

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:)	
)	COMPLAINT NO. 2000-49
THE COUNTY OF SAN DIEGO, SAN)	FOR
MARCOS LANDFILL, NONCOMPLIANCE))	ADMINISTRATIVE CIVIL LIABILITY
WITH ORDER NO. 92-02, AND CEASE))	
<u>AND DESIST ORDER NO. 98-39</u>)	13 MARCH 2000

THE COUNTY OF SAN DIEGO IS HEREBY GIVEN NOTICE THAT:

1. The County of San Diego is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (SDRWQCB) may impose civil liability under § 13323 of the California Water Code.
2. A public hearing on this matter before the SDRWQCB has been scheduled at the SDRWQCB meeting on 10 May 2000 at the City of Laguna Beach, City Council Chambers, 505 Forest Avenue, Laguna Beach, California. The meeting will begin at 9:00 a.m. At the hearing, the County of San Diego will have the opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the SDRWQCB. Additional notice of this public hearing and the hearing procedures will be provided to the County of San Diego prior to the hearing date with the agenda for the SDRWQCB meeting on that date.
3. At the hearing, the SDRWQCB will determine the validity of the allegations contained herein and, if the allegations are found to be true, will consider whether to assess civil liability in the amount proposed by this Complaint, or in some other amount.

ALLEGATIONS

4. The County of San Diego failed to construct and maintain a top deck landfill cover of at least 24 inches as required by Directive 3.c. in *SDRWQCB Cease and Desist Order No. 98-39, for the County of San Diego, San Marcos Landfill, San Diego County.*
5. The County of San Diego failed to immediately notify the SDRWQCB as required by Reporting Requirement E.11. in *SDRWQCB Order No. 92-02, Waste Discharge Requirements for County of San Diego, San Marcos Sanitary Landfill, San Diego County.*
6. The County of San Diego failed to report noncompliance in writing within five days of becoming aware of the circumstances as required by Reporting Requirement E.7. in *SDRWQCB Order No. 92-02, Waste Discharge Requirements for County of San Diego, San Marcos Sanitary Landfill, San Diego County.*
7. The County of San Diego failed to submit the October through December 1998 Quarterly Progress Report as required by Directive 3.f. in *SDRWQCB Cease and Desist Order No. 98-39, for the County of San Diego, San Marcos Landfill, San Diego County.*

PROPOSED CIVIL LIABILITY

8. Based on consideration of the factors listed in § 13327 of the California Water Code, civil liability should be imposed on the County of San Diego by the SDRWQCB in the amount of \$201,300 for the violation described in paragraph No. 4, \$1,000 for the violation described in paragraph 5, \$1,000 for the violation described in paragraph 6, and \$81,400 for the violation described in paragraph 7, resulting in a total liability for all violations of \$284,700.

WAIVER OF HEARING

9. The County of San Diego may waive its right to a hearing. Waiver of the hearing constitutes admission of the validity of the allegation of violations in this Complaint and acceptance of assessment of civil liability in the amount of \$284,700 as set forth in paragraph 8. If the County of San Diego wishes to waive the hearing, an authorized agent must check, sign, and return the waiver form attached to this Complaint, together with a cashier's check for the amount of the civil liability proposed in paragraph 8. The cashier's check must be made payable to the State Water Resources Control Board and mailed to the California Regional Water Quality Control Board, San Diego Region, 9771 Clairemont Mesa Boulevard, Suite A, San Diego, California, 92124. If a hearing is held, comments from the County of San Diego and interested parties may be considered by the SDRWQCB in determining the amount of civil liability to assess. Following the hearing, the SDRWQCB may impose an amount of civil liability other than that proposed in this Complaint or revoke the complaint and refer the matter to the Attorney General for judicial assessment of civil liability (with higher maximum liabilities for each violation). Please direct questions about this matter to myself at (858) 467-2952.

Dated this 13th day of March, 2000

By: _____
John H. Robertus
Executive Officer

**WAIVER OF PUBLIC HEARING FORM
FOR
COMPLAINT NO. 2000-49
THE COUNTY OF SAN DIEGO, SAN MARCOS LANDFILL, NONCOMPLIANCE
WITH ORDER NO. 92-02, AND CEASE AND DESIST ORDER NO. 98-39**

As the designated representative of the County of San Diego, I agree to waive the County of San Diego's right to a hearing before the California Regional Water Quality Control Board, San Diego Region with regard to the violations alleged in Complaint No. 2000-49 and to remit payment of the civil liability imposed. I have enclosed a cashier's check made payable to the State Water Resources Control Board in the amount of the civil liability proposed in paragraph 8 of Complaint No. 2000-49. I understand that I am giving up the County of San Diego's right to be heard and to argue against the violations in this complaint, against the imposition of civil liability for such violations, or against the amount of civil liability proposed therein.

Signature: _____

Printed Name: _____

Position/Title: _____

Agency/Company: _____

Date of Signature: _____