



California Regional Water Quality Control Board

San Diego Region



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September 28, 2006

CERTIFIED MAIL – RECEIPT REQUESTED
7006 0100 0002 8367 7076

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

In Reply Refer to:
LDU:06-0022.02:agrove

Dear Mr. Mercereau:

RE: ADDENDUM 1 TO WATER QUALITY INVESTIGATION ORDER NO. R9-2006-0044 FOR DISCHARGES OF WASTE FROM THE BRADLEY PARK/OLD LINDA VISTA LANDFILL, SAN MARCOS, CA

Enclosed is Addendum No. 1 to Investigative Order (Order) No. R9-2006-0044 issued under authority of section 13267 of the California Water Code (CWC). Addendum No. 1 to the Order modifies the original due date, for a workplan required in Directive B.1, to October 31, 2006. By that revised date, the City must provide the Regional Board with a workplan to implement an Evaluation Monitoring Program (EMP) in compliance with the applicable provisions of California Code of Regulations (CCR) Title 27 §20090(g), §20385(a)(3), and §20425. All the other requirements and provisions of Order R9-2006-0044 remain in effect.

Failure to comply with the directives of Order R9-2006-0044 and addenda thereto may subject you to further enforcement actions by the Regional Board, including referral to the State Attorney General for injunctive relief; and/or referral to the District Attorney for criminal prosecution.

I strongly urge a complete and prompt response to each directive in Order No. R9-2006-0044. If you or your staff has any questions regarding this matter, please contact either of the following staff:

Mr. John Odermatt
Senior Engineering Geologist
Land Discharge Unit
Phone: (858) 637-5595
e-mail: jodermatt@waterboards.ca.gov

Mrs. Amy Grove
Engineering Geologist
Land Discharge Unit
Phone: (858) 637-7136
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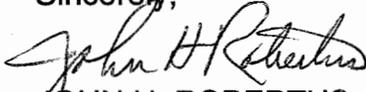
California Environmental Protection Agency

Mr. Michael Mercereau, City of San Marcos - 2 -
Addendum No. 1 to Order No. R9-2006-0044:
Bradley Park/Old Linda Vista Landfill

September 28, 2006

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Sincerely,


JOHN H. ROBERTUS
Executive Officer

Enclosures: Addendum No. 1 to Investigative Order No. R9-2006-0044

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

Ms. Candace Gibson, County of San Diego, Landfill Management, 5201 Ruffin Road,
MS 0383, San Diego, CA 92123 (w/attachment)

Ms. Kerry McNeill, County of San Diego Local Enforcement Agency, 9325 Hazard Way,
San Diego, CA 92123 (w/attachment)

Mr. Richard Opper, Esq. Opper and Varco, LLP, 225 Broadway, Suite 1900, San Diego,
CA 92101 (w/attachment)

Mr. James O'Day, Esq. County of San Diego, County Administration Center, 1600
Pacific Highway, Room 355, San Diego, Ca 92101 (w/attachment)

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

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ADDENDUM NO. 1 TO
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. **ENFORCEMENT ACTION:** 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. On April 17, 2006, the Regional Board issued Water Quality Investigation Order R9-2006-0044 to the City of San Marcos. Order No. R9-2006-0044 requires the City to develop and implement an Evaluation Monitoring Program (EMP) in compliance with the applicable provisions of California Code of Regulations (CCR) Title 27 §20090(g), §20385(a)(3), and §20425.
2. **DISCHARGER'S REQUEST:** On September 15, 2006, the Regional Board received a letter, from the Discharger's legal counsel, requesting the Regional Board to extend the due date for the Evaluation Monitoring Program (EMP) workplan to October 31, 2006. The request was based upon the Discharger's anticipation of potential participation by the County of San Diego in the investigation process, and the time necessary to complete a mutual exchange of information between the Discharger and County. In addition, the Regional Board has scheduled a meeting with the interested parties, including representatives from the City of San Marcos, County of San Diego, and the Regional Board staff. The purpose of the meeting is to determine if the parties can develop a joint stipulation agreement on responsibility for the Bradley Park/Old Linda Vista Landfill. The Regional Board agrees to the limited time extension proposed by the Discharger.
3. **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.

September 28, 2006

ORDER DIRECTIVES

IT IS HEREBY ORDERED, pursuant to sections 13267 of the California Water Code, Order R9-2006-0044 is hereby amended as follows:

1. Change the compliance date in Directive B.1 of Order R9-2006-0044, for the Evaluation Monitoring Program Workplan, as follows:

“ B. EVALUATION MONITORING PROGRAM (EMP)

1. ***Evaluation Monitoring Program Workplan:*** The Discharger shall develop and submit to the Regional Board by **October 31, 2006** a workplan for implementation of 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:.... “

2. All other directives and provisions of Order R9-2006-0044 remain in effect.

I, John H. Robertus, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of an Addendum to Water Quality Investigation Order R9-2006-0044 as issued on September 28, 2006.

Ordered By



JOHN H. ROBERTUS
Executive Officer
September 28, 2006