

State of California
Regional Water Quality Control Board
San Diego Region

ENFORCEMENT SUMMARY REPORT
May 12, 2010

- ITEM: 9
- SUBJECT: Administrative Civil Liability against the San Diego Unified School District, Bell Junior High School Landfill. The San Diego Water Board will consider adoption of a tentative Order that would accept an offer to settle administrative civil liability proposed in Complaint No. R9-2009-0175 for failure to submit semi-annual monitoring reports required by Order No. 97-11, General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous Waste Landfills within the San Diego Region. The proposed settlement supports the assessment of \$155,000. (Tentative Order No. R9-2010-0020) (Rebecca Stewart)
- PURPOSE: The San Diego Water Board will consider adoption of the tentative Order that approves the settlement agreement and directs payment of \$155,000 to the Waste Discharge Permit Fund. If the San Diego Water Board rejects the tentative Order, the matter may be rescheduled to a future public hearing at which time the San Diego Water Board will receive evidence and testimony and consider assessment of liability.
- PUBLIC NOTICE: Notice of the San Diego Water Board's consideration of the Tentative ACL Order, terms of the proposed settlement, and the opportunity for public comment were posted on the San Diego Water Board's website and sent to interested parties on March 2, 2010. Notice was also published in the San Diego Union-Tribune on March 10, 2010.

DISCUSSION:

The San Diego Unified School District (School District) owns property located at 7300 Paradise Valley Road in the City of San Diego. Between 1961 and 1966 the School District leased the property to the County of San Diego who operated a solid waste landfill, currently known as the Bell Junior High School Landfill (Landfill).

The Landfill has been subject to the requirements of Order No. 97-11, *General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous Waste Landfills Within the San Diego Region*, since June 14, 2000. Order No. 97-11 requires the development of a groundwater quality monitoring program and reporting of groundwater quality monitoring results on a semiannual basis.

On November 19, 2009, the San Diego Water Board Assistant Executive Officer issued ACL Complaint No. R9-2009-0175, with a staff report (Supporting Document No. 3), to the School District recommending a liability of \$227,000 (\$250 per day for 908 days of violation) for failing to submit five semiannual monitoring reports required by Order No. 97-11.

Compliance with Order No. 97-11

On February 22, 2010, the School District submitted a proposal to bring the landfill into compliance with Order No. 97-11 by installing additional groundwater monitoring wells and commencing groundwater monitoring at the landfill.

Liability Amount

The School District presented the Prosecution Team with an offer to settle the liability proposed in the Complaint with a payment of \$155,000. The liability amount recoups the estimated economic benefit enjoyed by the School District (\$47,500) and the San Diego Water Board staff costs (\$10,043). Under California Water Code section 13350, the payment of the imposed liability will be made to the Waste Discharge Permit Fund.

LEGAL CONCERNS: None.

SUPPORTING
DOCUMENTS:

1. Location Map
2. Tentative ACL Order No. R9-2010-0020 with Settlement Agreement
3. ACL Complaint No. R9-2009-0175 with Staff Report and Attachments

RECOMMENDATION: The Prosecution Team recommends adoption of Tentative ACL Order No. R9-2010-0020 in the amount of \$155,000.