

ATTACHMENT NO. 14
ERRATA for Technical Staff Report

BASIS FOR FINDING NO. 2

Between the years 1948 and 1968, the County of San Diego owned, operated and discharged wastes into the Bradley Park Landfill. Upon completion of waste disposal activities, it is the understanding of the Regional Board that the County of San Diego covered the wastes with soil. According to information provided to the Regional Board, the City of San Marcos acquired the property in 1968, which it redeveloped the landfill into a park and recreation area. The City of San Marcos is responsible for post-closure maintenance and monitoring of the Bradley Park Landfill under waste discharge requirements for inactive landfills (Order 97-11 and addenda thereto).

It is appropriate to allocate sole responsibility for post closure maintenance and monitoring of the landfill, and investigation of water quality associated with the Bradley Park Landfill to the City of San Marcos because:

- 1.) The City of San Marcos is named s the Discharger responsible for compliance with requirements of waste discharge requirements under Order 97-11 and addenda thereto.
- 2.) The investigation required pursuant to Order R9-2006-0044 involves the discharge of waste constituents from the Bradley Park Landfill into groundwater and surface water resources.

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While the County of San Diego, which discharged waste into the Bradley Park Landfill, may be properly identified as an "operator" of the former solid waste disposal site, and therefore subject to the Solid Waste Assessment Test (SWAT) requirements of §13273 of the Water Code, this does not relieve the City of San Marcos of its separate obligations under General Order No. 97-11, as amended. The City of San Marcos' status as a "Discharger" responsible for post-closure maintenance and monitoring is not based on the City's status as an "operator" of the former solid waste disposal site, nor on a determination that waste from the former landfill is causing or contributing to ground water pollution, but rather on its current and continuing ownership of a closed or inactive landfill containing wastes that could affect the quality of the waters of the state. This was the basis for designating the City of San Marcos as the entity responsible for compliance with General Order No. 97-11, at the County of San Diego's former Bradley Park Landfill, when the Regional Board issued Addendum No. 1 to General Order No. 97-11 on June 14, 2000.

Application of statutory authority under Water Code §13267. Water Quality Investigation Order R9-2006-0044 was issued to the City of San Marcos (the Discharger) under authority of Water Code §13267, which authorizes the Regional Board to require "Dischargers" to provide the Regional Board with