



California Regional Water Quality Control Board San Diego Region



Linda S. Adams
Acting Secretary for
Environmental Protection

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April 13, 2011

Certified Mail-Return Receipt Requested

Article Number:7010 1060 0000 4952 7600

Mr. Neil Mohr
General Manager
Allied Waste Industries, Inc.
Otay Landfill, Inc.
Otay Landfill
1700 Maxwell Road
Chula Vista, CA 91911

In reply refer to:
246288:ctamaki
WDID:9 000000214

Dear Mr. Mohr:

SUBJECT: NOTICE OF VIOLATION NO. R9-2011-0030, ALLIED WASTE INDUSTRIES, INC.

Enclosed is Notice of Violation No. R9-2011-0030 for violation of Order No. 90-09, issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). As described in the NOV, the violations are subject to further enforcement pursuant to the California Water Code. The San Diego Water Board reserves the right to take any enforcement action authorized by law.

In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider the severity and effect of the violation, the level of cooperation, the time it takes to correct the identified violations, and the sufficiency of the corrections.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Ms. Carol Tamaki at (858)467-2982 or ctamaki@waterboards.ca.gov.

Sincerely,

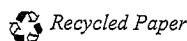
Julie A. Chan, Chief
Cleanup and Land Disposal Branch

JAC:bdk:cat

Enclosure: NOV No. R9-2011-0030

cc: Jeremy Haas, Compliance Assurance Unit

California Environmental Protection Agency



Mr. Neil Mohr Allied Waste Industries, Inc. Otay Landfill Inc. Otay Landfill 1700 Maxwell Road Chula Vista, CA 91911	NOTICE OF VIOLATION No. R9-2011-0030 Violations of Order No. 90-09
246288:ctamaki	April 13, 2011

Allied Waste Industries, Inc. is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

The Allied Waste Industries Inc., Otay Landfill Inc. is in violation of San Diego Water Board Order No. 90-09.

A. Summary of Violation

The San Diego Water Board has received information that indicates Otay Landfill has accepted approximately thirty one (31) shipments of waste neoprene rubber powder, a California hazardous waste. The information is based on samples of the waste neoprene rubber powder collected by the Department of Toxic Substances Control on July 10, 2010. The acceptance of hazardous waste is in violation of Prohibition A.3 of Order No. 90-09 which states "Disposal of hazardous waste is prohibited at the Otay Landfill site."

B. Summary of Potential Enforcement Options

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$5,000 per day of violation (Water Code section 13268) and/or any of the following enforcement actions:

1. administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance;
2. referral to the State Attorney General for injunctive relief; and
3. referral to the District Attorney for criminal prosecution.

Questions pertaining to this Notice of Violation should be directed to Ms. Carol Tamaki at 858-467-2982 or ctamaki@waterboards.ca.gov.



 Julie Chan
 Chief, Cleanup and Land Discharge Branch