
San Diego Regional Water Quality Control Board

April 13, 2018

Sent By Email Only

Mr. Michael A. Katz
President
Promenade Mall Development Corporation
4150 Mission Boulevard
San Diego, CA 92109
skeenan@cfisandiego.com

In reply refer to / attn:
249321:KYaeger

Subject: Staff Enforcement Letter (SEL) Related to Violations of General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters Within the San Diego Region, Order R9-2015-0013, NPDES No. CAG919003 (General Order)

The Promenade at Pacific Beach, the Promenade Mall Development Corporation, 4150 Mission Boulevard (Project)

Mr. Katz:

Attached is a summary of the California Regional Water Quality Control Board, San Diego Region's (San Diego Water Board's) findings regarding the following reports submitted by Promenade Mall Development Corporation pursuant to Order No. R9-2015-0013:

- Monthly self-monitoring reports – September 2016 through November 2017
- Quarterly self-monitoring reports – July 2016 through July 2017
- Semiannual self-monitoring reports – July 2016 through June 2017

Please take steps to ensure that the violation(s) noted in the attached violation summary table does not occur in the future. Pursuant to the California Water Code (CWC), the violations noted are subject to additional enforcement action(s) by the San Diego Water Board including a time schedule order, cease and desist order, cleanup and abatement order, imposition of administrative civil liability, referral to the district attorney for criminal prosecution, or referral to the attorney general. Administrative civil liability amounts that may be imposed by the San Diego Water Board under authority of CWC section 13385 include up to \$10,000 per day or up to \$10 per gallon for each gallon of waste discharged.

Pursuant to CWC section 13385(h), certain violations, such as late reporting and deficient monitoring, are subject to mandatory minimum penalties (MMPs) of \$3,000 for each violation. MMPs for late or missing monitoring reports will be assessed for each 30-day period following the deadline for submission until the monitoring report is received by the San Diego Water Board. If no monitoring was conducted, the Discharger must submit a written statement signed under penalty of perjury in accordance with Title 40 of the Code of Federal Regulations (40 CFR) section 122.41(k) and 40 CFR section 122.22(a)(1) stating the following:

- 1) That no monitoring was conducted during the relevant monitoring period;
- 2) The reason(s) the required monitoring was not conducted; *and*
- 3) The reason(s) the required discharge monitoring report was not submitted to the San Diego Water Board by the requisite deadline if the written statement is submitted after the deadline for submitting the monitoring report.

The San Diego Water Board will issue MMP enforcement actions under separate cover.

In the subject line of any response, please include the following: 249321:KYaeger. For questions or concerns regarding this letter, please contact me by phone at 619-521-5899 or by email at Keith.Yaeger@waterboards.ca.gov.

Respectfully,

Keith Yaeger
Environmental Scientist
Source Control Regulation Unit

cc by email:

Ben Neill, San Diego Water Board, ben.neill@waterboards.ca.gov

Tech Staff Info & Use	
Order No.	R9-2015-0013
NPDES No.	CAG919003
CW Place ID ()	249321
CW Party/Organization ID (Promenade Mall Development Corporation)	34992
CW Party/Person ID (Michael A. Katz)	75686
CW Regulatory Measure (Enrollee)	406221
CW Regulatory Measure (General Order)	400619
CW Regulatory Measure (SEL)	420863
WDID	9 000000588
Violation IDs	
1. 1041855	7. 1041861
2. 1041856	8. 1041862
3. 1041857	9. 1041863
4. 1041858	10. 1041864
5. 1041859	11. 1041865
6. 1041860	

Summary of Violations
The Promenade at Pacific Beach, the Promenade Mall Development Corporation, 4150 Mission Boulevard (Project)

	Violation ID(s)	Date(s)	Section of Order Violated	Violation Type	Description of Violation	Additional Notes
1	1041855	12/30/16	Table 6 of the Notice of Applicability	Deficient Reporting	Failed to submit a self-monitoring report for the month of November 2016. This report was due December 30, 2016.	Please submit this report.
2	1041856	1/30/17	Table 6 of the Notice of Applicability	Deficient Reporting	Failed to submit a self-monitoring report for the month of December 2016. This report was due January 30, 2017	Please submit this report.
3	1041857	3/1/17	Attachment E section V.B.3 of the General Order	Late Reporting	The self-monitoring report for January 2017 was submitted on May 1, 2017. This report was due on March 1, 2017.	
4	1041858	3/30/17	Attachment E section V.B.3 of the General Order	Late Reporting	The self-monitoring report for February 2017 was submitted on May 1, 2017. This report was due on March 30, 2017.	
5	1041859	4/30/17	Attachment E section V.B.3 of the General Order	Late Reporting	The self-monitoring report for March 2017 was submitted on May 1, 2017. This report was due on April 30, 2017.	
6	1041860	4/30/17	Attachment E section V.B.3 of the General Order	Late Reporting	The self-monitoring report for the first quarter of 2017 was submitted on May 1, 2017. This report was due on April 30, 2017.	
7	1041861	7/30/17	Table 6 of the Notice of Applicability	Deficient Reporting	Failed to submit a self-monitoring report for the month of June 2017. This report was due July 30, 2017.	Please submit this report.
8	1041862	8/30/17	Attachment E section V.B.3 of the General Order	Late Reporting	The self-monitoring report for July 2017 was submitted on October 5, 2017. This report was due on August 30, 2017.	
9	1041863	5/30/17	Attachment E section V.B.3 of the General Order	Late Reporting	The self-monitoring report for April 2017 was submitted on July 28, 2017. This report was due on May 30, 2017.	
10	1041864	6/30/17	Attachment E section V.B.3 of the General Order	Late Reporting	The self-monitoring report for May 2017 was submitted on July 28, 2017. This report was due on June 30, 2017.	
11	1041865	9/30/17	Attachment E section V.B.3 of the General Order	Late Reporting	The self-monitoring report for August 2017 was submitted on October 5, 2017. This report was due on September 30, 2017.	