

TENTATIVE

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. R9-2008-0155

ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY AGAINST
THE CITY OF SAN MARCOS BRADLEY PARK LANDFILL
SAN DIEGO COUNTY FOR VIOLATIONS OF
CALIFORNIA WATER CODE SECTION 13267

The California Regional Water Quality Control Board, San Diego Region (Regional Board), having held a public hearing on December 10, 2008, to hear evidence and comments on the allegations contained in Complaint No. R9-2008-0080, dated September 26, 2008, and deliberating on the evidence presented at the public hearing and in the record on December 10, 2008, after determining the allegation contained in the Complaint to be true, and on the recommendation for administrative assessment of Civil Liability in the amount of \$59,975 finds as follows:

1. The City of San Marcos owns the Bradley Park Landfill, located at the intersection of Rancho Santa Fe Road and Linda Vista Road in the City of San Marcos, California. This site is subject to the requirements of Waste Discharge Requirements Order No. 97-11, general waste discharge requirements for inactive landfills.
2. On April 17, 2006 the Regional Board issued Water Quality Investigative Order No. R9-2006-0044 to the City of San Marcos. Order No. R9-2006-0044, as amended, required the City of San Marcos to submit a Report of Waste Discharge to the Regional Board by May 18, 2007.
3. The City of San Marcos failed to submit an adequate Report of Waste Discharge that satisfied the requirements of the Investigative Order. As of December 10, 2008 the Report is 566 days late.
4. Under the authority of Water Code section 13268, any person failing to furnish a technical report required by Water Code section 13267 (b) is guilty of a misdemeanor and may be liable civilly.
5. On September 26, 2008 the Regional Board issued Administrative Civil Liability Complaint No. R9-2008-0080 to the City of San Marcos for failure to submit an adequate Report of Waste Discharge.
6. Consideration of the factors prescribed in Water Code section 13327 based upon information available to the Regional Board prior to the

hearing and described in greater detail in the technical report *California Regional Water Quality Control Board, San Diego Region, Technical Report for the Proposed Administrative Civil Liability Contained in Complaint No. R9-2008-0080, City of San Marcos, Bradley Park / Old Linda Vista Landfill, September 26, 2008* supports the assessment of civil liability in the amount of \$59,975 as follows:

- An average of \$121.90 per day for 492 days of violation of Water Code section 13267 for a total of \$59,975; which includes staff costs of \$12,270.
7. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, section 21000 et seq.) in accordance with the California Code of Regulations, Chapter 3, Title 14, section 15308.

IT IS HEREBY ORDERED, that civil liability is imposed on the City of San Marcos in the amount of fifty-nine thousand nine hundred seventy-five dollars (\$59,975).

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on December 10, 2008.

JOHN H. ROBERTUS
Executive Officer