California Regional Water Quality Control Board
San Diego Region

Terry Tamminen
Secretary for Environmental Protection

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Arnold Schwarzenegger
Governor

September 10, 2004

Certified Mail Return Receipt Requested
7004 0750 0001 2969 2967

Mark Swanstrom, Project Manager
Kaiser Permanente
6507 Mission Gorge Road
San Diego, California 92120

In reply refer to: **CA:10-3020185.02:melbf**

Dear Mr. Swanstrom:

Acceptance of Payment of Administrative Civil Liability

On September 8, 2004, the California Regional Water Quality Control Board, San Diego Region (Regional Board) accepted your payment of the proposed liability in Complaint No. R9-2004-0185 regarding the violation of California Water Code section 13260, failure to pay annual fees. As a result, your payment of $960 has been deposited in the State Water Pollution Cleanup and Abatement Account. The enclosed Order No. R9-2004-0243, adopted by the Regional Board on September 8, 2004, documents the conclusion of the administrative civil liability proceedings relating to this matter.

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 and reports to the Regional Board pertaining to this matter.

Please contact Frank Melbourn (858) 467-2973 or via email at melbf@rb9.swrcb.ca.gov if you have any questions concerning this matter.

Sincerely,

JOHN H. ROBERTUS
Executive Officer

JHR:mpm:ftm

Enclosure: Order No. R9-2004-0243

Enforcement Description	ID No.
ACL	89425

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. R9-2004-0243

ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
AGAINST
KAISER PERMANENTE
OTAY MESA PARKING STRUCTURE
4604 PALM AVENUE
SAN DIEGO, CALIFORNIA
FOR
FAILURE TO PAY ANNUAL CONSTRUCTION STORM WATER PERMIT FEES

The California Regional Water Quality Control Board, San Diego Region (Regional Board), finds the following:

Kaiser Permanente (Kaiser) violated section 13260(d) of the Water Code which requires that each person for whom waste discharge requirements have been prescribed pursuant to Water Code section 13263 shall pay an annual fee according to a fee schedule established by the California State Water Resources Control Board (State Board). Kaiser was or is regulated under *State Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, Waste Discharge Requirements (WDRs) For Discharges Of Storm Water Runoff Associated With Construction Activity* (WDID No. R9 37C320185).

1. Kaiser's total unpaid annual storm water fees in this matter were in the amount of $901 for the construction site located at 4604 Palm Avenue, San Diego, California.

2. On May 17, 2004, the Executive Officer issued Administrative Civil Liability (ACL) Complaint No. R9-2004-0185. The Complaint proposed imposition of a $960 civil liability for the alleged violations.

3. Kaiser upon receipt of the Complaint paid the proposed liability amount of $960 for failure to pay the annual construction storm water permit annual fee, and waived its right to a public hearing before the Regional Board. Kaiser has also resolved all other outstanding annual construction storm water permit annual fees in the San Diego Region.

4. On September 8, 2004, the Regional Board held a hearing to solicit public participation in this matter, and considered the comments of interested persons regarding adoption of this Order.

5. Consideration of the factors prescribed in Water Code section 13327 based upon information available to the Regional Board prior to the hearing and described in greater

detail in ACL Complaint No. R9-2004-0185 supports assessment of civil liability pursuant to Water Code section 13263 in the amount of $960.

6. The adoption of this Order is an appropriate resolution of the violations alleged in ACL Complaint No. R9-2004-0185 because the assessment of $960 is a sufficient amount of liability to deter this discharger and other dischargers from not paying annual fees in the future.

7. The Regional Board incurred costs totaling $480, which includes preparation of enforcement documents.

8. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with Section 15308, Chapter 3, Title 14 of the California Code of Regulations.

IT IS HEREBY ORDERED, that pursuant to section 13261(b) of the Water Code, that civil liability be imposed on Kaiser Permanente in the amount $960.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on September 8, 2004.

JOHN H. ROBERTUS
Executive Officer