Marvin Moskowitz
Director

Telephone (760) 878-0238
FAX (760) 878-0239

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By MA

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COUNTY OF INYO

ENVIRONMENTAL HEALTH SERVICES
P.O. BOX 427
INDEPENDENCE, CA 93526

April 1, 2009

Chuck Hamilton
Integrated Waste Department
County of Inyo
163 May Street
Bishop, CA 93514

Roxie Trost
Barstow Field Office
Bureau of Land Management
2601 Barstow Road
Barstow, CA 92311

Re: Notice and Orders: Tecopa Landfill; Shoshone Landfill

Dear Sir or Madame;

Enclosed are Notice and Orders issued in response to ongoing violations at the Shoshone and Tecopa landfills. Please take the time to review these documents closely. If you have any questions or comments you may contact me at (760) 878-0261.

Sincerely,

Marvin Moskowitz
Director
Inyo County Environmental Health Services

Cc: Steve Borchard, BLM CA Desert District Manager
Mike Poll, BLM CA State Director
Kevin Carunchio, Inyo County CAO
David Otsubo, CA Integrated Waste Management Board

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COUNTY OF INYO

INYO COUNTY ENVIRONMENTAL HEALTH SERVICES DEPARTMENT

LOCAL ENFORCEMENT AGENCY

In the Matter of: **INYO COUNTY DEPARTMENT OF SOLID WASTE, OPERATOR AND** **UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, OWNER** **RE: SHOSHONE LANDFILL FACILITY NO. 14-AA-0006**	NOTICE AND ORDER TO CEASE AND DESIST, NO. 09-01 PUBLIC RESOURCES CODE *(§45000, 45005, 45011, 45023)*, CALIFORNIA CODE OF REGULATIONS, TITLE 14, *(§18304 and 18304.1)*

TO: Mr. Chuck Hamilton, Director, Inyo County Department of Solid Waste, operator of the Shoshone Landfill, 163 May Street, Bishop, California, 93514 and Ms. Roxie Trost, Manager, United States Department of the Interior, Bureau of Land Management, Barstow Field Office, property owner, 2601 Barstow Drive, Barstow, CA 92311.

PLEASE TAKE NOTICE THAT:

WHEREAS, the Shoshone Landfill ("Facility") is located approximately one mile east of the community of Shoshone, County of Inyo, California, 92384, (APN 46-110-06); and

WHEREAS, the County of Inyo Environmental Health Services Department as the Local Enforcement Agency (LEA) has authority to exercise enforcement and regulatory powers relating to solid waste and this specific Facility pursuant to Public Resource Code (PRC) §43211 et seq., and is so acting in such capacity; and

WHEREAS, the Inyo County Department of Solid Waste is managing and operating a solid waste operation in the form of a solid waste landfill (the "Shoshone Landfill") on property presently leased to the County of Inyo for such purposes by the United States Department of the Interior, Bureau of Land Management, the legal owner of the property; and

WHEREAS, the operation of the Shoshone Landfill has been ongoing on the property without filing an application for the five year permit review, pursuant to California Code of Regulations (CCR), Title 27, Section 21640; and

WHEREAS, the operator had completed the five year permit review package and delivered said package to the property owner in December, 2007 for review and signature, and the property owner has not provided the required signature as of the date of this order,

AND WHEREAS, the operator and property owner are in violation of CCR, Title 27, Section 21640, for failure to submit the five year permit review package to the EA ,

THEREFORE, PURSUANT TO PUBLIC RESOURCE CODE SECTIONS 45005, 45011, AND 45023 THE INYO COUNTY DEPARTMENT OF SOLID WASTE AND THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT ARE ORDERED TO:

1. Cease operations of the Facility until the five year permit review application package is filed with the Local Enforcement Agency.
2. This Cease and Desist Order shall be stayed until April 1, 2010, in order to provide the operator and property owner time to complete and execute the five year permit review application package, and provided that operator take all reasonable action to request and encourage the property owner to execute the five year permit review application package, which action shall include, and not be limited to, initiating a

written request from the Inyo County Board of Supervisors to the property owner to execute the five year permit review application package

PLEASE TAKE NOTICE THAT PURSUANT TO PUBLIC RESOURCE CODE SECTIONS 45000, 45005, 45011, 45023, if the above actions are not completed or complied with by the specified dates, the LEA may:

1. 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]
2. Petition the superior court for injunctive relief to enforce this Notice and Order. [PRC Section 45014].
3. 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]

In the event the time frames for completion of the above specified activities cannot be adhered to due to adverse weather or other factors not in the control of the operator, then the LEA may extend the time frames based upon those specific factors provided by the operator in writing. Any such extension to the time frames or other amendment to this Notice and Order shall be in the form of an Amended Notice and Order.

Failure to remedy the aforementioned violation(s) by the required date(s) may result in the LEA expending available funds to perform any cleanup, abatement, or remedial work required under the circumstances set forth in PRC section 45000 which, in the judgement of the LEA or the California Integrated Waste Management Board (CIWMB), is required by the magnitude of endeavor or the need for prompt action to protect public health and safety or the environment. If the LEA or the CIWMB expends funds to perform any cleanup, abatement, or remedial work, the LEA or the CIWMB may seek cost reimbursement from responsible parties, pursuant to 48020 et seq.

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 EA 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, or from the issuance of the cease and desist order and closure of the facility, nor shall the EA 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 Marvin Moskowitz, Inyo County Director of Environmental Health Services.

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 the CIWMB 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 THIS ORDER WAS DEVELOPED IN CONSULTATION WITH THE OPERATOR AND THAT:

1. Persons or entities subject to this action have the right to appeal this Notice and Order to the Hearing Panel. [PRC Section 44307]
2. If you wish to appeal this Notice and Order to the Hearing Panel, you must do so by submitting a written request for a hearing to the undersigned, together with a statement of issues on which your appeal is based, within 15 days from the date you receive this Notice and Order. [PRC Section 44310]

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

By: Marvin Moskowitz Dated: 4-2-09

Marvin Moskowitz, Director
Inyo County Environmental Health Services Department

Marvin Moskowitz
Director

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FAX (760) 878-0239

COUNTY OF INYO

ENVIRONMENTAL HEALTH SERVICES
P.O. BOX 427
INDEPENDENCE, CA 93526

DECLARATION

I, ***Marvin Moskowitz***, declare under perjury that the following is true and correct:

1. I am duly employed as the Director of Environmental Health Services for the County of Inyo.

2. The allegation of the foregoing ***NOTICE AND ORDER*** **# 09-01** is known to me of my personal knowledge to be correct. This knowledge was obtained by:

   a) A review of records on file at the offices of the Inyo County Department of Environmental Health Services.

Executed at 168 N. Edwards Street, Independence, California 93526, on April 1, 2009.

Marvin Moskowitz, REHS
Director,
Inyo County Local Enforcement Agency