

EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**California Regional Water Quality Control Board, San Diego Region**

April 2, 2013

**Certified Mail – Return Receipt Requested**

Article Number: 7011 0470 0002 8961 8064

Mr. Timothy G. Roberts  
Environmental Director  
Otay Ventures II, L.L.C./Landbank Group  
7604 Technology Way, Suite #300  
Denver, CO 80237

**In reply refer to:**  
245992:CTamaki

**SUBJECT: Notice of Violation No. R9-2013-0055, Order No. 97-40, Waste Discharge Requirements for Closure and Post-Closure Maintenance for the Class I Waste Management Containment Cell, Omar Rendering Facility, Otay Mesa Ventures II, L.L.C, and Cleanup and Abatement Order No. R9-2003-0080, Otay Mesa Ventures II, L.L.C. for the Former Omar Rendering Facility, San Diego County**

Mr. Roberts:

Enclosed is Notice of Violation (NOV) No. R9-2013-0055, issued to Otay Ventures II L.L.C. for violations of Order No. 97-40, *Waste Discharge Requirements for Closure and Post-Closure Maintenance for the Class I Waste Management Containment Cell, Omar Rendering Facility, Otay Ventures II L.L.C.* and Cleanup and Abatement Order No. R9-2003-0080, *Otay Mesa Ventures II L.L.C. for the Former Omar Rendering Facility, San Diego County*, 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 by **June 30, 2013** that either confirms the violations have been corrected or identifies a date by which the violations will be corrected.

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 "**245992:CTamaki**." For questions pertaining to the subject matter, please contact Carol Tamaki at (858) 467-2982 or [CTamaki@waterboards.ca.gov](mailto:CTamaki@waterboards.ca.gov)

Sincerely,

Julie Chan, Chief  
Clean up and Land Discharge Branch

JAC:jro:cat

TOMAS MORALES, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

9174 Sky Park Court, Suite 100, San Diego, CA 92123-4353 | (858) 467-2952 | [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)



Mr. Roberts  
Otay Ventures II, L.L.C.

2

April 2, 2013

..  
Enclosure (2): NOV Order No. R9-2013-0055  
Inspection Report

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

Tech Staff Info & Use	
Reg. Measure ID	142900/256773
Place ID	245992
Order No.	97-40/R9-2003-0080
Party (GT/CIWQS) ID	25476
Inspection ID	11751146
GeoTacker ID	L10003156547

# NOTICE OF VIOLATION

## No. R9-2013-0055

Mr. Timothy G. Roberts  
Environmental Director  
7604 Technology Way, Suite #300-  
Denver, CO 80237

Otay Mesa Ventures II, LLC  
  
Former Omar Rendering Facility  
  
245992:CTamaki

**Violations of Order No. 97-40 and  
Cleanup and Abatement Order No.  
R9-2003-0080**

April 2, 2013

The Otay Mesa Ventures, II, L.L.C./Landbank Group 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 Otay Mesa Ventures II, L.L.C./Landbank Group is in violation of San Diego Water Board Orders Nos. 97-40, *Waste Discharge Requirements for Closure and Post-Closure Maintenance for the Class I Waste Management Containment Cell, Omar Rendering Facility, Otay Mesa Ventures II, L.L.C.* and Cleanup and Abatement Order No. R9-2003-0080, *Otay Mesa Ventures II, L.L.C. for the Former Omar Rendering Facility, San Diego County.*

### A. Summary of Violations

#### Order No. 97-40

#### **No notification of change of ownership**

The former Omar Rendering facility has changed ownership. Provision C.7 requires the Discharger to submit notice of any proposed transfer of this Order's responsibility and coverage to a new discharger as described under Reporting Requirement D.3. The Reporting Requirement requires the Discharger to 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 waste management unit.



Cleanup and Abatement Order No. R9-2003-0080

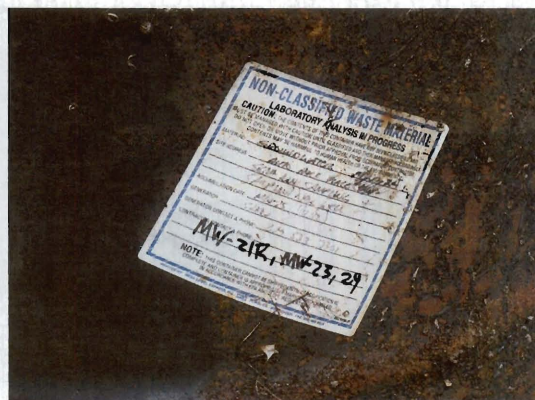
**1. Illegal Discharge of Wastes**

Prohibition A.3 of Cleanup and Abatement Order No. R9-2003-0080 specifies that discharges of any wastes to land or waters of the State are prohibited unless the discharge is permitted by issuance of Waste Discharge Requirements. During a site inspection conducted on March 12, 2013, several mattresses, tires, etc. have been illegally dumped on the property. The discharge of these items to the property is not permitted under this Cleanup and Abatement Order and these items need to be removed.



**Discharge of groundwater**

Prohibition A.4 states that the management and discharge of contaminated soils and groundwater shall not violate applicable federal, State and local regulations or requirements. During a site inspection on March 12, 2013, the San Diego Water Board noted that three drums of “purge/decon” water were being stored at the site. The oldest drum was dated January 2012 and contained purge water from monitoring wells MW21R, MW23, and MW24. The other two drums were dated February 13, 2013. The storage of drums is not a permitted activity under Order No. R9-2003-0080. The drums need to be disposed of properly.





## 2. Failure to Adequately Maintain the drainage facilities

Site Maintenance Directive E.1.c requires the Discharger to perform semi-annual inspections of the site and report any significant findings with regard to drainage facilities. During the site inspection, the drainage structure for the site was clogged with soil. This soil needs to be removed to ensure proper operation of the drainage structure.



## B. Summary of Potential Enforcement Options

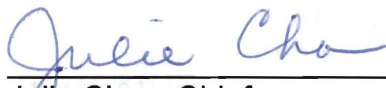
These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$5,000 per day of violation (Water Code section 13268) and/or any of the following enforcement actions:



<b>Other Potential Enforcement Options</b>	<b>Applicable Water Code Section</b>
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 "245992:CTamaki". Questions pertaining to this Notice of Violation should be directed to Ms. Carol Tamaki at 858-467-2982 or CTamaki@waterboards.ca.gov.



Julie Chan, Chief  
Cleanup and Land Discharge Branch

JAC:jro:cat

Enclosure (1):

Tech Staff Info & Use	
Reg. Measure ID	142900/256773
Place ID	245992
Order No.	97-40
Party (GT/CIWQS) ID	25476
Inspection ID	11751146
GeoTacker ID	L10003156547

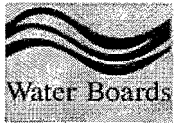


# Landfill Inspection Report



**Name of Facility:** Former Omar Rendering Facility **Date:** March 12, 2013  
**Owner:** Otay Mesa Ventures II, LLC **WDR No.:** 97-40  
**Operator:** Darling International **Inspection Type:** B  
**Facility Address:** 1886 Auto Park, Chula Vista **Mgr./Sup. Of Site:**  
**RB Inspector:** Carol Tamaki

Checked? (Yes/No)	Description	Comments
	<b>WDR/File Review</b>	
	RB File Review	
Yes	WDR Status	
	Permitted Waste: Hazardous, Nonhazardous, Designated, Inert, Sewage Sludge, Ash, Auto Shredder, Liquids, Condensate, Other	
	Are Self Monitoring Reports Submitted On Time?	
	Have Past Violations Been Corrected?*	
	*If no, identify violation(s):	
Yes	<b>Field Inspection</b>	
Yes	Site Activity	
Yes	WDR Reflects Current Discharge?*	
	*If no, identify: WDR Not Current, Type or Rate Changed, Monitoring Reporting Program Changed, Inadequate Load Checking, Other	
Yes	<b>Cover Material, Site Conditions/Maintenance</b>	
Yes	Type of Cover	
Yes	Does Cover Provide Adequate Protection?*	
	*If no, identify: Exposed Waste, Litter Off-site, Seeps, Leachate, Ponding, Poor Drainage, Odors, Other Nuisance Condition	
	<b>Precipitation/Drainage Controls</b>	
Yes	Is Drainage System Adequate?*	No
	*If no, identify: Erosion, Downcutting, Flooding, Ponding, Does Not Control Peak Flows	Drainage clogged with soil- see photo.
Yes	<b>Water Quality Monitoring Program</b>	
	Type of Monitoring Program: Surface Water, Groundwater, Unsaturated Zone, Condensate, Leachate, Other	
Yes	Is Monitoring Program Adequate?*	
	*If no, identify: Construction Problem, Broken, Could Not Find, Unknown	
Yes	Samples Collected? (sample no. & location)	



# Landfill Inspection Report

**Additional Comments: identify each violation and/or correction**

Three drums of groundwater were found in the northeastern corner of the property. Photos show closeups of two of the barrel labels. One was labeled a groundwater for MW-21R, MW-23 and MW-24, dated January 4, 2012. The label from the middle drum indicated that it contained purge and decon water and was labeled as full on February 13, 2013. San Diego Water Board staff also noted that illegal dumping had taken place on the site. See attached photos of mattresses, a tire, broken toilet and other debris.

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

Date:

3/15/13

Received by Manager/Supervisor:

Date:

3-19-13

Attachments: Photos from site inspection of the Former Omar Rendering Facility.

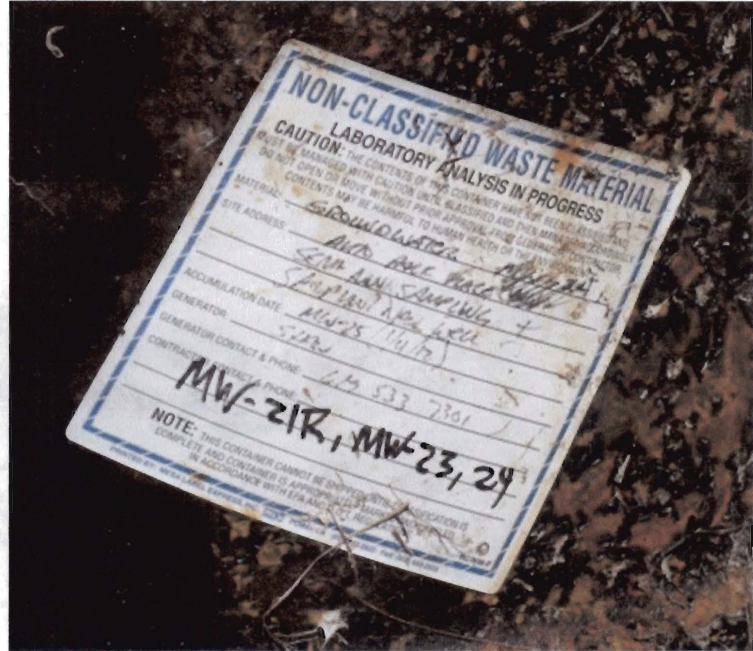


FORMER OMAR RENDERING FACILITY INSPECTION

MARCH 12, 2013



Three drums containing groundwater.



Closeup of label from left drum dated January 4, 2012.



Label from middle drum dated February 13, 2013.



Inadequate maintenance of site drainage.



Illegal dumping.

