

San Diego Regional Water Quality Control Board

May 1, 2017

Certified Mail- Return Receipt Requested

Article Number:
7011 0470 0002 8952 6765

Mr. Sergio Salinas
Civil Engineer
San Diego Unified School District
4860 Ruffner Street
San Diego, CA 92111

In reply refer to:
209139:ACali

Subject: Notice of Violation No. R9-2017-0069, Bell Jr. High Landfill, San Diego County

Mr. Salinas:

Enclosed is Notice of Violation (NOV) No. R9-2017-0069 issued to San Diego Unified School District (District) for violations of:

- Order No. R9-2012-0001, *General Waste Discharge Requirements the for Closed, Abandoned, or Inactive Burn Sites within the San Diego Region (Order)*,¹ and
- Monitoring and Reporting Program No. R9-2012-0002, *Maintenance and Monitoring of Closed, Abandoned, for Inactive Nonhazardous Solid Waste Management Units Within the San Diego Region (MRP)*.²

As described in the NOV, the violations may subject the District to further enforcement pursuant to the Water Code. The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any further enforcement action authorized by law.

Erosion Control Violations

Violations of the Order were documented by San Diego Water Board inspectors, Mr. Alex Cali and Mr. Brandon Bushnell, when they inspected and evaluated the Bell Jr. High Landfill for compliance with Order No. R9-2012-0001 on December 14, 2016. The inspectors were accompanied by Mr. Cesar A. Jimenez, Civil Engineer Project Manager, and Mr. Sergio Salinas, Civil/Environmental Engineering Coordinator representing the San Diego Unified School District (Discharger). Ms. Lisa Bestard, Senior

¹ General Order No. R9-2012-0001: http://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2012/R9-2012-0001.pdf

² http://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2012/R9-2012-0002.pdf

Project Environmental Scientist, representing Ninyo & Moore was present as a consultant to the Discharger.

Failure to properly maintain the Facility from erosion and maintain erosion control best management practices (BMPs) constitutes a violation of section C.8, the CAI Unit Maintenance Specifications, of the Order. The inspectors documented evidence of erosion and ineffective BMPs during the December 14 inspection (See Enclosure 3, Figures 5 through 9 and 11 through 16).

Reporting Violations

Both the Order and the MRP require the Discharger submit certain reports. The October 2015-September 2016 Groundwater Monitoring Report was due October 30, 2016, in accordance with the MRP and was not uploaded to the GeoTracker database until January 11, 2017. The Discharger has yet to submit other reports required by the Order, listed in the table below.

Report Due Date	Report Due	Reporting Violations
October 30, 2016	October 2015-September 2016 Site Conditions Certification Report	Section C.4.a, Site Certifications Report, Waste Discharge Requirements, General Order No. R9-2012-0001.
October 30, 2014	October 2013-September 2014 Site Conditions Certification Report	Section C.4.a, Site Certifications Report, Waste Discharge Requirements, General Order No. R9-2012-0001. Listed as Appendix G however not included in the PDF file uploaded to GeoTracker.
October 30, 2013	October 2013-September 2014 Site Conditions Certification Report	Section C.4.a, Site Certifications Report, Waste Discharge Requirements, General Order No. R9-2012-0001. Listed as Appendix G however not included in the PDF file uploaded to GeoTracker.

Groundwater Quality Violations

Groundwater monitoring results uploaded to the GeoTracker database show that volatile organic chemicals (VOCs) concentrations in groundwater samples collected from monitoring wells MW-3, MW-3D, and MW-6S are above applicable maximum contaminant levels (MCLs). Groundwater in hydrologic areas with the beneficial use designation of municipal and domestic supply must not contain concentrations of chemical constituents in excess of applicable water quality objectives in the San Diego Basin Plan.³ Therefore, the VOC concentrations in the groundwater at the Site create a condition of pollution in violation of waste discharge prohibitions in the San Diego Basin Plan.

Please submit all responses to this NOV to the San Diego Water Board by email.⁴ The email submittals must include a signed transmittal letter (with the facility name, facility contact

³ Basin Plan, Chapter 3- Water Quality objectives and primary maximum contaminant levels (MCLs) specified in Title 22, California Code of Regulations, section 64444.

⁴ See public notification on electronic reporting on-line at: http://www.waterboards.ca.gov/sandiego/docs/Electronic_Reporting_Sept2014.pdf

information, and reference code **209139:ACali**), and be sent via email to sandiego@waterboards.ca.gov. Reports required by Orders Nos. R9-2012-0001 and R9-2012-0002 should also be uploaded into the GeoTracker database in text searchable PDF format. Routine email correspondence however, may be sent to individual San Diego Water Board staff members. If you have any specific questions about email submittal procedures please contact Ms. Cleo Munoz in our Mission Support Services Unit at (619) 521-3384 or via email at Cleo.Munoz@Waterboards.ca.gov.

Documents that are 50 MB or larger should be transferred to a disc and mailed to the San Diego Water Board. For more extensive information provided in Reports of Waste Discharge, and other large documents, the San Diego Water Board staff may request that specific individual items such as appendices to large/complex technical reports, large drawings, and large maps continue to be provided in paper format. If you have any specific questions about email submittal procedures please contact Ms. Cleo Munoz in the Mission Support Services Unit staff, at (619) 521-3384 or Cleo.Munoz@waterboards.ca.gov.

In the subject line of any response, please include reference **209139:ACali**. Please contact Mr. Alex Cali at (619) 521-3355, or at Alex.Cali@waterboards.ca.gov if you have any questions or comments.

Sincerely,



Julie Chan, P.G, Chief
Groundwater Protection Branch

JAC:jro:ac

- Enclosures: 1) NOV for Bell Jr High Landfill
2) Bell Jr High Landfill Inspection Report
3) Bell Jr High Landfill Inspection Photographs

Tech Staff Info & Use	
Order No.	R9-2012-0001 and R9-2012-0002
Party ID	39632
Reg. Measure ID	214038
NOV Reg Measure ID	411579
Violations ID	1017434, 1017435, 1017804
Place ID	209139

NOTICE OF VIOLATION

No. R9-2017-0069

Mr. Sergio Salinas
San Diego Unified School District
4860 Ruffner Street
San Diego, CA 92111

Violations of Orders Nos.
R9-2012-0001 and
R9-2012-0002

May 1, 2017

San Diego Unified School District, owner of the Bell Jr High Landfill (aka Sweetwater II Landfill, Site), (hereinafter the Discharger) is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

During an inspection on December 14, 2016, San Diego Water Board staff observed violations associated with site maintenance and erosion (see attached Inspection Report and associated photographs).

The Discharger is in violation of Orders Nos. R9-2012-0001, *General Waste Discharge Requirements for Closed, Abandoned, or Inactive Waste Management Units Located within the San Diego Region* (Order), and R9-2012-0002, *Monitoring and Reporting Program for the Maintenance and Monitoring of Closed, Abandoned, Inactive Nonhazardous Solid Waste Management Units within San Diego Region* (MRP). The Discharger is also in violation of the San Diego Basin Plan.

A. Summary of Violations

1. Late Reporting

The October 2015-September 2016 Groundwater Monitoring Report was due on October 30, 2016 but was not uploaded to the GeoTracker database until January 11, 2017.

2. Failure to File Reports

Additionally, several annual Site Certifications Reports have not been submitted to the San Diego Water Board. The following table lists the outstanding Site Certifications Reports that have not been submitted:

Report Due Date	Report Due	Reporting Violations
October 30, 2016	October 2015-September 2016 Site Conditions Certification Report	Section C.4.a, Site Certifications Report, Waste Discharge Requirements, General Order No. R9-2012-0001.

Report Due Date	Report Due	Reporting Violations
October 30, 2014	October 2013-September 2014 Site Conditions Certification Report	Section C.4.a, Site Certifications Report, Waste Discharge Requirements, General Order No. R9-2012-0001. Listed as Appendix G however not included in the PDF file uploaded to GeoTracker.
October 30, 2013	October 2012-September 2013 Site Conditions Certification Report	Section C.4.a, Site Certifications Report, Waste Discharge Requirements, General Order No. R9-2012-0001. Listed as Appendix G however not included in the PDF file uploaded to GeoTracker.

3. Failure to Properly Maintain Erosion Control Best Management Practices

Evidence of erosion and ineffective Best Management Practices (BMPs) was documented by staff during an inspection of the Site on December 14, 2016 (See Figures 5-9 and 11-16). Failure to properly maintain the Site from erosion and maintain erosion control BMPs constitutes a violation of section C.8, the CAI Unit Maintenance Specifications, of the Order.

4. Concentrations of Volatile Organic Chemicals in Groundwater

Groundwater monitoring results uploaded to the GeoTracker database show that Volatile Organic Chemicals (VOCs) concentrations in groundwater monitoring wells MW-3, MW-3D, and MW-6S were above maximum contaminant levels (MCLs). Groundwater in hydrologic areas with the beneficial use designation of municipal and domestic supply must not contain concentrations of chemical constituents in excess of applicable water quality objectives. Therefore, the VOC concentrations in the groundwater at the Site create a condition of pollution in violation of waste discharge prohibitions in the San Diego Basin Plan.¹

Section 20080(g) of title 27, California Code of Regulations,² states if water quality impairment is found, such person may be required to develop and implement a corrective action program under that article. Based on the elevated concentrations of VOCs at the site a corrective action plan may be required.

B. Summary of Potential Enforcement Options

The violations cited above may subject the Discharger to additional enforcement by the San Diego Water Board. Water Code section 13350 provides that any person who intentionally or negligently violates any WDRs issued or amended by the San Diego Water Board, is subject to administrative civil liability of not less than \$100 per day of the violation if no discharge occurs. The San Diego Water Board may also administer any of the following enforcement actions:

¹ Chapter 4, Waste Discharger Prohibitions: (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 Water Code section 13050, is prohibited.

² Section 20800(g) of title 27, Cal. Code of Regs.

Other Potential Enforcement Actions	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301 – 13303
Time Schedule Order	Sections 13300, 13308
Administer Civil Liability	Sections 13265, 13323

In addition, the San Diego Water Board may refer the matter to other resource agencies, refer the matter to the State Attorney General for injunctive relief, or refer the matter to the municipal or District Attorney for criminal prosecution.

To correct the violations noted above, the Discharger must:

1. Implement effective BMPs to prevent erosion, manage and direct surface water flows, promote positive drainage, and prevent ponding, washout, and infiltration of surface water into wastes during the rainy season.
2. Implement effective stabilization for slopes and other erodible areas prior to storm events.
3. Implement any other corrective actions necessary to address the violations cited above to achieve compliance with the Order and the MRP.

C. Site Conditions Re-Certification Report.

Section C.4.b of Order No. R9-2012-0001 requires the Discharger to submit a Site Conditions Re-Certification Report should the Discharger become aware of any area of non-compliance with the Order. This NOV provides notice of areas where required erosion controls and BMPs are lacking. Therefore, the Discharger must provide the San Diego Water Board with a Site Conditions Re-Certification Report. This report must detail the temporary and permanent steps taken (either through photographs or an inspection report) to mitigate the areas of non-compliance and re-certify that the landfill site conditions and cover system are protective of water quality and beneficial uses in compliance with the Order.


The report shall include the following:

1. Written descriptions and photographs documenting the complete installation of BMPs and erosion controls, and any mitigation necessary to achieve compliance with Order No. R9-2012-0001.
2. The dates of mitigation activities, a detailed description of activities undertaken and control measures implemented, and photographs to document the activities completed to achieve compliance with the Order.

The Site Conditions Re-Certification Report must be uploaded into the GeoTracker database in text searchable PDF format within 30 days of completing all mitigation measures, or by 5:00 pm on June 30, 2017, whichever is earliest.

Please submit all responses to this NOV to the San Diego Water Board by email.³ The email submittals must include a signed transmittal letter (with the facility name, facility contact information, and reference code **209139:ACali**), and be sent via email to sandiego@waterboards.ca.gov. Reports required by Orders Nos. R9-2012-0001 and R9-2012-0002 should also be uploaded into the GeoTracker database in text searchable PDF format. Routine email correspondence however, may be sent to individual San Diego Water Board staff members. If you have any specific questions about email submittal procedures please contact Ms. Cleo Munoz in our Mission Support Services Unit at (619) 521-3384 or via email at Cleo.Munoz@Waterboards.ca.gov.

In the subject line of any response, please include the reference code **209139:ACali**. If you have any questions or require additional information, please contact Mr. Alex Cali at (619) 521-3355, or via email at Alex.Cali@Waterboards.ca.gov.


Julie Chan, Chief
Groundwater Protection Branch
JAC:jro:ac

- Enclosures: 1. Bell Jr High Landfill Inspection Report
2. Bell Jr High Inspection Photographs

Technical Staff Info & Use	
Reg. Measure ID	214038
NOV Reg Measure ID	412271
Place ID	209139
Inspection ID	26769475
Violations ID	1017434, 1017435
Order Nos.	R9-2012-0001 and R9-2012-0002

³ See public notification on electronic reporting on-line at: http://www.waterboards.ca.gov/sandiego/docs/Electronic_Reporting_Sept2014.pdf