



California Regional Water Quality Control Board

San Diego Region



Alan C. Lloyd, Ph.D.
Secretary for
Environmental
Protection

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
<http://www.swrcb.ca.gov/rwqcb9>

Arnold Schwarzenegger
Governor

December 30, 2005

CERTIFIED-RETURN RECEIPT REQUESTED
7004 2510 0004 5831 1087

Mr. Clay Phillips
City Manager
City of Escondido
201 North Broadway
Escondido, California 92025

In Reply Refer to:
CA:01-0.0031.02:Rstewart

Dear Mr. Phillips:

Complaint No. R9-2005-0265 for Administrative Civil Liability against the City of Escondido for Violation of Regional Board Order Nos. 99-72, R9-2203-394, 93-70 and Cease and Desist Order No. 96-31, Hale Avenue Resource Recovery Facility (WDID No. 9 000000031)

Enclosed find Administrative Civil Liability Complaint No. R9-2005-0265 against the City of Escondido for violations relating to the Hale Avenue Resource Recovery Facility. The Complaint in the amount of \$1,797,150 is for violations of: 1) Order No. 99-72, NPDES No. CA010 7981, *Waste Discharge Requirements for the City of Escondido, Hale Avenue Resource Recovery Facility, Discharge to the Pacific Ocean via the Escondido Land Outfall and the San Elijo Ocean Outfall*; 2) Order No. R9-2003-0394, NPDES No. CA0108944, *Waste Discharge Requirements for the City of Escondido, Hale Avenue Resource Recovery Facility, Intermittent Wet Weather Discharge to Escondido Creek, San Diego County*; 3) Order No. 93-70, *Waste Discharge Requirements for the City of Escondido Hale Avenue Regional Reclamation Facility, San Diego County*; and 4) Cease and Desist Order No. 96-31 for the City of Escondido.

Complaint No. R9-2005-0265 includes both mandatory minimum penalties assessed in accordance with provisions of Water Code Sections 13385(h)(1) as well as discretionary liability authorized by Water Code sections 13350 and 13385. A discussion of the proposed liability or mandatory penalty for each alleged violation is provided in the enclosed *Technical Analysis for Complaint No. R9-2005-0265 Supporting Administrative Civil Liability Against the City of Escondido Hale Avenue Resource Recovery Facility*.

A public hearing on this matter is scheduled before the Regional Board at its meeting on March 8, 2006, in the Regional Board Meeting Room, 9174 Sky Park Court, San Diego, California. An agenda, with procedures for the hearing will be mailed to you not less than ten days before the hearing date. The meeting is scheduled to begin at 9:00 a.m. At the hearing the Regional Board will determine the validity of the allegations and, if the allegations are found to be true, will consider whether to assess civil liability in the amount proposed by the Complaint, or in some

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other amount, provided that mandatory minimum penalties prescribed in subdivisions (h) and (i) of Section 13385 of the California Water Code will be applicable for violations of effluent limitations in waste discharge requirements for discharges of pollutants from point sources to navigable waters.

If the City of Escondido intends to present any written evidence in response to Complaint No. R9-2005-0265, it must be received by 5:00 p.m., Friday February 17, 2006 in order to be considered by the Regional Board at the public hearing. Please submit twenty (20) copies of any response, including evidentiary exhibits. Copies of material submitted will be forwarded to the Regional Board Members prior to the public hearing.

The City of Escondido may waive its right to a hearing before the Regional Board. Waiver of the hearing constitutes admission of the validity of the allegation of violations in the Complaint and acceptance of the assessment of civil liability in the amount of \$1,797,150 as set forth in the Complaint. Be aware that if the City of Escondido intends to waive its right to a hearing before the Regional Board, you or an authorized agent are required to:

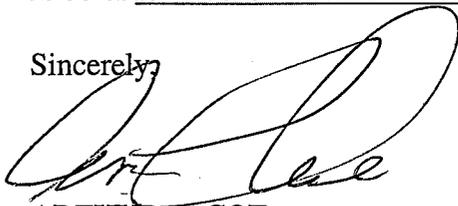
1. Sign and return the enclosed waiver form with a cashier's check for the amount of civil liability indicated in the Complaint by 5:00 p.m., Friday February 3, 2006.
2. A cashier's check for the full amount of civil liability of \$1,797,150.

Comment Period

The Regional Board has established a written comment period to solicit input on the Complaint from the public and interested parties. This includes publishing a notice in a local newspaper. The written public comment period for the Complaint ends at 5:00 p.m. Friday February 17, 2006. Oral comments can be made during the March 8, 2005 public hearing.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence to the Regional Board pertaining to this matter. If you have any questions please contact Rebecca Stewart at (858) 467-2966 or rstewart@waterboards.ca.gov.

Sincerely,



ARTHUR L. COE
Assistant Executive Officer

JHR:mjm:rls

- Enclosures:
1. ACL Complaint No. R9-2005-0265
 2. Waiver of Hearing Form
 3. Technical Analysis for Complaint No. R9-2005-0265

cc: with appendices to enclosure 3

Mr. Patrick Thomas,
Director of Public Works
City of Escondido
202 North Broadway
Escondido, CA 92025

Ms. Mary Ann Mann,
Utilities Manager
City of Escondido
201 North Broadway
Escondido, CA 92025

Mr. Mark Waggoner,
Assistant City Attorney
City of Escondido
201 North Broadway
Escondido, CA 92025

Mr. James Dragna
Bingham McCutchen LLP
355 South Grand Avenue
Los Angeles, CA 90071-3106

John Richards,
Office of Chief Counsel
State Water Resources Control Board
1001 J Street, 22nd Floor,
Sacramento, CA 95814

Mark Bradley,
Office of Statewide Initiatives
State Water Resources Control Board
1001 J Street
Sacramento, CA 95814

Boris Trgovcich,
Office of Statewide Initiatives
State Water Resources Control Board
1001 J Street
Sacramento, CA 95814

Kathi Moore,
Criminal Investigations Division
U.S. Environmental Protection Agency
75 Hawthorne Street, WTR-7
San Francisco, CA 94105-3901

cc: without appendices to enclosure 3

Leslie Cagle,
Criminal Investigations Division
U.S. Environmental Protection Agency
510 West Ash Street, Suite 703
San Diego, CA 92101

Doug Gibson
San Elijo Lagoon Conservancy
P.O. Box 230634
Encinitas, CA 92023

Patricia Mack Newton
Escondido Creek Conservancy
P.O. Box 460791
Escondido, CA 92046

Dr. Lilian Busse
Scripps Institution of Oceanography
9500 Gilman Drive
La Jolla, CA 92093-0227