

San Diego Regional Water Quality Control Board

April 12, 2018

Sent By Email Only

Michael Persall
Manager Partner
ABP 850 Coast LLC
820 2nd Street
Encinitas, CA 92024
mpersall@abpcapital.com

In reply refer to / attn:
822669: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)

ABP 850 Coast LLC, 850 S. Coast Highway 101

Mr. Persall:

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 ABP 850 Coastal LLC (Discharger) pursuant to Order No. R9-2015-0013:

- Monthly self-monitoring reports – July 2016 through August 2017
- Quarterly self-monitoring reports – July 2016 through June 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.

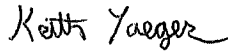
Pursuant to CWC section 13385(h), certain violations, such as late reporting and deficient monitoring, are subject to mandatory minimum penalties (MMPs) of \$3,000 for each violation. MMPs for late or missing monitoring reports will be assessed for each 30-day period following the deadline for submission 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: 822669: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 Unit

cc by email:

Ben Neill, San Diego Water Board, ben.neill@waterboards.ca.gov
Michael E. Slaby, Pure Effect, Inc., msslaby@pureeffect.com

Tech Staff Info & Use	
Order No.	R9-2015-0013
Party (CIWQS) ID	554994 (ABP 850 Coast, LLC)
WDID	9 000003007
NPDES No.	CAG919003
Reg. Measure ID	400619 (R9-2015-0013), 404961 (Enrollee), 420483 (SEL)
Place ID	822669 (GW Extraction, ABP 850 Coast, LLC)
Person ID	554995 (Michael Persall)
Violations ID:	
1	1041161
2	1041162
3	1041163
4	1041164
5	1041165
6	1041178
7	1041181
8	1041182
9	1041183

Summary of Violations
ABP 850 Coast LLC, 850 S. Coast Highway 101 (Project)

	Violation ID(s)	Date(s)	Section of Order Violated	Violation Type	Description of Violation	Additional Notes
1	1041161	10/30/16	Table 6 of the Notice of Applicability	Deficient Reporting	Failed to submit a self-monitoring report for the month of September 2016. This report was due October 30, 2016.	An email on November 3, 2016 stated that discharges commenced on September 23, 2016. However, no monitoring results were attached. Please submit this report.
2	1041162	12/30/16	Attachment E, section V.B.3, Table E-9 of the General Order	Late Reporting	The self-monitoring report for the month of November 2016 was submitted on January 2, 2017. This report was due on December 30, 2016.	
3	1041163	1/30/17	Table 6 of the Notice of Applicability	Deficient Reporting	Failed to submit a self-monitoring report for the second semiannual period of 2016. This report was due January 30, 2017.	Please submit this report.
4	1041164	1/30/17	Attachment E, section V.B.3, Table E-9 of the General Order	Late Reporting	The self-monitoring report for the fourth quarter of 2016 was submitted on February 24, 2017. This report was due January 30, 2017	
5	1041165	4/30/17	Attachment E, section V.B.3, Table E-9 of the General Order	Late Reporting	The self-monitoring report for the first quarter of 2017 was submitted on May 30, 2017. This report was due on April 30, 2017.	
6	1041178	7/30/17	Attachment E, Table E-9 of the General Order	Late Reporting	The self-monitoring report for the month of June 2017 was submitted on July 31, 2017. This report was due July 30, 2017	
7	1041181	8/30/17	Attachment E, Table E-9 of the General Order	Late Reporting	The self-monitoring report for the month of July 2017 was submitted on August 31, 2017. This report was due on August 30, 2017.	
8	1041182	7/30/17	Attachment E, Table E-9 of the General Order	Late Reporting	The self-monitoring report for the second quarter of 2017 was submitted on September 28, 2017. This report was due July 30, 2017	
9	1041183	7/30/17	Table 6 of the Notice of Applicability	Deficient Reporting	Failed to submit a self-monitoring report for the first semiannual period of 2017. This report was due July 30, 2017.	Please submit this report.