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BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

In the Matter of:) NOTICE AND ORDER
) NO. (order number)
)
THE OPERATION OF (facility name), FACILITY) PUBLIC RESOURCES CODE
NO. (SWIS #), IN VIOLATION OF THE TERMS) SECTION (45000, 45005, 45011,
AND CONDITIONS OF THE FACILITY'S) and/or 45023)
GOVERNING SOLID WASTE FACILITY)
PERMIT)

TO: (name of operator), (name of facility), (operator's mailing address), and (name of owner), (property owner's mailing address):

PLEASE TAKE NOTICE THAT:

WHEREAS the (name of facility) ("Facility"), a solid waste facility, is located at (address/location of facility), California (APN____); and

WHEREAS the California Integrated Waste Management Board ("CIWMB") has authority to act as the enforcement agency for this Facility pursuant to Public Resource Code (PRC) section 43205 et seq.; and

WHEREAS the (name of owner and/or operator) is operating a solid waste facility on said property without obtaining a Solid Waste Facility Permit ("SWFP") OR the Facility is a solid waste facility that is permitted to operate pursuant to Solid Waste Facility Permit ("SWFP") No. (SWIS #), issued on (date); and

1 WHEREAS this Facility is in violation of PRC section 44002, which requires every
2 operator of a solid waste facility to acquire a SWFP; and

3 WHEREAS changes in the design and operation of this Facility have occurred since the
4 issuance of SWFP No. (SWIS #) on (date). Changes include:

- 5 1. *(list the changes)*
- 6 2.
- 7 3.

8 The above change(s) in design and/or operation constitutes a violation of PRC section
9 44014(b), which requires the operator to abide by the terms and conditions in an approved SWFP.

10 WHEREAS, violations in the operation of this Facility have been documented since (dates
11 of inspections), which include:

- 12 1. *(cite the applicable regulation, title, and detail/describe each violation)*
- 13 2.
- 14 3.

15 In addition to the violations of the specific State Minimum Standards noted above, the above
16 violations constitute a violation of PRC section 44014(b), which requires the operator to comply
17 with the terms and conditions in an approved SWFP.

18 WHEREAS the CIWMB has the authority to order solid waste facility owners/operators
19 who are in violation of the aforementioned statutes and regulations, to cease and desist any
20 improper action, to clean up any solid waste, to abate the effects thereof, and to take any other
21 remedial action, pursuant to PRC section 45005 and 45011.

22 **NOW, THEREFORE, THE (name of owner and/or operator) IS ORDERED TO:**

- 23 1. *(list the required actions, including date)*
- 24 2.
- 25 3.
- 26 4. Comply with all other terms and conditions of the Facility's (date) SWFP.

1 5. Submit the written reports required above, to: Ms. Julie Nauman, Deputy Director,
2 Permitting & Enforcement Division, California Integrated Waste Management Board,
3 8800 Cal Center Drive, Sacramento, CA 95826.

4 **PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO PRC SECTIONS**
5 **45011, 45014, and 45023**, if the above actions are not completed or complied with by the specified
6 dates, the CIWMB may seek administrative civil penalties in an amount not to exceed five thousand
7 dollars (\$5,000) for each day the violation occurs, or petition the superior court for injunctive relief
8 to enforce this Notice and Order and seek civil penalties not to exceed ten thousand dollars
9 (\$10,000) per day for each violation, against any person who intentionally or negligently violates
10 any provision of applicable solid waste statute or regulation.

11 In the event that the dates for completion of the activities specified above cannot be met due
12 to adverse weather or other factors beyond the control of the owner/operator, then the dates may be
13 lengthened by the CIWMB based upon those specific factors provided by the operator in writing.

14 Failure to remedy the aforementioned violation(s) by the required date(s) may result in
15 the CIWMB expending available funds to perform any cleanup, abatement, or remedial work
16 required under the circumstances set forth in PRC section 45000 which, in the judgement of the
17 CIWMB, is required by the magnitude of endeavor or the need for prompt action to protect
18 public health and safety or the environment. If the CIWMB expends funds to perform any
19 cleanup, abatement, or remedial work, the CIWMB may seek cost reimbursement from the
20 operator or owner pursuant to PRC section 45000(d).

21 Nothing in this Notice and Order shall constitute or be construed as a satisfaction or
22 release from liability for any conditions or claims arising as a result of past, current, or future
23 operations. Notwithstanding compliance with the terms of this Notice and Order, the
24 owner/operator may be required to take further actions as necessary to protect public health,
25 safety or the environment.

26 The CIWMB shall not be liable for injuries or damages to persons or property resulting
27 from acts or omissions by the owner/operator or related parties in carrying out activities pursuant

1 to this Notice and Order, nor shall the CIWMB be held as a party to any contract entered into by
2 the owner/operator or their agent(s) in carrying out activities pursuant to this Notice and Order.

3 This Notice and Order is supported by the accompanying declaration of *(name of*
4 *declarant)*.

5 This Notice and Order does not relieve the owner/operator from complying with all other
6 local, state, and federal requirements or prevent the CIWMB from taking any and all other
7 actions allowed by law.

8 This Notice and Order may only be amended in writing by an appropriate representative
9 of the CIWMB.

10 This Notice and Order is issued as of the date set forth below.

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13 DATED: _____

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16 _____
17 Julie Nauman
18 Deputy Director
19 Permitting & Enforcement Division
20 California Integrated Waste Management Board

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