



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board San Diego Region

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 18, 2010

Ms. Rita Geldert  
City Manager  
City of Vista  
600 Eucalyptus Avenue  
Vista, CA 92084-6240

CERTIFIED MAIL – RETURN RECEIPT REQUESTED  
7009 1410 0002 2347 3810

In reply refer to:  
Place No. 631628:cmeans

**RE: NOTICE OF VIOLATION NO. R9-2010-0033**

Dear Ms. Geldert:

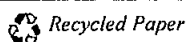
Enclosed is **Notice of Violation (NOV) No. R9-2010-0033** issued to the City of Vista (City) for violations of State Water Resources Control Board Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*. NOV No. R9-2010-0033 is issued to the City for failure to certify that it has developed and implemented a written Sewer System Management Plan for the City of Vista Collection System.

Please provide a written response to the Regional Board by March 16, 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](mailto:cmeans@waterboards.ca.gov).

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*California Environmental Protection Agency*



Ms. Rita Geldert  
City of Vista  
NOV R9-2010-0033

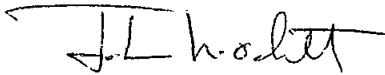
- 2 -

February 18, 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.	R9-2010-0033
C/WQS Place ID	631628
Violation ID	861161
Reg. Measure No.	373109

Enclosures: Notice of Violation R9-2010-0033

Cc via email: (w/encl.)

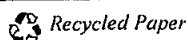
James Fischer, State Water Board, Office of Enforcement,  
[jfischer@waterboards.ca.gov](mailto:jfischer@waterboards.ca.gov)

Russell Norman, State Water Board, SSO Program,  
[rnorman@waterboards.ca.gov](mailto:rnorman@waterboards.ca.gov)

Steve Jepsen, Sanitation Program Manager,  
[sjepsen@cityofvista.com](mailto:sjepsen@cityofvista.com)

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February 18, 2010

<p><b>IN THE MATTER OF:</b></p> <p><b>Ms. Rita Geldert</b> City Manager City of Vista 600 Eucalyptus Avenue Vista, CA 92084</p>	<p><b>NOTICE OF VIOLATION</b> <b>NO. R9-2010-0033</b></p> <p><b>Failure to Comply With</b> <b>State Water Resources Control Board</b> <b>Order No. 2006-0003-DWQ,</b> <b>City of Vista Collection System</b></p>
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**State Water Resources Control Board Order No. 2006-0003-DWQ**

**YOU ARE HEREBY NOTIFIED THAT:**

The City of Vista (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 Vista 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.

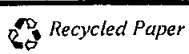
**Summary of Violations:**

**FAILURE TO DEVELOP AND CERTIFY SSMP**

The City failed to certify development of a written SSMP for the City of Vista 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.

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**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
5: Design & Performance Provisions	08/02/2008	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](mailto: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

2-18-10

DATE

0100000000

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span>  <b>X</b></p> <p>B. Received by (<i>Printed Name</i>) <span style="float: right;">C. Date of Delivery</span></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Ms. Rita Geldert  City Manager  City of Vista  600 Eucalyptus Ave.  Vista, CA 92084-6240</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> <hr/> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (<i>Extra Fee</i>) <input type="checkbox"/> Yes</p>
<p>2. Article Number  (<i>Transfer from service label</i>)</p>	<p style="text-align: center;">7009 1410 0002 2347 3810</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 3810  
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U.S. Postal Service™ <b>CERTIFIED MAIL™ RECEIPT</b> <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a> <b>OFFICIAL USE</b>	
Postage	\$
Certified Fee	
Return Receipt Fee <small>(Endorsement Required)</small>	
Restricted Delivery Fee <small>(Endorsement Required)</small>	
Total Postage & Fees	\$
<div style="text-align: right;">Postmark Here</div> <hr/> Sent To: Ms. Rita Geldert, City Manager Street, Apt. No., or PO Box No.: 600 Eucalyptus Ave. City, State, ZIP+4: Vista, CA 92084-6240	
PS Form 3800, August 2006 <span style="float: right;">See Reverse for Instructions</span>	

