

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

In the matter of:

San Diego Unified School District
Bell Junior High School Landfill
620 Briarwood
San Diego, CA 92139

**Complaint No. R9-2009-0175
for
Administrative Civil Liability**

November 19, 2009

WDID No. 9 000000916
Place ID: 209139

YOU ARE HEREBY GIVEN NOTICE THAT:

1. The San Diego Unified School District is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to Section 13350 of the California Water Code (CWC).

WASTE DISCHARGE REQUIREMENTS

2. Since June 14, 2000, the San Diego Unified School District, as the owner of the property with an inactive landfill currently known as the Bell Junior High School Landfill, has been subject to the requirements prescribed in Order No. 97-11, *General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous Waste Landfills Within the San Diego Region*.
3. Order No. 97-11 requires the submittal of semiannual ground water quality monitoring and submittal of semiannual monitoring reports.

ALLEGATIONS

4. The San Diego Unified School District has and continues to violate Directive E.8 of Order No. 97-11 by failing to submit the five semiannual monitoring reports that were due from October 2007 to April 2009 required by Monitoring Provision C of Monitoring and Reporting Program No. 97-11. Additional violations continue to accrue for each semiannual monitoring report that is not submitted.

MAXIMUM LIABILITY

5. CWC section 13350 provides that any person who violates any waste discharge requirement issued by a regional board shall be civilly liable. Section 13350(e)(1) provides that civil liability may be administratively

imposed by a regional board in an amount not to exceed five thousand dollars (\$5,000) for each day of violation.

6. Based on non-submittal of five semiannual monitoring reports, the San Diego Unified School District is alleged to have violated Order No. 97-11 for 908 days (from May 1, 2007 to October 29, 2009). The total maximum liability for this period of violations is four million, five hundred forty five thousand dollars (\$4,540,000).

MINIMUM LIABILITY

7. CWC section 13350(e)(1)(B) requires a minimum civil liability of not less than one hundred dollars (\$100) for each day of violation unless the regional board makes express findings setting forth the reasons for its action based upon the specific factors required to be considered pursuant to Section 13327. These factors include the nature, circumstance, extent, and gravity of the violations, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.
8. The Regional Board's consideration of the factors listed in paragraph 7 above is contained in the attached, *Staff Report, Proposed Administrative Civil Liability Contained in Complaint No. R9-2009-0175, San Diego Unified School District, Bell Junior High School Landfill*.
9. Based on consideration of the factors, the Regional Board cannot make findings justifying reduction of the proposed civil liability below the statutory minimum of ninety thousand, eight hundred dollars (\$90,800).

PROPOSED LIABILITY

10. After consideration of the factors listed in paragraphs 7, above, it is recommended that the Regional Board impose civil liability against the San Diego Unified School District in the amount of two hundred twenty seven thousand dollars (\$227,000) for failure to submit five semiannual reports required by Order No. 97-11.

Dated this 19th day of November, 2009.



MICHAEL P. McCANN
Assistant Executive Officer

Complaint No. R9-2009-0175
San Diego Unified School District
Bell Junior High School Landfill

3

November 19, 2009

CIWQS: Reg Msr ID : 371999
Place ID: 209139
Party ID: 39632
Violation IDs: 847691; 847692; 847693; 847695; 847697

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

STAFF REPORT

**Proposed Administrative Civil Liability
Contained in Complaint No. R9-2009-0175
San Diego Unified School District
Bell Junior High School Landfill**

Noncompliance With

**Order No. 97-11
General Waste Discharge Requirements
For Post-Closure Maintenance of
Inactive Nonhazardous Waste Landfills
Within the San Diego Region**

November 19, 2009

By

**Rebecca Stewart
Sanitary Engineering Associate
Compliance Assurance Unit**

1. INTRODUCTION

This staff report provides a preliminary analysis of factual and analytical evidence supporting administrative assessment of civil liability against the San Diego Unified School District (School District) for violations of Order No. 97-11, *General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous Waste Landfills Within the San Diego Region*. The School District is alleged to have violated Order No. 97-11 for 908 days for a maximum civil liability of four million five hundred forty thousand dollars (\$4,540,000) and a minimum civil liability of ninety thousand eight hundred dollars (\$90,800), pursuant to California Water Code section 13350. The Regional Board's Prosecution Team recommends the assessment of civil liability in the amount of two hundred twenty seven thousand dollars (\$227,000).

2. ALLEGATIONS

The following allegations against the School District are the basis for assessing administrative civil liability and also appear in Complaint No. R9-2009-0715.

2.1. Failure to Submit Semi-annual Monitoring Reports

The School District failed to submit five semiannual monitoring reports in violation of Directive E.8 of Order No. 97-11.

3. BACKGROUND

In 1961 the School District leased property located at 7300 Paradise Valley Road, San Diego, to the County of San Diego, who operated the Bell Junior High School Landfill (Landfill), previously known as the Paradise Valley Landfill and Sweetwater II Landfill, from 1961 to 1966.

In 1968 the School District constructed Bell Junior High School at the property. The school buildings were constructed on native soils east of the Landfill site and a portion of the Landfill site has been used as a part of a playground.

Enrollment in General Waste Discharge Requirements Order No. 97-11

On April 11, 2000, the Regional Board notified Mr. Tom Calhoun, Director of the School District's Facilities Development Department, of its intent to add the Landfill to the list of inactive landfills regulated by Order No. 97-11. In its letter, the Regional Board clearly indicated that this action would require the School District to comply with the requirements prescribed in the Order, including performing water quality monitoring and submitting

monitoring reports. (**Appendix A**).

The School District was provided a copy of tentative Addendum No. 1 to Order No. 97-11 (the mechanism by which the Regional Board would add the Landfill to the requirements of Order No.97-11) on May 12, 2000 for review and comment. The School District failed to comment on the tentative addendum. During a public meeting on June 14, 2000, the Regional Board adopted Addendum No. 1 to Order No. 97-11 without discussion on its consent calendar (**Appendix B**).

The School District's status as a discharger responsible for post-closure maintenance and monitoring, and for payment of annual fees, was not based on the School District's status as an "operator" of the former solid waste disposal site, nor on a determination that waste from the former landfill is causing or contributing to ground water pollution, but rather on its current and continuing ownership of a closed or inactive landfill containing wastes that could affect the quality of the waters of the state.

School District's Failed Challenges to Order No. 97-11

In November 2004 the Regional Board issued a Notice of Violation to the School District due to a slope failure at the Landfill. At that time, the School District performed the necessary maintenance activities to satisfy the requirements of the Notice of Violation, but question its responsibility for compliance with Order No. 97-11 instead of the Landfill operator, the County of San Diego.

In May of 2005 the School District added the Regional Board to a pending lawsuit against the County of San Diego regarding the appropriateness of the Regional Board naming only the School District as the discharger responsible for compliance with Order No. 97-11. The trial court failed to support the School District's argument because the School District failed to seek review of the Regional Board's action within 30 days as required by the Water Code. In September 2006, the court of appeals upheld the trial court's decision.

On November 7, 2005 the School District requested that the Regional Board waive the annual fees associated with the Landfill's regulation under Order No. 97-11 as well as refund of all past fees paid by the School District (**Appendix C**). On January 13, 2006, the Regional Board denied the School District's request because the School District, as the property owner, was designated as a discharger under Order No. 97-11 and the School District failed to object or appeal the Regional Board's designation (**Appendix D**).

The School District petitioned the State Water Resources Control Board (State Board) to review the Regional Board's denial. The State Board

refused to consider the appeal based on a technical distinction in requesting the “suspension” of the imposition of fees and asking for the “rescission” of the fees.

The School District re-filed its request with the Regional Board to “rescind” the imposition of annual fees on June 23, 2006 and again on November 17, 2006.

The Regional Board issued a Notice of Violation to Mr. William Dos Santos the current Director of the School District’s Facilities Development Department on December 6, 2006 for failure to establish and maintain a ground water detection monitoring program and for failure to submit semiannual ground water monitoring reports as required by Monitoring and Reporting Program No. 97-11 (**Appendix E**).

On December 19, 2006, the School District submitted an untimely challenge to the Regional Board’s June 14, 2000 Order imposing monitoring and reporting requirements upon it, rather than the County of San Diego as the Landfill operator, and further requested a waiver of the ground water monitoring and reporting requirements in Order No. 97-11, based on ground water monitoring results compiled as part of the Solid Waste Assessment Test conducted in 2004 by the School District (**Appendix F**). The School District further requested that the Regional Board suspend any further action on the Notice of Violation until a determination was made by either the Regional Board or the State Board regarding its request to rescind the annual fees.

On January 23, 2007, the Regional Board denied the School District’s request to rescind the annual fees and the School District subsequently petitioned the State Board for review of the Regional Board’s decision (**Appendix G**).

On October 12, 2007, the State Board refused to act on the School District’s petition because the School District failed to challenge the Regional Board’s initial decision in June 2000, to name it as the discharger, within the 30 days required by Section 13320 of the California Water Code (**Appendix H**).

Status of Compliance with Order No. 97-11

Since that time, the School District has failed to initiate a ground water monitoring program at the Landfill to provide the Regional Board the information necessary to determine if the Landfill poses a threat to waters of the State.

This enforcement action only alleges violations of the five semiannual monitoring reports required after the School District had the opportunity to

exhaust its options for administrative relief for the December 6, 2006 Notice of Violation. This enforcement action also does not address the annual monitoring reports also required by Order No. 97-11, as the information in the annual report consists of a compilation of past semiannual monitoring events. In addition, the School District continues to accrue violations of Order 97-11. Specifically, this enforcement action does not recommend a penalty for the April-September 2009 semiannual monitoring report that was due on October 30, 2009, because it is not thirty days late as of this date. The Regional Board may initiate additional discretionary enforcement action, with additional recommended civil liabilities, for the School District's failure to file annual reports and for its failure to file the April-September 2009 semiannual report, due on October 30, 2009, in the event it is not timely received.

4. DETERMINATION OF ADMINISTRATIVE CIVIL LIABILITY

CWC section 13350 states that any person in violation of any waste discharge requirement shall be liability civilly. Pursuant to CWC section 13350(e)(1) and 13350(e)(1)(B), the Regional Board may imposed civil liability of up to five thousand dollars (\$5,000) for each day of violation but shall not impose civil liability less than one hundred dollars (\$100) for each day in which the violation occurs, unless the Regional Board makes express findings setting forth the reasons for its action based upon the specific factors required to be considered pursuant to Section 13327.

CWC section 13327 specifies the factors that the Regional Board shall consider in establishing the amount of discretionary liability for the alleged violations, which include: the nature, circumstance, extent, and gravity of the violations, the ability to pay, the effect on ability to continue in business, prior history of violation, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.

4.1. Allegation: Failure to Submit Semiannual Monitoring Reports Required by Order No. 97-11

4.1.1. Nature, Circumstance, Extent, and Gravity of the Violations

The San Diego Unified School District violated Directive E.8 of Order No. 97-11 by failing to submit five semiannual monitoring reports. Each of the five reports was due after the School District exhausted its options for administrative relief from the monitoring and reporting requirements prescribed in Order No. 97-11. As described in Monitoring and Reporting Program No. 97-11, the School District is required to develop

a ground water quality monitoring program, monitoring ground water quality semiannually; and, report the results of all monitoring activities to the Regional Board on a semiannual basis.

The only ground water monitoring that has been reported to the Regional Board at the site was conducted by the School District for its Solid Waste Assessment Test (SWAT) report in 2004. The monitoring revealed the presence of several hazardous substances, notably volatile organic compounds (VOCs) in ground water downgradient of the Landfill site, including several at concentrations in excess of maximum contaminant levels. While the SWAT report did not definitively attribute these contaminants to the landfill, it also did not definitively rule them out as being derived from the wastes in the landfill. Since the contaminants are consistent with the decomposition and breakdown products associated with the expected constituents of municipal solid waste discharged during the active life of the Landfill, the School District was notified by the Regional Board in January 2007 that it is not entitled to the discretionary waiver of the ground water monitoring offered in Order No. 97-11.

The San Diego Unified School District's failure to comply with the monitoring and reporting directives of Order No. 97-11 deprives the Regional Board of essential information regarding any possible impacts to waters of the State coming from the Landfill.

Failure to submit required monitoring reports has a moderate impact to beneficial uses because the limited ground water quality data available does not definitively rule out the possibility that VOCs found in the ground water in 2004 are not coming from the Landfill.

Failure to submit required monitoring reports is a major deviation from required standards because it renders the Regional Board's monitoring requirements ineffective.

4.1.2. Ability to Pay

The School District has the ability to pay the recommended liability. The School District maintains a Self-Insurance Fund to account for resources committed to self-insurance activities, including liabilities. For the Budget Year 2009-10, the School District had a beginning balance of \$65,335,345 and expects

to end the Budget Year with a reserve of \$57,702,229
(**Appendix I**).¹

4.1.3. Prior History of Violation

The School District has been subject to the requirements of Order No. 97-11 since June 14, 2000. The School District has failed to submit any semi-annual or annual monitoring reports (28 total) required by Order No. 97-11.

The School District's prior history of violation with regards to failure to submit required monitoring reports supports a substantial amount of discretionary liability.

4.1.4. Degree of Culpability

The School District has exhibited a high degree of culpability with regards to failing to submit the required monitoring reports. In particular, the violations that are the subject of this enforcement action are particularly egregious because they occurred after the School District's challenge to its status as a discharger responsible for the former landfill was denied.

The School District's intentional and negligent behavior supports a substantial amount of discretionary liability.

4.1.5. Economic Benefit or Savings Resulting From the Violation

Regional Board staff estimates that the resources necessary to provide the Regional Board with the information required in the semiannual monitoring reports is approximately \$9,500 per report. Based on this estimation, it is assumed that the School District saved approximately \$47,500 by failing to prepare five semi-annual monitoring reports between April 30, 2007 and April 30, 2009 (**Appendix J**).

4.1.6. Other Matters as Justice May Require

The Regional Board incurred specific expenses relating to the investigation of the violations alleged in this report as well as the preparation of enforcement documents associated with this enforcement action. Expenditures are ongoing. At this point, final staff costs are expected to range between \$5,000 and \$30,000. As a result, the proposed liability is expected to

¹ 2009-10 San Diego Unified School District Budget Book & District Profile p.52, available at www.sandi.net/budgetbook.pdf

fully recover staff costs. To date, the Regional Board's total expenditures are approximately \$5,000.

4.2. Maximum Civil Liability

Pursuant to CWC section 13350, the maximum civil liability that the Regional Board may assess for violation of any waste discharge requirement is five thousand dollars (\$5,000) for each day of violation.

For failure to submit five semi-annual monitoring reports the total number of days of violation is 908, based on the following:

Report Period	Due Date	# of Days of Violation
October–March 2007	April 30, 2007	181
April–September 2007	October 30, 2007	183
October–March 2008	April 30, 2008	181
April–September 2008	October 30, 2008	182
October–March 2009	April 30, 2009	181
TOTAL NUMBER OF DAYS LATE		908

As a result, the maximum civil liability that can be imposed by the Regional Board for the violations alleged in this enforcement action is four million five hundred forty thousand dollars (\$4,540,000).

4.3. Minimum Civil Liability

Pursuant to CWC section 13350(e)(1)(B), the minimum civil liability that the Regional Board shall assess is not less than one hundred dollars (\$100) per day of violation, or ninety thousand eight hundred dollars (\$90,800).

4.4. Proposed Civil Liability

The proposed amount of civil liability attributed to each violation was determined by taking into consideration the factors discussed in section 4.1., the maximum civil liability that the Regional Board may assess as discussed in section 4.2 and the liability calculation methodology proposed in the revisions to the State Board's Enforcement Policy adopted on October 20, 2009.

The School District violated Monitoring Provision C.1 of Order No. 97-11 for 908 days, and continues to do so. After considering the factors specified in CWC Section 13327, the Regional Board's Prosecution Team does not support lowering the proposed civil

liability below the minimum required liability of ninety thousand eight hundred dollars (\$90,800).

There is justification to assess civil liability higher than the statutory minimum. The alleged violations are major deviations from the requirements. Additionally, there is a moderate potential for harm. The presence of VOCs in a downgradient well, some of which exceed the maximum contaminant levels, creates a reasonable potential that contaminants threatening to negatively impact waters of the State may be coming from the landfill.

The total proposed civil liability in this matter is two hundred fifty dollars (\$250) per day, for 908 days of violation, for a total of two hundred twenty seven thousand dollars (\$227,000).

Appendices

- A. Correspondence, dated April 11, 2000, from the Regional Board to School District regarding intent to enroll in Order No. 97-11
- B. Addendum No. 1 to Order 97-11 and Order No. 97-11, *General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous Waste Landfills within the San Diego Region*
- C. Correspondence, dated November 7, 2005, from Best, Best & Krieger on behalf of the School District regarding waiver of annual fees
- D. Correspondence, dated January 13, 2006, from the Regional Board to School District, regarding denial of waiver of annual fees
- E. Notice of Violation No. R9-2006-0133 from Regional Board to School District regarding failure to submit semiannual monitoring reports
- F. Correspondence, dated December 19, 2006, from Best, Best & Krieger on behalf of the San Diego Unified School District regarding Notice of Violation No. R9-2006-0133
- G. Correspondence, dated January 23, 2007, from Regional Board to School District regarding correspondence from Best, Best & Krieger regarding Notice of Violation No. R9-2006-0133
- H. Correspondence, dated October 12, 2007, from State Board to School District regarding dismissal of petition to waive monitoring requirements

- I. Excerpts from School District's 2009-10 Budget Book & District Profile, pp. 52, 69.
- J. Regional Board's estimated economic savings calculation

Appendix A



California Regional Water Quality Control Board

San Diego Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/~rwqcb9/>
9771 Clairemont Mesa Boulevard, Suite A, San Diego, California 92124-1324
Phone (619) 467-2952 • FAX (619) 571-6972

Gray Davis
Governor

April 11, 2000

06 0716 .02

Mr. Tom Calhoun, Director
San Diego Unified School District
Facilities Development Department
Office of the Director, Annex 2-101
4100 Normal Street
San Diego, CA 92103-2682

Dear Mr. Calhoun:

Notification to Add Bell Junior High School Landfill (Sweetwater II Landfill) to Waste Discharge Requirements Order 97-11

Our records indicate that the San Diego Unified School District (District) is the owner of the subject landfill, which ceased disposal of refuse prior to November 1984. However, as site owner the District continues to be responsible for site maintenance and water quality monitoring in accordance with California Code of Regulations Title 27. This Regional Board has maintenance requirements for similar inactive landfills in Regional Board Order No. 97-11, *General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous Waste Landfills within the San Diego Region*. A copy of the Order is attached.

The purpose of this letter is to inform you that the Regional Board is considering adding the Bell Junior High School Landfill to the list of landfills subject to Order No. 97-11. We anticipate the Regional Board will consider the tentative order at its' meeting on June 14. We will send you a copy of the tentative order for your review no later than May 12, 2000.

If the Bell Junior High School Landfill is added to Order No. 97-11, you will be required to comply with its requirements, which include performing inspections and, depending on the threat posed by the landfill, performing water quality monitoring to determine potential impacts to waters of the State. You will be required to submit the water quality monitoring results and inspection reports to the Regional Board on a periodic basis. In addition, you will be required to pay an annual fee to the State Water Resources Control Board. The annual fee is based on the threat to water quality of the Bell Junior High School Landfill and can range from \$750 per year for burn ash sites to \$7500 for municipal solid waste landfills.

California Environmental Protection Agency

Recycled Paper



Mr. Tom Calhoun

- 2 -

April 11, 2000

If you have any questions regarding this letter, please contact Brian McDaniel of the Regional Board's Land Discharge Unit at (858) 627-3927.

Sincerely,


JOHN H. ROBERTUS
Executive Officer

Enclosure

cc (w/o enclosure): Mr. Paul Manasjan, City of San Diego, LEA
Mr. Jon Rollin, County of San Diego, Inactive Waste Management

JHR:mja:bkm
File: g:/97-11docs/97-11_Bell

Appendix B

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ADDENDUM NO. 1 TO ORDER NO. 97-11

GENERAL WASTE DISCHARGE REQUIREMENTS
FOR POST-CLOSURE MAINTENANCE OF
INACTIVE NONHAZARDOUS WASTE LANDFILLS
WITHIN THE SAN DIEGO REGION

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

1. On April 9, 1997, this Regional Board adopted Order No. 97-11, *General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous Waste Landfills Within the San Diego Region*. Order No. 97-11 established landfill maintenance requirements and water quality monitoring for landfills that ceased operation prior to 1984.
2. Order No. 97-11 lists two types of waste management units (WMUs) and owners of landfills and burn ash sites that are subject to general waste discharge requirements. During fiscal year 99/00, the Regional Board identified additional WMUs that need to be added to Order No. 97-11. This Addendum contains updated attachments of the newly identified owners of landfills subject to general waste discharge requirements.
3. Owners of landfill and/or burn ash sites that are subject to this Order, are responsible for the protection of usable waters from discharge of wastes, gases, and leachate, during the landfill maintenance period. This responsibility continues with subsequent change in reuse of the landfill for purposes other than open space.
4. Landfill cover at inactive landfills which ceased operation prior to 1984 may not be adequate to minimize percolation of liquids through wastes as described in Title 27, Section 20705.
5. The Rainbow Canyon Landfill is currently regulated by Order No. 89-101, *Waste Discharge Requirements for the Closure of Rainbow Canyon Waste Management Unit, RANPAC Engineering Corporation, Riverside County*. Order No. 89-101 established requirements for clean closure of a former burn dump. To date, the Regional Board has not received any indication that the clean closure of the burn ash will occur. In addition, the discharger has not paid annual fee for waste discharge requirements from 1993 to 1997. To ensure adequate maintenance is performed, the Rainbow Canyon Landfill would be more suitably regulated under Order No. 97-11.

6. The Regional Board has received notification from the Navy that the Old Marine Corp. Recruit Depot landfill will transfer ownership to the San Diego Unified Port District (SDUPD). The Navy has completed a "Finding of Suitability for Early Transfer" (FOSET) to document the assessment and evaluation of the environmental condition of the property and to determine the property's suitability for deed transfer. The SDUPD's plan for the inactive landfill include various airport uses, principally as a vehicle parking and staging area for shuttles, taxis, and airport employees. The transfer of ownership is reflected in Attachment No. 1 to this Addendum.
7. Inactive landfills are existing facilities and as such are exempt from the provisions of the California Environmental Quality Act in accordance with Title 14, California Code of Regulations, Chapter 3, Article 19, Section 15301.
8. The Regional Board has considered all water resource related environmental factors associated with the discharge of waste associated with these inactive landfills.
9. The Regional Board has notified interested parties of its intent to amend landfill maintenance requirements for these inactive landfills.
10. The Regional Board, in a public meeting heard and considered all comments pertaining to landfill maintenance of these inactive landfills.

IT IS HEREBY ORDERED, That Order No. 97-11 be amended as follows:

1. Add the following as Prohibition B.6:

B.6 The use of pressurized water lines overlying waste is prohibited unless the water lines are designed in accordance with Maintenance Specification C.17.
2. Replace **C. MAINTENANCE SPECIFICATIONS** with the following:

C. MAINTENANCE SPECIFICATIONS

General Maintenance Requirements

1. The discharger shall prepare a maintenance plan by January 1, 2001, which contains, but is not limited to, the following:
 - a. The persons, companies, or agencies responsible for each aspect of landfill maintenance, along with their addresses and phone numbers.

- b. Location maps indicating property boundaries and the existing limits of waste, internal roads, and structures inside the property boundary.
 - c. A location map of the current monitoring and control systems including drainage and erosion control systems and landfill gas monitoring and control systems.
 - d. A description of the methods, procedures, schedules and processes that will be used to maintain, monitor and inspect the landfill.
2. The landfill maintenance period shall continue until the Regional Board determines that remaining wastes in all waste management units (WMUs) will not threaten water quality.
3. The discharger shall comply with all applicable requirements of Title 27, CCR, Subchapter 5, Article 2.
4. The landfilled areas shall be adequately protected from any washout, erosion of wastes or cover material. The surface drainage system shall be designed to adequately handle the rainfall from a 100-year 24 hour storm event.
5. The structural integrity and effectiveness of all containment structures and the existing cover shall be maintained as necessary to correct the effects of settlement or other adverse factors.
6. Vegetation used at the site shall be selected to require minimum irrigation and maintenance, and shall not impair the integrity of containment structures including the existing cover.
7. The migration of landfill gas from the site shall be controlled as necessary to ensure that landfill gases and gas condensate are not discharged to surface waters or ground waters. Condensate shall be collected and removed from the site except as defined in 27CCR Section 20090(e).

Erosion Control

8. Annually, prior to the anticipated rainy season but not later than **October 31**, any necessary erosion control measures shall be implemented, and any necessary construction, maintenance, or repairs of precipitation and drainage control facilities shall be completed to prevent erosion, ponding, flooding, or to prevent surface drainage from contacting or percolating through wastes at the facility. In addition, maintenance, and repairs necessitated by changing site conditions can be made at any time.

9. Silt fences, hay bales, and other measures shall be used to control surface water runoff from landfill areas where landfill cover have been placed, and from areas where landfill containment system construction is occurring.
10. All areas, including surface drainage courses, shall be maintained to minimize erosion. Landfill cover shall be maintained to minimize percolation of liquids through wastes.

Surface Drainage

11. 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 basins or to the natural watercourses offsite.
12. Surface drainage from tributary areas and internal site drainage from surface and subsurface sources shall not contact or percolate through waste and shall either be contained onsite or be discharged in accordance with applicable storm water regulations.
13. Surface drainage from the landfill is subject to State Board Order No. 97-03-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, "Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities".
14. Where flow concentrations result 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.
15. Where high velocities occur at terminal ends of downchutes or where downchutes cross the landfill cover access roads, erosion control material shall be applied to exposed soil surfaces.
16. Energy dissipators shall be installed to control erosion at locations where relatively high erosive flow velocities are anticipated.

Irrigation Systems Control

17. For inactive landfills with water lines overlying waste, the design shall consider, but not be limited to, the following:
 - a. Flexible connectors;
 - b. Secondary containment;
 - c. Moisture sensors within secondary containment;
 - d. Rain sensors;
 - e. Annual leak testing;
 - f. Automatic shutoff valves; and
 - g. Maintenance plan describing the inspection and maintenance schedule for all mitigation devices.

3. Add the following as Reporting Requirement E.11:

E.11 The discharger shall perform quarterly inspections of the landfill site and report the results **semi-annually**. The report shall contain information on the site condition and a discussion of any significant findings with regard to:

 - a) General site condition;
 - b) Surface cover and slope;
 - c) Drainage facilities;
 - d) Ground water and vadose zone monitoring networks;
 - e) Methane gas control system;
 - f) Observation of seepage from the site; and
 - g) Maintenance activities at the site.

4. Add the following as Reporting Requirement E.12:

Annually, by April 30, a copy of its Storm Water Pollution Prevention Plan, or as updated shall be submitted to this office.

5. This Addendum and Order No. 97-11 supercedes Order No. 89-101.

6. Replace E. Reporting of Monitoring and Reporting Program No. 97-11 with the following:

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

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

Monitoring reports shall be submitted to:

California Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Blvd., Suite A
San Diego, CA 92124-1331

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on June 14, 2000.



JOHN H. ROBERTUS
Executive Officer

No.	Landfill Name	Operation period	Facility Type	Site Address	Owner/ Operator	Address
8	Old Marine Corp. Recruit Depot	1950 - 1971	Class II-2 landfill	Naval Training Center	San Diego Unified Port District	Mr. Rick Adcock, San Diego Unified Port District, P.O. Box 120488, San Diego, CA 92112
11	Bell Jr. High	1963 - 1966	Class II-2 landfill	620 S. Briarwood, San Diego, CA 92139	San Diego Unified School District	Mr. Dossantoes, San Diego Unified School District, Facilities Development Department, Office of the Director, Annex 2-101, 4100 Normal Street, San Diego, CA 92103-2682
12	Bradley Park	1948 - 1968	Class II-2 landfill	Intersection of Rancho Santa Fe Road and Linda Vista, San Marcos, CA 92069	City of San Marcos	Mr. Garth Koller City of San Marcos 1 Civic Center Drive San Marcos, CA 92069-2949
13	Paradise Hills Park	1966-1967	Class II-2 landfill	Intersection of S side of Paradise Valley Rd and W side Potamac Street, SD, 92139	City of San Diego	Mr. Robert Ferrier, Environmental Services Department, 9601 Ridgehaven Court, Suite 310, San Diego, CA 92123-1636

that contain insignificant quantities of decomposable waste

San Diego Region

No.	Site Name	Operation period	Facility Type	Site Address	Owner/ Operator	Address
4	Cactus Park	1947 - 1959	burn dump	Ashwood Street (southeasterly side of park), Lakeside CA, 92040	County of San Diego	Jon Rollin, Inactive Waste Site Management, County of San Diego, 5469 Kearny Villa Road, San Diego, CA 92123
5	Rainbow Canyon Landfill	1950's - 1974	burn dump	NW1/4, Section 30, T8s, R2W, San Bernardino Base & Meridian Coordinate System	Dr. Harinder Grewal	Dr. Harinder Grewal, 1007 Los Alisos North, Fallbrook, CA 92028

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

**ORDER NO. 97-11
GENERAL WASTE DISCHARGE REQUIREMENTS
FOR POST-CLOSURE MAINTENANCE OF
INACTIVE NONHAZARDOUS WASTE LANDFILLS
WITHIN THE SAN DIEGO REGION**

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

BACKGROUND

1. Nonhazardous solid waste landfills (which include former Class II-2 landfills, former Class III landfills and burn dumps) have been regulated by the State Water Resources Control Board and the Regional Boards since the 1960's. The applicable regulations governing landfills is California Code of Regulations, Title 23, Division 3, Chapter 15, **Discharges of Waste to Land** (23 CCR).
2. Pursuant to 23 CCR 2510 (g), landfills which are closed, abandoned, or inactive on the effective date of these regulations (November 1984) are not specifically required to be closed in accordance with Article 8 requirements. However, these landfills are subject to post-closure maintenance requirements in accordance with 23 CCR 2581(b) and (c).
3. Pursuant to 23 CCR Section 2510 (g), persons responsible for discharges at landfills which are closed, abandoned, or inactive may be required to develop and implement a monitoring program. If water quality impairment is found, such persons may be required to develop and implement a corrective action program based on the provisions of Chapter 15.
4. The Regional Board may require formal closure of a landfill in accordance with 23 CCR Articles 8 and 9 under the following conditions: a) when there is a proposed site development or land use change that jeopardizes the integrity of the existing cover; b) when water quality impairment is found, as part of a ground water monitoring program; or c) when nuisance conditions exist that warrant such activity.
5. Pursuant to California Water Code, Section 13263, this Regional Board issues waste discharge requirements for post-closure maintenance of inactive landfills. In accordance with Section 13263(d) the Regional Board may prescribe requirements although no Report of Waste Discharge has been filed.
6. California Water Code, Section 13273, required the State Water Resources Control Board to develop a ranked list of all known landfills throughout the state on the basis of the threat to water quality. Water Code Section 13273 required the operator of each solid waste disposal site on the ranked list to conduct and submit to the

appropriate Regional Board the results of a solid waste water quality assessment test (SWAT report) to determine if the site is leaking hazardous waste.

7. SWAT reports indicated that landfills (which were inactive prior to November 1984) which contain significant quantities of decomposable waste have leaked hazardous waste to ground water. Volatile organic constituents in ground water near the inactive landfills may have occurred through landfill gas migration. These impacts to ground water could cause a long-term loss of a designated beneficial use. Because of this potential impact to ground water quality, leaking inactive landfills are defined in Title 23, CCR, Section 2200 as a category "1" threat to water quality. A facility's "complexity" ranking is based on the type of facility. For inactive landfills, the complexity ranking is category "B".
8. Attachment No. 1 to this Order contains a list of persons who own or operated the inactive landfills that contain significant quantities of decomposable waste. Attachment No. 1 to this Order may be updated, as necessary, when additional information warrants.
9. Landfills that do not contain significant quantities of decomposable waste such as those which were operated by open burning of refuse may also impact water quality. However, the residual waste material may contain soluble constituents which are leachable to waters of the state under acidic conditions. Potential water quality impacts from these landfills could result from erosion during the rainy season, if waste is exposed and is not contained onsite. Surface water quality objectives may be exceeded in cases of extreme erosion of these landfill surfaces. Landfills that do not contain significant quantities of decomposable waste are a category "3" threat to water quality because potential discharges could degrade water quality without violating water quality objectives or cause a minor impairment of designated beneficial uses. The "complexity" rating is a category "C" for discharges that must comply with best management practices such as erosion control measures.
10. Attachment No. 2 to this Order contains a list of persons who own or operated these burn dumps that do not contain significant quantities of decomposable waste subject to these general waste discharge requirements. Attachment No. 2 to this Order may be updated, as necessary, when additional information warrants.
11. The issuance of this Order establishing general waste discharge requirements is consistent with the goal to provide water resources protection, enhancement and restoration while balancing economic and environmental impacts as stated in the Strategic Plan of the State Water Resources Control Board and the Regional Boards.
12. The issuance of this Order may supersede existing Orders which were issued to landfills which are in post-closure maintenance.

13. The adoption of general waste discharge requirements for inactive landfills for post-closure maintenance would assist in:
 - a. Protecting the ground waters and surface waters of the state from pollution or contamination.
 - b. Simplifying and expediting the application process for the discharger.
 - c. Reducing Regional Board time expended on preparing and considering individual waste discharge requirements for each project.

Water Quality Control Plan

14. The **Water Quality Control Plan Report, San Diego Basin (9)** (hereinafter Basin Plan), was adopted by this Regional Board on September 8, 1994, and subsequently approved by the State Water Resources Control Board (State Board) on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by the Regional Board and approved by the State Board. The Basin Plan designates beneficial uses and narrative and numerical water quality objectives, and prohibitions which are applicable to the discharges regulated under this Order.

CEQA and Other Legal References

15. Inactive landfills are existing facilities and as such are exempt from the provisions of the California Environmental Quality Act in accordance with Title 14, California Code of Regulations, Chapter 3, Article 19, Section 15301.
16. The Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to the following:
 - a. Past, present, and probable future beneficial uses of water.
 - b. Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.
 - c. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area.
 - d. Economic considerations.
 - e. The need for developing housing within the region.

- f. The need to develop and use recycled water.
 - g. Beneficial uses to be protected and water quality objectives reasonably required for that purpose.
 - h. Other waste discharges.
 - i. The need to prevent nuisance.
17. The Regional Board has considered all water resource related environmental factors associated with the discharge of waste associated with these inactive landfills.
18. The Regional Board has notified interested agencies and all know interested parties of its intent to issue post-closure maintenance requirements for these inactive landfills.
19. The Regional Board in a public meeting heard and considered all comments pertaining to post-closure maintenance of these inactive landfills.

IT IS HEREBY ORDERED, That each person identified in Attachment No. 1 or 2 to this Order (hereinafter discharger), in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. ELIGIBILITY

- 1. In order to add an inactive landfill to either Attachment 1 or 2 to this Order, the discharger shall submit a complete report of waste discharge (RWD) and an appropriate filing fee for each inactive landfill. The RWD shall include the following:
 - a. Form 200, *Application for Facility Permit/Waste Discharge*, filled out in accordance with the instructions.
 - b. A discussion of the landfill and waste characteristics including:
 - Identification of the period during which waste was disposed of at the site;
 - Description of landfill disposal methods, operation and maintenance activities;
 - Description of types and quantities of waste disposed of;

- Identification of the total volume of waste disposed of at the site;
 - Any closure or post-closure activities conducted at the landfill subsequent to ceasing operation; and
 - Present and future land use of the inactive landfill.
- c. Documentation of how the discharger will comply with all applicable requirements of this Order for the inactive landfills in Attachment No. 1 & 2 to this Order.
- d. A topographical scale map showing the location, users and uses of all wells located within one mile of the inactive landfill.
- e. Any other information pertinent to protection of water quality or public health and prevention of nuisance.
2. The discharger shall receive authorization from the Regional Board which states that it is appropriate to regulate the inactive landfill under general waste discharge requirements, and an individual permit is not required. The authorization letter shall specify the following:
- a. Any modification to Monitoring and Reporting Program No. 97-11.
 - b. Any other conditions necessary to protect the beneficial uses of the receiving water.
3. It may be necessary for a discharger authorized under this Order to apply for and obtain an individual waste discharge requirement with more specific requirements. When an individual waste discharge requirements with specific requirements are issued to a discharger, the applicability of this general permit to the individual permittee shall be terminated on the effective date of the individual permit.
4. Notwithstanding the conditions specified above, individual cases may be brought to the Regional Board for consideration of waste discharge requirements when deemed appropriate by the Executive Officer.

B. PROHIBITIONS

1. Discharges of wastes to lands which have not been specifically described to the Regional Board and for which valid Waste Discharge Requirements are not in force

are prohibited.

2. The discharge of waste shall not:
 - a. Cause the occurrence of coliform or pathogenic organisms in waters pumped from the basin;
 - b. Cause the occurrence of objectionable tastes and odors in waters pumped from the basin;
 - c. Cause waters pumped from the basin to foam;
 - d. Cause the presence of toxic materials in waters pumped from the basin;
 - e. Cause the pH of waters pumped from the basin to fall below 6.0 or rise above 9.0;
 - f. Cause this Regional Board's objectives for the ground or surface waters as established in the Basin Plan, to be exceeded; and
 - g. Cause pollution, contamination or nuisance or adversely affect beneficial uses of the ground or surface waters as established in the Basin Plan.
3. Odors, vectors, and other nuisances of waste origin beyond the limits of the landfill site are prohibited.
4. The discharge of waste to surface drainage courses or to usable ground water is prohibited.
5. Basin Plan prohibitions shall not be violated.

C. POST-CLOSURE MAINTENANCE SPECIFICATIONS

1. Annually, prior to the anticipated rainy season but not later than **October 31**, any necessary erosion control measures shall be implemented, and any necessary construction, maintenance, or repairs of precipitation and drainage control facilities shall be completed to prevent erosion, ponding, flooding, or to prevent surface drainage from contacting or percolating through wastes at the facility.
2. The landfilled areas shall be adequately protected from any washout, erosion of wastes or cover material. The surface drainage system shall be designed to adequately handle the rainfall from a 100-year 24 hour storm event.
3. Surface drainage from the landfill is subject to State Board Order No. 91-13-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, "Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities".

4. The structural integrity and effectiveness of all containment structures and the existing cover shall be maintained as necessary to correct the effects of settlement or other adverse factors.
5. Vegetation used at the site shall be selected to require minimum irrigation and maintenance, and shall not impair the integrity of containment structures including the existing cover. Landscaping overlaying the landfill portion of the site shall be shallow rooted native grasses and shrubs suited for inland valleys of Southern California.
6. The migration of landfill gas from the site shall be controlled as necessary to ensure that landfill gases and gas condensate are not discharged to surface waters or ground waters. Condensate shall be collected and removed from the site except as defined in 23CCR Section 2511(e).

D. PROVISIONS

1. GENERAL PROVISION

Neither the treatment nor the discharge of waste shall create a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code.

2. DUTY TO COMPLY

The discharger shall comply with all conditions of this Order and any additional conditions prescribed by the Regional Board in addenda thereto. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for: (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) denial of a Report of Waste Discharge in application for new or revised Waste Discharge Requirements.

3. COMPLIANCE

In an enforcement action, it shall not be a defense for the discharger to say, it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order.

4. CORRECTIVE ACTION

The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

5. PROPER OPERATION AND MAINTENANCE

The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with conditions of this Order. Proper operation and maintenance includes effective performance, adequate laboratory and process controls including appropriate quality assurance procedures.

6. PERMIT REVISION

This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this Order;
- b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the discharger for the modification, revocation and reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

7. CHANGE IN OWNERSHIP

This Order is not transferable to any person except after notice to the Executive Officer. The Regional Board may require modification or revocation and reissuance of this Order to, change the name of the discharger and incorporate such other requirements as may be necessary under the California Water Code. The discharger shall submit notice of any proposed transfer of this Order's responsibility and coverage as described under Reporting Requirement E.3.

8. PROPERTY RIGHTS

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger from liability under federal, state, or local laws, nor create a vested right for the owner and operator to continue the regulated activity.

9. ENTRY AND INSPECTION

The discharger shall allow the Regional Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law to:

- a. Enter upon the discharger premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
- d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at any location.

10. PERMIT REPOSITORY

A copy of this Order shall be maintained at the local offices of the discharger and shall be available to operating personnel at all times.

11. SEVERABILITY

The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.

12. EFFECTIVE DATE

This Order becomes effective on the date of adoption by the Regional Board. This Order supersedes Order Nos. 85-78 and 87-50.

E. REPORTING REQUIREMENTS

1. CHANGE IN DISCHARGE

The discharger shall file the following reports in accordance with the following schedule:

a. Report of Waste Discharge

The discharger shall file a new Report of Waste Discharge at least 120 days prior to the following:

- 1) Significant change in post-closure maintenance activities which would significantly alter existing drainage patterns and slope configurations, or pose a potential threat to the integrity of the site;
- 2) Change in land use other than as described in the findings of this Order;
- 3) Significant change in disposal area, e.g. excavation and relocation of waste on site; or
- 4) Any planned change in the regulated facility or activity which may result in noncompliance with this Order.

b. Workplan

The discharger shall submit a workplan at least 30 days prior to any maintenance activities that could alter existing surface drainage patterns or change existing slope configurations. These activities may include, but not be limited to, significant grading activities, the importation of fill material, the design and installation of soil borings, ground water monitoring wells and other devices for site investigation purposes.

c. Written Notification

The discharger shall provide written notification at least 2 working days prior to any maintenance activities that are minor and/or routine in nature, do not add a significant amount of water, do not inhibit drainage, have limited potential for impacts to beneficial use of water, and will not interfere with future routine maintenance. These activities may include, but not be limited to:

- 1) routine maintenance grading and dust control;
- 2) landscaping with minimal/no water application;
- 3) gas surveys with temporary probes; or
- 4) replacement/removal of gas collection wells.

2. GENERAL REPORTING REQUIREMENT

The discharger shall furnish to the Executive Officer, within a reasonable time, any information which the Executive Officer may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish to the Executive Officer upon request, copies of records required to be kept by this Order.

3. CHANGE IN OWNERSHIP

The discharger shall notify the Executive Officer, in writing, at least 30 days in advance of any proposed transfer of this Order's responsibility and coverage between the current owner and new owner for construction, operation, closure, or post-closure maintenance of a landfill. This agreement shall include an acknowledgement that the existing owner is liable for violations up to the transfer date and that the new owner is liable from the transfer date on. The agreement shall include an acknowledgement that the new owners shall accept responsibility for compliance with this Order which includes the post-closure maintenance of the landfill.

4. INCOMPLETE REPORTS

Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information.

5. ENDANGERMENT OF HEALTH AND ENVIRONMENT

The discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the owner becomes aware of the circumstances. A written submission shall also be provided within five days of the time the owner becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, or prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

6. SLOPE FAILURE

The discharger shall notify the Executive Officer immediately of any slope failure occurring in a waste management unit. Any failure which threatens the integrity of the containment features or the waste management unit shall be promptly corrected after approval of the method and schedule by the Executive Officer.

7. LANDFILL GAS

The discharger shall operate and maintain a landfill gas migration control and detection system as required by the Air Pollution Control District (APCD) and the Local Enforcement Agency (LEA).

8. MONITORING AND REPORTING PROGRAM

The discharger shall comply with the attached Monitoring and Reporting Program No. 97-11. Monitoring results shall be reported at the intervals specified in Monitoring and Reporting Program No. 97-11.

9. REPORT DECLARATION

All applications, reports, or information submitted to the Executive Officer shall be signed and certified as follows:

- a. The Report of Waste Discharge shall be signed as follows:
 1. **For a corporation** - by a principal executive officer of at least the level of vice-president.
 2. **For a partnership or sole proprietorship** - by a general partner or the proprietor, respectively.
 3. **For a municipality, state, federal or other public agency** - by either a principal executive officer or ranking elected official.
 4. **For a military installation** - by the base commander or the person with overall responsibility for environmental matters in that branch of the military.
- b. All other reports required by this Order and other information required by the Executive Officer shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:
 1. The authorization is made in writing by a person described in paragraph (a) of this provision;
 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and
 3. The written authorization is submitted to the Executive Officer.
- c. Any person signing a document under this Section shall make the following certification:

" I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

10. REGIONAL BOARD ADDRESS

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

California Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Blvd., Suite A
San Diego, California 92124-1331

F. Notifications

1. U.S. EPA REVIEW

These requirements have not been officially reviewed by the United States Environmental Protection Agency and are not issued pursuant to Section 402 of the Clean Water Act.

2. CIVIL MONETARY REMEDIES

The California Water Code provides that any person who intentionally or negligently violates any Waste Discharge Requirements issued, reissued, or amended by this Regional Board is subject to administrative civil liability of up to 10 dollars per gallon of waste discharged, or if no discharge occurs, up to 1000 dollars per day of violation. The Superior Court may impose civil liability of up to 10,000 dollars per day of violation or, if a cleanup and abatement order has been issued, up to 15,000 dollars per day of violation.

3. PENALTIES FOR INVESTIGATION, MONITORING OR INSPECTION VIOLATIONS

The California Water Code provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the monitoring reports is guilty of a misdemeanor and may be subject to administrative civil liability of up to 1000 dollars per day of violation.

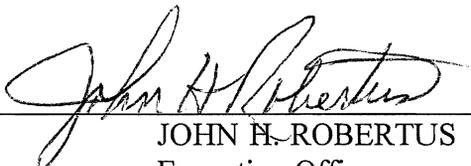
4. OTHER CLOSURE REGULATIONS

Closure of this waste management unit may be subject to regulations of the California Integrated Management Board and the San Diego County Air Pollution Control District.

5. CHAPTER 15 DEFINITIONS

Definitions of terms used in this Order shall be as set forth in California Code of Regulations Chapter 15.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on April 9, 1997.



JOHN H. ROBERTUS
Executive Officer

No.	Landfill Name	WDID No.	Operation period	Facility Type	Site Address	Owner/ Operator	Address
1	Arizona/Balboa	6-0003.02	1935-36, 1952-74	Class II-2 landfill	2781 Pershing Drive, San Diego, CA 92101	City of San Diego	Environmental Services Department, 9601 Ridgeway Court, Suite 310, San Diego, CA 92123-1636
2	Chollas, South	6-0007.02	1951-81	Class II-2 landfill	2781 Camito Chollas, San Diego, CA 92105	City of San Diego	Environmental Services Department, 9601 Ridgeway Court, Suite 310, San Diego, CA 92123-1636
3	Encinitas	6-0017.02	1967-77	Class II-2 landfill	2099 Encinitas Blvd., Encinitas CA 92024	County of San Diego	Joseph Minner, Deputy Director, Dept of Public Works, County of San Diego, 5555 Overland Ave., MS 0383, San Diego, CA 92123-1295
4	Gillespie		1940-64	Class II-2 landfill	1706 Cuyamaca St., El Cajon, CA 92020	County of San Diego	Joseph Minner, Deputy Director, Dept of Public Works, County of San Diego, 5555 Overland Ave., MS 0383, San Diego, CA 92123-1295
5	Golf Course	6-0020.02	1940s-1965	Class II-2 landfill	Naval Air Station, North Island	US Department of the Navy	Commanding Officer, Naval Air Station, Environmental Compliance Division, P. O. Box 357040, San Diego, CA 92135-7040
6	Sweetwater I Hillsborough	6-1090.02	1948-62	Class II-2 landfill	Manzana Way, San Diego, CA 92139	County of San Diego	Joseph Minner, Deputy Director, Dept of Public Works, County of San Diego, 5555 Overland Ave., MS 0383, San Diego, CA 92123-1295
7	Maxson Street	6-0023.02	1960-69	Class II-2 landfill	300 North Coast Highway, Oceanside, CA 92054	City of Oceanside	James Stillman, City of Oceanside, Division Manager, Engineering Department, 300 North Hill Street, Oceanside, CA 92054
8	Old Marine Corp Recruit Depot	6-0035.02	1950-71	Class II-2 landfill	Naval Training Center	US Marine Corps	Commanding Officer, Attn: Keith Forman, Interim BEC, Naval Training Center, 33502 Decatur Road, Suite 120, San Diego, CA 92122-1449
9	SERE Camp	6-0047.02	1978 - 1982	Class II-2 landfill	SERE Camp, Warner Springs	US Department of the Navy	Commanding Officer, Naval Air Station, Environmental Compliance Division, P. O. Box 357040, San Diego, CA 92135-7040
10	Mission Bay	6-378.02	1952 - 1959	Class II-2 landfill	Mission Bay, Sea World Drive, San Diego, CA 92109	City of San Diego	Environmental Services Department, 9601 Ridgeway Court, Suite 310, San Diego, CA 92123-1636

No.	Site Name	WDID No.	Operation period	Facility Type	Site Address	Owner/ Operator	Address
1	Admiral Baker		1965-late 70s	solid waste landfill	Admiral Baker golf course	Dept of the Navy	Department of the Navy, Commanding Officer, Naval Station San Diego, 3395 Sturevant St., Suite 6, San Diego, CA 92136-5071
2	Old Spanish Bight	6-0030.02	1917-40s	burn dump	Naval Air Station, North Island	US Department of the Navy	Commanding Officer, Naval Air Station, Environmental Compliance Division, P. O. Box 357040, San Diego, CA 92135-7040
3	San Ysidro		1947-1957	burn dump	S. Otay Mesa Rd and E. of Interstate 805	County of San Diego	Joseph Minner, Deputy Director, Dept of Public Works, County of San Diego, 5555 Overland Ave., MS 0383, San Diego, CA 92123-1294

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

**MONITORING AND REPORTING PROGRAM NO. 97-11
FOR POST-CLOSURE MAINTENANCE OF
INACTIVE NONHAZARDOUS WASTE LANDFILLS
WITHIN THE SAN DIEGO REGION**

A. MONITORING PROVISIONS

1. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services or a laboratory approved by the Executive Officer. Specific methods of analysis must be identified. If methods other than U. S. EPA approved methods or Standard Methods are used, the exact methodology must be submitted for review and must be approved by the Executive Officer prior to use. 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 of such work submitted to the Regional Board.
2. If the discharger monitors any pollutants more frequently than required by this Order, using the most recent version of Standard U. S. EPA Methods, or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharger's monitoring report. The increased frequency of monitoring shall also be reported.
3. The discharger shall report all instances of noncompliance not reported under Reporting Requirement E.5 of this Order at the time monitoring reports are submitted. The reports shall contain the information listed in Reporting Requirement E.5.
4. Sample collection, storage, and analysis shall be performed according to the most recent version of Standard U. S. EPA Methods, and in accordance with an approved sampling and analysis plan.
5. All monitoring instruments and equipment which are used by the discharger to fulfill the prescribed monitoring program shall be properly calibrated and maintained as necessary to ensure their continued accuracy.
6. The discharger shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports required by this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Executive Officer.

7. 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 analyses, and the MDL for each parameter.
 - g. Laboratory quality assurance results (e.g. percent recovery, response factor)
8. The monitoring reports shall be signed by an authorized person as required by Reporting Requirement E.9.

B. SITE MAINTENANCE

1. The discharger shall perform quarterly inspections of the landfill site and report the results **semi-annually**. The report shall contain information on the sites condition and a discussion of any significant findings with regard to:
 - a) General site condition;
 - b) Surface cover and slope;
 - c) Drainage facilities;
 - d) Ground water and vadose zone monitoring networks;
 - e) Methane gas control system;
 - f) Observation of seepage from the site; and
 - g) Maintenance activities at the site.

C. GROUND WATER DETECTION MONITORING PROGRAM

1. The ground water detection monitoring program contained in this section may be waived by the Executive Officer for: 1) inactive landfills that do not contain significant quantities of decomposable waste; or 2) landfills which have demonstrated through either completion of a SWAT questionnaire or a SWAT report that has been no discharge of hazardous substances to ground water.

2. The discharger shall establish and maintain ground water wells at the landfill site to be used as part of the water quality monitoring program.
3. Prior to pumping monitoring wells for sampling, the static water level shall be measured in each well.
4. Prior to sampling monitoring wells, the presence of a floating immiscible layer in all wells shall be determined at the beginning of each sampling event. This shall be done prior to any other activity which may disturb the surface of the water in a well, e.g. water level measurements. If an immiscible layer is found, the Regional Board shall be notified within 24 hours.
5. The discharger shall submit a compliance evaluation summary of the ground water data obtained. The summary shall contain a table which includes the following information:
 - a. Monitoring parameters;
 - b. Detection limit of monitoring equipment;
 - c. Measured concentrations found in the current sampling event
6. Water samples from the compliance points shall be collected, analyzed, and reported as shown in C.8 below.
7. For each monitored ground water body, the discharger shall measure the water level in each well and determine ground water flow rate and direction at least semi-annually, including the times of expected highest and lowest elevations of the water level for the respective ground water body. Ground water elevations for all background and downgradient wells for a given ground water body shall be measured within a period of time short enough to avoid temporal variations in ground water flow which could preclude accurate determination of ground water flow rate and direction.
8. The discharger shall submit a list of constituents to be monitored within 60 days of receipt of this Order. Ground water monitoring shall be conducted semiannually and monitoring results shall be submitted in accordance with Section E of this Monitoring and Reporting Program.

D. REPORTS TO BE FILED WITH THE BOARD

All reports shall be submitted no later than one month following the end of their respective Reporting Period. The reports shall be comprised of at least the following in addition to the specific contents listed for each respective report type:

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 found since the last such report was submitted and shall describe actions taken or planned for correcting the 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 of 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 E.9.

2. **Semi-Annual Report**

The semi-annual report shall contain, but not be limited to the following:

- a. Site maintenance outlined in section B of this Monitoring and Reporting Program.
- b. Groundwater analysis and flow rate outlined in section C of this Monitoring and Reporting Program.
- c. A map (or copy of an aerial photograph) showing the locations of observation stations, Monitoring Points, and Background Monitoring Points.

3. **Annual Summary Report**

The discharger shall submit an annual report to the Regional Board covering the previous monitoring year. The annual Reporting Period ends March 31.

- a. For each monitoring point, submit in graphical format the laboratory analytical data for all samples taken within at least the previous four calendar years. Each graph shall plot the concentration of the constituent over time for a given monitoring point, at a scale appropriate to show trends or variations in water quality.
- b. A comprehensive discussion of the compliance record, result of any corrective actions taken or planned which may be needed to bring the discharger into full compliance with the waste discharge requirements.

- c. A written summary of the monitoring results and monitoring system(s), indicating any changes made or observed since the previous annual report.
- d. A topographic map at appropriate scale, showing the direction of ground water flow at the landfill site.

E. REPORTING

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

<u>Report Frequency</u>	<u>Report Period</u>	<u>Report Due</u>
Semiannually	April - September	30 Days after the reporting period.
Annually	April - March	

Monitoring reports shall be submitted to:

California Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Blvd., Suite A
San Diego, CA 92124-1331

Ordered by



JOHN H. ROBERTUS
Executive Officer
April 9, 1997

Appendix C

BEST BEST & KRIEGER LLP

A CALIFORNIA LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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(619) 233-6118 FAX
BBKLAW.COMONTARIO
(909) 989-8584ORANGE COUNTY
(949) 263-2600SACRAMENTO
(916) 325-4000CYNDY DAY-WILSON
(619) 525-1305
CYNDY.DAY-WILSON@BBKLAW.COM

November 7, 2005

VIA U.S. MAIL AND FACSIMILEMs. Celeste Cantu
Executive Director
State Water Resources Control Board
1001 "I" Street
Sacramento, CA 95814John Robertus
Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340Re: Facility ID 9000000916
Bell Jr. High Landfill
620 Briarwood, San Diego, CA

Dear Ms. Cantu and Mr. Robertus:

Our firm has been retained by the San Diego Unified School District ("School District") in the above-referenced matter.

By way of background, the County of San Diego ("County") operated the Bell Jr. High Landfill ("Landfill") under a lease with the School District between 1961 and 1967 as a disposal site for sanitary waste. The County was the Landfill's only operator. The County ceased operations at the Landfill on approximately November 4, 1966, and the lease with the School District terminated on January 16, 1967.

The School District constructed Bell Junior High School at the site in 1968. The school buildings were constructed on native soils east of the Landfill and the Landfill portion of the site has been used as a part of a playground.

On July 31, 2000, as you know, the San Diego Regional Water Quality Control Board ("regional board") added the Bell Junior High School Landfill to the list of regulated landfills and imposed new requirements to the post-closure maintenance of the site.

SDPUBIGLENN.SPITZER021674.2

LAW OFFICES OF
BEST BEST & KRIEGER LLP

Ms. Celeste Cantu
Mr. John Robertus
November 7, 2005
Page 2

On October 31, 2000, the regional board also confirmed that the County was (and continues to be) the "operator" of the Landfill under the Water Code and directed the County to complete a groundwater investigation and report ("SWAT").

Accordingly, the School District requests that payment for the WDR fees be demanded from the County, the sole operator of the Landfill.

Further, the April 12, 2004, SWAT report demonstrates that there is no current threat to groundwater contamination from the Landfill thereby relieving the School District of the financial obligation of the WDR fee. The report concludes that only one of the six wells monitored, MW-3, contains Volatile Organic Compounds ("VOCs"). The report also concludes that: "The source of VOCs in MW-3 is not known. In fact, the Well Location Map shows that the contaminated well is more than 250 feet from the perimeter of the Site, and not within the groundwater flow direction.

The School District thus contends that the Landfill and any contamination at the MW-3 well are not related. Accordingly, the School District requests that the regional board consider a waiver of the current WDR fees against the School District, as well as a refund of all fees paid to date pursuant to Water Code § 13260(e.) To date, the regional board has failed to inform the School District of the reasons for the imposition of the fee for the Landfill.

The School District has previously requested a waiver of these fees on or about February 15, 2005 but, to date, has not received the courtesy of a response. What is the status of our previous request? And what is the status of the School District's request that these fees be levied against the County, the operator of the Landfill?

We look forward to hearing from you. If you have any questions, please do not hesitate to give me a call.

Very truly yours,



Cyndy Day-Wilson
of BEST BEST & KRIEGER LLP

CDW:mv

cc: Jose Gonzales, Esq.
William Dos Santos
Loren Chico

SDPUB\GLENN.SPITZER\321674.2

Appendix D



California Regional Water Quality Control Board

San Diego Region



Alan C. Lloyd, Ph.D.
Agency Secretary

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January 13, 2006

Ms. Cindy Day-Wilson, Esq.
Best Best & Krieger
655 West Broadway
San Diego, CA 92101

In reply refer to:
LDU:06-0916.02:mcdab

Dear Ms. Day-Wilson:

SUBJECT: BELL JR. HIGH LANDFILL

This letter is provided in response to your letter, dated November 7, 2005, regarding the Bell Jr. High landfill (A.K.A. Sweetwater II Landfill). Your letter specifically requests that the Regional Board seek payment for the annual waste discharge requirement (WDR) fees from the County of San Diego. In addition, your letter requests a refund of all fees paid to date, pursuant to provisions of Water Code section 13260(e).

The Regional Board has the following comments on some of the assertions and specific requests presented in your letter:

1. Your letter indicates that the County of San Diego operated the Bell Jr. High Landfill between 1961 and 1967 as a disposal site for sanitary waste. As you know the operational requirements and standards of practice for landfills existing in the 1960's were not necessarily the same as the waste classification and disposal practices that apply to currently operating solid waste disposal units. The Solid Waste Assessment Test (SWAT) Report submitted to April 12, 2004, pursuant to California Water Code 13273, indicates that the type, quantity, physical state and waste disposal methods for wastes placed into Bell Jr. High Landfill are unknown. Our experience with similar landfills indicates that it is very likely that the Bell Junior High Landfill received a mixture of municipal, industrial, and commercial waste streams. As a result, various types of wastes are likely to be commingled within the waste management unit.
2. Your letter indicates the school buildings were constructed on native soils. However, our review of the geologic cross section, as provided on Figure 3 of the SWAT Report, indicates approximately 10 feet of surface fill material at MW-1, the closest well to the school buildings. In addition, construction logs for well MW-2 show approximately 10 feet of fill material. At this time, the extent and the origin of the materials are unclear due to the limited sampling performed at the site.

California Environmental Protection Agency

A. Payment of WDR Fees from County

You request that the payment for annual WDR fees be demanded from the County of San Diego as operator of the landfill. However, the San Diego Unified School District (SDUSD) is the current owner of the Bell Junior High Landfill (A.K.A. Sweetwater II Landfill). As the owner of the landfill, and the wastes contained therein, the SDUSD is also identified as a “discharger” in General Waste Discharge Requirements issued as Order 97-11 (and addenda thereto). The Regional Board is not aware of any objections raised or appeals filed by the SDUSD as a result of the Regional Board adopting Order 97-11 (on April 4, 1997) or subsequent addenda to that Order. As a result, the SDUSD continues to be responsible for site maintenance, water-quality monitoring and payment of fees for WDRs (Order 97-11 and addenda thereto).

B. Factors Considered by the Regional Board

The Bell Junior High Landfill (A.K.A. Sweetwater II Landfill) is located in the Sweetwater River Watershed, approximately 2.5 miles north of the Sweetwater River. The following designated beneficial uses are identified in the Basin Plan for surface water and groundwater resources:

Hydrologic Unit/ Watershed	Hydrologic Subarea/ Unit (Basin No.)	Designated Beneficial Use (RWQCB, 1994, Chapter 2)
Groundwater		
Sweetwater HU	La Nacion (HSA 9.12)	MUN (potential)
		AGR
		IND (potential)
Surface Water		
Sweetwater River WS	(HU 9.12)	IND
		REC1 (potential)
		REC2
		WARM
		WILD

Legend:
 MUN = municipal and domestic supply
 AGR = agricultural supply
 IND = industrial service supply
 REC1 = contact recreational uses
 REC2 = non-contact recreational uses
 WARM = warm freshwater habitat
 WILD = wildlife habitat

Your letter asserts the SWAT Report demonstrates there is no current threat to groundwater contamination from the landfill. However, the same paragraph of your letter also indicates that MW-3, contains detectable concentrations of Volatile Organic Compounds (VOCs). The SWAT Report for the Bell Junior High Landfill (dated April 12, 2004) indicates the following:

- Depth of refuse unknown.
- Landfill operations consisted of filling in a previously existing drainage.
- Estimated volume of wastes is 300,000 cubic yards.
- 26 VOCs were detected in ground water samples collected from wells MW-1, MW-3, MW-4, MW-5 and MW-6.
- Concentrations of VOCs in ground water samples from MW-3 are above California/EPA maximum contaminant levels (MCLs).
- A landfill gas (LFG) control system, comprised of extraction wells and flare station, was installed in 1989 to control methane gas emissions.
- Ground water samples elevated with respect to general chemistry and metal constituents. Concentrations of chromium (Cr), iron (Fe), manganese (Mn), selenium (Se) and vanadium (V) are in excess of California maximum contaminant levels (MCLs).

The need to control landfill gas at this site is significant for at least two reasons: a.) uncontrolled landfill gas emissions can create hazardous conditions (i.e., fire and explosion hazards and/or public exposure to volatile constituents) and b.) elevated concentrations of mobile VOCs, associated with landfill gas, can create conditions of pollution and/or nuisance.

The data presented in the SWAT Report suggest that the migration and dissolution of landfill gas may be occurring in the upper portion of the aquifer. The SWAT Report concludes that additional groundwater monitoring and sampling should be conducted at the site to track temporal trends in concentration and groundwater elevation. The SWAT Report further states that the groundwater flow direction and gradient in the two inferred perched aquifers is not known. The SWAT Report does not provide a narrative conclusion on the source of the pollutants.

By letter dated August 26, 2005, the Regional Board determined that the migration of waste constituents from the Bell Junior High landfill might be occurring. The Regional Board also requested that a water quality-monitoring program be designed and implemented which complies with California Code of Regulations (CCR), Title 27, and water-quality monitoring requirements. To date, the San Diego Unified School District has failed to submit a proposal to the Regional Board (as required by Section E.11 of Order 97-11). The SWAT report recommends additional groundwater monitoring and sampling, the installation of additional wells to provide a more thorough investigation of the hydrogeology, more relevant assessment of the potential of leachate from the landfill impacting shallow groundwater in the area, and more accurate definition of the characteristics and potential impacts of waste constituents upon the deeper portions of the

aquifer. At this time, the Regional Board is not aware of the basis for your contention that “the landfill and any contamination at the MW-3 well are not related.”

C. Regional Board Findings and Conclusions

The Regional Board makes the following findings regarding the Bell Junior High Landfill (A.K.A. Sweetwater II Landfill):

1. The Solid Waste Assessment Test (SWAT) Report submitted to April 12, 2004, pursuant to California Water Code 13273, indicates that the type, quantity, physical state and waste disposal methods for wastes placed into Bell Jr. High Landfill are unknown. However, Regional Board staff experiences with similarly aged facilities suggest that the landfill likely received a mixture of municipal, industrial, and commercial waste streams. As a result, various types of wastes are likely to be commingled within the waste management unit.
3. The San Diego Unified School District (SDUSD) currently owns the parcel of land including the wastes discharged into a waste management unit known to the Regional Board as the Bell Junior High Landfill. The SDUSD is currently identified as a “discharger” in Order No. 97-11 (and addenda thereto), and remains the party responsible for compliance with all the requirements of Order 97-11. The Regional Board adopted Order 97-11 on April 4, 1997 and the SDUSD failed to file an appeal of that action within the timeframe allowed by the applicable statutes.
4. On April 12, 2004, the Regional Board received a technical report of results from a SWAT investigation indicating that detectable concentrations of volatile organic constituents are present in groundwater located down hydrologic gradient from the Bell Junior High Landfill. In the absence of another specific source being identified to the Regional Board, the estimated 300,000 cubic yards of solid wastes located within the unlined landfill are the most probable source of VOCs detected during the SWAT investigation.

As a result of this review, the Regional Board is unable to support a finding that past discharge of wastes into the Bell Junior High Landfill (A.K.A. Sweetwater II Landfill) “... *will not affect, or have the potential to affect, the quality of waters of the state ...*” As a result, the Regional Board is unable to concur with your request to suspend or refund fees for annual waste discharge requirement (WDR) under provisions of Water Code section 13260(e).

Ms. Cindy Day-Wilson
Bell Junior High Landfill:
Order 97-11

- 5 -

January 13, 2006

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions regarding this letter, please contact Mr. Brian McDaniel at (858) 627-3927 or bmcDaniel@waterboards.ca.gov or Mr. John Odermatt at (858) 637-5595 or jodermatt@waterboards.ca.gov.

Respectfully,



JOHN H. ROBERTUS
Executive Officer

Cc: Mr. William Dos Santos, San Diego Unified School District
4860 Ruffner Street, San Diego, CA 92111-1522

Mr. Loren Chico, San Diego Unified School District
4860 Ruffner Street, San Diego, CA 92111-1522

Mr. John Richards, Office of Chief Counsel – State Water Resources Control Board

Appendix E



Linda S. Adams
Secretary for
Environmental Protection

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In The Matter Of: NOTICE OF VIOLATION
No. R9-2006-0133

Compliance with: Order 97-11, General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Hazardous and Nonhazardous Waste Landfills within the San Diego Region

Technical Change Order No.T-1 to Monitoring and Reporting Program No. 97-11 for Post-Closure Maintenance of Inactive Landfills Containing Hazardous and Nonhazardous Wastes within the San Diego Region

Date: December 6, 2006

Mr. William Dos Santos
San Diego Unified School District
4860 Ruffner Street
San Diego, CA 92111-1522

In Reply Refer to:
LDU:06-0916.02:bmcdaniel

Dear Mr. Dos Santos:

YOU ARE HEREBY NOTIFIED OF THE FOLLOWING VIOLATION:

Failure to submit semiannual monitoring reports in accordance with Order No. 97-11.

Failure to submit electronic copies of semiannual monitoring reports in accordance with Technical Change Order No. T-1 to Order No. 97-11.

On June 14, 2000 the San Diego Unified School District was named as the "discharger" for purposes of complying with California Regional Water Quality Control Board (Regional Board) Order No. 97-11. It is the duty of the San Diego Unified School District to comply with the requirements of Regional Board Order 97-11 (including required reports for groundwater monitoring data). The San Diego Unified School District must provide the Regional Board with all written reports necessary to comply with Waste Discharge Requirements (Order 97-11 and addenda thereto) issued for the landfill located beneath the Bell Junior High School.

California Environmental Protection Agency

To date you have failed to comply with the following monitoring and reporting requirements for this facility:

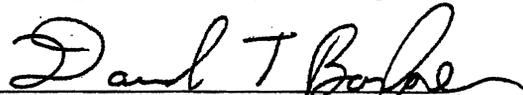
- 1). Reporting Requirement E.8 of Order No. 97-11 requiring the discharger to establish and maintain a ground water detection monitoring program.
- 2). Sections D. and E. of Monitoring and Reporting Program No. 97-11(as modified by Addendum 1 to Order No. 97-11) requiring the submittal of ground water monitoring reports to the Regional Board Executive Officer.

The violations cited above are serious and may result in further enforcement action against your agency, including a civil liability being administratively implemented by the Regional Board under authority of Section 13350 or 13268 of the California Water Code (CWC). The CWC provides that any person who violates any waste discharge requirements issued, reissued, or amended by this Regional Board may be subject to administrative civil liability up to 1,000 dollars per day of the violation. The Superior Court may impose civil liability of up to 5,000 dollars per day of the violation. I strongly urge your compliance with Order 97-11.

Questions pertaining to the issuance of this Notice of Violation should be directed to Mr. Brian McDaniel at (858) 627-3927. Written correspondence pertaining to this Notice of Violation should be directed to the following address:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123
Attn: Mr. John Odermatt, Supervisor Land Discharge Unit

In the heading portion of this Notice of Violation after "In Reply Refer to:" includes a Regional Board code number. In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.



DAVID T. BARKER

Supervising Water Resources Control Engineer

DTB:jro:bkm

cc: Ms. Vicky Gallagher, City of San Diego Solid Waste Local Enforcement Agency (LEA),
1010 Second Avenue, Suite 600, MS 606L, San Diego, CA 92101-4998

Appendix F

JD

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ATTORNEYS AT LAW

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Cyndy Day-Wilson
(619) 525-1305
Cyndy.Day-Wilson@bbklaw.com

December 19, 2006

7:00 PM DEC 20 2006

VIA FACSIMILE AND U.S. MAIL

Mr. John Odermatt
Supervisor Land Discharge Unit
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123-4353

Re: LDU: 06-0916.02:bmcdaniel

Dear Mr. Odermatt:

The following reply is made on behalf of the San Diego Unified School District ("School District") in response to the above-referenced Notice of Violation ("NOV"), dated December 6, 2006, for failure to comply with certain monitoring and reporting requirements of Order 97-11 for the Bell Junior High Landfill ("Landfill"). The School District disputes the basis for the violation set forth in the NOV because the Regional Board has concluded that the County of San Diego ("County"), not the School District, is the "operator" of the Landfill and because the Landfill is not a threat to groundwater at or surrounding the Landfill.

As explained below, the facts surrounding this NOV are similar to those surrounding the Waste Discharge Requirement ("WDR") fees imposed on the School District by the Regional Board pursuant to Order No. 97-11, which the School District has also disputed.

Factual Background

The County operated the Landfill as a disposal site for sanitary waste under a lease with the School District between 1961 and 1967. The County was the Landfill's only operator. The lease terminated on or about January 16, 1967. However, the County never took steps to formally close the Landfill.

Upon termination of the lease, and in preparation for the construction of a school, the School District imported additional fill, re-graded the site, and compacted the Landfill portion of the property. The School District also installed a drainage system. The School District

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ATTORNEYS AT LAW

John Odermatt
December 19, 2006
Page 2

constructed Bell Junior High School at the property in 1968. The school buildings were constructed on native soils east of the Landfill and the Landfill portion of the property has been used as a part of a playground.

On October 31, 2000, the Regional Board confirmed that the County was (and continues to be) the "operator" of the Landfill under the Water Code and directed the County to complete a SWAT investigation and report that included analytical results for "leachate and hazardous substances and/or wastes" from a minimum of four quarterly groundwater monitoring events. Despite the Regional Board's determination that the County is the operator of the Landfill and repeated requests made by the School District, the County has refused to install groundwater monitoring wells and perform a SWAT.

As a result of the County's refusal to comply with the Regional Board's directions, the School District, under protest, undertook the costly installation of the groundwater monitoring equipment and monitoring. An April 12, 2004 SWAT report prepared by the School District, which the Regional Board accepted on August 26, 2005, contains no evidence that the Landfill and any groundwater contamination are related.

On November 7, 2005, the School District requested that the Regional Board waive the WDR fees that were being imposed on the Landfill and that a refund of all fees paid to date be made pursuant to Water Code section 13260(e). On January 13, 2006, the Regional Board denied the request, without evidentiary support, simply concluding that WDR fees will continue to be imposed because "solid wastes within the unlined landfill are the most probable source of VOCs detected during the SWAT investigation" based on Regional Board staff's "experience with similar landfills."

The School District appealed the Regional Board's decision to the State Water Resources Control Board. The Office of Chief Counsel for the State Board refused to consider the appeal claiming that there is a technical distinction in requesting the "suspension" of the imposition of the fees and asking for the "rescission" of the fees. Though the School District disagrees with the State Board's position, on June 23, 2006, the School District re-filed its request with the Regional Board to "rescind" the imposition of all WDR fees imposed upon the Landfill. The School District also requested that all WDR fees, if not rescinded by the Regional Board, be imposed upon the County as the undisputed sole operator of the Landfill.

After waiting four months for a response from the Regional Board, on November 17, 2006, the School District sent another request for a response from the Regional Board. If no response is received, the School District will have no choice but to petition the State Board to review the Regional Board's failure to act pursuant to Water Code section 13320 and Title 23, section 2050 of the California Code of Regulations. A copy of the School District's November 17, 2006 correspondence to the Regional Board is enclosed.

John Odermatt
December 19, 2006
Page 3

Semiannual Monitoring and Reporting Requirements at Issue in this NOV

The Regional Board's NOV, dated December 6, 2006, states the School District is in violation of Order No. 97-11 "for failure to submit semiannual monitoring reports" and Technical Change Order No. T-1 to Order No. 97-11 "for failure to submit electronic copies of semiannual monitoring reports." The NOV further states that the School District has failed to comply with the monitoring and reporting requirements for the Landfill set forth in E.8 of Order No. 97-11 (requiring the discharger to establish and maintain a groundwater detection monitoring program) and Sections D. and E. of Monitoring Reporting Program No. 97-11, as modified by Addendum 1 to Order No. 97-11 (requiring the submittal of groundwater monitoring reports to the Regional Board Executive Officer).

First, as explained above, there is no evidence to support the Regional Board's conclusion that the Landfill has contributed to the contamination of the groundwater at or surrounding the Landfill. Section C. of the Monitoring and Reporting Program for Order No. 97-11 states that the groundwater detection monitoring program for a landfill may be waived where a SWAT report has demonstrated that there has been no discharge of hazardous substances to ground water from the landfill. Since the SWAT investigation does not provide a conclusion for the source of groundwater contaminants, the Regional Board cannot continue to require the School District to monitor and report on the Landfill.

Second, there is no dispute that the operator of the Landfill is the County of San Diego. There is also no dispute that the Regional board has designated the County as the operator of the Landfill. Simply put, the Regional Board should have issued this NOV to the County, not the School District. However, the Regional Board has chosen not to enforce Order 97-11 against the County, which has spawned litigation between the County and the School District. It is not the responsibility of the School District to continue to pay fees and incur monitoring and reporting expenses for the Landfill when the Regional Board has determined that the County is the sole operator of the Landfill. The continual demands by the Regional Board upon the School District for the Landfill, while ignoring the County, is diverting much needed resources from the School District's students. The School District encourages the Regional Board to engage in discussions with the School District concerning these issues.

The School District also respectfully requests that the Regional Board waive the monitoring and reporting requirements forming the basis of the NOV dated December 6, 2006. In the alternative, the School District asks the Regional Board to suspend any further action on the NOV until a determination is made either by the Regional Board or the State Board (in response to the School District's petition for review of the Regional Board's failure to act on its request to rescind the WDR fees) regarding (1) the threat to groundwater at or surrounding the Landfill and (2) the County's responsibility for compliance with Order No. 97-11.

BEST BEST & KRIEGER
ATTORNEYS AT LAW

John Odermatt
December 19, 2006
Page 4

We look forward to a response from the Regional Board on the School District's request. Unless the Regional Board states otherwise, the School District shall assume that no further action shall be taken on the December 6, 2006 NOV.

Please give me a call if you have any questions.

Very truly yours,

A handwritten signature in black ink that reads "Cyndy Day-Wilson". The signature is written in a cursive, flowing style.

Cyndy Day-Wilson
of BEST BEST & KRIEGER LLP

CDW:sb

cc: Jose Gonzales, Esq.
William Dos Santos

Appendix G



file

California Regional Water Quality Control Board San Diego Region



Linda S. Adams
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January 23, 2007

Ms. Cyndy Day-Wilson, Esq.
Best Best and Krieger, LLP
655 West Broadway, 15th Floor
San Diego, CA 92101

In Reply Refer to:
LDU:06-0916.02:bmcdaniel

Dear Ms. Day-Wilson:

RE: STATUS OF SAN DIEGO UNIFIED SCHOOL DISTRICT AS "DISCHARGER" RESPONSIBLE FOR POST-CLOSURE MAINTENANCE AND MONITORING, AND FOR PAYMENT OF ANNUAL FEES, UNDER GENERAL ORDER NO. 97-11.

This letter responds to your letter dated December 19, 2006. It is too late for the San Diego Unified School District (School District) to challenge its status as a "discharger" responsible for the former landfill located at the site of Bell Junior High School under General Order No. 97-11 (general waste discharge requirements for closed and inactive landfills) or the obligations imposed on the School District as a consequence of being designated as a "discharger," including its obligation to maintain the closed landfill, conduct and report the results of monitoring, and pay statutory annual fees. School District was identified as the "Discharger" responsible for the Bell Junior High School landfill on June 14, 2000, when the state's Regional Water Quality Control Board for the San Diego region (Water Board) issued Addendum No. 1 to amend General Order No. 97-11 and had 30 days within which to file a petition to challenge the Water Board's action under Section 13320 of the Water Code.

Neither is the School District entitled to waiver of the detection monitoring program required by the Monitoring and Reporting Plan (M&RP) incorporated into Order No. 97-11 under the waiver provision in Section C of the M&RP.

School District's failure to seek administrative review of Addendum No. 1 to General Order No. 97-11 within the jurisdictional 30-day period precludes School District from challenging its status as the responsible discharger now by objecting to enforcement proceedings based on the School District's failure to comply with its obligations under General Order No. 97-11, as amended, or by requesting "waiver" or "rescission" of the annual fees that the District is required to pay as a discharger regulated under General Order No. 97-11, as amended

The School District's contention that it should not be required to pay annual fees or conduct monitoring, or submit monitoring reports to the Water Board because it was not the "operator" of the landfill during its active life, or because the Solid Waste Assessment Test (SWAT) belatedly conducted in 2004 did not establish a link between residual wastes in the landfill and groundwater pollution are immaterial to the School District's status as a "discharger" responsible for compliance with the requirements of General Order No. 97-11, as amended, and, in any event, should have been raised when the Water Board added the School District to the list of "dischargers" responsible for closed or inactive landfills subject to General Order No. 97-11 in 2000. While the County of San Diego, which discharged municipal solid waste to the landfill located at the site of Bell Junior High School, may be the "operator" of the former solid waste disposal site located at Bell Junior High School and, therefore, subject to the Solid Waste Assessment Test requirements of Section 13273 of the Water Code, this does not relieve the School District of its separate obligations under General Order No. 97-11, as amended. The School District's status as a "discharger" responsible for post-closure maintenance and monitoring, and for payment of annual fees, is not based on the School District's status as an "operator" of the former solid waste disposal site, nor on a determination that waste from the former landfill is causing or contributing to ground water pollution, but rather on its current and continuing ownership of a closed or inactive landfill containing wastes that could affect the quality of the waters of the state. [See: Finding 8 in Order No. 97-11 and Finding 3 in Addendum No. 1 to Order No. 97-11.] This was the basis for designating the School District as the entity responsible for compliance with General Order No. 97-11 at the County's former landfill at Bell Junior High School when the Water Board issued Addendum No. 1 to Order No. 97-11 in June 2000. School District failed to challenge the Water Board's determination that School District was a "discharger" by raising its objections within the jurisdictional period and cannot do so now.

Section C of M&RP No. 97-11 does provide a discretionary waiver of detection monitoring at landfills at which a SWAT demonstrates the lack of any discharge of hazardous substances to ground water. The SWAT report prepared for the School District in 2004 concludes that "the regional aquifer does not appear to have been impacted by a release from the landfill." However, the monitoring conducted for the SWAT, and reported to the Water Board in the SWAT report, revealed the presence of several hazardous substances (volatile organic compounds or VOCs) in ground water downgradient of the Bell Jr. High School landfill site, including several at concentrations in excess of maximum contaminant levels, in the shallow perched aquifer (which is, of course, just as much "ground water" as the "regional aquifer"). While the SWAT report does not definitively attribute these VOCs to the landfill, it also does not definitively rule out these VOCs as being derived from the wastes in the landfill. The VOCs identified in the SWAT report are consistent with the decomposition and breakdown products associated with the expected constituents of municipal solid waste discharged during the active life of the landfill located at the Bell Jr. High School site. Since the SWAT failed to demonstrate convincingly the lack of any discharge of hazardous substances

Ms. Cyndy Day-Wilson, Esq.
Response to Letter dated December 19, 2006:
NOV R9-2006-0133: Bell Junior High Landfill

3

January 23, 2007

from the former landfill to ground water, the School District is not entitled to the discretionary waiver offered in Section C of M&RP No. 97-11.

The heading portion of this letter after "In Reply Refer to:" includes a Regional Board code number. In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions regarding this letter, please contact Mr. Brian McDaniel at (858) 627-3927 or via e-mail at bmcdaniel@waterboards.ca.gov; or Mr. John Odermatt at (858) 637-5595 or via e-mail at jodermatt@waterboards.ca.gov.

Respectfully,


JOHN H. ROBERTUS
Executive Officer

cc: Mr. Bill Dossantos, San Diego Unified School District, 4860 Ruffner Street,
San Diego, CA 92111-1522

Appendix H



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Executive Office

Tam M. Doduc, Board Chair
1001 I Street • Sacramento, California 95814 • (916) 341-5615
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5621 • <http://www.waterboards.ca.gov>



Arnold Schwarzenegger
Governor

OCT 12 2007

CERTIFIED MAIL & EMAIL

Cyndy Day-Wilson, Esq.
Best Best & Krieger LLP
655 West Broadway, 15th Floor
San Diego, CA 92101
cyndy.daywilson@bbklaw.com

Dear Ms. Day-Wilson:

PETITION OF SAN DIEGO UNIFIED SCHOOL DISTRICT (EXECUTIVE OFFICER REFUSAL TO WAIVE MONITORING REQUIREMENTS FOR THE SAN DIEGO UNIFIED SCHOOL DISTRICT), SAN DIEGO WATER BOARD: DISMISSAL
SWRCB/OCC FILE A-1834

After careful consideration, it is concluded that the petition in this matter fails to raise substantial issues that are appropriate for review by the State Water Resources Control Board (State Water Board). Accordingly, the petition is dismissed as of this date. (See Cal. Code Regs., tit. 23, § 2052, subd. (a)(1); *People v. Barry* (1987) 194 Cal.App.3d 158 [239 Cal.Rptr. 349]; *Johnson v. State Water Resources Control Board* (2004) 123 Cal.App.4th 1107 [20 Cal.Rptr.3d 441].)

If you have any questions about this matter, please contact Therese Barakatt, Senior Staff Counsel, in the State Water Board's Office of Chief Counsel, at (916) 341-5186.

Sincerely,

Dorothy Rice
Executive Director

cc: Mr. William Dos Santos [via U.S. mail & email]
San Diego Unified School
District, Maintenance and
Operations Center
4860 Ruffner Street
San Diego, CA 92111-1522
bdossantos@sandi.net

John Sansone, Esq.
Office of County Counsel
County of San Diego
1600 Pacific Highway, Room 355
San Diego, CA 92101

Continued next page

OCT 12 2007

cc: Douglas J. Simpson, Esq.
Brandon J. Vegter, Esq.
The Simpson Law Firm
1224 10th Street, Suite 201
Coronado, CA 92118

Mr. Mike McCann **[via email only]**
Acting Assistant Executive Officer
San Diego Regional Water Quality
Control Board
9174 Sky Park Court
San Diego, CA 92124-1331

John Richards, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100

Mr. John Robertus **[via email only]**
Executive Officer
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Control Board
9174 Sky Park Court
San Diego, CA 92124-1331

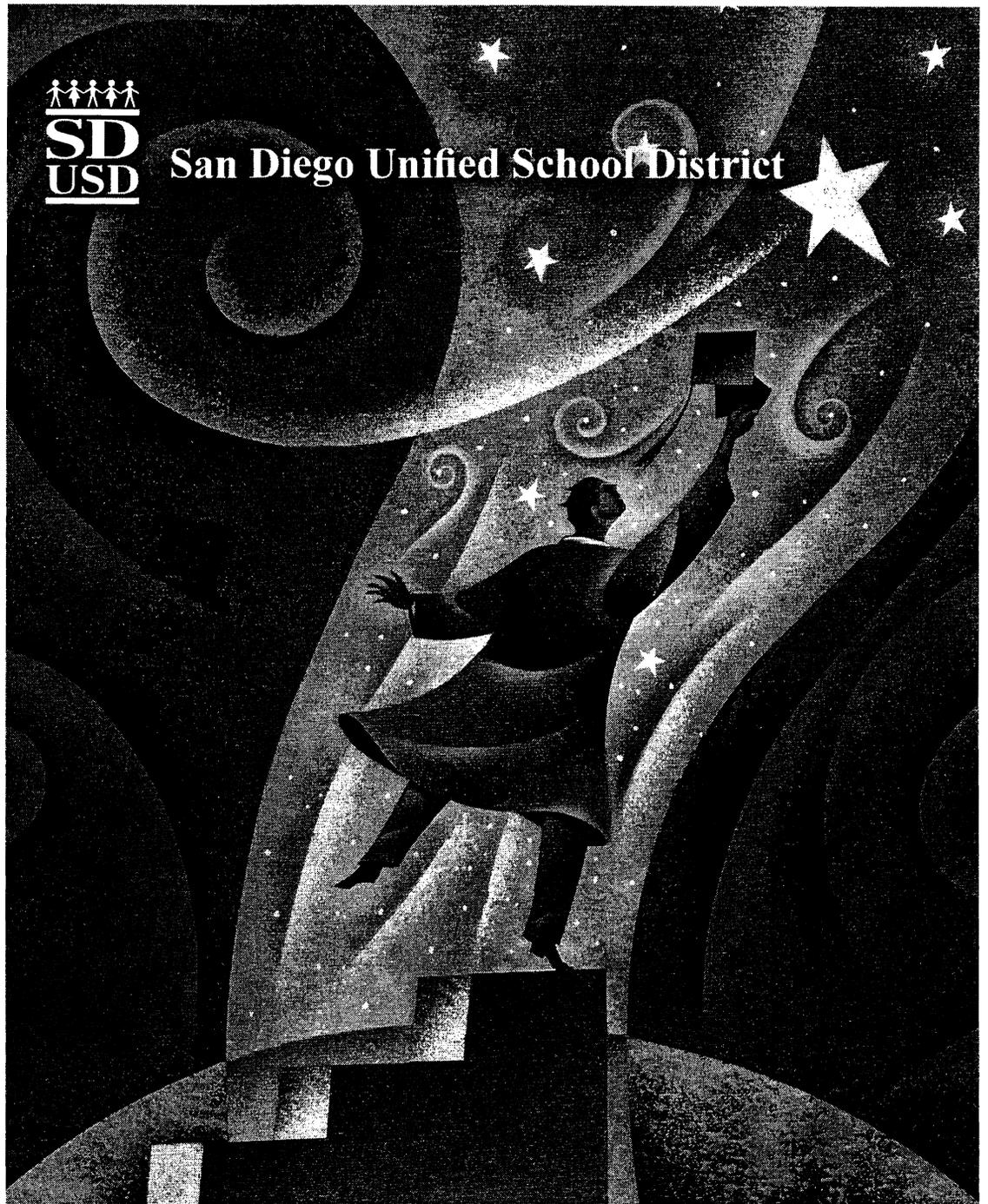
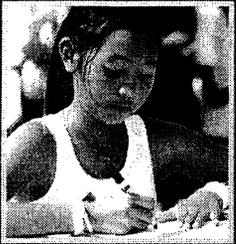
Mr. Brian McDaniel **[via email only]**
Associate Engineering Geologist
Mr. John Odermatt **[via email only]**
Senior Engineering Geologist
San Diego Regional Water Quality
Control Board
9174 Sky Park Court
San Diego, CA 92124-1331

Lyris List

Appendix I



San Diego Unified School District



2009-10 BUDGET BOOK

& District Profile



Summary Budget | Summary of Sources and Uses by Type of Fund

	ACTUALS			Estimated Actuals 2008-09	BUDGET 2009-10
	2005-06	2006-07	2007-08		
Spec Resrv for Non-Cap Outlay					
Beginning Balance	-	0	28,734,658	11,141,692	97,947
Revenues	-	28,734,658	1,047,621	187,479	3,500
Total Sources	\$ -	\$ 28,734,658	\$ 29,782,279	\$ 11,329,172	\$ 101,447
Expenses	-	0	18,640,587	11,231,225	-
Reserves	-	28,734,658	11,141,692	97,946	101,446
Total Uses	\$ -	\$ 28,734,658	\$ 29,782,279	\$ 11,329,171	\$ 101,446
Spec Resrv for Non-Cap Outlay Unappropriated/Undesignated Amounts	\$ -	\$ -	\$ -	\$ 1	\$ 1
Spec Resrv - Post Emp Benefit					
Beginning Balance	1,583,523	1,259,620	1,246,155	1,241,663	1,311,286
Revenues	593,606	727,125	632,043	656,662	596,928
Total Sources	\$ 2,177,129	\$ 1,986,745	\$ 1,878,198	\$ 1,898,326	\$ 1,908,214
Expenses	917,509	740,590	636,535	587,040	587,040
Reserves	1,259,620	1,246,155	1,241,663	1,311,286	1,321,173
Total Uses	\$ 2,177,129	\$ 1,986,745	\$ 1,878,198	\$ 1,898,326	\$ 1,908,213
Spec Resrv - Post Emp Benefit Unappropriated/Undesignated Amounts	\$ -	\$ -	\$ -	\$ 0	\$ 1
Self Insurance Fund					
Beginning Balance	39,010,947	53,356,132	67,945,431	71,501,449	65,335,345
Revenues	47,597,491	49,979,766	35,236,943	20,495,921	19,919,692
Total Sources	\$ 86,608,437	\$ 103,335,898	\$ 103,182,374	\$ 91,997,370	\$ 85,255,037
Expenses	33,252,305	35,390,467	31,680,925	26,662,025	27,552,807
Reserves	53,356,132	67,945,431	71,501,449	65,335,345	57,702,229
Total Uses	\$ 86,608,437	\$ 103,335,898	\$ 103,182,374	\$ 91,997,370	\$ 85,255,036
Self Insurance Fund Unappropriated/Undesignated Amounts	\$ -	\$ -	\$ -	\$ 0	\$ 1
Other Funds					
Beginning Balance	45,641,852	56,482,871	102,474,889	87,550,816	69,946,235
Revenues	114,086,774	157,942,587	115,169,043	100,653,321	109,310,695
Total Sources	\$ 159,728,625	\$ 214,425,459	\$ 217,643,932	\$ 188,204,137	\$ 179,256,930
Expenses	99,953,082	111,762,970	130,093,116	118,257,901	116,849,094
Reserves	59,775,543	102,662,489	87,550,816	69,946,233	62,407,833
Total Uses	\$ 159,728,625	\$ 214,425,459	\$ 217,643,932	\$ 188,204,134	\$ 179,256,927
Other Funds Unappropriated/Undesignated Amounts	\$ -	\$ -	\$ -	\$ 2	\$ 3

STATEMENT OF UNAUDITED ACTUALS & BUDGET

Five-Year Historical Comparison

Self Insurance Fund 67

	ACTUALS			Estimated	BUDGET
	2005-06	2006-07	2007-08	Actuals 2008-09	2009-10
Beginning Balance (9791-9795)	\$ 39,010,947	\$ 53,356,132	\$ 67,945,431	\$ 71,501,449	\$ 65,335,345
Revenues					
Revenue Limit (8010-8099)	\$ -	\$ -	\$ -	\$ -	-
Federal Revenue (8100-8299)	-	-	-	-	-
Other State Revenue (8300-8599)	-	-	-	-	-
Other Local Revenue (8600-8799)	41,800,960	44,183,235	29,198,877	16,532,921	15,956,692
Total Revenues	\$ 41,800,960	\$ 44,183,235	\$ 29,198,877	\$ 16,532,921	\$ 15,956,692
Expenditures					
Certificated Salaries (1000-1999)	\$ -	\$ -	\$ -	\$ -	-
Classified Salaries (2000-2999)	478,442	593,521	604,299	622,585	782,010
Employee Benefits (3000-3999)	193,247	223,543	221,894	222,757	301,187
Books & Supplies (4000-4999)	17,483	15,244	18,605	6,238	28,000
Services & Other Operating (5000-5999)	32,563,133	33,558,158	28,683,263	19,775,445	26,441,610
Capital Outlay (6000-6999)	-	-	-	-	-
Other Outgo (7000-7599)	-	-	-	-	-
Total Expenditures	\$ 33,252,305	\$ 34,390,467	\$ 29,528,060	\$ 20,627,025	\$ 27,552,807
Other Financing Sources/Uses					
Transfers In (8910-8929)	\$ 5,796,531	\$ 5,796,531	\$ 6,038,066	\$ 3,963,000	\$ 3,963,000
Transfers Out (7610-7629)	-	1,000,000	2,152,865	6,035,000	-
Other Sources (8930-8979)	-	-	-	-	-
Other Uses (7630-7699)	-	-	-	-	-
Contributions (8980-8999)	-	-	-	-	-
Total Other Financing Sources/Uses	\$ 5,796,531	\$ 4,796,531	\$ 3,885,201	\$ (2,072,000)	\$ 3,963,000
Reserves (9700-9789)	\$ 53,356,132	\$ 67,945,431	\$ 71,501,449	\$ 65,335,345	\$ 57,702,229
Unappropriated/Undesignated Amounts	\$ -	\$ -	\$ -	\$ 0	\$ 1

Appendix J

Groundwater Detection Monitoring Program (97-11 MRP C.)

Task 1 Preparation for field work: update health & safety plan, scheduling access, etc.
 Task 2 Groundwater monitoring: 2 staff, 1 day, 6 monitoring wells, field measurements and pumping
 Task 3 Sample analysis: 6 MW + Blank + Rinsate @ 7 analyses
 Task 4 Report preparation: Data entry, figure drafting, report writing, report review

Labor	Units	Rate	Total \$	Total Quantity	Task 1	Task 2	Task 3	Task 4
Principal	hour	\$ 150.00	\$ 750.00	5	1			4
Associate	hour	\$ 130.00	\$ 1,300.00	10	2			8
Project	hour	\$ 100.00	\$ 2,100.00	21	2	16	1	2
Drafter	hour	\$ 90.00	\$ 180.00	2				2
			Subtotal					
			\$ 4,330.00					

Equipment

General	Units	Rate	Total	Total Quantity	Task 1	Task 2	Task 3	Task 4
Computer	hour	\$ 10.00	\$ 200.00	20	3			16
Printing	page	\$ 0.12	\$ 30.00	250	50			200
Field								
Vehicle	day	\$ 80.00	\$ 80.00	1		1		
Water Level Meter	week	\$ 80.00	\$ 32.00	0.4		0.4		
General Chem Meter	week	\$ 195.00	\$ 78.00	0.4		0.4		
Pump	week	\$ 250.00	\$ 100.00	0.4		0.4		
			Subtotal					
			\$ 520.00					

Services

Laboratory Analysis	Units	Rate	Total	Total Quantity	Task 1	Task 2	Task 3	Task 4
General Minerals	sample	\$ 120.00	\$ 960.00	8			8	
VOC 8260B	sample	\$ 110.00	\$ 880.00	8			8	
SVOCs	sample	\$ 140.00	\$ 1,120.00	8			8	
Metals	sample	\$ 83.00	\$ 664.00	8			8	
CAM 17 Metals	sample	\$ 80.00	\$ 640.00	8			8	
Sulfide	sample	\$ 10.00	\$ 80.00	8			8	
Nitrates	sample	\$ 10.00	\$ 80.00	8			8	
Waste Disposal								
Invest. Derived Waste	ton	\$ 430.00	\$ 215.00	0.5		0.5		
			Subtotal					
			\$ 4,639.00					

Summary

Semiannual Monitoring \$ 9,489.00
 Last monitoring 10/30/2003 x 5 events
 Most recent due: 10/30/2009 \$ 47,445.00 Total Estimated Cost Saved by Non-Compliance