CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ADDENDUM NO. 1 TO 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 May 13, 1998, this Regional Board adopted Cease and Desist Order No. 98-39 for the County of San Diego, San Marcos Sanitary Landfill, San Diego County. Cease and Desist Order No. 98-39 was issued, as described in its findings, based on violations of Order No. 92-02.

2. On March 11, 1997, the San Marcos Landfill ceased operation. The County of San Diego originally submitted a closure plan dated December 31, 1995. After many revisions to the closure plan, it remains incomplete. By letter dated October 3, 2001, the County of San Diego provided a time schedule that indicated a new final closure plan for the San Marcos Landfill would be submitted by May 15, 2002.

3. The "intermediate cover" for the San Marcos Landfill shall be comprised of soil that complies with the requirements of Directive No. 3.c. of Cease and Desist Order No. 98-39. The "intermediate cover" is not subject to the prescriptive standards that are used for final landfill cover and may not provide adequate protection against washout and/or erosion during long-term exposure. This addendum contains maintenance requirements that the Regional Board has adopted for inactive landfills. These requirements will help ensure that the landfill cover is adequately maintained until the discharger completes final closure of the landfill.

4. Pursuant to California Code of Regulations Title 27 *("27 CCR")* Section 22190 the Regional Board may require closure of a waste management unit in order to prevent or curtail violations of waste discharge requirements through adoption of a cease and desist order pursuant to California Water Code Section 13302 *et. seq.*

5. 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 15321, 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):

A. Closure of the San Marcos Landfill

1. Shall prepare an amended Report of Waste Discharge (ROWD) for the implementation of closure and post-closure maintenance/monitoring for the waste management unit. The amended ROWD shall contain information pursuant to 27 CCR, Sections 21710, 21740, and 21750. The ROWD shall be submitted to the Regional Board in a Joint Technical Document *("JTD")* pursuant to 27 CCR, Sections 21585 and 21710.

2. Shall submit to the Regional Board the closure and post-closure maintenance plans in compliance with 27 CCR, Sections 20950, 21090 and 21769.

3. Shall ensure that the amended ROWD contains all supporting information [pursuant to 27 CCR, Section 20080(b)] and any requisite demonstrations [pursuant to 27 CCR, Section 20080(c)] for any proposed *"engineered alternative"* to construction or prescriptive standards contained in 27 CCR.

4. Shall continue to comply with all other existing requirements of Order 98-39.

5. Shall comply with the following time schedule and perform tasks listed below:

   a. By **June 30, 2002,** submit a Joint Technical Document ("*JTD*") for closure and post-closure maintenance of the San Marcos Sanitary Landfill. The JTD shall contain a complete ROWD with and any supporting technical documents required to compliance with Directives A.1., A.2., and A.3. above.

   b. Provide the Regional Board with a complete copy of all final documents, and any addenda thereto, prepared in compliance with the California Environmental Quality Act (CEQA). The discharger shall provide the Regional Board with certified CEQA Environmental Impact Report (EIR) and other CEQA documents (*e.g.*, notice of determination, notice of exemption, *etc.*) within 5 working days of the certification or issuance of a notice of determination by the lead agency.

   c. Amend **quarterly progress reports** to include a discussion of all tasks undertaken by the County of San Diego to achieve compliance with Directives of Addendum No. 1 to this Order. The reports shall discuss the progress made toward completion each task, identify the completion dates for each task, and shall be submitted according to the schedule required in Directive 3(f) of Cease and Desist Order No. 98-39.

B. Interim Cover Maintenance Requirements

The Discharger shall comply with the following Interim Cover Maintenance Requirements until construction of the final cover is completed and final closure and post-closure maintenance requirements are approved by the Regional Board.

1. Prepare a maintenance plan by **June 30, 2002**, which contains, but is not limited to, the following:

    a. The persons, companies, or agencies responsible for each aspect of landfill maintenance, along with their addresses and phone numbers.

    b. Location maps indicating property boundaries and the existing limits of waste, internal roads, and structures inside the property boundary.

    c. A location map of the current monitoring and control systems including drainage and erosion control systems and landfill gas monitoring and control systems.

    d. A description of the methods, procedures, schedules and processes that will be used to maintain, monitor and inspect the landfill.

2. The discharger shall comply with all applicable requirements of Title 27, CCR, Subchapter 5, Article 2.

3. The waste management unit shall be adequately protected from any washout, erosion of wastes or cover material. The surface drainage system shall be designed to adequately handle the rainfall from a 100-year 24-hour storm event.

4. Vegetation used at the site shall be selected to require minimum irrigation and maintenance, and shall not impair the integrity of the existing cover.

Erosion Control

5. Annually, prior to the anticipated rainy season but not later than **October 31**, any necessary erosion control measures shall be implemented, and any necessary construction, maintenance, or repairs of precipitation and drainage control facilities shall be completed to prevent erosion, ponding, flooding, or to prevent surface drainage from contacting or percolating through wastes at the facility. In addition, maintenance, and repairs necessitated by changing site conditions can be made at any time.

6. Structural and non-structural Best Management Practices (BMPs) shall be used to prevent erosion of cover materials and in areas undergoing landfill containment system construction and/or maintenance.

7. All areas, including surface drainage courses, shall be maintained to minimize erosion.

Surface Drainage

8. Surface water runoff within the boundary of the landfill (*i.e.,* precipitation that falls on the landfill cover) shall be collected by a system of berms, ditches, downchutes, swales and drainage channels, and shall be diverted off the landfill to either the detention basins or to the natural watercourses offsite.

9. Surface drainage from tributary areas and internal site drainage from surface and subsurface sources shall not contact or percolate through waste and shall either be contained onsite or be discharged in accordance with applicable storm water regulations.

10. Surface drainage from the landfill is subject to State Board Order No. 97-03-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, "Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities" and any subsequent revisions or renewals thereof.

11. Where flow concentrations result in erosive flow velocities, surface protection such as asphalt, concrete, riprap, silt fences or other erosion control material shall be used for protection of drainage conveyance features. Interim bench ditches shall be provided with erosion control material and riprap to control erosion where necessary.

12. Where high velocities occur at terminal ends of downchutes or where downchutes cross the landfill cover access roads, erosion control material shall be applied to exposed soil surfaces.

13. Energy dissipators shall be installed to control erosion at locations where relatively high erosive flow velocities are anticipated.

Irrigation Systems Control

14. For inactive landfills with water lines overlying waste, the design shall consider, but not be limited to, the following:

a. Flexible connectors;
b. Secondary containment;
c. Moisture sensors within secondary containment;
d. Rain sensors;
e. Annual leak testing;
f. Automatic shutoff valves; and
g. Maintenance plan describing the inspection and maintenance schedule for all mitigation devices.

C. NOTIFICATIONS

1. Nothing in this Addendum 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.

2. Failure to comply with the directives of this order or addenda thereto 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 foregoing is a full, true and correct copy of an Addendum adopted by the California Regional Water Quality Control Board, San Diego Region, on December 12, 2001.

JOHN H. ROBERTUS
Executive Officer