIONAL BOARD	DUE DATE
B.1	Evaluation Monitoring Program Workplan	July 17, 2006
C.1	Updated Report of Waste Discharge	December 18, 2006
E.3	Groundwater Sampling and Analysis Plan - Evaluation Monitoring Program	December 18, 2006
F.3	Semi-Annual Monitoring Reports	April 30, October 30
F.3	Annual Monitoring Reports	April 30