



California Regional Water Quality Control Board

San Diego Region



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January 5, 2007

CERTIFIED MAIL – RECEIPT REQUESTED
7006 0810 0000 6389 0695

Mr. Michael Mercereau, Director of Public Works
City of San Marcos
201 Mata Way
San Marcos, CA 92069-2949

In Reply Refer to:
LDU:06-0022.02:agrove

Dear Mr. Mercereau:

RE: ADDENDUM 2 TO WATER QUALITY INVESTIGATION ORDER NO. R9-2006-0044 FOR DISCHARGES OF WASTE FROM THE BRADLEY PARK/OLD LINDA VISTA LANDFILL, SAN MARCOS, CA

Enclosed is Addendum No. 2 to Investigative Order (Order) No. R9-2006-0044 issued under authority of section 13267 of the California Water Code (CWC). Addendum No. 2 to the Order modifies the original due dates, for the following technical submittals:

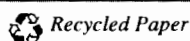
Directive	Submittal	Revised Due Date
C.1	Amended Report of Waste Discharge (ROWD)	May 18, 2007
E.3	Groundwater Sampling and Analysis Plan - Evaluation Monitoring Program	May 18, 2007

By those revised dates, the City must provide the Regional Board with the required technical reports associated with implementation of an Evaluation Monitoring Program (EMP), in compliance with the applicable provisions of California Code of Regulations (CCR) Title 27 §20090(g), §20385(a)(3), and §20425. All the other requirements and provisions of Order R9-2006-0044 remain in effect.

Failure to comply with the directives of Order R9-2006-0044 and addenda thereto may subject you to further enforcement actions by the Regional Board, including referral to the State Attorney General for injunctive relief; and/or referral to the District Attorney for criminal prosecution.

I strongly urge a complete and prompt response to each directive in Order No. R9-2006-0044. If you or your staff has any questions regarding this matter, please contact either of the following staff:

California Environmental Protection Agency



Mr. Michael Mercereau, City of San Marcos - 2 -
Addendum No. 2 to Order No. R9-2006-0044:
Bradley Park/Old Linda Vista Landfill

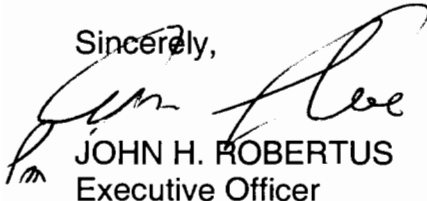
January 5, 2007

Mr. John Odermatt
Senior Engineering Geologist
Land Discharge Unit
Phone: (858) 637-5595
e-mail: jodermatt@waterboards.ca.gov

Mrs. Amy Grove
Engineering Geologist
Land Discharge Unit
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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,



JOHN H. ROBERTUS
Executive Officer

Enclosures: Addendum No. 2 to Investigative Order No. R9-2006-0044

cc: Mr. Garth Koller, City of San Marcos, 1 Civic Center Drive, San Marcos, CA 92069-2949

Ms. Candace Gibson, County of San Diego, Landfill Management, 5201 Ruffin Road,
MS 0383, San Diego, CA 92123 (w/attachment)

Ms. Rebecca Lafreniere, County of San Diego Local Enforcement Agency, 9325 Hazard
Way, San Diego, CA 92123 (w/attachment)

Mr. Richard Opper, Esq. Opper and Varco, LLP, 225 Broadway, Suite 1900, San Diego,
CA 92101 (w/attachment)

Mr. James O'Day, Esq. County of San Diego, County Administration Center, 1600
Pacific Highway, Room 355, San Diego, Ca 92101 (w/attachment)

Mr. Joe Mello, Division of Clean Water Programs, State Water Resources Control
Board, P.O. Box 944212, Sacramento, CA 94244-2120 (w/attachment)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ADDENDUM NO. 2 TO
WATER QUALITY INVESTIGATION ORDER NO. R9-2006-0044

CITY OF SAN MARCOS
BRADLEY PARK/OLD LINDA VISTA LANDFILL
SAN DIEGO COUNTY

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

REGULATORY AND FACTUAL BACKGROUND

1. **ENFORCEMENT ACTION:** The City of San Marcos is responsible for its management and maintenance under the Regional Board's waste discharge requirements (Order 97-11) for inactive landfills. The City of San Marcos is referred to as "Discharger" in this Order. On April 17, 2006, the Regional Board issued Water Quality Investigation Order R9-2006-0044 to the City of San Marcos. Order No. R9-2006-0044 requires the City to develop and implement an Evaluation Monitoring Program (EMP) in compliance with the applicable provisions of California Code of Regulations (CCR) Title 27 §20090(g), §20385(a)(3), and §20425.
2. **DISCHARGER'S REQUEST AND REGIONAL BOARD RESPONSE:** On September 15, 2006, the Regional Board received a letter, from the Discharger's legal counsel, requesting that the Regional Board extend the due date to October 31, 2006 for the Evaluation Monitoring Program (EMP) workplan. The request was based upon the Discharger's anticipation of potential participation by the County of San Diego in the investigation process, and the time necessary to complete a mutual exchange of information between the Discharger and County. On October 10, 2006, the Regional Board convened a meeting with the interested parties, including representatives from the City of San Marcos, County of San Diego, and the Regional Board staff. The parties were unable to develop a joint stipulation agreement on responsibility for the Bradley Park/Old Linda Vista Landfill. However, the Regional Board agrees to the limited time extension proposed by the Discharger.
3. **ADDENDUM 1:** On September 28, 2006, the Executive Officer issued Addendum 1 to Order R9-2006-0044, extending the due date for the EMP workplan to October 31, 2006. It is reasonable to extend the due date for the Amended Report of Waste Discharge and Groundwater Sampling and Analysis Plan, because the preparation of these submittals necessarily depends upon the completion of the work in the EMP workplan.

4. **CEQA EXEMPTION:** This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, *et seq.*) in accordance with CCR Title 14, Chapter 3, section 15321.

ORDER DIRECTIVES

IT IS HEREBY ORDERED, pursuant to sections 13267 of the California Water Code, Order R9-2006-0044 is hereby amended as follows:

1. Change the compliance date in Directive C.1 of Order R9-2006-0044, for the Amended Report of Waste Discharge, as follows:

“ **C. Amended Report of Waste Discharge**

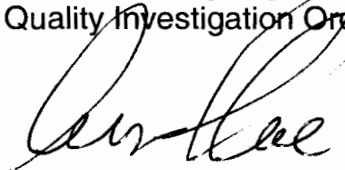
1. By **May 18, 2007**, the Discharger shall submit to the Regional Board an updated Report of Waste Discharge (ROWD) to amend this Order to establish a corrective action program meeting the requirements of CCR Title 27, §20430. The ROWD shall contain the following information:”
2. Change the compliance date in Directive E.3 of Order R9-2006-0044, for the Groundwater Sampling and Analysis Plan - Evaluation Monitoring Program, as follows:
 - “3. **Environmental Sampling and Analysis** - By **May 18, 2007**, the Discharger shall submit a plan for sampling and analysis of groundwater for the purpose of executing an effective Evaluation Monitoring Program (EMP) as required pursuant to CCR Title 27 §20425. The first round of samples collected from all sampling points (*i.e.*, groundwater wells, soil vapor monitoring probes, and surface water samples/seeps) shall contain analytical results for all constituents listed in Appendix II to the Code of Federal Regulations, Title 40 (40 CFR) Part 258. The Discharger shall continue to regularly monitor those constituents found in concentrations above designated water quality objectives and report results in subsequent water quality monitoring reports in compliance with this Order.”
3. All other directives and provisions of Order R9-2006-0044 remain in effect.

Addendum 2 to Order No. R9-2006-0044:
Investigation Order for Discharges of Waste
Constituents from Bradley Park/Old Linda Vista Landfill

January 5, 2006

I, John H. Robertus, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of an Addendum to Water Quality Investigation Order R9-2006-0044 as issued on January 5, 2007.

Ordered By:



JOHN H. ROBERTUS
Executive Officer
January 5, 2007