

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

CLEANUP AND ABATEMENT ORDER NO. 95-66

BOULEVARD INVESTORS, INC., THE CITY OF NATIONAL CITY, THE COMMUNITY  
DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY,  
AND THE COUNTY OF SAN DIEGO,  
DUCK POND LANDFILL,  
NATIONAL CITY  
SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter RWQCB) finds that:

1. The County of San Diego discharged municipal solid waste to the Duck Pond Landfill (hereinafter the landfill), located in the Paradise Hydrologic Subarea (HSA 8.32) of the Paradise Hydrographic Subunit of the Coronado Hydrographic Unit, beginning in September 1960 and terminating in January 1963. The waste was deposited directly into a pond and borings placed at the site indicated that the refuse is directly in ground water.
2. The *Water Quality Control Plan Report, San Diego Basin (9)* (hereinafter Basin Plan) was adopted by this Regional Board on September 8, 1994 and subsequently approved by the State Water Resources Control Board on December 13, 1994. The Basin Plan established municipal and domestic drinking water supply (MUN) as a beneficial use for the ground waters of the Paradise Hydrologic Subarea, and established the following objective: *Water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels (MCL) specified in CCR, Title 22, Chapter 15, Article 5.5, Section 64444.5, Table 5.*
3. On at least nine sampling occasions, one monitoring well associated with the landfill showed that ground water had concentrations of Tetrachloroethane (PCE) that exceed the primary maximum contaminant level (MCL), 5 parts per billion, specified in California Code of Regulations, Title 22, Chapter 15, Article 5.5, Section 64444.5, Table 5, creating a condition of pollution (contamination) or nuisance.
4. Discharge of volatile organic compounds, including PCE, from the landfill has polluted and thereby degraded the beneficial uses of the waters of the State of California, especially the ground waters of the HSA 8.32, and has unreasonably impaired the beneficial uses thereof.
5. The Community Development Commission of the City of National City (CDC) purchased the properties overlaying the landfill in the early 1980's to develop the site for use as a car dealership. The CDC proposed to excavate the waste from the landfill, but ultimately

elected to permit the waste to remain where it was deposited and to close the landfill according to requirements prescribed by the RWQCB (Order No. 87-55).

6. Boulevard Investors, Inc. is the current owner of the property which overlays the majority of the landfill. Boulevard Investors, Inc. has permitted the waste discharged at the landfill to remain where it was deposited. In addition, Boulevard Investors, Inc. has not complied with many of the requirements of Order No. 87-55, which has contributed to the pollution of the ground water surrounding the landfill.
7. The City of National City owns the easement for the right-of-way regarding 30th Street, a portion of which covers the landfill. The City of National City is responsible for maintaining the road surface and both the sewage and storm water collection systems in the vicinity of the landfill. Improper maintenance of these has contributed to the pollution of the ground water surrounding the landfill.
8. In the eight years following adoption of Order No. 87-55, there has been little or no maintenance of the landfill cover, due in part to the fact that an irrevocable post-closure maintenance fund has not been established as required by Closure Specifications B.11 and B.12 of Order No. 87-55. The failure to accurately estimate and establish this fund has contributed to the conditions at the landfill, including the pollution of the ground waters of the Paradise Hydrologic Subarea (8.32).
9. The landfill cover includes the property owned by Boulevard Investors, Inc. and the portions of 30th Street that overlay the landfill. The lack of proper maintenance of the landfill cover has contributed to the pollution of the ground water surrounding the landfill. As a result of settling of the landfill, the sewage collection line running parallel to 30th Street has ruptured and sewage may be flowing into the refuse layer of the landfill. On April 19, 1995, RWQCB staff inspected the landfill and observed large cracks on the surface of the landfill cover, evidence of significant differential settling, ponding as a result of inadequate surface drainage, and failure of the storm drain system to divert stormwater away from the landfill. These conditions are in violation of Closure Specifications B.4, B.5, B.6, B.10, and B.13 of Order No. 87-55, the Basin Plan, and the Porter-Cologne Water Quality Control Act.
10. This enforcement action is being taken for the protection of the environment and, therefore, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15308, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED. That pursuant to Section 13304 of the California Water Code, Boulevard Investors, the County of San Diego, the Community Development Commission of the City of National City, and the City of National City (hereinafter referred to as the dischargers) shall comply with the following:

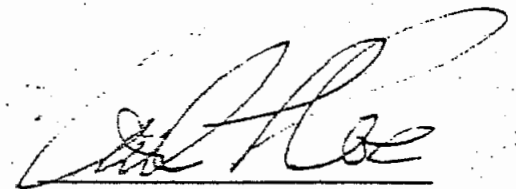
DIRECTIVES

1. As an immediate measure to reduce impacts to the ground water, the dischargers shall do the following prior to the beginning of the next rainy season (October 1, 1995):
  - a) Investigate the sewage collection system to determine if wastewater is flowing into the refuse layer of the landfill.
  - b) Investigate the storm drain system running beneath and through the landfill to determine if stormwater is flowing into the refuse layer of the landfill.
  - c) Repair the landfill cover so that no ponding of water occurs, runoff of surface water is minimized, and infiltration of water into the refuse layer of the landfill is minimized.
  - d) Improve drainage of surface water (e.g., storm drain system) around the landfill area to divert stormwater and surface water drainage away from the landfill.
  
2. The dischargers shall do all of the following by March 31, 1995:
  - a) Investigate any ground water impacts from the landfill, including, but not limited to, the establishment of an evaluation monitoring program that complies with Article 5 of Chapter 15.
  - b) Evaluate the alternatives for remediation of any ground water impacts.
  - c) As a minimum, the landfill cover (e.g., the surface and subsurface drainage systems) shall be returned to conditions that comply with Order No. 87-55.

PROVISIONS

1. Pursuant to Section 13304 of the California Water Code, the discharger is hereby notified that the RWQCB is entitled to, and will, seek reimbursement for all reasonable cost actually incurred by the RWQCB staff to investigate the unauthorized discharges of waste and to oversee cleanup of such waste, abatement to the effects thereof, or other remedial action required by this cleanup and abatement order. Reimbursable costs are costs incurred by the RWQCB following February 15, 1995. Upon receipt of a billing statement for such costs, the dischargers shall reimburse the RWQCB.
2. Failure to submit technical reports required under this Cleanup and Abatement Order may result in the imposition of civil liabilities, under California Water Code Section 13350 (d), in an amount not to exceed fifteen thousand dollars (\$15,000) for each day in which the violation occurs.
3. The Executive Officer may request information to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish to the Executive Officer, upon request, copies of records required to be kept by this Order.
4. The discharger shall submit reports required under this Order, or other information required by the Executive Officer, to:

Land Discharge Unit  
California Regional Water Quality Control Board  
San Diego Region  
9771 Clairemont Mesa Blvd., Suite B  
San Diego, CA 92124-1331

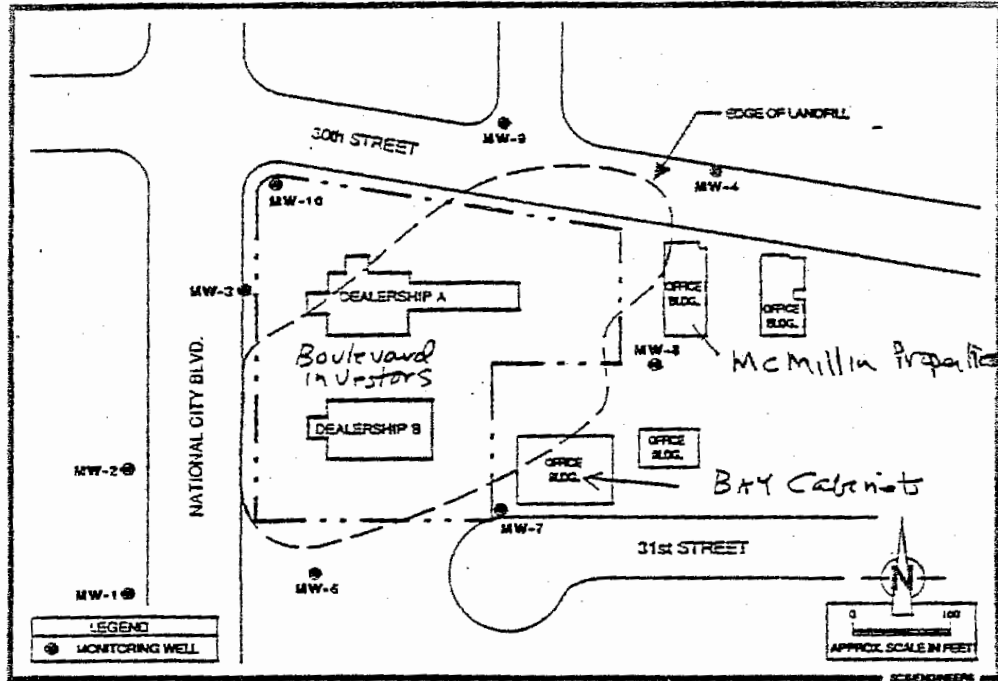


Arthur L. Coe  
Executive Officer

Date: May 5, 1995

Duck Pond Landfill  
Staff Report

Figure 2 Diagram of Duck Pond Landfill and Monitoring Wells



Sketch Map Showing locations of Monitoring Wells.