

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

IN THE MATTER OF:

**CITY OF SAN MARCOS
BRADLEY PARK LANDFILL
NONCOMPLIANCE WITH
CALIFORNIA WATER CODE
SECTION 13267
ORDER NO. R9-2006-0044**

**COMPLAINT NO. R9-2008-0080
FOR
ADMINISTRATIVE CIVIL LIABILITY**

September 26, 2008

THE CITY OF SAN MARCOS IS HEREBY NOTIFIED THAT:

1. The City of San Marcos is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board) may impose civil liability under section 13268 of the California Water Code.
2. The City of San Marcos owns the Bradley Park Landfill, and is responsible for managing and maintaining the Landfill under Waste Discharge Requirements Order No. 97-11, general waste discharge requirements for inactive landfills.
3. On April 17, 2006 the Regional Board issued Water Quality Investigative Order No. R9-2006-0044 to the City of San Marcos, requiring the City to submit a Report of Waste Discharge by May 18, 2007.

ALLEGATION

4. The City of San Marcos failed to submit an adequate Report of Waste Discharge (RoWD) that satisfied the requirements of the Investigative Order in this matter (R9-2006-0044, as amended). An adequate RoWD was due to the Regional Board on May 18, 2007, and was not received by that date. On January 30, 2008 the City of San Marcos submitted an incomplete technical RoWD, which fails to meet the directives outlined in the investigative Order No. R9-2006-0044.
5. Pursuant to Water Code section 13268, the maximum liability that the Regional Board may assess is one thousand dollars (\$1,000) for each day

in which any person failed or refused to furnish technical or monitoring program reports as required by Water Code section 13267(b). Therefore, the maximum liability for this violation is \$492,000 for four hundred ninety-two days of violation.

PROPOSED CIVIL LIABILITY

6. Considering the factors listed in section 13327 of the Water Code, as described in Technical Analysis, Proposed Administrative Civil Liability Contained in Complaint No. R9-2008-0080, a civil liability should be imposed on the City of San Marcos, by the Regional Board, in the amount of \$59,975.

Dated this 26th day of September, 2008

A handwritten signature in black ink, appearing to read "David T. Barker", is written over a horizontal line. To the left of the line, there is a small, illegible handwritten mark.

MICHAEL P. McCANN
Assistant Executive Officer
San Diego Regional Water Quality
Control Board

Signed pursuant to the authority
delegated by the Executive Officer to
the Assistant Executive Officer