CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

TENTATIVE

ORDER NO. R9-2005-0229
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
FOR
MANDATORY MINIMUM PENALTIES
AGAINST
THE CITY OF SAN DIEGO METROPOLITAN WASTEWATER DEPARTMENT DISCHARGE TO THE PACIFIC OCEAN THROUGH THE POINT LOMA OCEAN OUTFALL
FOR VIOLATION OF ORDER NO. 2002-0025 NPDES NO.CA0107409

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), on June 30, 2005, having received a signed waiver of public hearing and having reviewed the allegations contained in Complaint No. R9-2005-0083, dated February 25, 2005, and on the recommendation for Administrative Assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of $42,000, finds as follows:

1. The City of San Diego Metropolitan Wastewater Department discharges treated wastewater to the Pacific Ocean through the Point Loma Ocean Outfall in accordance with waste discharge requirements contained in Order No. R9-2002-0025, NPDES Permit No. CA0107409.

2. Order No. 2002-0025 established the effluent limitation for the daily maximum concentration of settleable solids at 3 mg/l. The City of San Diego reported the concentration for settleable solids on June 8, 2004 at 7.5 mg/l and on August 21, 2004 at 3.5 mg/l. The City of San Diego violated the effluent limitation for settleable solids by 150% on June 8, 2004, and 17% on August 21. 2004. (Table 1: Violations Table)

3. Order No. 2002-0025 established the effluent limitation for the 7-day average concentration of settleable solids at 1.5 mg/l. The City of San Diego reported the concentration for 7-day average settleable solids for June 9,10,11,13, and 14 of 2004 at 1.7 mg/l and on June 12, 2004 at 1.8 mg/l. The City of San Diego violated the effluent limitation for 7-day average concentration of settleable solids on June 9 through 14 by less than 20%. (Table 1: Violations Table)

4. Order No. 2002-0025 established the effluent limitation for the 30-day average of chlordane at 4.7 mg/l. The City of San Diego reported the value for chlordane on July 24 and August 1,10, and 17 of 2004 at 34.8 mg/l. The City of San Diego violated the effluent limitation by 640%. (Table 1: Violations Table)

5. Order No. 2002-0025 established the effluent limitation for the 30-day average of heptachlor at 10 mg/l. On July 31, 2004, the City of San Diego reported the value for heptachlor on July 24 and August 1,10, and 17 of 2004 at 11 mg/l. The City of

San Diego violated the effluent limitation by less than 20%. (Table 1: Violations Table)

6. Consideration of the factors prescribed in California Water Code 13385(e) based upon information available to the Regional Board supports an assessment of civil liability pursuant to California Water Code sections 13385 (h) and (i) in the amount of forty-two thousand dollars ($42,000).

7. On August 2, 2005 the City of San Diego tendered an offer to settle the liability proposed in the Complaint. The settlement includes: the City of San Diego's waiver of a hearing and payment of the $42,000 administrative civil liability as follows:

   a. pay $13,500 to the State Water Resources Control Board's Cleanup and Abatement Account, and
   b. deposit $28,500 in an interest bearing Escrow Account for use by the San Diego Regional Water Quality Control Board to fund a Supplemental Environmental Project (SEP) for the purpose of monitoring sediments and biota in marine coastal waters, bays, lagoons and estuaries in the San Diego Region.

8. The Regional Board incurred costs of $3,500 to prosecute the enforcement action; the costs include investigation, preparation of enforcement documents, communicating with the Discharger, and preparation of materials for public review and hearing.

9. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15521, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that pursuant to section 13385 of California Water Code, civil liability is imposed on the City of San Diego in the amount of forty-two thousand dollars ($42,000).

1. The City of San Diego shall make a payment of $13,500 to the State Water Resources Control Board's Cleanup and Abatement Account, and

2. The City of San Diego shall deposit $28,500 into an interest bearing escrow account, for use by the San Diego Regional Water Quality Control Board, to fund a SEP for the monitoring sediments and biota in marine coastal waters, bays, lagoons and estuaries in the San Diego Region.

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 September 14, 2005.

TENTATIVE

JOHN H. ROBERTUS
Executive Officer

Table 1: Violation Table

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City of San Diego

No.	Date	Constituent	Effluent Limitation	Unit	Permitted Limit	Reported Value	Percent Exceedance	Serious Violation	Mandatory Minimum Penalty
1	6/8/04	Settleable Solids	Maximum at Any Time	mg/l	3	7.5	150%	Yes	$3,000
2	6/9/04	Settleable Solids	7-day Average	mg/l	1.5	1.7	13%	No	$0
3	6/10/04	Settleable Solids	7-day Average	mg/l	1.5	1.7	13%	No	$0
4	6/11/04	Settleable Solids	7-day Average	mg/l	1.5	1.7	13%	No	$3,000
5	6/12/04	Settleable Solids	7-day Average	mg/l	1.5	1.8	20%	No	$3,000
6	6/13/04	Settleable Solids	7-day Average	mg/l	1.5	1.7	13%	No	$3,000
7	6/14/04	Settleable Solids	7-day Average	mg/l	1.5	1.7	13%	No	$3,000
8	7/24/04	Chlordane	30-day Average	ng/l	4.7	34.8	640%	Yes	$3,000
9	7/24/04	Heptachlor	30-day Average	ng/l	10	11	10%	No	$3,000
10	8/1/04	Clordane	30-day Average	ng/l	4.7	34.8	640%	Yes	$3,000
11	8/1/04	Heptachlor	30-day Average	ng/l	10	11	10%	No	$3,000
12	8/10/04	Clordane	30-day Average	ng/l	4.7	34.8	640%	Yes	$3,000
13	8/10/04	Heptachlor	30-day Average	ng/l	10	11	10%	No	$3,000
14	8/17/04	Clordane	30-day Average	ng/l	4.7	34.8	640%	Yes	$3,000
15	8/17/04	Heptachlor	30-day Average	ng/l	10	11	10%	No	$3,000
16	8/21/04	Settleable Solids	Maximum at Any Time	ng/l	3	3.5	17%	No	$3,000
									42,000