

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ADDENDUM NO. 3 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 the 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).
2. On February 22, 1996, the State Water Resources Control Board adopted Order No. WQ-96-02 rescinding Regional Board Order No. 87-55 and addenda for the Duck Pond Landfill. Order WQ-96-02 requires that all of the terms and provisions of Order No. 87-55 and addenda into CAO No. 95-66.
3. 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).
4. 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. On July 20, 2000, the County of San Diego was removed from CAO No. 95-66 (see Addendum No. 2 to order No. 95-66).

5. Historical groundwater data indicate the groundwater flow direction and gradient to be relatively stable at the Duck Pond Landfill. The concentrations of detectable constituents are consistent with previous analytical data from the same wells. Under these ambient conditions, a reduction in the ground water monitoring and reporting requirements is justified based upon the historical groundwater monitoring data provided to the Regional Board. This action will also help to extend the availability resources available in the irrevocable closure and post-closure trust account.
6. 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 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, that Cleanup and Abatement Order 95-66 (including Order 87-55 and Monitoring and Reporting Program 87-55 incorporated by reference) be modified as follows:

1. Compliance with the directives of Cleanup and Abatement Order No. 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.
2. Directive No. **D.13. REPORTING REQUIREMENTS** of Order 87-55 is modified to read:

“The discharger shall submit reports required under this Order and other information requested by the Executive Officer, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340
Attention: Supervisor - Land Discharge Unit”

3. Directive No. **A.8. RECORDS OF MONITORING INFORMATION** of Monitoring and Reporting Program No. 87-55 is modified to read:

“Records of monitoring information shall include:

- a. The date, identity of sample, Monitoring Point from which it was taken, and time of sampling or measurement;

- b. The individual(s) who performed the sampling or measurements;
 - c. Date and time that analyses were started and completed, and the name of the personnel performing each analysis;
 - d. The analytical techniques or method used, including method of preserving the sample and the identity and volumes of reagents used;
 - e. Calculation of results; and
 - f. Results of analysis, and the MDL for each parameter.
 - g. Laboratory quality assurance results (e.g. percent recovery, response factor).”
4. Directive No. **B.1. SITE MAINTENANCE** of Monitoring and Reporting Program No. 87-55 is modified to read:

“The discharger shall perform quarterly inspections of the closed landfill site and report results to the Regional Board at semi-annual intervals. Site inspections shall consist of observations to determine the adequacy of the surface cover and slope, drainage facilities, irrigation systems, methane gas control system, liquid condensate disposal facilities and groundwater monitoring wells.”

5. Directive No. **C.1. GROUND WATER MONITORING PROGRAM** of Monitoring and Reporting Program No. 87-55 is modified to read:

“The discharger shall sample the following wells at the facility:

<u>Frequency</u>	<u>Wells</u>
Semi-annual	MW-4 and MW-6
Annual	MW-2, MW-4, MW-6, MW-8, and MW-9

Monitoring reports shall be submitted to the Regional Board pursuant to the schedule established in Directive 7 of this addendum to Order 95-66. The discharger shall maintain all other existing groundwater monitoring wells for the purpose of background water quality monitoring and corrective action water quality monitoring for the site.

6. Directive No. **C.2. GROUND WATER MONITORING PROGRAM** of Monitoring and Reporting Program No. 87-55 is modified to read:

“Water samples from the ground water monitoring wells identified in Directive 3 of this addendum shall be collected, analyzed, and reported as shown in the following table:

CONSTITUENT	UNITS	SAMPLING AND REPORTING FREQUENCY
pH	--	Annually : MW-2, MW-4, MW-6 MW-2, MW-8, MW-9
Total Dissolved Solids	mg/l	Annually: MW-2, MW-4 , MW-6 MW-2, MW-8, MW-9
Chloride	mg/l	Annually: MW-2, MW-4 , MW-6 MW-2, MW-8, MW-9
Sulfate	mg/l	Annually: MW-2, MW-4 , MW-6 MW-2, MW-8, MW-9
Nitrate as Nitrogen	mg/l	Annually: MW-2, MW-4 , MW-6 MW-2, MW-8, MW-9
Volatile Organic Constituents	µg/l	Semi-Annually MW-4 & MW-6 Annually: MW-2, MW-4, MW-6, MW-8, and MW-9

Note: mg/l = milligrams/liter and µg/l = micrograms/liter

7. Directive **E REPORT SCHEDULE** of Monitoring and Reporting Program 87-55 is modified to read:

Monitoring reports shall be submitted in accordance with the following schedule:

<u>Report Frequency</u>	<u>Report Period</u>	<u>Report Due</u>
Semiannually	April – September	October 30
Annually	April – March	April 30

Monitoring Reports shall be submitted to:

Executive Officer
 California Regional Water Quality Control Board
 San Diego Region
 9174 Sky Park Court, Suite 100
 San Diego, CA 92123-4340
 Attention: Supervisor - Land Discharge Unit”

8. Add a new Directive **F. REPORTS TO BE FILED WITH THE REGIONAL BOARD** to Monitoring and Reporting Program 87-55 as follows:

“F. REPORTS TO BE FILED WITH THE BOARD

1. Transmittal Letter

A letter summarizing the essential points shall be submitted with each report. The transmittal letter shall include:

- a) A discussion of any requirement violations founds since the last such report was submitted and shall describe actions taken or planned for correcting those violations. If the discharger has previously submitted a detailed time schedule for correcting said requirement violations, a reference to the correspondence transmitting such schedule will be satisfactory. If no violations have occurred since the last submittal, this shall be stated in the transmittal letter; and
- b) A statement certifying that, under penalty to perjury, that to the best of the signer's knowledge, the report is true, complete, and correct. This statement shall be signed by an individual that meets the requirements contained in **Reporting Requirement D.12** of Order 87-55.

2. Semi-Annual Report

The semi-annual report shall contain, but not be limited to, a compliance evaluation summary of the ground water data obtained. The summary shall include the following information:

- a) A list of ground water monitoring parameters;
- b) Detection limit of monitoring equipment;
- c) A table of measured concentrations found in the current sampling event;
- d) A map (or copy of an aerial photograph) which indicates the locations of monitoring points, and background monitoring points and inlets to the municipal storm water conveyance system located adjacent to the facility (if any);
- e) Monitoring well information, method and time of ground water level measurement, and a description of the method of purging used both before and after sampling;

- f) Sampling information, type of pump used and its vertical placement, detailed description of sampling procedure, QA/QC;
- g) Run on/off control statement regarding the condition and performance of any run on/off control facilities.

3. **Annual Summary Report**

The annual summary report, covering the previous monitoring year, shall contain the following information:

- a) For each monitoring point and background monitoring point, submit in graphical format the laboratory analytical data for all samples taken within at least the previous five calendar years. Each graph shall plot the concentration of one or more constituents over time for a given monitoring point, at a scale appropriate to show trends or variations in water quality. The graphs shall plot each datum, rather than plotting mean values. For any given constituent or parameter, the scale for background plots shall be the same as that used to plot downgradient data. On the basis of any aberrations noted in the plotted data, the Regional Board may direct the discharger to carry out a preliminary investigation, the results of which will determine whether or not a release is indicated.
- b) All monitoring analytical data obtained during the previous two six-month reporting periods, presented in tabular form as well as on diskettes in a file format acceptable to the Regional Board. Data sets too large to fit on a single diskette may be submitted on disk in a commonly available compressed format (e.g., PK-ZIP or NORTON BACKUP) acceptable to the Regional Board.
- c) A map (or copy of an aerial photograph) indicating the locations of monitoring points, background monitoring points, and groundwater flow rate/direction on a graphical presentation (e.g., groundwater elevation contours and gradient arrow clearly labeled on the map).
- d) A comprehensive discussion of the compliance record, and of any corrective actions taken or planned which may be needed to bring the discharger into full compliance with CAO Order No. 95-66.
- e) A written summary of the monitoring results and monitoring system(s), indicating any changes made or observed since the previous annual report.

- f) A topographic map at appropriate scale, showing the direction of ground water flow at the landfill site and showing the area in which filling has been completed in the previous year.
- g) A written summary of monitoring results and monitoring system(s) indicating any changes made or observed since the previous report.

4. **Technical Evaluation of Landfill Cover System**


On May 30, 2001, the Regional Board issued a request for information regarding the landfill cover at the Duck Pond Landfill. In order to provide a complete response to that request, the dischargers shall provide the Regional Board with a technical report containing the following information:

- a) As-built plans or a plot plan indicating the thickness of the current landfill cover system.
- b) Tabulation and discussion of data concerning construction methods and cover characteristics including results from permeability testing, placement methods, and method(s) of compaction.
- c) A description of procedures or processes to be used to maintain, monitor, and inspect the final cover and surface water drainage system.
- d) A technical evaluation of potential areas of erosion of cover materials (*e.g.*, exposed slopes, cover materials located at/near storm water discharge points, etc.) over the entire footprint of the Duck Pond Landfill.
- e) A description of best management practices (BMPs) to be implemented to prevent control the effects of erosion upon the landfill cover and discharges of storm water runoff from the site.

The technical report containing the information requested above shall be submitted to this Regional Board office no later than **March 18, 2002**.

9. All other provisions, prohibitions, and requirements of Order 95-66 and addenda thereto, Order 87-55, and Monitoring and Reporting Program 87-55 (incorporated by reference) remain in effect.

Ordered By:


JOHN H. ROBERTUS
Executive Officer
February 1, 2002

