

ENFORCEMENT SUMMARY REPORT
December 10, 2008

ITEM: 11

SUBJECT: PUBLIC HEARING: Administrative Assessment of Civil Liability against the City of San Marcos (City) for the Bradley Park Landfill in San Marcos, California. (Tentative Order No. R9-2008-0155) (Amy Grove)

PURPOSE: The Regional Board will consider adoption a tentative Order that would impose \$59,975 in civil liability recommended in Complaint No. R9-2008-0080 for violations of California Water Code section 13267 and Water Quality Investigative Order No. R9-2006-0044. The Regional Board may approve, raise, lower, or reject the recommended liability.

PUBLIC NOTICE: A copy of the Complaint and supporting information was sent to the City on September 26, 2008 and posted on the Regional Board's website on October 20, 2008. On November 8, 2008 a notice was published in the San Diego Union Tribune, and placed on the Regional Board's website on November 12, 2008. The written comment period for this matter ends on December 3, 2008.

DISCUSSION: On April 17, 2006 the Regional Board issued Water Quality Investigative Order No. R9-2006-0044 to the City for the Bradley Park Landfill under the authority of California Water Code section 13267. Order No. R9-2006-0044 required the City to prepare an Evaluation Monitoring Program (EMP) Report and a Report of Waste Discharge (RoWD) in accordance with applicable requirements of California Code of Regulations (CCR) Title 27. The City twice requested and received time extensions for the submittal of the required report, modifying the due date From December 18, 2006 to May 18, 2007 (Addenda Nos. 1 and 2 to Order No. R9-2006- 0044).

Though the City submitted the EMP Report on time, the City failed to submit the RoWD on May 18, 2007. The Regional Board issued Notice of Violation (NOV) No. R9-2007-0196 to the City on September 21, 2007 for failure to submit the

required technical report in accordance with California Water Code section 13267.

On January 30, 2008 the City submitted a RoWD for review and comment by the Regional Board. On May 30, 2008 the Regional Board issued comments pertaining to the deficiencies of the report and NOV No. R9-2008-0051 for failure to submit an adequate report in compliance with the directives set forth in Order No. R9-2006-0044.

On September 26, 2008 the Regional Board's Assistant Executive Officer issued Complaint No. R9-2008-0080 recommending imposition of Administrative Civil Liability in the amount of \$59,975 against the City of San Marcos for violations of California Water Code section 13267. The complaint alleged that the City failed to submit a complete RoWD in accordance with directives prescribed in Investigative Order No. R9-2006-0044, issued pursuant to California Water Code section 13267.

To date, the Regional Board has not received comments from interested persons or from the City. The Regional Board anticipates the submittal of evidence and legal argument from the City on November 21, 2008. This information will be provided to the Regional Board members in the second agenda mailing.

EXHIBITS:

1. Location Map of Bradley Park
2. Tentative Order No. R9-2008-0155
3. Transmittal letter and ACL Complaint No. R9-2008-0080
4. Technical Report to ACL Complaint No. R9-2008-0080
5. Regional Board Prosecution Team memo to Assistant Executive Officer
6. Chronology of Events
7. Economic Benefit Analysis
8. In accordance with CCR Title 23 section 648.3, the remainder of the public documents in the Regional Board's file for this site are hereby incorporated by reference (these files can be found at the San Diego Regional Board Office, 9174 Sky Park Court, Suite 100, San Diego, CA 92123)

RECOMMENDATION:

The adoption of Tentative Order No. R9-2008-0155 is recommended.