CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

CEASE AND DESIST ORDER NO. 98-39
FOR THE
COUNTY OF SAN DIEGO
SAN MARCOS LANDFILL
SAN DIEGO COUNTY

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

1. On January 22, 1992, this Regional Board adopted Order No. 92-02, **Waste Discharge Requirements for County of San Diego, San Marcos Sanitary Landfill, San Diego County.** Order No. 92-02 approved a two hundred foot vertical expansion of the San Marcos Sanitary Landfill. The Regional Board approval of the vertical expansion was appealed to the State Water Resources Control Board. By Order No. WQ 93-8, the State Board approved the vertical expansion and required additional design specifications for the landfill.

2. On March 11, 1997, the San Marcos Landfill ceased operation before reaching the final design elevation of 950'. The County of San Diego originally submitted a closure plan dated December 31, 1995. After many revisions to the closure plan, it remains incomplete. The landfill is covered with an "intermediate" soil which is approximately two feet thick. The "intermediate" soil is not subject to the prescriptive standards which are used for final landfill cover and may not provide adequate protection against washout and/or erosion during long-term exposure.

3. The County of San Diego is violating Discharge Specification B.4 of Order No. 92-02. Surface water runoff has created erosion gullies on the top deck of the landfill, exposing waste to washout by surface water runoff. Surface drainage from the top deck of the vertical expansion was flowing in contact with wastes in erosion gullies and in the eroded portion of the downchute.

4. The County of San Diego is violating Discharge Specification B.5 of Order No. 92-02. Surface runoff from the top deck resulted in a blowout at the entry of the downchute, exposing waste. The landfill was not adequately protected against washout or erosion of waste materials.

5. The County of San Diego is in violation of Reporting Requirements E.7 and E.11 of Order No. 92-02. Erosion of cover materials on the top deck and surrounding the downchute could endanger public health or the environment by allowing surface runoff to contact waste, promoting leachate formation and discharges of waste or pollutants that could cause conditions of pollution, or nuisance, in surface water or ground water. The County of San Diego failed to notify the Regional Board within 24 hours of becoming aware of noncompliance with Order No. 92-02 resulting from the presence of / development of erosion gullies in the top deck, or of the erosion resulting in exposed waste. The

development of erosion gullies & erosion of downchute constitute "changes in site conditions that could impair the integrity of waste or leachate containment facilities or of precipitation and drainage control facilities. Changes to these facilities may also result in condition of pollution or nuisance in ground or surface waters.

6. Pursuant to California Water Code Section 13301, this Regional Board has the authority to issue a Cease and Desist order for violations and threatened violations of Order No. 92-02.

7. This enforcement action is being taken for the protection of the environment and, as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15108, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, pursuant to Section 13301 of the California Water Code, the County of San Diego (hereinafter discharger):

1. Shall cease and desist from violating or threatening to violate the requirements prescribed in Order No. 92 -02 as Amended by State Water Board Order No. WQ 93-8.

2. Shall take appropriate remedial or preventive action forthwith to correct all violations and threatened violations of Order No. 92-02 as Amended by State Water Board Order No. WQ 93-8.

3. The Discharger shall comply with the time schedule and perform tasks listed below:

   a. **By October 31, 1998**, implement adequate erosion control measures, maintenance and repairs of the landfill cover, drainage control facilities and use soil stabilization practices on all disturbed areas of the landfill. The soil stabilization practices shall be designed to revegetate open areas as soon as feasible after grading or maintenance. In developing these practices, the discharger shall consider: temporary seeding, permanent seeding, mulching, vegetative buffer strips or other soil stabilization practices. At a minimum, the County of San Diego must implement these practices on all disturbed areas during the rainy season.

   b. **By July 1, 1998**, submit a workplan describing any maintenance and erosion control activities which would be used to achieve compliance with these requirements for adequate erosion control measures, maintenance, and repairs to the landfill cover.

   c. Landfill cover on the top deck of the San Marcos Landfill shall be constructed to minimize percolation of precipitation through wastes. The landfill cover shall not be less than 24" thick and achieve a permeability of 3×10^{-5} cm/sec. The structural integrity and effectiveness of the landfill cover and all containment structures shall be maintained as necessary to correct the effects of settlement or other adverse factors.

d. Vegetation overlaying the landfill shall be selected to require minimum irrigation and maintenance, and shall not impair the integrity of the landfill cover or containment structures.

e. The migration of landfill gas from the site shall be controlled as necessary to ensure that landfill gases and gas condensate are not discharged to surface waters or ground waters. Condensate shall be collected and removed from the site except as defined in Title 27 Section 20090(e).

f. Submit **quarterly progress reports** identifying and discussing all tasks undertaken by the County of San Diego to achieve compliance with Directives of this Order. The reports shall identify completion dates for each task and shall be submitted according to the following schedule:

Report Period	*Report Due*
April - June	July 31
July - September	October 31
October - December	January 31
January - March	April 30

g. Provide either verbal or written notification at least 2 working days prior to any maintenance activities that are minor and/or routine in nature, do not add a significant amount of water, do not inhibit drainage, have limited potential for impacts to beneficial use of water, and will not interfere with future routine maintenance. These activities may include, but not be limited to:

1) erosion control activities
2) routine maintenance grading;
3) landscaping with minimal/no water application;
4) gas surveys with temporary probes; or
5) replacement/removal of gas collection wells.

h. After January 1, 1999 the discharger shall submit a workplan at least 30 days prior to any maintenance activities that could alter existing surface drainage patterns or change existing slope configurations. These activities may include, but not be limited to, significant grading activities, the importation of fill material, the design and installation of soil borings, ground water monitoring wells and other devices for site investigation purposes.

4. Nothing in this Order shall be construed to relieve the County of San Diego from further enforcement action, including administrative or judicial assessment of civil liability, injunctive relief, or criminal prosecution, resulting from violations of Order No. 92-02.

5. Failure to comply with the provisions of this order may subject the discharger to further enforcement action, including but not limited to, assessment of civil liability under Section 13308, 13268, 13385 of the Water Code and referral of this matter to the district attorney or attorney general for injunctive relief and civil or criminal liability.

I, John H. Robertus, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on May 13, 1998.

JOHN H. ROBERTUS
Executive Officer