

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER No. 92-157

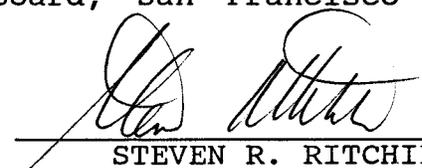
ORDER SETTING ADMINISTRATIVE CIVIL LIABILITY
ACME Fill Corporation
Martinez, California 94553

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Board) finds that:

1. On February 20, 1991 the Board adopted Waste Discharge Requirement Order NO. 91-23 for ACME Landfill owned and operated by ACME Fill Corporation. Provision C.22 of the Order states that the discharger shall submit technical reports documenting completion of the Leachate Collection and Removal System (LCRS) for each parcel to include as-built plans and details for a LCRS. The compliance date for the North parcel was February 28, 1992. As of December 16, 1992, 287 days after the submittal requirement, ACME has not completed construction of the LCRS for the North parcel.
2. The Executive Officer issued Complaint No. 92-133 to the discharger on November 10, 1992. The Complaint proposed that administrative civil liability be imposed by the Regional Board in the amount of \$104,300 in penalties pursuant to Sections 13267 and 13268 of the California Water Code. Of this amount, \$4,800 was for recovery of staff costs.
3. This Order imposes administrative civil liability of \$126,300 of which \$4,800 is for recovery of staff costs. The increase in penalty, compared to the \$104,300 recommended in the complaint, accounts for the additional days of violation between complaint issuance and the date of adoption of this Order.
4. The Board has fully considered the factors set forth for determination of the amount of civil liability set forth in Water Code Section 13267.
5. This action is an Order to enforce the laws and regulations administered by the Board. This action is categorically exempt from the provisions of CEQA pursuant to Section 15321 of Resources Agency Guidelines.
6. On December 16, 1992, the Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharger.

IT IS HEREBY ORDERED, PURSUANT TO WATER CODE SECTIONS 13268 and 13323, that ACME Fill Corporation is civilly liable for this violation and shall pay administrative liability in the amount of \$126,300. The liability shall be paid to the State Water Pollution Cleanup and Abatement Account within 30 days of the date of this Order.

I, Steven R. Ritchie, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on December 16, 1992.



STEVEN R. RITCHIE
EXECUTIVE OFFICER