IMPERIAL COUNTY

DIVISION OF ENVIRONMENTAL HEALTH

797 MAIN STREET, EL CENTRO, CA 92243

LOCAL ENFORCEMENT AGENCY

IN THE MATTER OF: Calexico Solid Waste Site (Facility No. 13-AA-0004), 133 W. Hwy 98, Calexico, CA. Described by Assessor Parcel Numbers: 059100022, 059100024, 059100030, and 059100031.	**NOTICE AND ORDER NO. EA-2010-01** Public Resources Code Division 30, Sections 44106 and 45011. California Code of Regulations Title 27, Sections 21600 and 20750.

To: County of Imperial
William S. Brunet, Director
Imperial County Department of Public Works
155 South 11th Street
El Centro, CA 92243

PLEASE TAKE NOTICE:

On September 29, 2009 the California Integrated Waste Management Board sent the Department of Public Works, via certified mail, a Notice of Intent (NOI) to include the Calexico Solid Waste Site in the Inventory of Solid Waste Facilities that Violate State Minimum Standards (Inventory) pursuant to Section 44104(b) of the Public Resources Code (PRC). You were further notified that if the violations of **27 CCR 21600 – Report of Disposal Site Information** were not corrected within 90 days the facility would be placed in the Inventory.

The LEA conducted inspections on October 14, 2009, November 18, 2009, December 9, 2009, and January 20, 2010 to verify compliance with state minimum standards. The Calexico Solid Waste Site (13-AA-0004) was found to be in violation of 27 CCR 21600 at each of these

inspections for conducting unauthorized significant changes to the design and operation of the landfill that is currently described in the approved Report of Facility Information.

On February 4, 2010, the California Department of Resources Recycling and Recovery (CalRecycle) (formerly the California Integrated Waste Management Board) placed the Calexico Solid Waste Site on the State Inventory because the operator has not yet submitted a permit revision application to incorporate the necessary changes into the Report of Disposal Information and Solid Waste Facility Permit as directed by the LEA and CalRecycle.

Furthermore, the site is also in violation of Title 27 of the California Code of Regulations, Section 20750, for failure to conduct maintenance at the facility as directed in writing by the LEA. A road used to access the east side of the site has been washed out and has not been repaired. The Operator has been repeatedly directed to establish access to the eastern portion of the permitted facility for site maintenance since January of 2009.

Since the Operator of the Calexico Solid Waste Site has failed to comply with the requirements of Title 27 of the California Code of Regulations (CCR), the LEA has the authority pursuant to Sections 44106 and 45011 of the PRC to order a compliance schedule to ensure progress will be made to bring the facility into compliance.

WHEREAS, the Calexico Solid Waste Site is located at 133 W. Highway 98 (approximately 1.15 miles west of Calexico, California), described by Assessor Parcel Numbers: 059100022, 059100024, 059100030 and 059100031;

WHEREAS, the Imperial County Local Enforcement Agency has the authority to act in the capacity of enforcement agency (EA) for this facility pursuant to Public Resources Code Section 43200 et. seq., and is so acting; and

WHEREAS, the Imperial County Department of Public Works shall operate the Calexico Solid Waste Site (Solid Waste Facility Number: 13-AA-0004) in accordance with Title 27 of the California Code of Regulations Sections, Chapter 3 (State Minimum Standards) and the Solid Waste Facility Permit.

THEREFORE, YOU ARE HEREBY ORDERED TO DO THE FOLLOWING:

Complete the following action on or before the date specified herein:

1. Section 21600 T27 CCR – Report of Disposal Site Information: Submit a complete permit revision application that addresses the significant changes made at the site and complies with the directives provided in the 5-Year Permit Review Report.	**July 1, 2010**
2. Section 20750 T27 CCR – Site Maintenance: Repair road crossing of New River or provide alternate access to eastern portion of the permitted landfill facility. Obtain necessary approvals from other applicable agencies as necessary.	**August 18, 2010**
3. Obtain a revised Solid Waste Facility Permit that incorporates all significant changes made at the site.	**January 1, 2011**

FURTHER NOTICE:

PURSUANT TO PRC SECTIONS 44305, 45011, 45014, AND 45023, if the above action is not completed or complied with by the specified dates, the Local Enforcement Agency may:

1. Petition the superior court for injunctive relief to enforce this Notice and Order. [PRC Section 45014]
2. Petition the superior court for civil penalties in an amount not to exceed $10,000 per day for each violation. [PRC Section 45023 and 45024]
3. Impose administrative civil penalties in an amount not to exceed $5,000 per day for each day the facility fails to achieve compliance with the time frames specified above. [PRC Section 45011]
4. Suspend or revoke the Solid Waste Facility Permit. [PRC Sections 44305 and 44306]

In the event the time frame for completion of the above-specified activity cannot be adhered to due to factors not in the control of the operator, the LEA may extend the stipulated deadline based upon those specific factors provided by the operator in writing. Any such

extension to the time frame or other amendment to this Notice and Order shall be in the form of an Amended Notice and Order.

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

The LEA shall not be liable for injuries or damages to persons or property resulting from acts or omissions by the owner or operator or related parties in carrying out activities pursuant to this Notice and Order, nor shall the LEA be held as a party to any contract entered into by the owner or operator or their agent(s) in carrying out activities pursuant to this Notice and Order.

This Notice and Order is supported by the accompanying declaration of Jorge Perez.

This Notice and Order does not relieve the owner or operator from complying with all other local, state, and federal requirements, nor does it preclude the LEA or CalRecycle from taking any and all other actions allowed by law.

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

PLEASE TAKE NOTICE THAT:

Pursuant to Title 14 CCR Section 18304(b)(8), the person or entity named in this Notice and Order has the right to appeal this Notice and Order to the Hearing Panel. [PRC Section 44307] A request for a hearing before the Hearing Panel must be filed within 15 days from the date of receipt of this Notice and Order. [PRC Section 44310]

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

Dated: 2/24/2010

Jorge Perez
Environmental Health Compliance Specialist II
Local Enforcement Agency
Imperial County Public Health Department,
Environmental Health Services

the east side of the site has been washed out and has not been repaired. Your agency has been directed to establish access to the eastern portion of the permitted facility for maintenance of the site.

Failure to comply with the attached enforcement order may result in the LEA seeking injunctive relief to enforce the attached order and/or seeking civil penalties pursuant to the Public Resources Code.

If you have any questions, please do not hesitate to contact me at (760) 336-8530.

Sincerely,

Jorge Perez
Environmental Health Compliance Specialist II
Local Enforcement Agency

Cc: Supervisor Wally Leimgruber, Chairman of the Board of Supervisors
Supervisor Louis Fuentes, District 1
Robin Hodgkin, Director, Department of Public Health
Lars Seifert, Manager, Environmental Health Services
Megan Fisher, CIWMB
Paul Saldana, CIWMB
Jennie Snyder, RWQCB

Encl: Notice and Order EA-2010-01

BEFORE THE

IMPERIAL COUNTY DIVISION OF ENVIRONMENTAL HEALTH

LOCAL ENFORCEMENT AGENCY

In the Matter of: **Calexico Solid Waste Site (Facility No. 13-AA-0004), 133 W. Highway 98, Calexico, CA, described by Assessor Parcel Numbers: 059100022, 059100024, 059100030 and 059100031**	**NOTICE AND ORDER NO. EA-2010-01** **DECLARATION OF JORGE PEREZ**

I, Jorge Perez, declare that,

1. I am currently, and was at all times referenced herein, employed as an Environmental Health Compliance Specialist II by the Imperial County Public Health Department, Division of Environmental Health, which serves as the Local Enforcement Agency (LEA) for the County of Imperial as authorized by the California Department of Resources Recycling and Recovery.

2. I have personal knowledge that the Calexico Solid Waste Site is in violation of Division 30 of the California Public Resources Code and Title 27 of the California Code of Regulations as described in the attached Notice and Order EA-2010-01

3. I declare under penalty of perjury that the foregoing is true and correct.

Date: 2/24/2010

Jorge Perez
Environmental Health Compliance Specialist II
Local Enforcement Agency