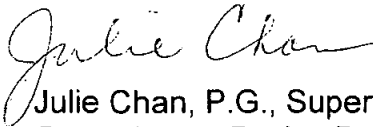


July 14, 2008

The next semi-annual monitoring report is due on **October 30, 2008**. If you have any questions regarding this matter, please contact Ms. Cheryl Prowell at (858) 467-2745 or by e-mail at cprowell@waterboards.ca.gov. Written correspondence should be directed to the following address:

Julie Chan, Groundwater Basins Branch Chief
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340
Attn: Cheryl Prowell, North Coast Groundwater Unit

Sincerely,



Julie Chan, P.G., Supervising Engineering Geologist
Groundwater Basins Branch

JAC:ma:jro:kkd:clp

Attachments: Notice of Violation No. R9-2008-0079

cc: Rebecca Lafreniere, Supervising Environmental Health Specialist
County of San Diego Solid Waste Local Enforcement Agency
9325 Hazard Way, San Diego, CA 92123

CIWQS:

Regulatory Measure ID	348377
Place ID	210029
Violation ID	768078 770985 770990

IN THE MATTER OF)

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

NOTICE OF VIOLATION
NO. R9-2008-0079

WDID NO.
9 000000173

In reply refer to:
NCGW:210029:cpowell

Order No. 97-15: Waste Discharge Requirements, Bonsall Landfill

SUBJECT: BONSALL LANDFILL, TWIN OAKS VALLEY ROAD, BONSALL,
CA 92003

YOU ARE HEREBY NOTIFIED THAT:

The County of San Diego (County) is in violation of waste discharge requirements issued by the California Regional Water Quality Control Board, San Diego Region (Regional Board) in Order No. 97-15, Waste Discharge Requirements (WDRs) for Post-Closure Maintenance of County of San Diego Bonsall Sanitary Landfill, San Diego County. These violations subject the County to possible further enforcement action by the Regional Board, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$5,000 per day per violation;¹ referral to the State Attorney General for injunctive relief; and referral to the District Attorney for criminal prosecution.

The Regional Board received the October 2007 – March 2008 Semi-annual Monitoring Report and 2007 Annual Monitoring Report, Detection Monitoring Program, Bonsall Landfill (the Report) on April 25, 2008. The Report dated April 21, 2008 provided documentation of specific violations of Order 97-15.

Summary of Violations:

- I. **VIOLATION OF ORDER NO. 97-15 AND THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO BASIN (BASIN PLAN) FOR CAUSING A CONDITION OF POLLUTION WHICH ADVERSLY AFFECTS BENEFICIAL USES OF GROUNDWATER**
 - Prohibition A.2(g): "The discharge of wastes shall not cause pollution, contamination or nuisance or adversely affect beneficial uses of ground or surface waters as established in the Basin Plan."
 - Prohibition A.6: "Basin Plan discharge prohibitions shall not be violated."

¹ Under authority of California Water Code section 13350.

- Provision C-1: "Neither the treatment or discharge of waste shall create a condition of pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code."
- Basin Plan Waste Discharge Prohibition 1: "The discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination or nuisance as defined in California Water Code section 13050, is prohibited."
- Basin Plan Waste Discharge Prohibition 7: "The dumping, deposition, or discharge of waste directly into waters of the state, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited unless authorized by the Regional Board."

Basis: The California Water Code defines pollution as "an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following: the waters for beneficial uses, or facilities which serve these beneficial uses." Bonsall Landfill is located in the Bonsall hydrologic unit, which has municipal, agricultural, and industrial uses designated in the Basin Plan. Detectable concentrations of seven volatile organic compounds (VOCs) were reported in groundwater samples collected in February 2008 from five monitoring wells located downgradient of the landfill. Perchloroethylene (PCE) was detected at a concentration of 12 µg/L in the groundwater sample collected from offsite well BOGW-7. The reported concentration exceeds the applicable Water Quality Objective² and California Department of Public Health (CDPH) Maximum Contaminant Limit (MCL)³ at 5 µg/L. As documented in the cover letter to the "Evaluation Monitoring Program, Bonsall Landfill", dated December 1999, "landfill gas appears to be the primary source of VOCs detected in groundwater."⁴ Therefore, VOCs attributable to the landfill have created a condition of pollution impacting beneficial uses of the aquifer.

II. VIOLATION OF WASTE DISCHARGE REQUIREMENT ORDER No. 97-15 FOR FAILING TO PROVIDE A COMPREHENSIVE DISCUSSION OF THE COMPLIANCE RECORD

- Monitoring and Reporting Program Requirement D.3.B: "A comprehensive discussion of the compliance record, result of any corrective actions taken or planned which may be needed to bring the discharger into full compliance with the waste discharge requirements."

² The Water Quality Objective is established at 5 µg/L by the Basin Plan (see Table 3-5, page 3-25) for "Tetrachloroethylene," which is a synonym for PCE.

³ California Department of Public Health (CDPH) Maximum Contaminant Limit (MCL) is established at 5 µg/L by CCR Title 22, section 64444: Table 6-4444-A.

⁴ Rollin, Jon, December 3, 1999. Cover letter to Bonsall Landfill – Report of Finding Evaluation Monitoring Program RWQCB Order No. 97-15.

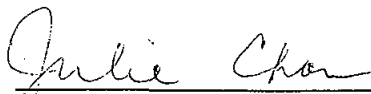
July 14, 2008

Basis: Report Section 3.2, Compliance Record, included the statement that "no corrective actions were necessary" and did not discuss any past corrective actions. The "Evaluation Monitoring Program, Bonsall Landfill", dated December 1999, recommended upgrades to the landfill gas extraction system as a corrective action to address the offsite migration of VOCs. The cover letter to the "April - September 2007 Semi-Annual Monitoring Report, Bonsall Landfill", dated October 29, 2007 included confirmation that this corrective action had been implemented: "The County suspects that the VOC detections are primarily due to landfill gas and are anticipated to decrease as a result of the landfill gas extraction system upgrade that was completed in March 2000." The Report failed to address the effectiveness of the upgrades, including results of the upgraded landfill gas extraction system upon water quality, or to provide any discussion of further corrective actions that may be necessary to eliminate the condition of pollution and bring the Bonsall Landfill into full compliance with the WDRs.

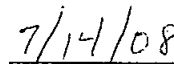
III. **VIOLATION OF WASTE DISCHARGE REQUIREMENT ORDER NO. 97-15 FOR FAILING TO MEET ELECTRONIC REPORTING REQUIREMENTS**

- Monitoring Provision A.9, as Specified in Technical Change Order No., T-1 for Monitoring and Reporting Program 97-15: "After July 1, 2005, the discharger shall submit any reports required by this Order electronically, in accordance with Section 3890 *et. seq.* of the California Code of Regulations, Title 23, Division 3."

Basis: The Regional Board denied the electronic submittal of the monitoring report because the electronic submittal did not include the "Landfill Gas Control System Operation Monitoring and Maintenance Reports", which were attached to cover letter submitted to the Regional Board in hard copy format.



Julie Chan, Supervising Engineering Geologist
Groundwater Basins Branch



DATE

JAC:ma:jro:kkd:clp

