



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from U.S. EPA

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Arnold Schwarzenegger
Governor

CERTIFIED MAIL

7006 2760 0000 1615 5697

IN THE MATTER OF)

Mr. Mike Mercereau)
Director of Public Works)
City of San Marcos)
201 Mata Way)
San Marcos, CA 92069-2949)

NOTICE OF VIOLATION
R9-2007-0196

September 21, 2007

Subject Site: Bradley Park / Old Linda Vista Landfill
San Marcos, CA

YOU ARE HEREBY NOTIFIED THAT:

The City of San Marcos is in violation of Order R9-2006-0044. The City of San Marcos failed to submit a complete Report of Waste Discharge (ROWD) by May 18, 2007 as required by Directive C.1 of Order No. R9-2006-0044.

This conclusion is based upon the following facts:


1. On April 17, 2006 the California Regional Water Quality Control Board, San Diego Region (Regional Board) issued Water Quality Investigation Order R9-2006-0044 to the City of San Marcos. Order No. R9-2006-0044 requires the City of San Marcos to submit an amended Report of Waste Discharge (ROWD) in compliance with the applicable provisions of California Code of Regulations (CCR) Title 27 § 20430 by December 18, 2006.
2. The City of San Marcos requested additional time to comply with Directives B. 2 and C. 1 of Order R9-2006-0044. The Regional Board responded by issuing addenda Nos. 1 and 2 to Order R9-2006-0044 on September 18, 2006 and January 5, 2007, respectively. Pursuant to Addendum No. 2 of Order R9-2006-0044, the ROWD was due to the Regional Board on May 18, 2007.
3. To fulfill the requirements of Directive B.2 of Order R9-2006-0044, the City submitted a report entitled "Evaluation Monitoring Program Report: San Marcos I Landfill" on May 18, 2007. The City of San Marcos submitted the Evaluation Monitoring Program Report in response to both Directive B.2 and C.1 of Order R9-2006-0044. The Regional Board does not consider submittal of the Evaluation Monitoring Program as acceptable because it fails to include the technical

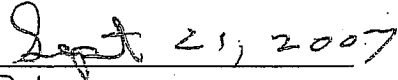
information required by Directives C.1.a, C.1.b, C.1.c(1) – (2), C.1.d, and C.1.e of Order No. R9-2006-0044.

The violations cited above are serious and may result in further enforcement action against your agency, including a civil liability being administratively implemented by the Regional Board under authority of Section 13350 and 13268 of the California Water Code. The California Water Code provides that any person who violates any waste discharge requirements issued, reissued, or amended by this Regional Board may be subject to administrative civil liability up to 1,000 dollars per day of the violation. The Superior Court may impose civil liability of up to 5,000 dollars per of the violation.

If you have any questions pertaining to the issuance of this Notice of Violation, please contact Ms. Amy Grove at (858) 637-7136, or via e-mail at agrove@waterboards.ca.gov. If you feel you have received this Notice in error, or need clarification on any of the above violations, please contact our office immediately. Written correspondence pertaining to this Notice should be directed to the following address:

Executive Officer
California regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
Attn: Mr. Bob Morris, Supervisor, Land Discharge Unit


DAVID T. BARKER
Supervising Water Resource Control Engineer
California Regional Water Quality Control Board


Date

cc: Ms. Rebecca Lafreniere, County of San Diego Local Enforcement Agency, 9325 Hazard Way, San Diego, CA 92123

Ms. Vicki Gallagher, County of San Diego, Department of Public Works, 5201 Ruffin Road, Suite D, San Diego, CA 92123

Mr. Richard Oppen, Esq. Oppen and Varco, LLP, 225 Broadway, Suite 1900, San Diego, CA 92101

Mr. James O'Day, Esq. County of San Diego, County Administration Center, 1600 Pacific Highway, Room 355, San Diego, CA 92101

Mr. Joe Mello, Division of Clean Water Programs, State Water Resources Control Board, P.O. Box 944212, Sacramento, CA 94244-2120

Mr. Garth Koller, City of San Marcos, 1 Civic Center Drive, San Marcos, CA 92069-2949