

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

**DRAFT CLEANUP AND ABATEMENT ORDER NO. R4-2023-XXXX
REQUIRING**

COREY AND DEBRA EVANS

**TO CLEAN UP AND ABATE IMPACTS OF CONSTRUCTION AND FILL ACTIVITIES
TO LANDFILL POST-CLOSURE ENVIRONMENTAL CONTROLS
TIERRA REJADA LANDFILL
VENTURA COUNTY, CALIFORNIA**

This Cleanup and Abatement Order (CAO) No. R4-2023-0156 (hereafter "Order") is issued to Corey and Debra Evans, residents of 2291 Llevarancho Road, Simi Valley, CA 93065 (collectively "Responsible Parties") pursuant to provisions of California Water Code (Water Code) sections 13304 and 13267, which authorize the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) to issue this CAO to require the cleanup and abatement of the effects of activities that caused or permitted, or threatens to cause or permit, the discharge of waste into waters of the state in a manner that creates, or threatens to create, a condition of pollution or nuisance.

The Los Angeles Water Board herein finds:

BACKGROUND

1. **Responsible Parties:** The Responsible Parties own the property identified as Ventura County Assessor's Parcel Number (APN) 579-0-050-115 (Evans Property) and recently constructed an agricultural accessory building on the property (Figure 1). The construction activities included earthworks to grade and fill a large pad around the perimeter of the building. These construction activities have compromised the integrity of environmental control systems at the Tierra Rejada Landfill (Landfill or Site) that are intended to limit precipitation percolating into buried municipal wastes and to prevent the discharge of sediments into waters of the state. As detailed in this Order, damage to these environmental controls creates, or threatens to create, a condition of pollution or nuisance.
2. **Site Location:** The Landfill is located approximately one mile west of Madera Road on Tierra Rejada Road, at the end of the former Llevarancho Road, Simi Valley, California, and occupies portions of APNs 579-0-050-085, 579-0-050-145, and 579-0-050-125 (Figure 2). The Landfill is adjacent to the Evans Property).
3. **Landfill Operations and Regulatory History:**
 - a. The Landfill is a closed municipal solid waste landfill that was operated between December 1, 1962 to May 30, 1972.
 - b. Current landowners of the property containing the Landfill include the Rancho Simi Recreation and Park District (APNs 579-0-050-085 and 579-0-050-145) and the Simi Valley County Sanitation District (APN 579-0-050-125).

- c. Collectively, the Rancho Simi Recreation and Park District, Simi Valley County Sanitation District, Ventura County Solid Waste Management Department, and the Ventura Regional Sanitation District comprise the Tierra Rejada Consortium (Consortium) and are responsible for operating the Landfill.
- d. Pursuant to Title 27 of the California Code of Regulations (CCR) section 20005(c), landfills that are closed, abandoned, or inactive on the effective date of the regulations (November 27, 1984) are not required to be closed in accordance with the Closure and Post-Closure Maintenance requirements in Title 27. However, these landfills still may be subject to the post-closure maintenance requirements in accordance with section 21090 (b) and (c) when monitoring data indicate an impairment of beneficial uses of groundwater (27 CCR section 20950 (a)).
- e. On January 3, 1995, the Los Angeles Water Board issued CAO No. 91-063 to the Consortium that required, in part, a remedial cleanup plan to remediate the impact of the Landfill to both groundwater and surface water quality.
- f. On August 29, 2002, the Los Angeles Water Board adopted Waste Discharge Requirements (WDRs) Order No. R4-2002-0140 (WDRs). The Landfill has been regulated by these WDRs since their adoption.
- g. The WDRs, in part, require ongoing post-closure monitoring and maintenance activities at the Landfill including final cover system and erosion control inspections, surface drainage system improvements, landfill gas control measure evaluation, operation, and maintenance, and other post-closure maintenance activities, as needed.
- h. Site closure activities at the Landfill consisted of placement and grading of cover materials. The cover consisted of two feet (minimum) of primarily silty sand and sandy clay derived from existing onsite soils. A drainage system was constructed as part of closure operations, consisting of storm drain piping with inlets installed for selected terraced areas of the Landfill.
- i. On October 30, 2019, the Easy Fire burned the entire Landfill, destroyed the cover vegetation, and severely exposed final cover soils. After the fire, the Consortium initiated a cover repair project that included identifying sources of soils, adding soils to thinned cover areas (Figure 3), improving drainage grades on benches (Figure 4), and re-establishing drainage control systems (Figure 5) and the vegetative cover in order to comply with the WDRs. The new cover controls were effectively installed and operational by the November 3, 2022, Los Angeles Regional Board inspection of the Landfill [Attachment B]

4. Waters of the State and United States:

- a. Surface Water: The Landfill is located within the Arroyo Simi Hydrologic Subarea of the Calleguas-Conejo Hydrologic Subunit in the Santa Clara-Calleguas Hydrologic Unit. The Landfill is situated on the southern bluff of the Arroyo Simi flood plain. Surface drainage from the Landfill flows directly into the Arroyo Simi, a water of the state (Figure 2). The existing beneficial use for the Arroyo Simi in the Arroyo Simi Hydrologic Subarea is wildlife habitat. In addition, there are intermittent beneficial uses for the Arroyo Simi of industrial service supply, groundwater recharge, freshwater replenishment, water contact and non-contact recreation, and warm freshwater habitat.

- b. Groundwater: The Landfill is located within the Tierra Rejada groundwater basin. The existing beneficial uses for the Tierra Rejada groundwater basin are municipal and domestic supply and agricultural supply. In addition, there are potential beneficial uses for the Tierra Rejada groundwater basin of industrial service supply and industrial process supply.

EVIDENCE OF WASTE DISCHARGE AND BASIS FOR SECTION 13304 ORDER

5. On November 3, 2022, during an inspection of the Landfill, Los Angeles Water Board staff observed on-going construction of a large soil embankment / pad at the Evans Property associated with the agricultural accessory building. Soils were being placed at the top of the embankment / pad, pushed downslope, and track walked with heavy equipment. No construction quality assurance personnel or storm water pollution prevention best management practices (BMPs) were observed (Attachment B).
6. On February 2, 2023, during an inspection of the Landfill following a series of winter storms, Los Angeles Water Board staff observed significant erosion damage to the soil embankment / pad in the area of agricultural accessory building on the Evans Property and to the Landfill's final cover and bench roads beneath the embankment. Substantial amounts of sediment had been washed onto the Landfill cover from the eroded embankment slopes constructed by the Responsible Parties, impacting recently completed drainage grades, drainage controls, and vegetative cover systems on the Landfill. Because of the proximity of the Site to the Arroyo Simi, it is also likely that a significant amount of suspended sediment may have already been released to the Arroyo Simi from the Evans Property and/or the Landfill. (Attachment C).
7. On February 16, 2023, Los Angeles Water Board staff inspected the Evans Property and again observed significant erosion damage to the soil embankment / pad in the area of the agricultural accessory building (Attachment D).
8. The Responsible Parties' accessory building embankment / pad construction activities exceeded the limits indicated in the grading permit issued by the City of Simi Valley (Figure 6) and extended onto the Landfill (Figure 7). Even if the construction activities did not extend onto the Landfill, the Los Angeles Water Board staff inspections (Attachments B, C and D) revealed that the Responsible Parties' activities at the Site have significantly impacted post-closure maintenance improvements at the Landfill (See Attachment 3 Figures 3 and 4 as well as Figures 3, 4, and 5 below) including but not limited to: significant erosion and rilling, localized slumping of fill soils, filling over benches or roads at the Site that provided access and stormwater conveyance, sedimentation of soils on benches downgradient of the Site that alter and/or impact conveyance to Landfill stormwater controls.
9. The damage to the final cover system and stormwater drainage improvements increases the potential for storm water to percolate into waste and hence enhance the release of pollutants from the Landfill to groundwater. The damage to the drainage system of the Landfill has also caused, or increased the potential for, sediments being washed into the Arroyo Simi from the Landfill.

AUTHORITY - LEGAL REQUIREMENTS

10. Water Code section 13304, subdivision (a) of the Water Code provides that:

“(a) A person who has discharged or discharges waste into the waters of this state 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, causes or permits, 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 upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts. A cleanup and abatement order issued by the state board or a regional board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.”

11. *Section 13050(l) of the Water Code defines pollution as: “An alteration of the water quality to a degree that unreasonably affects either beneficial uses or facilities that serve these beneficial uses. Section 13050(m) defines nuisance as “anything which meets all of the following requirements: (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal (3) Occurs during, or as a result of, the treatment or disposal of wastes.”*
12. *Section 13050(m) of the Water Code defines nuisance as: anything which meets all of the following requirements: (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal. (3) Occurs during, or as a result of, the treatment or disposal of wastes. Water Code section 13267, subdivision (b)(1) provides that:*

“In conducting an investigation..., the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . .shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”
13. This Order conforms to and implements policies and requirements of (1) the Porter-Cologne Water Quality Control Act (Division 7, commencing with Water Code 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 (State Water Board) and the Basin Plan adopted by the Los Angeles Water Board including beneficial uses, water quality objectives, and implementation Plans; and (4) applicable State Water Board policies and regulations.

LIABILITY OF RESPONSIBLE PARTIES

14. The relevant facts and the evidence indicate that the Responsible Parties are appropriately identified in this Order because their construction activities caused or permitted waste to be discharged into waters of the state in a manner that creates, or threatens to create, a condition of pollution or nuisance.
15. As set forth by the above findings, the Responsible Parties construction activities have damaged post closure maintenance systems at the Landfill. Damage to the final cover system has caused or permitted, or threatens to cause or permit, the discharge of Landfill related wastes (such as VOCs) into groundwater in excess of applicable water quality objectives. Additionally, damage to the Landfill's storm water drainage systems has caused or permitted, or threatens to cause or permit, the discharge of sediment to the Arroyo Simi in excess of applicable water quality objectives. Exceedances, or the threat of exceedances, of water quality objectives constitutes "pollution" as defined in Water Code section 13050.
16. The discharge, or threat of a discharge, of VOCs from the Landfill to groundwater designated with a MUN beneficial use also constitutes nuisance as defined in Water Code section 13050, subdivision (m). The consumption of contaminated drinking water is potentially "injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property and affects at the same time an entire community and occurs during or as a result of the treatment or disposal of waste."
17. Pursuant to Water Code section 13304, this Order requires the Responsible Parties to cleanup and abate the impacts of their activities to groundwater and surface water and to prevent such impacts from re-occurring in the future.
18. This Order also requires the Responsible Parties to submit technical and monitoring reports pursuant to Water Code section 13267 because existing information indicates that waste has been discharged, is discharging, or is suspected of having been discharged at and from the Site. The burden of preparing such reports, including costs, is reasonable as they are necessary to achieve compliance with the applicable laws, regulations, and policies to protect the water quality of the state and United States.

POTENTIAL TITLE 27 OBLIGATIONS OF RESPONSIBLE PARTIES

19. On March 29, 2023, the County of Ventura, Environmental Health Division, in their capacity as the local enforcement agency (LEA) to the California Department of Resources Recycling and Recovery (CalRecycle), issued a determination to the Responsible Parties that based on *"recent survey data, property line identification, topographical mapping, and other research to the Division, demonstrating that the Landfill extends onto APN 579-0-050-115. Unless demonstrated otherwise, the presence of landfilled solid waste on your property means that you share ownership of the Landfill."* Areas of the Site identified as being underlain by waste materials are illustrated in Figure 8. If Landfill waste extends on the Evans Property, the Responsible Parties may also be required to institute the post-closure maintenance and/or monitoring on portions of the Landfill on the Evans Property.
20. The Los Angeles Water Board is not requiring the Responsible Parties to implement such measures on the Evans Property at this time but may amend this Order or issue WDRs to require post-closure maintenance systems at a future date.

APPLICABLE PLANS, POLICIES AND REGULATIONS

21. **California Environmental Quality Act:** This enforcement action is being undertaken by a regulatory agency to enforce a water quality law. Such action is categorically exempt from provisions of the California Environmental Quality Act (CEQA) according to California Code of Regulations, title 14, sections, 15061(b)(3), 15307, 15308, and 15321(a)(2). If implementation of any work plan subject to this Order may result in significant adverse physical impacts to the environment that may need to be evaluated under CEQA, the appropriate lead agency will address CEQA requirements prior to the Responsible Parties implementing the work plan. The Los Angeles Water Board may require the Responsible Parties to provide necessary information and pay for the costs of preparing any required CEQA documentation.
22. **State Water Board Petition:** Any person aggrieved by this action of the Los Angeles Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or State holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.
23. **No Limitation of Los Angeles Water Board Authority:** This Order in no way limits the authority of the Board, as contained in the Water Code, to institute additional enforcement actions or to require additional investigation and cleanup. The Executive Officer may revise this Order as additional information becomes available.
24. **Authority to Modify:** The Los Angeles Water Board, through its Executive Officer, may revise this Order as additional information becomes available. Upon request by the Responsible Parties, and for good cause shown, the Executive Officer may defer, delete, or extend the date of compliance for any action required of the Responsible Parties under this Order.
25. **Extension:** In the event compliance with this Order cannot be achieved within the terms of this Order, the Responsible Parties may request an extension of time in writing from the Los Angeles Water Board's Executive Officer. The extension request shall include an explanation of why the specified date could not or will not be met, and justification for the requested period of extension. Any extension request shall be submitted as soon as the situation is recognized, and not on the compliance date, or later than the compliance date. Extension requests not submitted in writing to the Executive Officer of the Los Angeles Water Board will be denied.
26. **Enforcement for Noncompliance with this Order:** If, in the opinion of the Los Angeles Water Board or its delegate, the Responsible Parties fail to comply with the provisions of this Order, the Los Angeles Water Board may pursue further enforcement action. The Executive Officer or Assistant Executive Officer or other delegate may issue a complaint for administrative civil liability or take any other applicable enforcement action. Failure to comply with this Order may result in the assessment of an administrative civil liability up to \$1,000 per violation per day, pursuant to Water Code section 13268; and/or \$5,000 per violation per day, pursuant to Water Code section 13350. In addition, the Los Angeles Water Board may also request the United States Attorney, appropriate county District Attorney, or City Attorney to seek criminal prosecution as may be warranted. Any such penalties are in addition to any

penalties that may otherwise be assessed for violation of waste discharge requirements or other applicable orders or prohibitions.

27. Entry and Access: Consistent with Water Code section 13304, the Los Angeles Water Board's authorized representative(s) shall be allowed:

- a. Entry upon premises where a regulated facility or activity is located, conducted, or where records are stored, under the conditions of this Order;
- b. Access to copy any records that are stored under the conditions of this Order;
- c. Access to inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
- d. The right to photograph, sample, and monitor for ensuring compliance with this Order, or as otherwise authorized by the Water Code.

28. Notification for Planned Changes: The Responsible Parties shall submit 30-day advance notice to the Los Angeles Water Board of any planned changes in name or ownership of the contractor or subcontractors and notice of any planned physical changes that may affect compliance with this Order. In the event of a change in ownership or operator, the Responsible Parties shall also provide 30-day advance notice, by letter, to the succeeding owner/operator of the existence of this Order and shall submit a copy of this advance notice to the Los Angeles Water Board.

29. Effective Date: This Order is effective upon the date of signature below.

REQUIRED ACTIONS

THEREFORE, IT IS HEREBY ORDERED, pursuant to Water Code sections 13304 and 13267, that the Responsible Parties shall clean up and abate the effects of their activities at the Site to waters of the state forthwith. "Forthwith" means as soon as reasonably possible, but in any event no later than the compliance dates below.

More specifically, the Responsible Parties shall:

A. Tasks:

1. **Immediately** cease all unauthorized earthwork activities at the Site.
2. **Immediately** implement all BMPs that are necessary to prevent sediments and other wastes from being released from the Site into waters of the state.
3. Within **60 days of the issuance of this Order**, submit a work plan, to the Los Angeles Water Board, for the Executive Officer's approval, for returning all grades, final cover, vegetative cover, and drainage systems of the Landfill that have been impacted by activities of the Responsible Parties to conditions prior to the construction of the embankment / pad. Alternatively, submit a work plan for the mitigation of the embankment / pad to meet the standards for landfill final cover systems contained in 27 CCR section 21090 et seq. (Closure and Post-Closure Maintenance Requirements for Solid Waste Landfills), including a construction quality assurance (CQA) program that meets the requirements of 27 CCR section 20324.

4. Within **180 days of the issuance of this Order**, submit a final report that describes all actions taken to complete the tasks listed above. The report shall include photos of BMPs and other corrective actions that have been implemented at the Site and copies of applicable permits obtained to accomplish the tasks.

B. Business and Professions Code Requirements: 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 licensed professionals experienced in the design, inspection and repair of on-site systems, surface and ground water investigation and remediation. All workplans and reports submitted to the Los Angeles Water Board shall be signed and stamped by a registered and/or licensed professional.

C. Certifications: All reports shall contain a completed perjury statement, signed by the Responsible Parties (or a duly authorized senior representative) and not by a consultant.

The Perjury statement shall be in the following format:

"I [NAME], certify under penalty of perjury of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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 submitted false information, including the possibility of fine and imprisonment for knowing violations."

Ordered by: _____ Date: _____
Susana Arredondo
Executive Officer

- Attachment A: Figures 1-7
- Attachment B: November 3, 2022, Inspection Report
- Attachment C: February 2, 2023, Inspection Report
- Attachment D: February 16, 2023, Inspection Report

Attachment A

Figure 1: Map of the Site area impacted by the Responsible Party's construction project, including Ventura County Assessor Parcel Numbers.

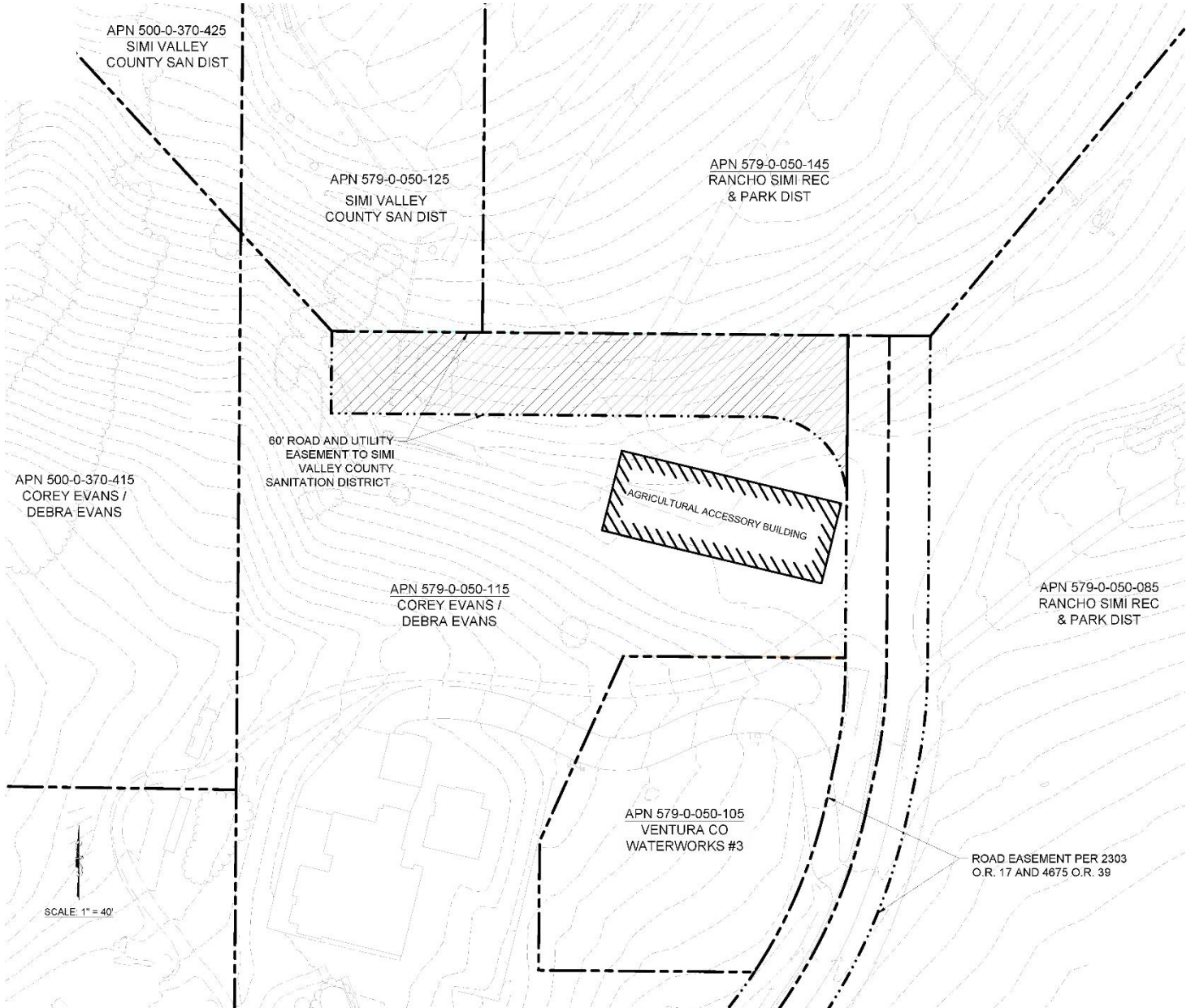


Figure 2: Landfill location satellite image.



Figure 3: Results of post Easy Fire remediation to add soils and improve the existing final cover.

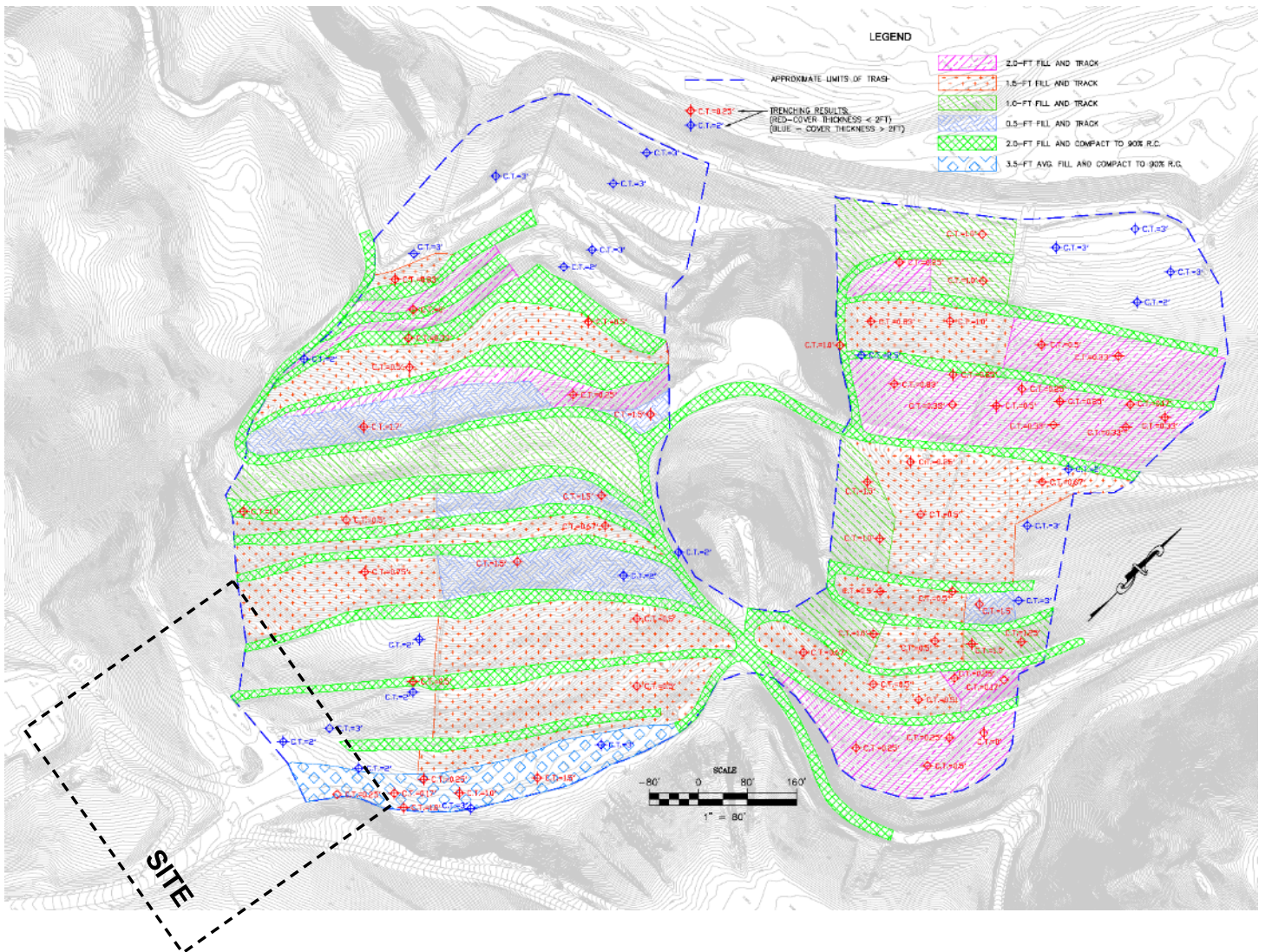


Figure 4: Results of post Easy Fire remediation to grade benches for more effective storm water control.

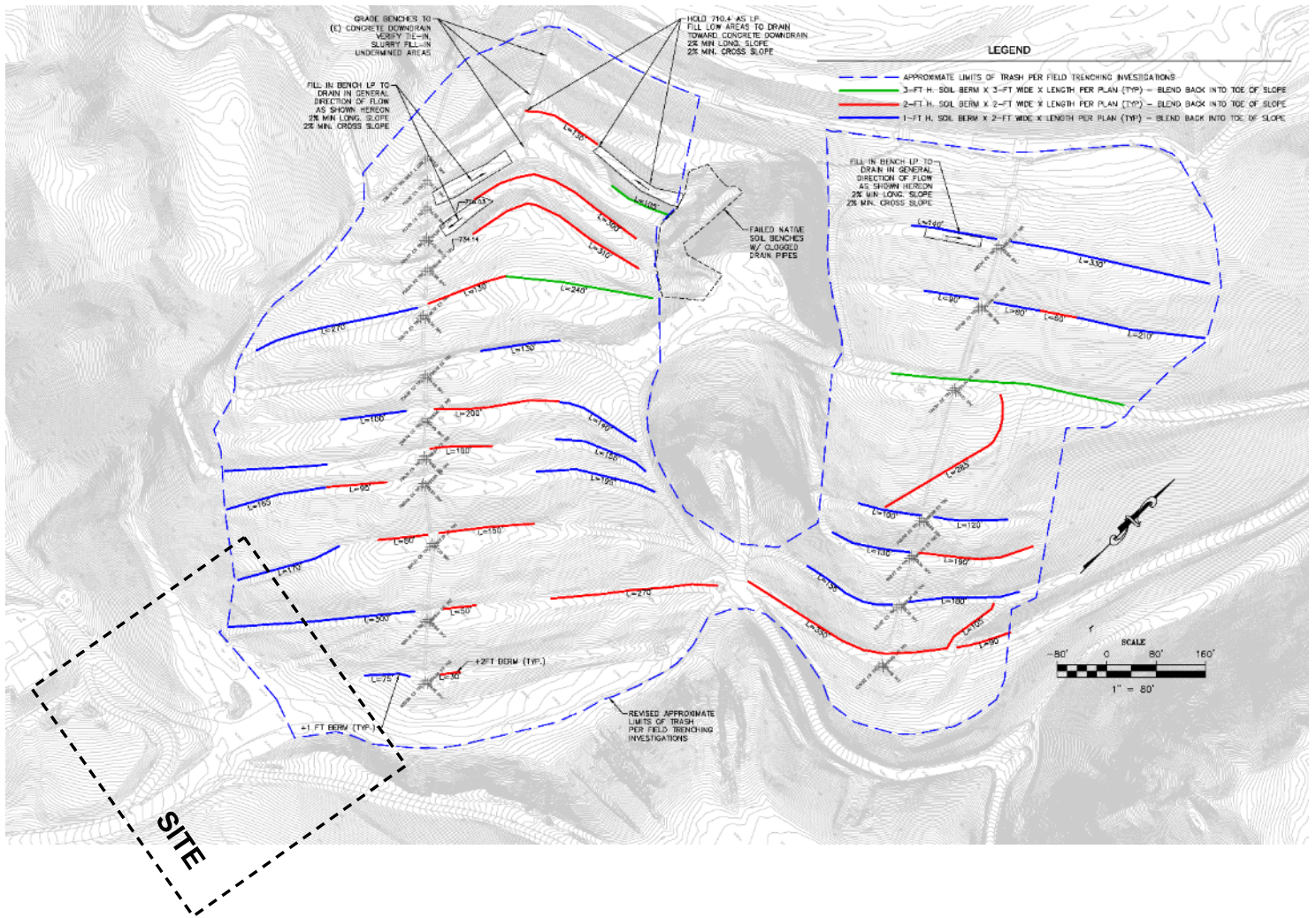


Figure 5: Results of post Easy Fire remediation to the storm water drainage control system.

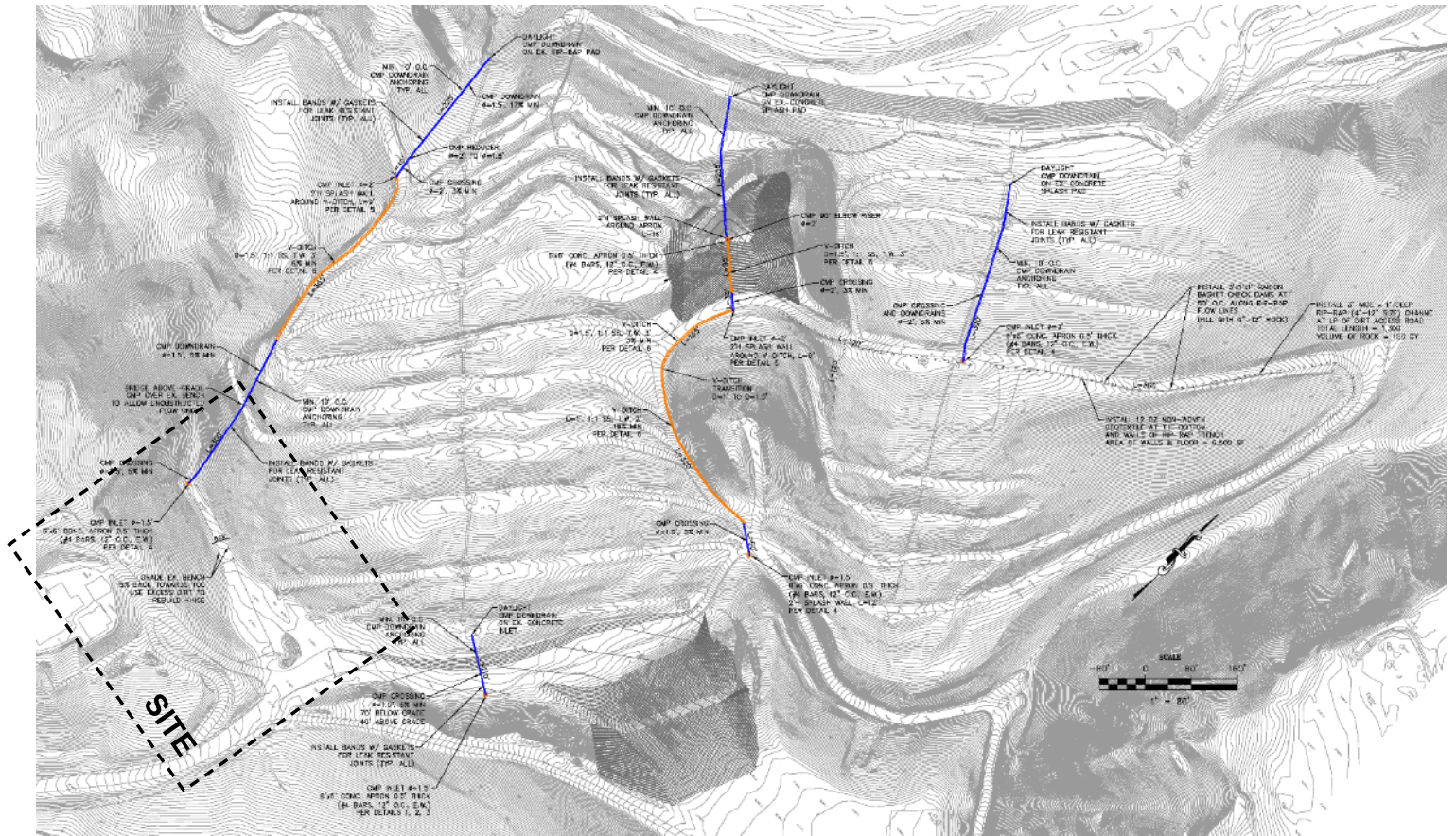


Figure 6: Map of the Site showing the grading plan submitted to the City of Simi Valley for permitting of the agricultural accessory building.

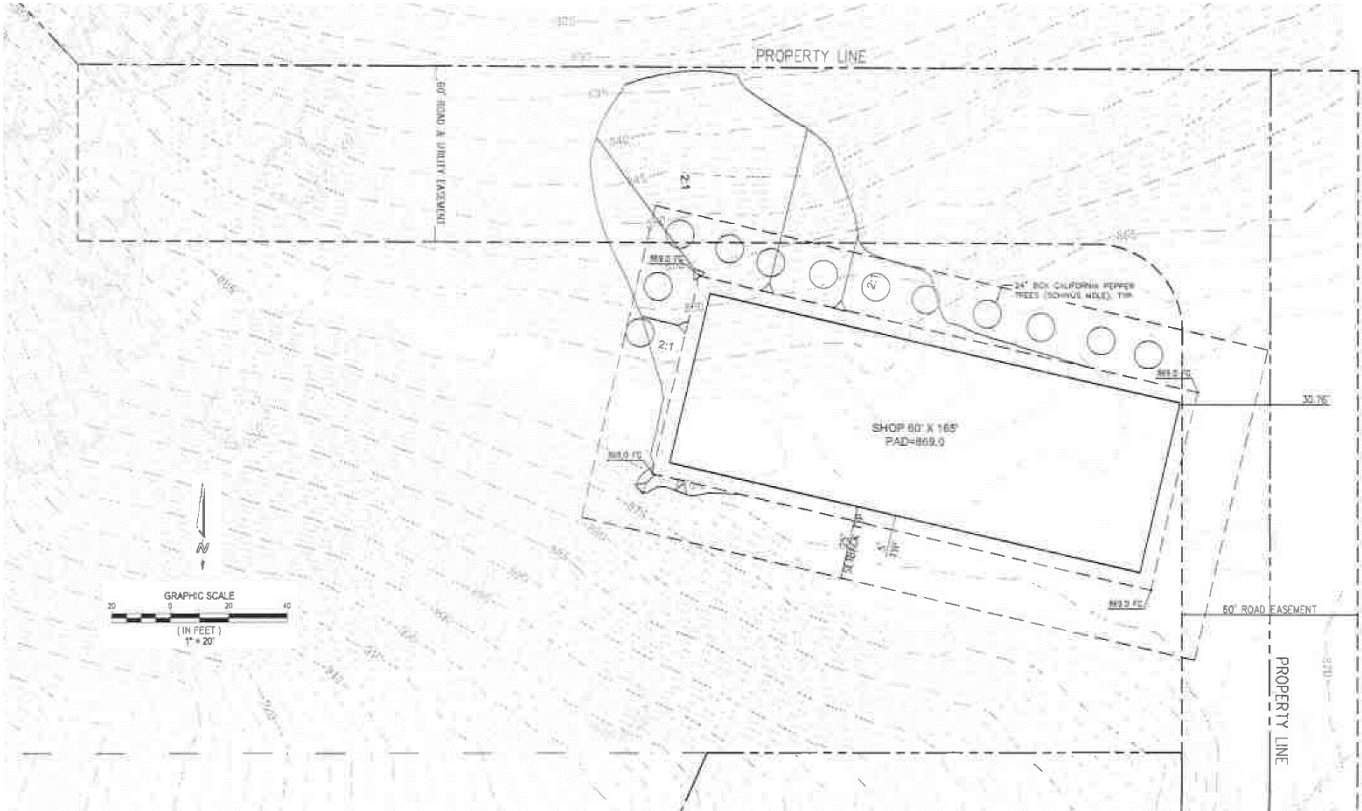


Figure 7: Map of the Site showing the property boundaries in relation to the soil pad constructed in the area of the agricultural accessory building.

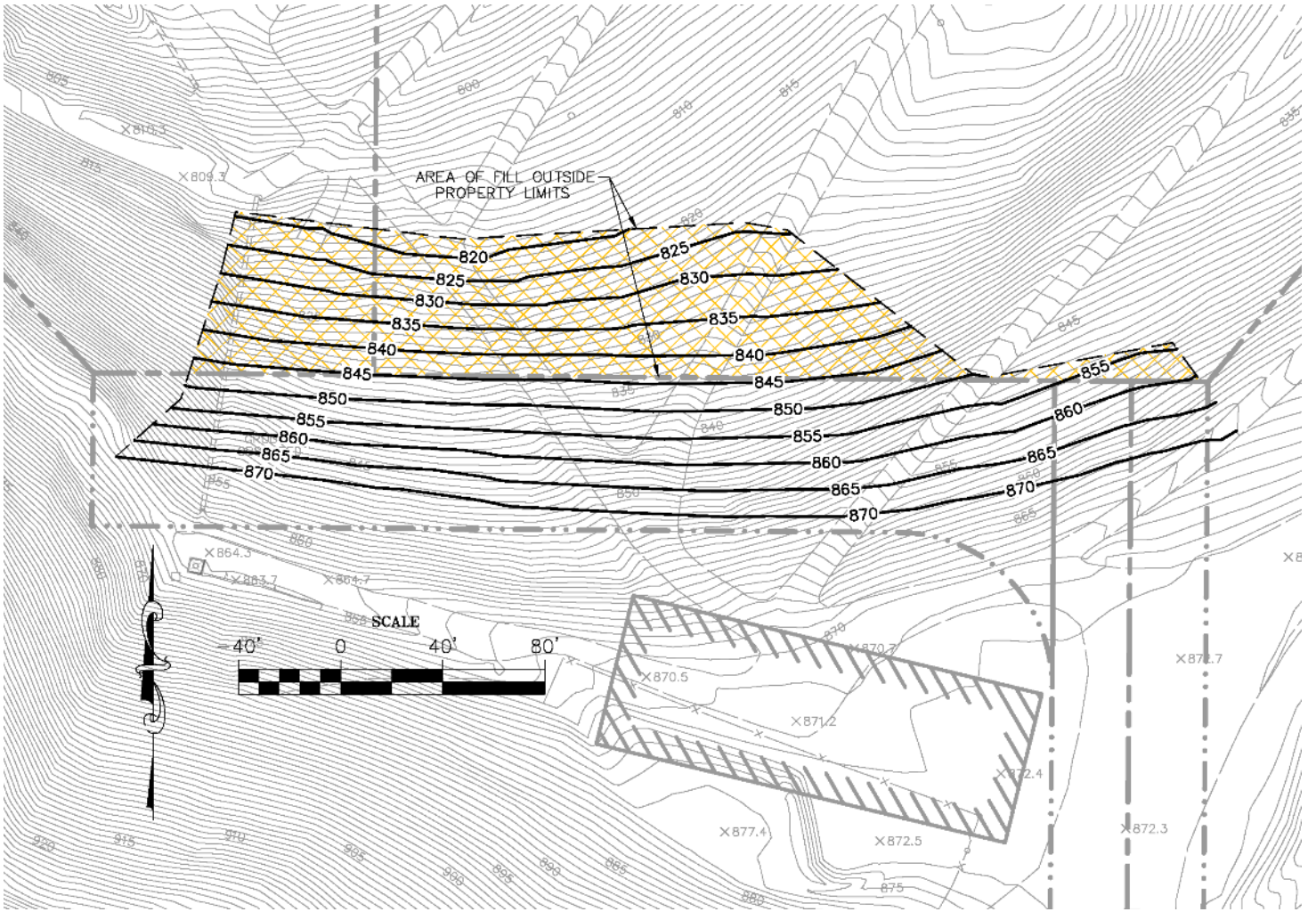
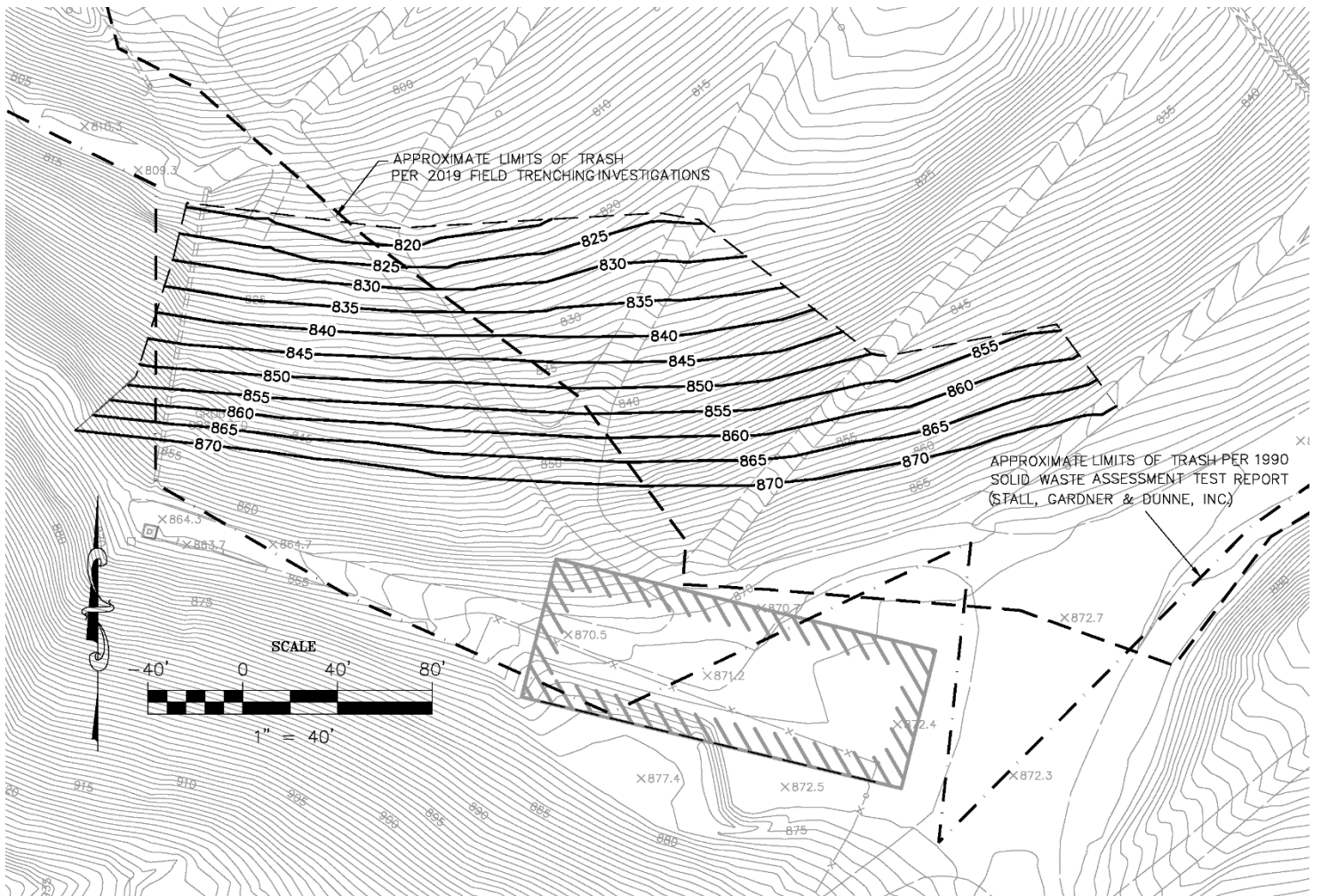


Figure 8: Map of the Site showing the approximate limits of refuse fill in relation to the soil pad constructed in the area of the agricultural accessory building.



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Corey and Debra Evans

Attachment B: November 3, 2022, Inspection Report

Attachment C: February 2, 2023, Inspection Report

Attachment D: February 16, 2023, Inspection Report