

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

CLEANUP AND ABATEMENT ORDER NO. 81-99

CITY OF BANNING
SOLID WASTE DISPOSAL SITE
Riverside County

The Executive Officer of the California Regional Water Quality Control Board, Colorado River Basin Region, finds that:

1. The City of Banning P.O. Box 998, Banning, CA 92220, owns a parcel of land located southeast of Banning and adjacent to Smith Creek in the NW 1/4, Section 14, T13S, R1E, SBB&M, which is being used as an indiscriminate waste disposal site.
2. This site has previously been utilized for the disposal of solid wastes by the City of Banning, serving for many years as a burning dump. On November 18, 1976, the Executive Officer issued Cleanup and Abatement Order No. 76-67 against the City for the discharge of brush and household garbage over a 60 acre area. The site contains large quantities of subsurface wastes from the old burning dump and from cleanup of wastes in 1976 which must be protected from washout by Smith Creek.
3. The City of Banning requested permission by letter dated September 26, 1980, to construct flood protection facilities at the subject site using construction and demolition wastes. The City was notified by Regional Board letter dated December 4, 1980, that if the City intended to use Group 3 wastes to construct flood protection facilities, the City should submit an operations plan showing the locations where demolition materials would be placed. To date the City has failed to submit such a plan.
4. On September 11, 1981, an inspection by the Regional Board staff revealed that demolition materials are accumulating at several locations about the site and that no apparant attempt had been made to place these materials where they would provide flood protection.
5. On October 5, 1981, Regional Board staff inspected the subject site and noted the following:
 - a. Flood protection facilities constructed of demolition materials were non-existent and a portion of the old waste materials are vertically exposed along Smith Creek and are subject to washout.

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- b. Group 3 waste materials, presumably intended for construction of flood protection facilities, are indiscriminately discharged throughout the subject site.
 - c. Group 2 materials such as tree and shrub trimmings, and street sweeping wastes have been discharged onto the ground surface of the site.
 - d. No attempt has been made to prevent surface runoff waters from contacting Group 2 materials.
6. The use of Group 3 demolition wastes for construction of flood protection facilities along Smith Creek would be a beneficial use of such materials. The City has failed, however, to submit the requested operations plan for the placement of the wastes and has indiscriminately discharged the Group 3 wastes about the site in locations totally inappropriate for flood control. The existing discharge of Group 3 materials is therefore in violation of Sections 13260 and 13261 of Division 7 of the California Water Code.
 7. The discharge of Group 2 waste materials into the site is a violation of Sections 13260 and 13261 of Division 7 of the California Water Code.
 8. The exposure of previously deposited wastes by erosion along Smith Creek is a threatened discharge of wastes.
 9. This enforcement action is exempt from provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et. seq.) in accordance with Section 2714, Chapter 3, Title 14, California Administrative Code.

IT IS HEREBY ORDERED, that Pursuant to Section 13304 of Division 7 of the California Water Code, the City of Banning shall:

1. Take all necessary actions to immediately abate the discharge of waste materials to the subject site.
2. Cleanup by January 15, 1982, all Group 2 waste materials currently located in various parts of the subject site and discharge them to an approved Class II waste disposal site.
3. Remove by January 15, 1982, all Group 3 demolition wastes from the subject site and discharge them to a proper location approved by the Executive Officer.

4. Submit to the Regional Board by January 31, 1982, a technical report detailing all actions taken to achieve compliance with provisions of this order. The report shall include the method and location of final disposal of all Group 2 and Group 3 waste materials and the date by which cleanup was accomplished.
5. Submit to the Regional Board by January 31, 1982, a time schedule of specific actions by which adequate facilities will be provided to prevent erosion of solid waste materials by Smith Creek.

Failure to comply with this Order as directed may result in referral to the Attorney General for appropriate legal action without further notice.

Alton Swajon

Executive Officer

November 20, 1981

Date