



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

January 16, 2013

Certified Mail – Return Receipt Requested
Article Number: 7011 0470 0002 8961 6770

Mr. Stephen Grealy
Deputy Director, City of San Diego
Environmental Services Department
9601 Ridgehaven Court, Suite 320
San Diego, California 92123-1636

In reply refer to:
206328:RMitchell

SUBJECT: Notice of Violation No. R9-2013-0028, City of San Diego, General Order No. R9-2012-0001 and Monitoring and Reporting Program R9-2012-0002, for the Arizona Street Landfill

Mr. Grealy:

Enclosed is Notice of Violation (NOV) No. R9-2013-0028, issued to the City of San Diego for violations of Orders Nos. R9-2012-0001 and R9-2012-0002, General Waste Discharge Requirements and Monitoring and Reporting Program for the Maintenance and Monitoring of Closed, Abandoned, or Inactive Nonhazardous Solid Waste Units within the San Diego Region issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). As described in the attached NOV, the violations are subject to further enforcement pursuant to the California Water Code. The San Diego Water Board reserves the right to take any enforcement action authorized by law.

Please provide a written response, within **30 days** of completing all mitigation measure, or by **5:00 pm on June 30, 2013**, whichever is earliest.

In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider the severity and effect of the violation, the level of cooperation, the time it takes to correct the identified violations, and the sufficiency of the corrections.

In the subject line of any response, please include the referenced code "**206328:RMitchell**". For questions pertaining to the subject matter, please contact Roger Mitchell at (858) 467-2724 or RMitchell@waterboards.ca.gov

Sincerely,

Julie Chan, Chief
Clean up and Land Discharge Branch

JAC:jro:rnm

Mr. Grealy
City of San Diego

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January 16, 2013

Enclosure (2): NOV Order No. R9-2013-0028
Inspection Report

cc (via email): Chiara Clemente, Enforcement Coordinator, San Diego Water Board,
CClemente@waterboards.ca.gov

Tech Staff Info & Use	
Reg. Measure ID	213996
Place ID	206328
Order No.	R9-2012-0028
Party (GT/CIWQS) ID	39645
Inspection ID	10957601
GeoTacker ID	9 000034N90

NOTICE OF VIOLATION

No. R9-2013-0028

Mr. Stephen Greal, Deputy Director
9601 Ridgehaven Court, Suite 32-
San Diego, California 92123-1636

City of San Diego

Arizona Street Landfill
206328:RMitchell

**Violations of Orders Nos. R9-2012-0001
and R9-2012-0002**

January 16, 2013

The City of San Diego is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

The City of San Diego is in violation of San Diego Water Board Orders Nos. R9-2012-0001 and R9-2012-0002, *General Waste Discharge Requirements and Monitoring and Reporting Program for the Maintenance and Monitoring of Closed, Abandoned, or Inactive Nonhazardous Solid Waste Units within the San Diego Region.*

A. Summary of Violations

1. Failure to Provide an Annual Site Conditions Certification Report

Section C.4.a of General Order No. R9-2012-0001 specifies that the Discharger shall submit a *Site Conditions Certification Report* certifying under penalty of perjury, that the Arizona Street Landfill (ASL) site conditions and cover system are protective of water quality and beneficial uses. Furthermore, section F.2 of General Order No. R9-2012-0001 requires the *Site Conditions Certification Report* to be submitted on an annual basis, and received by the San Diego Water Board no later than 5:00 pm on October 30th of each year. To date, the San Diego Water Board has not received the City's *Site Conditions Certification Report* for the ASL.

2. Failure to Adequately Maintain the Landfill Cover

In accordance with sections C.4.d.iii and C.4.d.iv of General Order No. R9-2012-0001, the City is required to maintain the landfill cover to function with minimal maintenance, while minimizing the potential percolation of liquids into the underlying waste. Specifically, the landfill cover and waste containment features that exist at the ASL shall be: managed to maintain a slope that promotes positive lateral drainage at all times, and prevents the potential for ponding and infiltration of surface water; and graded to

divert precipitation off and away from the landfill, to prevent ponding of surface water over wastes, and to resist erosion resulting from a 100-year, 24-hour storm event.

During the December 13, 2012 site inspection, San Diego Water Board staff observed numerous instances of ponding (see photographs 1 through 3 below, and Enclosure 1) at the ASL site.



Photograph 1 – ASL cover ponding



Photograph 2 – ASL cover ponding



Photograph 3 – ASL cover ponding and potential leachate

3. Failure to Adequately Manage the Onsite Soil Stockpile

In accordance with section C.5.c of General Order No. R9-2012-0001, the City shall ensure that all stockpiles are adequately protected from erosion by storm water. Moreover, all soil stockpiles shall be overlain by plastic sheeting¹ or managed with adequately maintained runoff/erosion control best management practices (i.e., tackified straw, bonded fiber matrix, wattles, silt fence).

¹ Pursuant to section C.5.c of General Order R9-2012-0001 the minimum thickness shall not be less than 10 mils.

During the December 13, 2012 site inspection, San Diego Water Board staff observed that the wattles used to control runoff/erosion from the ASL soil stockpile were crushed or otherwise diminished, and did not completely encircle the soil stockpile (see photograph 4 and Enclosure 1).



Photograph 4 – ASL Soil Stockpile

4. Failure to Meet the Surface Drainage Requirements

Pursuant to section C.7 of General Order No. R9-2012-0001, the City is required to implement a surface drainage system designed to managed landfill related runoff from a 100-year, 24-hours storm event. The current condition of the landfill cover must be corrected to achieve the following performance standards to control surface drainage/discharge at the ASL site:

- a. Surface water runoff within the boundary of the landfill (i.e., precipitation that falls on the ASL cover) shall be collected by a system of berms, ditches, downchutes, swales, and drainage channels, and shall be diverted off the ASL without coming in contact with any waste.
- b. Surface drainage from tributary areas and internal site drainage from surface and subsurface sources shall not contact or percolate through any waste, and shall either be contained onsite or be discharged in accordance with applicable storm water regulations.
- c. Where surface water flows result in erosive flow velocities, erosion control materials shall be used for protection of drainage conveyance features. Effective best management practices (BMPs) for erosion control shall be implemented on side slopes and interim bench ditches to control erosion when necessary.
- d. Where high surface water flow velocities occur at terminal ends of downchutes, or where downchutes cross access roads, effective BMPS for erosion control shall be implemented.

- e. All areas, including surface drainage courses shall be maintained to minimize erosion.
- f. The ASL cover shall be maintained to minimize percolation of liquids through waste.

5. Failure to Upload Report to GeoTracker

In accordance with section F.16 of General Order No. R9-2012-0001 and Part I.E.3 of Monitoring and Reporting Program No. R9-2012-0002, the City is required to upload all reports submitted to the San Diego Water Board to the GeoTracker database at <http://geotracker.waterboards.ca.gov/>.

A review of the GeoTracker database revealed that the City has not uploaded any reports into the GeoTracker database since October 2006. Please ensure that all reports required by the San Diego Water Board have been uploaded into the GeoTracker database.

Pursuant to section C.4.b of General Order No. R9-2012-0001, please take immediate step to implement measures to mitigate these areas. In addition the City is required to provide the San Diego Water Board with a *Site Conditions Certification Report*, documenting the details of any temporary and permanent steps taken (either through photographs or an inspection report) to mitigate the areas of non-compliance, and correct existing site conditions so that the cover system is protective of water quality in compliance with General Order No. R9-2012-0001. The *Site Conditions Certification Report* must be received by the San Diego Water Board within 30 days of completing all mitigation measures, or by 5:00 pm on June 30 of this year, whichever is earliest.

B. Summary of Potential Enforcement Options

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$5,000 per day of violation (Water Code section 13268) and/or any of the following enforcement actions:

Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300, 13308

In addition, the San Diego Water Board may consider revising or rescinding applicable waste discharge requirements, if any, referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

In the subject line of any response, please include the reference code "206328:RMitchell". Questions pertaining to this Notice of Violation should be directed to Mr. Roger Mitchell at 858-467-2724 or RMitchell@waterboards.ca.gov.



Julie Chan, Chief
Cleanup and Land Discharge Branch

JAC:jro:nmm

Enclosure (1): Arizona Street Landfill Boundary Map

Tech Staff Info & Use	
Reg. Measure ID	213996
Place ID	206328
Order No.	R9-2012-0028
Party (GT/CIWQS) ID	39645
Inspection ID	10957601
GeoTacker ID	9 000034N90

Enclosure 1
City of San Diego
Arizona Street Landfill Photograph Location Map





Landfill Inspection Report



Name of Facility: Arizona Street Landfill
Owner: City of San Diego
Operator: City of San Diego
Facility Address:
RB Inspector: Roger Mitchell

Date: 12/13/2012
WDR No.: R9-2012-0001
Inspection Type: B
Mgr./Sup. Of Site:

Checked? (Yes/No)	Description	Comments
	WDR/File Review	
Yes	RB File Review	
Yes	WDR Status	Other
No	Permitted Waste: Hazardous, Nonhazardous, Designated, Inert, Sewage Sludge, Ash, Auto Shredder, Liquids, Condensate, Other	
Yes	Are Self Monitoring Reports Submitted On Time?	No
Yes	Have Past Violations Been Corrected?*	Yes
	*If no, identify violation(s):	
	Field Inspection	
Yes	Site Activity	Closed
Yes	WDR Reflects Current Discharge?*	Yes
	*If no, identify: WDR Not Current, Type or Rate Changed, Monitoring Reporting Program Changed, Inadequate Load Checking, Other	
	Cover Material, Site Conditions/Maintenance	
Yes	Type of Cover	Final Cover
Yes	Does Cover Provide Adequate Protection?*	No
	*If no, identify: Exposed Waste, Litter Off-site, Seeps, Leachate, Ponding, Poor Drainage, Odors, Other Nuisance Condition	Violations observed included ponding/poor drainage, erosion, and standing leachate pools
	Precipitation/Drainage Controls	
Yes	Is Drainage System Adequate?*	No
	*If no, identify: Erosion, Downcutting, Flooding, Ponding, Does Not Control Peak Flows	Facility appears to lack sufficient drainage systems to prevent ponding.
	Water Quality Monitoring Program	
Yes	Type of Monitoring Program: Surface Water, Groundwater, Unsaturated Zone, Condensate, Leachate, Other	Groundwater
Yes	Is Monitoring Program Adequate?*	Unknown
	*If no, identify: Construction Problem, Broken, Could Not Find, Unknown	Monitoring reports have not been uploaded to the GeoTracker database.
	Samples Collected? (sample no. & location)	



Landfill Inspection Report



Additional Comments: identify each violation and/or correction

AREAS OF CONCERN: A notice of violation will be issued by the California Regional Water Quality Control Board, San Diego Region. Violations summarized will include: Failure to provide an annual site conditions certification report, Failure to adequately maintain the landfill cover, failure to adequately manage the onsite soil stockpile, failure to meet the surface drainage requirements, and failure to upload reports to GeoTracker.

The Items listed or circled above are a violation of the Waste Discharge Requirements for this site. Please take steps to correct these violations as soon as possible, but no later than

Signed by Regional Board Inspector:

1/14/2013

Received by Manager/Supervisor:

Date:

1-14-2013

Attachments: