



California Regional Water Quality Control Board San Diego Region



Linda S. Adams
Secretary for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from U.S. EPA

Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

February 17, 2010

Mr. David Ott
City Manager
City of Solana Beach
635 S. Hwy. 101
Solana Beach, CA 92075-2215

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
7009 1410 0002 2347 3797

In reply refer to:
Place No. 631091:cmeans

RE: NOTICE OF VIOLATION NO. R9-2010-0030

Dear Mr. Ott:

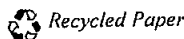
Enclosed is **Notice of Violation (NOV) No. R9-2010-0030** issued to the City of Solana Beach for violations of State Water Resources Control Board Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*. NOV No. R9-2010-0029 is issued to the BSD for failure to certify that it has developed and implemented a written Sewer System Management Plan for the Solana Beach Collection System.

Please provide a written response to the Regional Board by March 15, 2010 describing how the agency has or will resolve the violations alleged in the NOV. Your response will be reviewed to determine if appropriate measures have been taken to address the violations noted and to assess the need for further enforcement action.

In the subject line of any response, please include the requested **"In reply refer to:"** information located in the heading of this letter. Questions pertaining to the issuance of this NOV should be directed to Christopher Means at (858) 637-5581 or cmeans@waterboards.ca.gov.

CHEN/OL/N

California Environmental Protection Agency



Mr. David Ott
City of Solana Beach
NOV R9-2010-0030

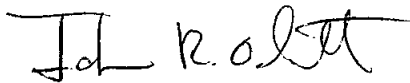
- 2 -

February 17, 2010

Written correspondence pertaining to this NOV should be directed to the following address:

California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340
Attn: Mr. Christopher Means

Respectfully,



JOHN R. ODERMATT, M.Sc., PG
Senior Engineering Geologist, Acting Branch Chief
Water Quality Restoration and Standards Branch

JRO:jch:cjm

Order No.	R9-2010-0030
CIWQS Place ID	631091
Violation ID	860990
Reg. Measure No.	373100

Enclosures: Notice of Violation R9-2010-0030

Cc via email: (w/encl.)

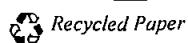
James Fischer, State Water Board, Office of Enforcement,
jfischer@waterboards.ca.gov

Russell Norman, State Water Board, SSO Program,
rnorman@waterboards.ca.gov

Denise Olaguer, City of Solana Beach,
dolaguer@cosb.org

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California Environmental Protection Agency





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February 17, 2010

<p>IN THE MATTER OF:</p> <p>Mr. David Ott City Manager City of Solana Beach 635 S. Hwy. 101 Solana Beach, CA 92075</p>	<p>NOTICE OF VIOLATION NO. R9-2010-0030</p> <p>Failure to Comply With State Water Resources Control Board Order No. 2006-0003-DWQ, City of Solana Beach</p>
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State Water Resources Control Board Order No. 2006-0003-DWQ

YOU ARE HEREBY NOTIFIED THAT:

The City of Solana Beach (City) is in violation of State Water Resources Control Board (State Water Board) Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems* for failing to develop and self-certify a Sewer System Management Plan (SSMP) in compliance with the required time schedule for the City of Solana Beach Collection System.

Such violations may subject you to further enforcement action by the State Water Board and California Regional Water Quality Control Board, San Diego Region (Regional Board), including administrative enforcement orders such as administrative civil liability in amounts of up to \$5,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

Summary of Violations:

FAILURE TO DEVELOP AND CERTIFY SSMP

The City failed to certify development of a written SSMP for the City of Solana Beach Collection System in compliance with the provisions and time schedule required in Order No 2006-0003-DWQ.

- 1. Pursuant to Provision D.14:** The Enrollee shall certify that the SSMP, and subparts thereof, are in compliance with the general waste discharge requirements of Order No. 2006-0003-DWQ by completing the certification portion of the Online Sanitary Sewer Overflow (SSO) database.

California Environmental Protection Agency

2. Pursuant to Provision D.15: The Enrollee shall comply with these requirements according to the time schedule in this section.

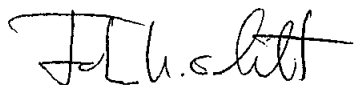
Allegation: The City failed to complete and self-certify the following SSMP sections in the online SSO database by the due dates provided in Provision D.15:

SSMP Section	Completion Due Date	Status
1. Goals	11/02/2007	Completed 04/14/2009
2. Organization	11/02/2007	Completed 04/14/2009
3. Legal Authority	05/02/2009	Not Completed
4. Operations & Maintenance Program	05/02/2009	Not Completed
5. Design & Performance Provisions	08/02/2009	Not Completed
6. Overflow Emergency Response Plan	05/02/2009	Not Completed
7. FOG Control Program	05/02/2009	Not Completed
8. System Evaluation and Capacity Assurance Plan	08/02/2009	Not Completed
9. Monitoring, Measurement and Program Modifications	08/02/2009	Not Completed
12: SSMP Completion and Certification	08/02/2009	Not Completed

Therefore, the City has not verified compliance with requirements to develop an SSMP as required by Order No 2006-0003-DWQ.

Questions concerning the issuance of this Notice of Violation should be directed to Mr. Christopher Means at (858) 637-5581 or cmeans@waterboards.ca.gov. Written correspondence pertaining to this Notice of Violation should be directed to the following address:

California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340
Attn: Mr. Christopher Means



JOHN R. ODERMATT, M.Sc., PG
Senior Engineering Geologist, Acting Branch Chief
Water Quality Restoration and Standards Branch

2-17-10

DATE

CHRONOLOGICAL

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee X</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>Mr. David Off City Manager City of Solana Beach 635 S. Hwy. 101 Solana Beach, CA 92075-2215</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7009 1410 0002 2347 3797</p>

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE.
CERTIFIED MAIL™



7009 1410 0002 2347 3797
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U.S. Postal Service™
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(Domestic Mail Only; No Insurance Coverage Provided)

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OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent to Mr. David Off
Street, Apt. No., or PO Box No. 635 S. Hwy. 101
City, State, ZIP+4 Solana Beach, CA 92075-2215

PS Form 3800, August 2006 See Reverse for Instructions

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