

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**TENTATIVE ORDER NO. R9-2006-0009  
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY  
AGAINST  
CITY OF CARLSBAD  
MUNICIPAL GOLF COURSE  
FOR  
NONCOMPLIANCE WITH WATER CODE § 13376  
AND  
STATE BOARD ORDER NO. 99-08-DWQ**

The California Regional Water Quality Control Board, San Diego Region (hereafter Regional Board), having held a public hearing on May 10, 2006 to hear evidence and comments on the issuance of liability against the City of Carlsbad (hereafter City) regarding violations alleged in Complaint No. R9-2005-0264, dated October 20, 2005, (Complaint), Technical Analysis supporting the Complaint, the City's undertaking commitments to achieve compliance with applicable requirements for storm water management at the municipal golf course construction site, having provided public notice thereof and not less than thirty (30) days for public comment, and on the recommendation for administrative assessment of Civil Liability in the amount of \$23,900 finds as follows:

1. The State Water Resources Control Board (hereafter State Board) has issued updated statewide general waste discharge requirements for discharges of storm water runoff associated with construction activities involving disturbance of one acre of soil, or more. [*Order No. 99-08-DWQ, NPDES No. CAS000002.*]
2. City owns approximately 400 acres of property in or around 5800 Hidden Valley Road, Carlsbad, California described as the "Municipal Golf Course Project." City began construction activities at the site on September 8, 2005, without first filing a "Notice of Intent," as required by section A.2. of Order No. 99-08-DWQ. City filed a "Notice of Intent" 39 days late, on October 17, 2005 (WDID No. 9 37S337203).
3. City failed to implement its Storm Water Pollution Prevention Plan (SWPPP) by failing to install and maintain adequate Best Management Practices (BMPs) in violation of Order No. 99-08-DWQ section C.2 on at least 20 days, October 1, 2005 through October 20, 2005.
4. On October 20, 2005, the Executive Officer issued Administrative Civil Liability Complaint No. R9-2005-0264 to the City proposing imposition of \$23,900 in liability for the above violations.
5. On November 18, 2005 the City paid to the Regional Board the proposed liability amount of \$23,900 for failure to timely file a "Notice of Intent" and failure to implement its SWPPP and waived its right to a public hearing before the Regional Board.

**City of Carlsbad  
Municipal Golf Course  
WDID No. 9 37C337203**

6. On December 14, 2005, the Regional Board rejected the City's offer to settle the Complaint and scheduled a public hearing on the matter for a later date.
7. Liability in the amount of \$23,900 is based on consideration of the factors prescribed in subdivision (e) of Water Code Section 13385 as applied to the allegations contained in Complaint No. R9-2005-0264 and described in greater detail in the Complaint's Technical Analysis. The liability is as follows:
  - \$100 per day for failing to file a NOI for 39 days of violation of Water Code section 13376 for a total of \$3,900; and
  - \$1,000 per day for failing to implement a Storm Water Pollution Prevention Plan for 20 days of violation of Order No. 99-08-DWQ section C.2. for a total of \$20,000.
8. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with section 15321, Chapter 3, Title 14, California Code of Regulations.
9. The Regional Board incurred costs totaling \$29,214, which includes investigation, preparation of enforcement documents, and communication with the City regarding the enforcement action.

**IT IS HEREBY ORDERED**, that pursuant to section 13385 of the Water Code, that civil liability be imposed on the City of Carlsbad in the amount of \$23,900.

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 June 14, 2006.

***Tentative***

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JOHN H. ROBERTUS  
Executive Officer