

State of California  
Regional Water Quality Control Board  
San Diego Region

ENFORCEMENT SUMMARY REPORT  
December 12, 2007

ITEM:

8

SUBJECT:

Administrative Assessment of Civil Liability against the San Diego Unified School District for violations of Statewide General Construction Storm Water Permit, at the Scripps Ranch Middle School, San Diego, California. The Regional Board will consider comments received during the public review period and decide on an order accepting the discharger's waiver of hearing and payment in full of the \$128,000 recommended liability. (Tentative Order No. R9-2007-0210) (Pete Peuron)

PURPOSE:

The Regional Board will consider any comments on the ACL Complaint No. R9-2007-0061 (Attachment 1) received during the public review period and consider adoption of an order accepting payment of the proposed liability and waiver of hearing.

PUBLIC NOTICE:

On October 6, 2007 a public notice was published in the Orange County Register (Attachment 2) and posted on the Regional Board website soliciting public input on the proposed liability. Public notice was also published in the San Diego Union Tribune on October 7, 2007 (Attachment 3) and in the Riverside Press-Enterprise on October 8, 2007 (Attachment 4).

DISCUSSION:

On June 19, 2007 an Administrative Civil Liability Complaint (No. R9-2007-0061) was issued recommending that the Regional Board impose a civil liability in the amount of \$128,000 for the following violations:

1. Failure to identify inadequate BMPs and failure to include required signatures of inspectors on inspection reports. A total of 42 reports lacked information and signatures required by the Permit. (42 violations @ \$2,000 per violation = \$84,000), and

2. Failure to implement effective erosion control, stabilization, and sediment control BMPs, (7 days of violations @ \$2,000 per violation = \$14,000).
3. Unauthorized discharges of highly turbid water containing eroded soils/sediments directly into Carroll Canyon Creek and into an unnamed tributary of Carroll Canyon Creek. (3 days of violations @ \$10,000 per violation = \$30,000).

The Preliminary Technical Analysis (Attachment 5) discusses the evidence supporting each allegation.

Since the issuance of the Complaint, Regional Board staff met with the District to discuss the allegations and the conditions for settlement. The discharger has not submitted any defense or technical report.

On November 6, 2007, the District elected to submit a signed waiver of its right to a public hearing and agreed to pay the \$128,000 administrative civil liability (Attachment 6).

On November 20, 2007 the District submitted a check in the amount of \$128,000 payable to the State Water Resources Control Board.

The public comment period ended on November 7, 2007. To date, no comments on the subject matter have been received.

KEY ISSUES: None.

LEGAL CONCERNS: None.

BACKGROUND AND  
CHRONOLOGY:

CAO No. R9-2005-0116 (Attachment 7) was issued on April 12, 2004 for cleanup of eroded soils discharged into waters of the State. It also required implementation and upgrades of BMPs, upgrade of sedimentation controls, including: implementation of pre-treatment when necessary, submittal of technical reports after significant rainfall events, and submittal of a technical report to demonstrate compliance with cleanup and BMP requirements of CAO R9-2005-0116.

On March 20, 2007, the Regional Board issued a Notice of Violation (NOV No. R9-2007-0055) for failure to prevent

prohibited discharges, failure to implement and to maintain BMPs, and failure to pay the General Construction Permit fee. The NOV (Attachment 8) was issued in response to conditions observed during a compliance inspection on February 27, 2007 and documented in the facility inspection report (included with Attachment 5).

**SUPPORTING  
DOCUMENTS:**

- (1) Location Map
- (2) Tentative Order No. R9-2007-0210
- (3) ACL Complaint No. R9-2007-0061
- (4) Preliminary Technical Analysis
- (5) Public Notice for the Orange County Register
- (6) Public Notice for the San Diego Union-Tribune
- (7) Public Notice for the Riverside Press Enterprise
- (8) Waiver of Public Hearing

**RECOMMENDATION:**

The Executive Officer will provide a recommendation to the Regional Board on the assessment of civil liability at the conclusion of this item.