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Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

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July 23, 2008

CERTIFIED MAIL
7008 0150 0003 7457 7561

In reply refer to:
CGW:251582:ctamaki

Mr. Neil Mohr
General Manager
Ramona Landfill Inc.
8514 Mast Blvd.
Santee, CA 92071

Dear Mr. Mohr:

SUBJECT: NOTICE OF VIOLATION NO. R9-2008-0084

Enclosed is Notice of Violation (NOV) No. R9-2008-0084 for the Ramona Landfill due to noncompliance with Investigative Order No. R9-2008-0047, *Investigation of Significant Physical Evidence of Release, Ramona Landfill, San Diego County*. The California Regional Water Quality Control Board, San Diego Region (Regional Board) received the technical report required under Investigative Order No. R9-2008-0047 and have determined it to be incomplete.

Our comments on the technical report are provided below:

1. Page 1, 1.0-Background, second paragraph

A rationale was provided for the "abbreviated" testing of soil samples at the Ramona Landfill. The Investigative Order specifically required that soil samples be analyzed for Appendix II constituents, petroleum fuel oxygenates and bioaccumulative toxic substances in directives 1.a, 1.b and 1.c. Failure to provide the required analyses is a violation of Investigative Order No. R9-2008-0047.

2. Page 3, Table 1

Footnote for "c" was not provided.

3. Page 4, paragraph 5

Page 4, paragraph 5, indicated that the samples taken were obtained at approximately ¾ of the thickness of the intermediate cover soil and no leachate or leachate stained soils were observed during the completion of the hand auger

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July 23, 2008

boring for sampling. The Regional Board inspection on March 3, 2008 observed four areas of stained soil on the southern sideslope. The lack of stained soil in each of the samples collected for this report indicate that Ramona Landfill Inc. sampled the soil cover that was placed over the areas of physical evidence of release at the Ramona Landfill. Therefore, the conclusions drawn from the sampling results are not representative of the incident observed by the Regional Board during its March 3, 2008 inspection. We recommend that you resample and analyze for all constituents contained in Investigative Order No. 49-2008-0047.

Any person failing or refusing to furnish information required under the authority of California Water Code section 13267 or falsifying information submitted to the Regional Board pursuant to such a directive is guilty of a misdemeanor and may be subject to civil liability. Under Water Code section 13268, a civil liability may be imposed administratively by the Regional Board in an amount of up to \$1,000 per day of violation (i.e., for each day of delay in submitting all information requested, or for each day that false information remains uncorrected).

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.

Sincerely,



Julie Chan
Supervising Engineering Geologist
Groundwater Basins Branch

JAC:cc:cat

Enclosure

cc: Rebecca Lafreniere, County of San Diego, Department of Environmental Health,
Local Enforcement Agency

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IN THE MATTER OF)
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)
Mr. Neil Mohr, General Manager)
Ramona Landfill Inc.)
8514 Mast Blvd.)
Santee, CA 92071)
)
)

NOTICE OF VIOLATION
NO. R9-2008-0084

WDID NO.
9 000000248

In reply refer to:
CGW:251582:ctamaki

SUBJECT: RAMONA LANDFILL

YOU ARE HEREBY NOTIFIED THAT:

Ramona Landfill Inc. is in violation of Investigative Order No. R9-2008-0047, *Investigation of Significant Physical Evidence of Release, Ramona Landfill, San Diego County.*

This Order was issued pursuant to California Water Code section 13267, requiring Ramona Landfill Inc. to submit a technical report investigating the nature and occurrence of stained soil and ponded liquid on the southern sideslope as documented in the Regional Board landfill inspection report dated March 3, 2008. The Regional Board received the technical report on June 13, 2008.

Description of Alleged Violations:

A. VIOLATION OF ORDER NO. R9-2008-0047

- 1. Directive 1.a requires the Discharger to sample a least one liquid and /or soil sample from each spot of seepage for all constituents listed in Appendix II of the Code of Federal Regulations (CFR), part 258.

Finding: The technical report only contains analyses for EPA metals, total nitrogen and chloride. The EPA metals are a small subset of the Appendix II constituents. Total nitrogen and chloride are not included in Appendix II.

- 2. Directive 1.b requires the Discharger to sample a least one liquid and /or soil sample from each spot of seepage for petroleum fuel oxygenates.

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Finding: The technical report does not contain the analysis required under Directive 1.b.

3. Directive 1.c requires the Discharger to sample a least one liquid and /or soil sample for additional constituents identified as "bioaccumulative toxic substances".

Finding: The technical report does not contain the analysis required under Directive 1.b.

B. VIOLATION OF ORDER NO. 2000-06

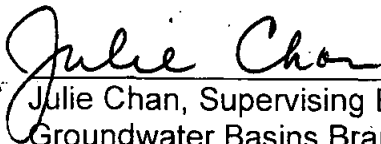
1. Directive C.1.a, Response to a Release, Monitoring and Reporting Program No. 2000-06 requires the Discharger to notify the Regional Board by certified mail when there is significant evidence of physical release.

Finding: Ramona Landfill Inc. did not provide this notification to the Regional Board.

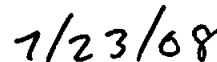
2. Directive C.1.b, Response to a Release, Monitoring and Reporting Program No. 2000-06 requires the Discharger to carry out the requirements of Directive C.3 for all potentially monitored media.

Finding: Ramona Landfill Inc. did not comply with this requirement of the Monitoring and Reporting Program.

These violations subject Ramona Landfill Inc. to possible further enforcement action by the Regional Board, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$5,000 per day per violation;¹ referral to the State Attorney General for injunctive relief; and referral to the District Attorney for criminal prosecution.



Julie Chan, Supervising Engineering Geologist
Groundwater Basins Branch



DATE

JAC:CC:cat

¹ Under authority of Water Code section 13350.

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Mr. Neul Mohr
 8514 Mast Blvd.
 Santee, CA 92071

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 or PO Box No. **8514 Mast Blvd.**
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PS Form 3800, August 2006

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RF

