

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ADDENDUM NO. 2 TO
CLEANUP AND ABATEMENT ORDER NO 95-66
AS AMENDED BY STATE BOARD RESOLUTION WQ 96-02

BOULEVARD INVESTORS, THE CITY OF NATIONAL CITY, THE COMMUNITY
DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY, CV VENTURES
LLC., RHODE ISLAND ACQUISITION No. 1 LLC., SD COMMERCIAL LLC. AND
NATIONAL ENTERPRISES, INC.
DUCK POND LANDFILL
SAN DIEGO COUNTY


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

1. On May 5, 1995, Boulevard Investors, the City of National City, Community Development Commission of the City of National City, and the County of San Diego were determined to be "dischargers" responsible for cleanup and abatement of pollution and threatened pollution associated with discharges of solid waste at the Duck Pond Landfill in the City of National City. (Cleanup and Abatement Order (CAO) No. 95-66 of the Regional Board, as amended by Order No. WQ 96-02 of the State Water Resources Control Board).
2. On October 15, 1999, CV Ventures LLC, Rhode Island Acquisition No. 1 LLC, SD Commercial LLC and National Enterprises, Inc became the new owners of the property encompassing the Duck Pond Landfill and was identified as a discharger subject to CAO No. 95-66 (Addendum No. 1 to Order No. 95-66).
3. On March 10, 2000, the Court of Appeals, Fourth Appellate District, Division One, State of California, reversed the Superior Court decision, granting the County of San Diego's petition for a writ of mandamus to remove the County as a responsible party for the Duck Pond Landfill. The court ruled that the County is not liable for and cannot be held responsible for current releases of pollutants resulting from its pre-1981 conduct in operating the landfill.
4. This enforcement action is being taken for the protection of the environment and, as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15108, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, That Cleanup and Abatement Order 95-66 shall be modified as follows:

1. Compliance with the directives of Cleanup and Abatement Order 95-66, as amended by Order No. WQ 96-02 of the State Water Resources Control Board, shall remain in effect and be applicable to CV Ventures LLC, Rhode Island Acquisition No. 1 LLC, SD Commercial LLC, National Enterprises Inc., Boulevard Investors, the City of National City, and the Community Development Commission of the City of National City.

Issued by:


John H. Robertus
Executive Officer
July 20, 2000