

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

TENTATIVE

ORDER NO. R9-2007-0210

ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
AGAINST
SAN DIEGO UNIFIED SCHOOL DISTRICT
SCRIPPS RANCH MIDDLE SCHOOL
FOR
NONCOMPLIANCE WITH STATE BOARD ORDER NO. 99-08-DWQ

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), having received a signed waiver of public hearing form and agreement to pay civil liability in the amount of \$128,000 on November 6, 2007, and having reviewed the allegations contained in Complaint No. R9-2007-0061, having provided public notice thereof and not less than thirty (30) days for public comment, and on the recommendation for administrative assessment of civil liability pursuant to California Water Code section 13385 in the amount of \$128,000, finds as follows:

1. The State Water Resources Control Board (hereafter State Board) has issued updated statewide general waste discharge requirements for discharges of storm water runoff associated with construction activities involving disturbance of one acre of soil, or more.
2. The San Diego Unified District (District) owns and operates the Scripps Ranch Middle School, located at Pomerado Road and Avenue of Nations in San Diego, California. The District filed its Notice of Intent for coverage under State Board Order No. 99-08-DWQ, *National Pollutant Discharge Elimination System General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Associated with Construction Activities* (Construction Storm water Permit) in August of 2004.
3. On June 19, 2007, the Executive Officer issued Administrative Civil Liability Complaint No. R9-2007-0061 to the District proposing imposition of \$128,000 in liability for violations of the Construction Storm Water Permit.

4. Liability in the amount of \$128,000 is based on consideration of the factors prescribed in subdivision (e) of the Water Code section 13385 as applied to the allegations contained in Complaint No. R9-2007-0061. The liability is as follows:
 - a. \$2,000 per report for each of 42 incomplete and inaccurate inspection reports which are in violation of Order No. 99-08-DWQ sections A.11 and B.3 for a total of \$84,000.
 - b. \$2,000 per day for 7 days on which the District failed to implement effective erosion control, stabilization, and sediment control Best Management Practices (BMPs), in violation of sections A.6, A.7 and A.8 of Order No. 99-08-DWQ for a total of \$14,000.
 - c. \$10,000 per day for unauthorized discharges for 3 days of violation of section A.2 of State Board Order No. 99-08-DWQ, for a total of \$30,000.
5. On November 6, 2007, the District submitted a signed waiver of right to a hearing in settlement of the proposed liability and agreed to pay civil liability in the amount of \$128,000.
6. Consideration of the factors prescribed in California Water Code section 13385(e) based upon information available to the Regional Board supports the assessment of civil liability in the amount of \$128,000.
7. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), pursuant to Title 14 California Code of Regulations Section 15321(a)(2).
8. The Regional Board incurred costs of \$31,750 to prosecute the enforcement action, including: investigation, inspections, preparation of enforcement documents, communications with the District, and preparation of materials for public review and hearing.

IT IS HEREBY ORDERED that pursuant to section 13385 of the California Water Code, civil liability is imposed on San Diego Unified School District in the amount of \$128,000. The San Diego Unified School District must pay \$128,000 to the State Water Resources Control Board by December 14, 2007.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on November 14, 2007.

TENTATIVE

JOHN H. ROBERTUS
Executive Officer