

EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## San Diego Regional Water Quality Control Board

September 23, 2016

Mr. Brennon Flahive  
Director of Environmental Compliance  
South Orange County Wastewater Authority  
34156 Del Obispo Street  
Dana Point, CA 92629  
[bflahive@socwa.com](mailto:bflahive@socwa.com)

**Certified Mail – Return Receipt Requested**  
Article Number: 7011 0470 0002 8952 8486

**In reply refer to/attn:**  
257592:dquach

**Subject: Acceptance of Settlement Offer NoR9-2016-0142: Offer to Participate in Expedited Payment Program Relating to Violations of Order No. R9-2012-0012, NPDES No. CA0107417, Waste Discharge Requirements for the South Orange County Wastewater Authority Discharge to the Pacific Ocean through the San Juan Creek Ocean Outfall**

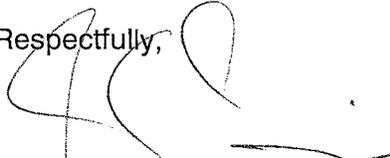
Mr. Flahive:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) accepts Settlement Offer No. R9-2016-0142: *Offer to Participate in Expedited Payment Program Relating to Violations of Order No. R9-2012-0012, NPDES No. CA0107417, Waste Discharge Requirements for the South Orange County Wastewater Authority Discharge to the Pacific Ocean through the San Juan Creek Ocean Outfall*. The San Diego Water Board released the Notice of Written Comment Period for the Tentative Settlement Offer No. R9-2016-0142 on August 12, 2016. Comments were due by September 12, 2016. No comments were received during the comment period, and the San Diego Water Board's Executive Officer has signed the enclosed settlement offer.

Pursuant to the settlement offer, South Orange County Wastewater Authority has thirty (30) calendar days upon receipt of this notice to submit payment in full of the assessed liability (\$36,000). In accordance with Water Code section 13385(n)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the liability shall be paid by cashiers or certified check made out to the "State Water Pollution Cleanup and Abatement Account." Failure to pay the full liability within the required time period may subject South Orange County Wastewater Authority to further liability.

For questions or comments, please contact Dat Quach by phone at (619) 521-5899, or by email at [Dat.Quach@waterboards.ca.gov](mailto:Dat.Quach@waterboards.ca.gov). In the subject line of any response, please include the reference number 257592:DQuach.

Respectfully,



Brandi N. Outwin-Beals, P.E.  
Senior Water Resource Control Engineer  
Source Control Unit

Bob:dtq

Enclosure: Signed Acceptance and Waiver Settlement Offer No. R9-2016-0142

cc:

Chiara Clemente, San Diego Water Board, [chiara.clemente@waterboards.ca.gov](mailto:chiara.clemente@waterboards.ca.gov)  
Dat Quach, San Diego Water Board, [dat.quach@waterboards.ca.gov](mailto:dat.quach@waterboards.ca.gov)  
Joann Lim, San Diego Water Board, [joann.lim@waterboards.ca.gov](mailto:joann.lim@waterboards.ca.gov)

Tech Staff Info & Use	
Order No.	R9-2012-0012
NPDES No.	CA0107417
Place ID (SOCWA San Juan Creek OO)	257592
Regulatory Measure (NPDES Order)	384618
WDID	9 000000175
EPL No.	R9-2016-0142
Enforcement ID	406877
Violation IDs	961723, 961724, 961722, 969424, 999920, 999919, 999918, 1000885, 1000884, 1000883, 1000886, 1000887
Regulatory Measure (EPL)	406877

## Exhibit B

### ACCEPTANCE OF CONDITIONAL RESOLUTION AND WAIVER OF RIGHT TO HEARING OF THE SETTLEMENT OFFER NO. R9-2016-0142

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), the South Orange County Wastewater Authority (SOCWA or Permittee) hereby accepts the *Offer to Participate in Expedited Payment Program* and waives the right to a hearing before the San Diego Water Board to dispute the allegations of violations described in the Settlement Offer, which is attached hereto as Exhibit A and incorporated herein by reference.

The Permittee agrees that the Settlement Offer shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the San Diego Water Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Permittee agrees to pay the penalties required by Water Code section 13385, in the sum of \$36,000 (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to Water Code section 13385 that otherwise might be assessed for the violations described in the Settlement Offer. The Permittee understands that this Acceptance and Waiver waives the Permittee's right to contest the allegations in the Settlement Offer and the amount of civil liability for such violations.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the Settlement Offer.

Upon execution by the Permittee, the completed Acceptance and Waiver shall be returned to:

California Regional Water Quality Control Board, San Diego Region  
2375 Northside Drive, Suite 100  
San Diego, CA 92108-2700  
ATTN: 257592:DQuach

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii), require the San Diego Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action addressing National Pollutant Discharge Elimination System (NPDES) permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Executive Officer, will be published as required by law for public comment.

During the public comment period, if no comments are received that cause the Executive Officer to question the Expedited Payment Amount, the Executive Officer will execute the Acceptance and Waiver.

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the San Diego Water Board to resolve the violations set forth in the Settlement Offer may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the San Diego Water Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the

Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee further understands that once the Acceptance and Waiver is executed by the Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with Water Code section 13385(n)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the liability shall be paid by a cashier's or certified check for \$36,000 made out to the "State Water Pollution Cleanup and Abatement Account." Payment must be submitted to the State Water Resources Control Board, Accounting Office, Attn: ACL Payment, P.O. Box 1888, Sacramento, CA 95812-1888, no later than thirty (30) calendar days after the date the Permittee receives written notice that the Executive Officer has executed this Acceptance and Waiver. A copy of the check must also be received by the San Diego Water Board at 2375 Northside Drive, Suite 100, San Diego, CA 92108 within thirty (30) days of approval via U.S. Postal Service or e-mail to [SanDiego@waterboards.ca.gov](mailto:SanDiego@waterboards.ca.gov), attention 257592:DQuach.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

South Orange County Wastewater Authority (SOCWA)

By: <u>B. Burnett</u>	<u>August 8, 2016</u>
Signed Name	Date
<u>Betty Burnett</u>	<u>General Manager</u>
Printed or Typed Name	Title

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385.

By: <u>David W. Gibson</u>	<u>20 September 2016</u>
DAVID W. GIBSON	Date
Executive Officer	