

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

CLEANUP AND ABATEMENT ORDER NO. R9-2010-0067  
AN ORDER DIRECTING THE COUNTY OF SAN DIEGO TO CLEANUP AND ABATE  
THE EFFECTS OF POLLUTION AND NUISANCE AND SUBMIT TECHNICAL  
REPORTS PERTAINING TO CORRECTIVE ACTION AT THE  
BONSALL SANITARY LANDFILL  
TWIN OAKS VALLEY ROAD  
SAN DIEGO COUNTY  
CALIFORNIA

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

- 1. Legal and Regulatory Authority:** This Monitoring and Reporting Program (M&RP) conforms to and implements (1) policies and requirements of the Porter-Cologne Water Quality Control Act (Division 7, commencing with Water Code section 13000) including section 13267; (2) applicable State and federal regulations (3) all applicable provisions of Statewide Water Quality Control Plans adopted by the State Water Resources Control Board (State Water Board) and the Water Quality Control Plan, San Diego Basin (Basin Plan) adopted by the San Diego Water Board including beneficial uses, water quality objectives, and implementation plans; (4) State Water Board policies and regulations, including, including State Board Resolution No. 68-16 Statement of Policy with Respect to Maintaining High Quality of Waters in California, Resolution No. 88-63 Sources of Drinking Water, and Resolution No. 92 49 Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under California Water Code Section 13304; California Code of Regulations (CCR) Titles 23 and 27; and (5) relevant standards, criteria, and advisories adopted by other State and federal agencies.
- 2. History of Waste Disposal:** The Bonsall Sanitary Landfill operated from 1968 to 1985 as a Class II landfill. Approximately 1.8 million tons of wastes, including a mixture of residential and commercial refuse, non-decomposable inert solids, sewage sludge, and dead animals were placed in the landfill. The landfill and the impacted environmental media (soil, groundwater, etc.) constitute the "Site."

3. **Water Quality Standards:** Background water quality was established as the water quality protection standard established pursuant to CCR Title 27 section 20390.<sup>1</sup> The Site is located within the Bonsall Hydrologic Subarea (HSA) (903.12) of the San Luis Rey Hydrologic Unit (901.00). Groundwater in the Bonsall HSA is designated in the Basin Plan as having existing beneficial uses for municipal and domestic supply (MUN),<sup>2</sup> agricultural supply (AGR), and industrial service supply (IND). The Basin Plan contains water quality objectives<sup>3</sup> for chemical constituents to protect groundwater designated for MUN use. The numeric objectives for the protection of public health are derived from primary MCLs<sup>4</sup> established by the California Department of Public Health (CDPH) in Title 22 of the California Code of Regulations.<sup>5</sup>
  
4. **Unauthorized Discharge of Waste Constituents:** Detectable concentrations of volatile organic compounds (VOCs) were reported in groundwater samples, collected in February 2008, from monitoring wells located downgradient of the Landfill. Perchloroethylene (PCE) was detected at a concentration of 12 micrograms per liter ( $\mu\text{g/L}$ ) in a groundwater sample collected from offsite well BOGW-7. The VOCs are not naturally occurring and are wastes, as defined in California Water Code section 13050, subdivision (d).<sup>6</sup>

The reported concentration of PCE exceeds the applicable Water Quality Objective and CDPH Maximum Contaminant Limit (MCL) of 5  $\mu\text{g/L}$  and has therefore created a condition of pollution in waters of the State as defined in

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<sup>1</sup> Presented in the 1995 Annual Groundwater Monitoring report, IT 1996.

<sup>2</sup> See Water Quality Control Plan for the San Diego Basin (Basin Plan), Page 2-3. The Basin Plan defines MUN as “uses of water for community, military, or individual water supply systems including, but not limited to, drinking water supply.”

<sup>3</sup> “Water quality objectives” are defined in Water Code section 13050(h) as “the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area.”

<sup>4</sup> MCLs, maximum contaminant levels, are public health-protective drinking water standards to be met by public water systems. MCLs take into account not only chemicals' health risks but also factors such as their delectability and treatability, as well as the costs of treatment. Primary MCLs can be found in California Code of Regulations (CCR) Title 22 sections 64431 - 64444. Secondary MCLs address the taste, odor, or appearance of drinking water, and are found in 22 CCR section 64449.

<sup>5</sup> Basin Plan, footnote 1, supra. Page 3-24 and Table 3-5 at 3-25. The Basin Plan provides that “Water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels specified in CCR Title 22 Table 64444-A of section 64444 (Organic Chemicals) which is incorporated by reference into this plan. This incorporation by reference is prospective including future changes to the incorporated provisions as the changes take effect. (See Table 3-5.)”

<sup>6</sup> “Waste” is very broadly defined in Water Code section 13050(d) and includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.

Water Code section 13050, subdivision (l). The County of San Diego (County) determined in 1999 that “landfill gas appears to be the primary source of VOCs detected in groundwater.” Therefore, VOCs attributable to the wastes within the Bonsall Sanitary Landfill have discharged into waters of the State and created a condition of pollution impacting beneficial uses of the waters of the State. Groundwater concentrations of PCE are not in conformance with the water quality objectives needed to support MUN uses of the groundwater, creating a condition of pollution and nuisance in waters of the State. The adverse changes in groundwater quality caused by the discharges of waste to waters of the State are a contributing cause of interference with the Municipal and Domestic Supply (MUN)<sup>7</sup> designated beneficial use and are potentially injurious to the public health. This water quality condition caused by the discharge constitutes a nuisance condition because it potentially interferes with and complicates the use of groundwater for drinking water purposes for a considerable number of persons and can be considered an obstruction to the free use of property as provided in Water Code section 13050, subdivision (m).

The following table presents the highest concentration of selected compounds detected in groundwater samples collected in February 2010 to March 2010.

<i>Compound</i>	<i>Maximum Detected Groundwater Concentration (µg/L)</i>
1,1-Dichloroethane	3.1
1,2,4-Trimethylbenzene	0.32J
1,4-Dichlorobenzene	0.75J
Benzene	0.31J
Chlorobenzene	5.8
cis-1,2-dichloroethne	2.3
Dichlorodifluoromethane	1.1
Ethylbenzene	0.32J
p/m-xylenes	1.3
o-xylenes	0.54J
Tetrachloroethene	<b>6.0</b>
Toluene	2.5
Trichloroethene	2.4

J – Estimated concentration less than the reporting limit and greater than the method detection limit.

Bold concentrations exceed MCLs.

<sup>7</sup> See Basin Plan, page 2-3. The Basin Plan defines MUN as “uses of water for community, military, or individual water supply systems including, but not limited to, drinking water supply.”

5. **Persons Responsible for the Discharge of Waste:** The County is the party responsible for the release of VOCs and its discharge to waters of the State because it owned the property/landfill since it began landfill operations in 1968 and continues to own the property/landfill. The landfill has been operated by the County or companies under contract to the County throughout landfill operations, closure, and post closure maintenance.
6. **Impacts to Beneficial Uses:** There are 34 private supply wells within one mile of the Site. Seven of these wells are used for domestic water supply. The remaining wells are used for agricultural water supply. The property owner at 29484 Twin Oaks Valley Drive, which is located adjacent to the landfill, was denied a permit in 1999 to install a groundwater well on his property due to the detection of VOCs attributable to the landfill.<sup>8</sup>
7. **Violation of Waste Discharge Requirements:** Waste discharge requirements for post-closure maintenance of the Site were adopted in Order No. 97-15. Prohibition A.2 in Order No. 97-15 requires that the discharge of waste shall not cause the presence of toxic material in waters pumped from the basin; cause the San Diego Water Board's water quality objectives for groundwater or surface water, as established in the Basin Plan, to be exceeded; or cause pollution, contamination, or nuisance or adversely affect beneficial uses of the ground or surface waters as established in the Basin Plan. The discharge of wastes documented in Finding 4, is a violation of Waste Discharge Requirements Order No. 97-15, Prohibition A.2.
8. **Basis for Cleanup and Abatement Order:** Water Code section 13304 establishes the San Diego Water Board's cleanup and abatement authority. Water Code section 13304, subdivision (a) authorizes the San Diego Water Board to require a person to clean up waste and/or abate the effects of the waste discharge if so ordered by a regional board in the event there has been a discharge in violation of waste discharge requirements, or if a person has caused or permitted waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the State and creates or threatens to create a condition of pollution or nuisance. The above findings establish both that the County has discharged waste in violation of waste discharge requirements and that the County has caused or permitted and threatens to cause or permit waste to be discharged or deposited where it is, or probably will be, discharged in the waters of the State and has created, or threatens to create, a condition of pollution or nuisance. Therefore, the San Diego Water Board is authorized to order the County to clean up and abate the effects of the discharge of VOCs from the Bonsall Landfill.

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<sup>8</sup> U.S. Environmental Protection Agency Criminal Investigation Division, Information Worksheet, documenting phone conversation between Dr. John McRae and Tim Fidel. September 24, 2003.

9. **California Code of Regulations Title 27 Requirements:** As documented in Finding 2 of Addendum 1 to Order No. 97-15, Bonsall Sanitary Landfill is subject to the requirements for protection of water resources in California Code of Regulations, Title 27 (Title 27), section 20380 et seq. Applicable requirements of Title 27 include the following:
  - a. Section 20385(a)(4) requires the discharger to institute a corrective action program under section 20430 when the San Diego Water Board determines that the assessment of the nature and extent of the release and the design of a Corrective Action Program have been satisfactorily completed and the San Diego Water Board approves the application for an amended report of waste discharge.
  - b. Section 20425(d) requires the submission of an Amended Report of Waste Discharge to establish a corrective action program meeting the requirements of section 20430.
  - c. Section 20430 requires the establishment of a corrective action program, which ensures that the constituents of concern (COCs) achieve their respective water quality protection standard (WQPS) concentration limits at all Monitoring Points and through the zone affected by the release, including any portions thereof that extend beyond the facility boundary.
10. **Corrective Action Plan:** In response to Investigative Order No. R9-2008-0097, the County submitted a Corrective Action Plan (CAP) in conjunction with an Amended Report of Waste Discharge (AROWD) to the San Diego Water Board on September 30, 2009. The CAP proposed corrective actions that included upgrades to the cover system, storm water conveyance, landfill gas system, and monitored natural attenuation. The CAP and AROWD are deemed complete and were approved by the San Diego Water Board in a letter dated December 23, 2009. In a series of discussions during March through June 2010, the County stated that it would provide a revised work plan, including technical specifications and construction plans, because the original schedule and scope of work, as presented in the County's December 2009 CAP, would not be met.
11. **Concentration Limits:** The County proposed concentration limits in the AROWD for each COC as follows:
  - a. **Inorganic Constituents:** Background concentrations for all inorganic COCs are appropriate concentration limits. Background concentrations are determined by intrawell prediction limits for calcium, magnesium, sulfate and TDS, and interwell tolerance limits for all other inorganic constituents.
  - b. **Organic Constituents:** For organic COCs, the MCLs as promulgated by the CDPH may be used as Concentration Limits Greater than Background (CLGB) for evaluation of corrective action within the existing release. For

constituents with no established MCLs<sup>9</sup>, the Concentration Limit will be set at the concentrations as of first quarter 2010 (see Finding 4) to preserve the existing water quality and allow detections of future releases of waste constituents from the landfill.

MCLs are appropriate Concentration Limits at the Site because VOCs and their anticipated degradation products have the potential to naturally attenuate through dilution, dispersion, and metabolic processes of native microorganisms; and therefore will not pose a permanent impairment of water quality. As required by the Safe Drinking Water Act, MCLs are set as close to concentrations protective of human health as feasible considering the use of the best available technology, treatment techniques, and other means which the EPA finds are available.<sup>10</sup> Establishing concentration limits greater than background is consistent with the maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial uses of the water, and will not result in water quality less than that prescribed in the Basin Plan.

- c. Factors Considered:** When setting CLGBs, the San Diego Water Board considered the following factors:<sup>11</sup> the physical and chemical characteristics of waste in the landfill, the hydrogeological characteristics of the facility and surrounding land, the quantity of groundwater and the direction of groundwater flow, the proximity and withdrawal rates of current groundwater users, the current and potential future uses of groundwater, the existing quality of groundwater, including other sources of contamination or pollution and their cumulative impact on the ground water quality, the potential for health risks caused by human exposure to waste constituents, and the potential damage to wildlife crops, vegetation, and physical structures caused by exposure to waste constituents; and the persistence and permanence of the potential adverse effects.
- 12. Basis for Requiring Technical and Monitoring Reports:** Water Code section 13267 provides that the San Diego Water Board may require dischargers, past dischargers, or suspected dischargers to furnish those technical or monitoring reports as the San Diego Water Board may specify, provided that the burden, including costs, of these reports, shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In requiring the reports, the San Diego Water Board must provide the person with a written explanation with regard to the need for the reports, and identify the evidence that supports requiring that person to provide the reports.
- 13. Need for Technical and Monitoring Reports:** Technical and Monitoring reports required by this Order are needed to provide information to the San Diego Water Board regarding (a) detailed plans and specifications for the proposed corrective

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<sup>9</sup> This case was not originally addressed in the County's proposed concentration limits included in the AROWD.

<sup>10</sup> <http://water.epa.gov/lawsregs/rulesregs/regulatingcontaminants/basicinformation.cfm>

<sup>11</sup> Pursuant to Title 27 section 20400(c)

action measures, (b) progress of implementation of the cleanup and abatement measures proposed in the CAP, (c) the current nature and extent of the discharge, (d) evaluation of the effectiveness of the cleanup and abatement measures, and (e) any revisions to the cleanup and abatement measures needed to bring the Site into compliance with the applicable water quality objectives. The reports will enable the San Diego Water Board to determine the vertical and lateral extent of the discharge, ascertain if the condition of pollution poses a threat to human health in the vicinity of the Site, and provide technical information to determine what cleanup and abatement measures are necessary to bring the Site into compliance with applicable water quality standards. Based on the nature and possible consequences of the discharges (as described in Findings No. 2 through 8, above) the burden of providing the required reports bears a reasonable relationship to the need for the reports, the costs, and the benefits to be obtained from the reports.

14. **Cost Recovery:** Pursuant to California Water Code section 13304, subdivision (c) and consistent with other statutory and regulatory requirements, including not but limited to Water Code section 13365, the San Diego Water Board is entitled to, and will seek reimbursement for, all reasonable costs incurred by the San Diego Water Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order.
15. **California Environmental Quality Act (CEQA) Compliance:** The issuance of this Order is an enforcement action taken by a regulatory agency and is categorically exempt from the provisions of CEQA pursuant to section 15321(a)(2), Title 14 of the California Code of Regulations.
16. **Qualified Professionals:** The County's reliance on qualified professionals promotes proper planning, implementation, and long-term cost-effectiveness of investigation, and cleanup and abatement activities. Professionals should be qualified, licensed where applicable, and competent and proficient in the fields pertinent to the required activities. California Business and Professions Code sections 6735, 7835, and 7835.1 require that engineering and geologic evaluations and judgments be performed by or under the direction of licensed professionals.

**IT IS HEREBY ORDERED** that, pursuant to sections 13267 and 13304 of the Water Code that the County must comply with the following Directives:

- A. **CLEANUP AND ABATE DISCHARGES:** The County shall take all corrective action necessary to cleanup and abate the effects of the discharge.
- B. **CORRECTIVE ACTION PROGRAM GOALS:** The County shall take corrective action to achieve the following goals:
  1. Cleanup and abate the effects upon water quality from releases of waste from the Site, and

2. Ensure that the County achieves compliance with the Water Quality Protection Standard adopted under Title 27 section 20390, as presented in Finding 11.

**C. CORRECTIVE ACTION PROGRAM MEASURES:** The County shall implement corrective action measures that ensure that COCs achieve their respective concentration limits at all Monitoring Points and throughout the zone affected by the release, including portions thereof that extend beyond the facility boundary. The specific measures to be taken, as proposed in the CAP are as follows:

1. **Technical Specifications and Construction Plans:** On or before **April 29, 2011**, the County shall submit technical specifications and construction plans for the Corrective Action Measures not included in the Maintenance Work Plan.<sup>12</sup> The plans shall include a Construction Quality Assurance (CQA) Plan in accordance with CCR Title 27 section 20324 for the purpose of providing quality control on the material and construction practices used to implement the corrective action measures and prevent the use of inferior products, materials, or construction practices. The construction plans and technical specifications shall be approved for construction and signed by an appropriately licensed professional.
2. **Source Control:** The County shall design, construct and maintain improvements to the surface water conveyance system to reduce the potential for infiltration of precipitation and surface water into buried waste.
  - a. **Implementation Phase I:** On or before **December 30, 2010**, the County shall complete the implementation of all activities proposed in the Maintenance Work Plan. Phase I is anticipated to include measures for the areas labeled A, B, and C on Figure 1 of the Revised Cover Drainage and Corrective Action Work Plan<sup>13</sup> as follows:
    - i. Area A, Entrance Road: Re-grade road to correct grade reversals and ponding issues.
    - ii. Area B, Northwest Access Road: Re-grade portions of the access road to minimize grade reversals and ponding issues.
    - iii. Area C, Northeast Access Road: Re-grade road to correct grade reversals.

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<sup>12</sup> The Maintenance Work Plan described corrective action measures to be conducted as maintenance activities. Maintenance activities are defined as activities that do not involve disturbance of the landfill cap. The Maintenance Plan was submitted by the County on June 28, 2010 and amended on July 16, 2010.

<sup>13</sup> Geosyntec Consultants, May 2010.



- b. **Implementation Phase II:** On or before **October 31, 2011** the County shall complete all activities described in the Technical Specifications and Construction Plans. Phase II consists of the following measures:
- i. Area B, Northwest Access Road Side Slope: Re-grade side slope at the east side of the access road.
  - ii. Area B, Storm Drain #1: Abandon Storm Drain #1 due to the collapsed conditions of the conveyance system.
  - iii. Area B, Replacement Drainage for Storm Drain #1: Install drainage conveyance structure<sup>14</sup> to transmit surface water previously accepted by Storm Drain #1.
  - iv. Area B, Access road drainage: Restore the existing metal flume oriented parallel to the central access road (transmitting water to Storm Drain #1) or replace with an upgraded drainage conveyance feature.
  - v. Area D, Regrade the road and implement erosion control measures in the regarded area to establish drainage.
- c. **Maintenance:** The County shall maintain the landfill. Maintenance shall include but not be limited to the following:
- i. The County shall comply with applicable closure and post-closure maintenance requirements of CCR Title 27, Subchapter 5, Article 2.
  - ii. The drainage control system shall be designed and maintained to adequately convey runoff from a 100-year 24-hour storm.
  - iii. The drainage control system shall conform to the design drawings, or revisions thereto, for the system.
  - iv. The structural integrity and effectiveness of all containment structures and existing cover shall be maintained as necessary to correct the effects of settlement or other adverse factors.
  - v. Vegetation used at the site shall be selected and maintained to require minimum irrigation and maintenance, and shall not impair the integrity of containment structures including the existing cover.
  - vi. The migration of landfill gas from the site shall be controlled to ensure that landfill gases and gas condensate are not discharged to surface waters or groundwaters. Condensate shall be collected

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<sup>14</sup> All drainage conveyance structures shall be designed by a California-Licensed Engineer. San Diego Water Board approval is needed prior to installing all drainage conveyance structure.

and removed from the site except as defined in CCR Title 27, section 20090(e).

- vii. Prior to October 31, the start of the rainy season, maintenance of the storm water control Best Management Practices (BMPs) shall be completed to prevent erosion, ponding, and flooding, and to prevent surface drainage from percolating through wastes. In addition, maintenance and repairs required by changing site conditions must be made as needed.
- viii. Structural and non-structural BMPs shall be used to prevent erosion of cover materials and in areas undergoing landfill containment system construction and/or maintenance.
- ix. All areas, including surface water drainage courses, shall be maintained to minimize erosion. The landfill cover shall be maintained to minimize percolation of liquids through wastes.
- x. Surface water runoff within the boundary of the landfill (i.e., precipitation that falls on the landfill cover) shall be collected by a system of berms, ditches, downchutes, swales and drainage channels, and shall be diverted off the landfill to either the detention basin or to the natural watercourses.
- xi. Surface water runoff from tributary areas and internal site drainage from surface and subsurface sources shall not contact or percolate through waste and shall be contained onsite or be discharged in accordance with all applicable storm water regulations.
- xii. Where surface water runoff results in erosive flow velocities, surface protection such as asphalt, concrete, riprap, silt fences or other erosion control material shall be used for protection of drainage conveyance features. Interim bench ditches shall be provided with erosion control material and riprap to control erosion where necessary.
- xiii. Where surface water runoff results in erosive flow velocities at terminal ends of downchutes or where downchutes cross the landfill cover access roads, erosion control material shall be applied to exposed soil surfaces.
- xiv. Energy dissipaters shall be installed to control erosion at locations where relatively high erosive flow velocities of surface water runoff are anticipated.

- 3. Monitored Natural Attenuation:** On or before **April 29, 2011** the County shall implement corrective action Monitoring and Reporting Program, No. R9-2010-0068. The semi-annual monitoring reports shall include an evaluation of effectiveness of the existing remedy and a proposal, including a time schedule, for any necessary upgrades. In the absence any other direction by the San Diego Water Board, any proposed upgrades shall be completed on or before the dates proposed by the County.
- 4. Maintenance Activities Summary Report:** Each semi-annual monitoring report shall include a summary of the maintenance work initiated or completed in the preceding 6-month reporting period. Documentation of all Phase I activities shall be provided no later than **April 29, 2011**. At a minimum the Summary Reports shall include:

  - a. A description of the work including figures showing the location of the work.
  - b. Copies of all inspection/tests conducted as part of the work.
  - c. A summary of all differences between the proposed and actual work.
- 5. Corrective Action Completion Report and Construction Quality Assurance Report:** On or before **November 30, 2011** the County shall submit a technical report to the San Diego Water Board certifying that the corrective action measures have been fully implemented. The report shall contain all the final report elements and the results from laboratory and field testing referenced in CCR Title 27, sections 20320 and 20324 as they apply to corrective action measures, such as grading, that impact the final cover. The preparation of the final CQA Report, and supervision of the CQA Program, shall be performed by a licensed Civil Engineer or Certified Engineering Geologist as required by CCR Title 27, section 20324(b). The CQA Report shall be submitted upon completion of corrective action activities. The CQA Report at a minimum must include:

  - a. Description of the actions taken.
  - b. Discussion of any deviations from the proposed plan.
  - c. As built construction drawings.
  - d. Copies of all quality control documentation for the site, including daily field observation logs, of all test results required by the CQA plan, and other data to used to verify that the upgrades were performed properly.
  - e. Certification that all corrective actions were performed in accordance with all applicable plans and engineering specifications.

**D. COMPLETION OF CORRECTIVE ACTION PROGRAM:** Concentrations of all COCs shall be reduced to levels less than or equal to their respective concentration limits throughout the entire zone affected by the release by **September 30, 2015**. Concentration reduction shall be documented in the next semiannual report due no later than **October 30, 2015**. Any ongoing corrective action measures not otherwise required to comply with WDRs may be terminated after the San Diego Region Board determines that the required reductions have been achieved.

Corrective action monitoring shall continue until the County provides a technical report demonstrating that the concentrations of all COCs have remained less than their respective concentration limits for at least 3 years. If at any time during the 3-year proof period, a COC is detected at a concentration exceeding the respective concentration limit for that constituent, the County shall resume the corrective action program at the Site.

**E. COMPLIANCE DATES:** The following is a summary of the due dates for activities presented in the preceding directives.

<i>Directive</i>	<i>Activity</i>	<i>Due Date</i>
C	Surface Water Assessment	January 31, 2011
	Technical Specifications and Construction Plans	April 29, 2011
	Source Control Phase I	December 30, 2010
	Source Control Phase II	October 30, 2011
	Corrective Action Completion Report	November 30, 2011
	Corrective Action Monitoring and Reporting Program Semiannual Monitoring Reports	April 29, 2010 (and semiannually thereafter)
D	Reduction of concentrations to less than concentration limits	September 30, 2015
	CAP Completion Demonstration	October 30, 2015

**F. DOCUMENT SUBMITTALS:**

1. Transmittal Letter: A transmittal letter shall be included with all reports submitted in compliance with this Order. The transmittal letter shall include the following:
  - a. Content. The Transmittal Letter shall include a brief discussion of the findings, conclusion(s), and recommendation(s) presented in the Report.

- b. Certification Statement. The person signing the Transmittal Letter shall make the following certification:

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

2. Signatory Requirements: All reports required by this Order and other information required by the San Diego Water Board shall be signed:
- a. By a person certified as follows:
- i. For a corporation: A principal executive officer, at least a vice president of the corporation, or duly authorized representative.
  - ii. For a partnership or sole proprietorship: A general manager or the proprietor, respectively, or duly authorized representative.
  - iii. For a municipality, State, federal, or other public agency: Either a principle executive officer, ranking elected official, or duly authorized representative.
- b. An individual is a duly authorized representative only if:
- i. The authorization is made in writing by a person described in paragraph 2.a of this section.
  - ii. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated facility or activity.
  - iii. The written authorization is submitted to the San Diego Water Board prior to submission of the Report.
3. The County shall submit both one paper and one electronic, searchable pdf copy of all documents required under this Order to:

California San Diego Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, California 92123  
Attn: Land Discharge Program Supervisor

Electronic pdf files shall be no larger than 150 mb in size. Larger documents shall be separated at logical places in the report to keep file sizes under 150 mb. All correspondence and documents submitted to the San Diego Water Board shall include the reference code "210029:cprowell" in the header or subject line.

- G. VIOLATION REPORTS:** If the County violates any requirement of this Order, the County shall notify the San Diego Water Board by telephone as soon as practicable once the County has knowledge of the violation and no more than one business day after the violation has occurred. The San Diego Water Board may, depending on violation severity, require the County to submit an additional technical report on the violation within five working days of telephone notification.
- H. OTHER REPORTS:** The County shall notify the San Diego Water Board in writing prior to any facility activities, such as grading activities which have the potential to cause or allow further migration of contaminants.
- I. NO POLLUTION, CONTAMINATION OR NUISANCE:** The storage, handling, treatment, or disposal waste such as polluted soil or groundwater shall not create a condition of pollution or nuisance as defined in Water Code section 13050. The County shall properly manage, treat and dispose of wastes in accordance with applicable federal, State and local regulations. Purge water collected from monitoring wells may be dispersed onto the landfill so long as it does not flow off of the site as surface water, collect in depressed areas, result in a condition of saturated waste, or otherwise adversely impact groundwater or surface water.
- J. GOOD OPERATION AND MAINTENANCE:** The County shall maintain in good working order and operate as efficiently as possible any monitoring system, waste management and control systems installed to achieve compliance with the requirements of this Order.
- K. CONTRACTOR/CONSULTANT QUALIFICATIONS:** All reports, plans and documents required under this Order shall be prepared under the responsible charge of appropriately qualified professionals. A statement of qualifications and license numbers, if applicable, of the responsible lead professional and all professionals making significant and/or substantive contributions shall be included in the CQA Plan required by Directive C.1. The lead professional performing engineering and geologic evaluations and judgments shall sign and affix their professional geologist or civil engineering registration stamp to all technical reports, plans or documents submitted to the San Diego Water Board.
- L. LABORATORY QUALIFICATIONS:** Unless otherwise permitted by the San Diego Water Board, all analyses shall be conducted at a laboratory certified for such analyses by the CDPH. The County must use a laboratory capable of producing and providing quality assurance/quality control (QA/QC) records for San Diego Water Board review. The director of the laboratory whose name appears on the certification shall supervise all analytical work in his/her laboratory and shall sign all reports submitted to the San Diego Water Board.

**M. LABORATORY ANALYTICAL REPORTS:** Any report presenting new analytical data is required to include the complete Laboratory Analytical Report(s). The Laboratory Analytical Report(s) must be signed by the laboratory director and contain:

1. A complete sample analytical report.
2. A complete laboratory quality assurance/quality control (QA/QC) report.
3. A discussion of the sample and QA/QC data.
4. A transmittal letter that shall indicate whether or not all the analytical work was supervised by the director of the laboratory, and contain the following statement, "All analyses were conducted at a laboratory certified for such analyses by the CDPH in accordance with current USEPA procedures."

**N. ANALYTICAL METHODS:** Specific methods of analysis must be in accordance with the Corrective Action Monitoring and Reporting Program included in the Amended Report of Waste Discharge. Any proposed changes shall be submitted to the San Diego Water Board as an amendment to the Corrective Action Monitoring and Reporting Program. If the County proposes to use methods or test procedures other than those included in the most current version of "*Test Methods for Evaluations Solid Waste, Physical/Chemical Methods, SW-846*" (USEPA) or 40 CFR 136, "*Guidelines Establishing Test Procedures for the Analysis of Pollutants; Procedures for Detection and Quantification*," the exact methodology must be submitted for review and must be approved by the San Diego Water Board prior to use. The County shall provide documentation of the analytical methods that were used in each semiannual report.

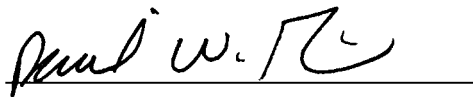
**O. REPORTING OF CHANGED OWNER OR OPERATOR:** The County shall notify the San Diego Water Board at least 30-days in advance of any changes in Site occupancy or ownership associated with the property described in this Order.

**P. REGULATIONS:** All corrective actions shall be in accordance with the applicable provisions of CCR Title 27; the Cleanup and Abatement Policy in the Water Quality Control Plan for the San Diego Basin (9); and State Board Resolution No. 92-49.

**Q. NOTIFICATIONS**

1. **COST RECOVERY:** Upon receipt of invoices, and in accordance with instructions therein, the County shall reimburse the San Diego Water Board for all reasonable costs actually incurred by the San Diego Water Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order.

2. **ENFORCEMENT NOTIFICATION:** Failure to comply with requirements of this Order may subject the County to enforcement action, including but not limited to: imposition of administrative civil liability in an amount not to exceed \$1,000 for each day the violation occurs under Water Code sections 13268, not to exceed \$5,000 for each day in which the violation occurs under Water Code section 13350, or referral to the Attorney General for injunctive relief or civil or criminal liability.<sup>15</sup>
  
3. **REQUESTING ADMINISTRATIVE REVIEW BY THE STATE WATER BOARD:** Any person affected by this action of the San Diego Water Board may petition the State Water Board to review the action in accordance with section 13320 of the Water Code and CCR Title 23 section 2050. The petition must be received by the State Board (Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812) within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.



David W. Gibson  
Executive Officer

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<sup>15</sup> If an order establishing a time schedule is subsequently issued based upon a threatened or continuing violation of the CAO and is violated, the amount of the penalty for such violation may not to exceed \$10,000 for each day in which the violation occurs under Water Code Section 13308.