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**	AMENDED NOTICE AND ORDER TO CEASE AND DESIST, NO. 10-01 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 Inyo County Environmental Health Services Department, as Local Enforcement Agency, issued Notice and Order to Cease And Desist, No. 09-01, to both the Inyo County Department of Solid Waste (operator) and the United States Department of the Interior, Bureau of Land Management (owner) on April 1, 2009, which stayed the Cease and Desist Order until April 1, 2010, and

WHEREAS, the Inyo County Board of Supervisors has passed a resolution requesting the initiation of procedures to transfer the ownership of the landfill property from United States Department of the Interior, Bureau of Land Management to the County of Inyo, expected to be finalized in the summer of 2010, and

WHEREAS, this Amended Notice and Order to Cease and Desist, No. 10-01, does hereby supersede Notice and Order to Cease and Desist, No. 09-01, and

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. Submit the five year permit review application package to the Local Enforcement Agency, in full, including the preliminary closure postclosure maintenance plans (PCPMP's), but minus the owner's signature, by April 1, 2010.
2. Submit the approved five year permit application to the Local Enforcement Agency, as soon as possible after the land transfer has been completed, but no later than October 1, 2010.
3. Cease operations of the Facility until the five year permit review application package is filed with the Local Enforcement Agency.
4. This Cease and Desist Order shall be stayed until October 1, 2010, in order to provide the operator and property owner time to complete the land transfer and allow the five year permit review application to be signed by the County of Inyo, the new landowner.

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 Amended 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]

This Amended 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 Amended 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 Amended Notice and Order to the Hearing Panel. [PRC Section 44307]
2. If you wish to appeal this Amended 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 Amended Notice and Order. [PRC Section 44310]

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

By: Marvin Moskowitz Dated: 2-2-10

Marvin Moskowitz, Director

Inyo County Environmental Health Services Department

Marvin Moskowitz
Director

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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 ***AMENDED NOTICE AND ORDER*** **# 10-01** 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 February 2, 2010.

Marvin Moskowitz, REHS
Director,
Inyo County Local Enforcement Agency