



California Regional Water Quality Control Board San Diego Region



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Governor

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<http://www.waterboards.ca.gov/sandiego>

September 28, 2011

CERTIFIED MAIL: 7010 1060 0000 4952 7501

Mr. Roger Bailey
Director of Public Utilities
City of San Diego
9192 Topaz Way
San Diego, CA 92123-1119

In reply refer to: 770901:jhaas

SUBJECT: INVESTIGATIVE ORDER NO. R9-2011-0070, PERTAINING TO THE DISCHARGE OF UNTREATED SEWAGE TO LOS PENASQUITOS CREEK ON SEPTEMBER 8, 2011, CAUSED BY LOSS OF POWER AT PUMP STATION 64

Enclosed is Investigative Order No. R9-2011-0070 (Order) issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) to the City of San Diego (City). The Order requires the investigation and reporting of information related to the discharge of an estimated 1.9 million gallons of untreated sewage to Los Penasquitos Creek, Penasquitos Lagoon, and the Pacific Ocean resulting from power outage at Pump Station No. 64 on September 8, 2011.

This Order is issued under authority of California Water Code sections 13267 and 13304 and directs the City to submit a technical report by **October 14, 2011** and a final monitoring report by **January 13, 2012**. These reports will provide information necessary for the San Diego Water Board to evaluate the nature, circumstances, extent, and impacts of the discharge of untreated sewage.

Please review the requirements contained within the Order and note that all reports submitted to the San Diego Water Board must be accompanied by the certification, under penalty of law, that the information is true, accurate, and complete. Failure to meet the requirements of this Order may subject the City to further enforcement action by the San Diego Water Board, including the imposition of administrative civil liability pursuant to Water Code section 13268.

Water Code section 13304(c) provides that the San Diego Water Board is entitled to, and may seek reimbursement for, all reasonable costs incurred by the San Diego Water Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action required by the enclosed Order.

California Environmental Protection Agency

For questions pertaining to the subject matter, please contact Mr. Jeremy Haas at (858) 467-2735 or via email at jhaas@waterboards.ca.gov.

**PLEASE INCLUDE "631595:JHAAS " IN THE SUBJECT LINE OF FUTURE
CORRESPONDANCE**

Respectfully,



JAMES G. SMITH
Assistant Executive Officer

JGS: jh

Enclosure: Investigative Order No. R9-2011-0070

cc w/encl via email:

Ann Sasaki, City of San Diego, asasaki@sandiego.gov
Christopher McKinney, City of San Diego, cmckinney@sandiego.gov
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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

INVESTIGATIVE ORDER NO. R9-2011-0070

**AN ORDER DIRECTING THE CITY OF SAN DIEGO
TO SUBMIT TECHNICAL AND MONITORING PROGRAM REPORTS**

**PERTAINING TO THE DISCHARGE OF UNTREATED SEWAGE TO LOS
PENASQUITOS CREEK ON SEPTEMBER 8, 2011, CAUSED BY LOSS OF
POWER AT PUMP STATION 64**

The California Regional Water Quality Control Board, San Diego Region (hereinafter San Diego Water Board) finds that:

1. **Legal and Regulatory Authority:** The San Diego Water Board is responsible for enforcement of waste discharge requirements and implementation of the *Water Quality Control Plan for the San Diego Basin* (Basin Plan). This Order is based in part on (1) sections 13260, 13267 and 13304 of the California Water Code (Water Code); (2) applicable state and federal regulations; (3) the Basin Plan adopted by the San Diego Water Board; (4) State Water Resources Control Board (State Water Board) policies and regulations, including State Water Board Resolution No. 68-16 (*Statement of Policy with Respect to Maintaining High Quality of Waters in California*); and (5) relevant standards, criteria, and advisories adopted by other state and federal agencies.
2. **Waste Discharge Requirements:** The City of San Diego (hereinafter the City) sewage collection system is regulated (WDID No. 9SSO10658) by State Water Board Order No. 2006-0003-DWQ, *Statewide Waste Discharge Requirements for Sanitary Sewer Systems*, and San Diego Water Board Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*.
3. **Persons Responsible for the Discharge of Wastes:** The City owns and operates its sewage collection system. The system is comprised of approximately 3,002 miles of gravity sewer lines and 145 miles of forced mains and other pressure systems, and it serves approximately 2,140,000 people.
4. **Discharge of Untreated Sewage:** The City of San Diego reported that Pump Station No. 64 failed and approximately 1.9 million gallons of untreated sewage spilled from manholes into storm water conveyance systems that discharge directly to Los Penasquitos Creek. The point of discharge to Los Penasquitos Creek is a water of the State/U.S. at coordinates approximately 32.904245, -117.224679 and is approximately 3.5 miles from the Pacific Ocean.

Reports of the sewage spill are contained in California Emergency Management Agency (CalEMA) Hazardous Materials Spill Report No. 11-5348 and in California Integrated Water Quality System Event Report No. 770901.

The CalEMA report included an estimated spill rate of 3,500 gallons per minute. The final certified CIWQS spill report submitted on September 13, 2011 estimates the spill volume at 1,900,000 gallons at a spill rate of 6291.4 gallons per minute. On that CIWQS report the City estimates the spill began at 5:50 pm on September 8, 2011 and ended at 11:52 pm that same evening.

5. **Cause of the Sewage Spill:** The City reported that a regional power outage on September 8, 2011 caused Pump Station 64 to not operate, which caused a backup in the collection infrastructure leading to the Pump Station, which ultimately led to the overflow at the manhole locations.
6. **Violation of Order No. 2006-0003-DWQ:** The discharges of raw sewage described in Finding No. 4 of this Order is a violation of Prohibition C.1 of State Water Board Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*, which prohibits the discharge of untreated or partially treated wastewater to waters of the United States.
7. **Violation of Order No. R9-2007-0005:** The discharges of raw sewage described in Finding No. 4 of this Order is a violation of Prohibition B.1 of San Diego Water Board Order no. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*, which prohibits the discharge of sewage from a sanitary sewer system at any point upstream of a sewage treatment plant.
8. **History of Discharges to Los Penasquitos Creek from Failures of Pump Station No. 64:** In the 1980s, the San Diego Water Board issued several enforcement actions against the City of San Diego relating to discharges of sewage from Pump Station No. 64. These include Cease and Desist Order No. 86-69, Administrative Civil Liability (ACL) Orders No. 87-05, and No. 87-92. At that time (October 1986) the City estimated average dry weather flow through the station was 19 million gallons per day.¹ In 1993, the San Diego Water Board issued ACL No. 93-98 to the City for failing to adequately report sewage overflows from Pump Station No. 64.
9. **Impacted Surface Waters:** Los Penasquitos Creek is tributary to Los Penasquitos Lagoon and The Pacific Ocean. Observations by the California Department of Fish and Game, California Department of Parks and Recreation, and the City of San Diego indicate the sewage reached the non-tidal areas of Los Penasquitos Lagoon within the Torrey Pines State Natural Reserve. Data collected by the City of San Diego for the County of San Diego Department of Environmental Health indicate that the sewage likely reached the Pacific Ocean at Torrey Pines State Beach.

¹ Finding No. 4 of Addendum No. 3 to Cease and Desist Order No. 86-69, City of San Diego Metropolitan Sewage Pump Station No. 64, San Diego County

10. **Beneficial Uses of Impacted Surface Waters:** The *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan) designates the following beneficial uses for surface waters at and downstream of the sewage spill discharge location:

Basin Plan Beneficial Uses	Los Penasquitos Creek	Los Penasquitos Lagoon	Pacific Ocean
Agricultural Supply	X		
Industrial Service Supply	X		X
Contact Recreation	X (potential)	X	X
Non-contact Recreation	X	X	X
Warm Fresh Water Habitat	X		
Cold Fresh Water Habitat	X		
Wildlife Habitat	X	X	X
Preservation of Biological Habitats of Special Significance		X	X
Estuarine Habitat		X	
Rare, Threatened, or Endangered Species		X	X
Marine Habitat		X	X
Migration of Aquatic Organisms		X	X
Shellfish Harvesting		X	X
Navigation			X
Commercial and Sport Fishing			X
Marine Habitat			X
Spawning, Reproduction, and/or Early Development			X

11. **Potential and Documented Impacts of the Discharge:** The sewage spill described above caused pollution, contamination, and nuisance as defined in California Water Code section 13050 and has impaired the beneficial uses of Los Penasquitos Creek, Los Penasquitos Lagoon, and the Pacific Ocean. Untreated sewage contains a mixture of pollutants, high levels of pathogenic organisms, and leads to oxygen depletion. The discharge of sewage can also lead to excessive algal growth. Consequently, a discharge of untreated sewage has the potential to adversely affect public health, adversely affect animal and plant life, pollute surface water and/or groundwater, and cause a public nuisance, particularly when untreated sewage is discharged to areas with high public exposure.

- a. Contact Recreation at the Beach. As a result of the spill, the County of San Diego Department of Environmental Health closed a stretch of Pacific Ocean for public contact recreation. The length of closure varied with distance from the mouth of Los Peñasquitos Creek. On September 14, 2011 the County lifted any beach closures still in effect.
- b. Contact Recreation near the Spill Site. The freshwater reach of Peñasquitos Creek downstream of the spill site is a known recreational fishing location. The spill restricted fishing because of threats of contamination and because dissolved oxygen levels caused substantial fish mortality.
- c. Wildlife Effects. Numerous dead fish have been observed downstream of the spill within the freshwater reaches of Peñasquitos Creek upstream and within the Torrey Pines State Nature Reserve.

12. Basis for Requiring Reports: Water Code section 13267 provides that the San Diego Water Board may require dischargers, past dischargers, or suspected dischargers to furnish technical or monitoring reports as the San Diego Water Board may specify, provided that the burden, including costs, of these reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In requiring the reports required by this Order, the San Diego Water Board is providing a written explanation with regard for the need for the reports in Paragraph 13, and has identified evidence that supports requiring the City to provide such reports in Paragraphs 2 - 11 and 14.

13. Need for and Benefit of Technical and Monitoring Reports: Technical and monitoring reports are needed to enable the San Diego Water Board to effectively evaluate the nature, circumstances, extent, and impacts of the illicit discharge of sewage. The burden of providing the required reports bears a reasonable relationship to the need for the report and the benefits to be obtained from the reports.

14. Need for Continued Monitoring Program: A monitoring and reporting program is necessary to evaluate the extent of adverse effects to recreational and wildlife beneficial uses of waters of the State. Effects of a sewage spill can continue and/or emerge after cleanup activities cease. For example, components of sewage (such as nutrients and organic matter) or the effects of a sewage spill (such as decaying fish) that remain in the ecosystem after cleanup activities can further adversely affect ecosystem functions and beneficial uses. In addition, effects may emerge as residual sewage is transported downstream. Furthermore, recolonization by aquatic animals occurs after conditions in the water improve. Therefore, continued monitoring is necessary to improve characterization of the effects of the spill.

15. **California Environmental Quality Act (CEQA) Compliance:** This Order is exempt from the following provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.): enforcement actions taken for the protection of the environment are exempted in accordance with section 15308, Chapter 3, Title 14 of the California Code of Regulations (CCR); enforcement actions taken by a regulatory agency are exempted by the provisions of CEQA pursuant to section 15321(a) (2), Chapter 3, Title 14 of the CCR. This action is also exempt from the provisions of CEQA in accordance with section 15061(b) (3) of Chapter 3, Title 14 of the CCR because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

16. **Qualified Professionals:** Qualified professionals are necessary for preparing the technical report required by this Order in order to ensure that information presented in the report is reliable and accurate. Professionals should be qualified, licensed where applicable, and competent and proficient in fields pertinent to the required activities.

17. **Cost Recovery:** Pursuant to Water Code section 13304, and consistent with other statutory and regulatory requirements, including not but limited to Water Code section 13365, the San Diego Water Board is entitled to, and will seek reimbursement for, all reasonable costs actually incurred by the San Diego Water Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order.

IT IS HEREBY ORDERED, that pursuant to sections 13267 and 13304 of the California Water Code, the City of San Diego is required to submit Technical and Monitoring Reports presenting results of an investigation of the unauthorized discharges of sewage that occurred on September 8, 2011.

The Technical Report of the Spill Event, Prevention, Response, and Corrective Actions (Sections A and B) is due by **October 14, 2011**.

The Final Monitoring Report (Section C) is due by **January 13, 2012**.

The reports must comply with the directives of this Order and include the following information:

A. Spill Event and Prevention

1. Spill Flow Path: Provide written descriptions of all known locations where sewage spilled out of the collection system and identify on a map the path taken by the sewage to waters of the State. Additionally, please clarify the spill locations reported in the CalEMA spill report (Cal EMA Control No. 11-5348).

The CalEMA report (Cal EMA Control No. 11-5348) states three manholes as sources of the sewage spill without identifying their locations. On September 14, 2011, the City reported that City crews had performed cleanup activities related to spills from two manholes adjacent to 3848 Sorrento Valley Boulevard. On September 16, 2011, and in response to a public comment received by the San Diego Water Board, the City reported that it found evidence indicating a manhole adjacent to 10835 Sorrento Valley Road had also spilled during the blackout event, for which it would promptly begin cleanup activities.

2. Spill Volume and Characterization:

- a. Provide estimates of the sewage volume and characteristics spilled during the event. Include a description of how the estimates were prepared. Provide data that was used to make the estimate.
 - i. Include estimates of average dry weather flow for Pump Station 64 and, if available, the daily volumes of sewage pumped by Pump Station No. 64 for the five days prior and after the spill date.
 - ii. Clarify whether spillage from the manhole adjacent to 10835 Sorrento Valley Road was used to calculate the estimate provided on the CIWQS report.

- iii. Provide a characterization of the average quality of dry-weather influent to Pump Station No. 64. Include, at a minimum, total nitrogen, biological oxygen demand, total dissolved solids, selenium, and chloride.
3. Emergency Power: Provide discussion on emergency power alternatives considered by the City for Pump Station No. 64 since 2001. Identify whether permanent stationary emergency generators, lift station electrical systems upgrade for portable generator connections, or use of unconventional alternative energy sources were considered. Include the rationale for the selected course of action. Include any cost analyses or estimates that were prepared or reviewed by City staff or City contractors when determining the course of action.
4. Overflow Storage: Describe overflow containment available for Pump Station No. 64 and whether any sewage was contained therein during the blackout event. Although the spills reportedly occurred from manholes up-gradient of the pump station, overflow storage for the pump station may have been able to reduce the amount ultimately discharged. A press report from November 3, 1987 suggests a 350,000 gallon containment system had been recently installed. Please describe that containment system, if available, and any containment infrastructure updates since that time.

B. Spill Response and Corrective Actions

The Provisions referenced in this section refer to Provisions of Order No. 2006-0003-DWQ.

5. Steps Taken to Contain and Mitigate the Impacts of the SSO (Provisions D.3 and D.4.): Provide a complete description of the steps taken by the City to contain and mitigate the impacts of the discharge of sewage.
6. Steps Taken to Terminate the Discharge (Provision D.7): Provide description and summary of all steps taken to terminate the discharge once it was discovered.
7. Steps Taken to Recover Wastewater Discharged (Provision D.7): Provide description of all steps taken to recover the wastewater discharged to waters of the State as required by Provision D.7. Include a time line of recovery events, amounts of wastewater and other water recovered, recovery locations, and equipment used.
8. Overflow Emergency Response Plan (Provision D.13.vi.(f)): Provide a copy of the City's Overflow Emergency Response Plan that implements Provision D.13.vi.(f) of Order No. 2006-0003-DWQ.

9. Steps Taken to Implement Provision D.13.vi.(f): Provide a description of the steps taken to contain and prevent the discharge. Provide a description of steps taken to minimize or correct any adverse impact on the environment resulting from the discharge, including accelerated or additional monitoring conducted to determine the nature and impact of the discharge.
10. Effects of Spill: Provide a description of the effects on public and environmental uses of affected waters of the State from the spill site to the Ocean. Include all data collected regarding water chemistry, water conditions, habitat effects, recreational effects, and effects on fish and wildlife. Include analytical results and an evaluation of the results. Include a description of the data collection methods. Include maps and GIS coordinates of data points.
11. Measures of Effectiveness and Summary of Implementation of SSMP section Overflow Emergency Response Plan (Provision D.13.ix):
 - a. Provide a summary of the City's efforts to date to monitor the implementation of its SSMP section on Emergency Response Plan, including the program described in Provision D.13.vi.(f).
 - b. Provide a summary of the City's efforts to measure the effectiveness of its SSMP section on Emergency Response Plan, including the program described in Provision D.13.vi.(f).

C. Continued Monitoring Program and Reports

12. The following monitoring program and reports must be prepared by technical professionals qualified to conduct the monitoring and evaluate the data for short and long term impacts of the discharge on ecological receptors.
 - a. The evaluation shall include an assessment of the sewage spill's short-term and long-term impacts on aquatic communities and the ecosystem of the spill impact area.
 - b. The evaluation must include a map of the locations for all reference sites and sampling points used in this evaluation.
 - c. GIS coordinates must be provided for all monitoring locations.
 - d. Water chemistry and freshwater bioassessment monitoring programs below must be designed to meet the requirements of the Surface Water Ambient Monitoring Program (SWAMP), Quality Assurance Program Plan and the SWAMP Data Management Plan.²

² Information available at http://www.waterboards.ca.gov/water_issues/programs/swamp/tools.shtml

13. Water Chemistry Monitoring and Reporting: The City must conduct an evaluation of water chemistry to evaluate effects of the sewage spill.

- a. Monitoring and Sampling Site Locations: Water samples shall be collected at the following locations (also see map Exhibit 1):
 - i. Two reference locations. Reference locations shall be located within Penasquitos Creek upstream of the affected area and within Carroll Canyon Creek within 800 feet of its confluence with Penasquitos Creek.
 - ii. Three sewage-affected locations. Two locations shall be located within freshwater reaches of Penasquitos Creek upstream and downstream of its confluence with Carroll Canyon Creek. A third location shall be located within Los Penasquitos Lagoon.³
- b. Sampling Period and Frequency: Monitoring must be conducted for three months. Monitoring shall begin prior to October 7, 2011.
 - i. Dissolved Oxygen: Dissolved oxygen (DO) should be monitored continuously. Alternatively, DO can be measured weekly. If weekly monitoring is selected, DO must be measured within one hour prior or after sunrise.
 - ii. Other parameters: The following must be measured weekly if DO is measured weekly. Otherwise, they may be monitored every other week:
 1. Nitrogen (NO₂, NO₃, NH₄, and TN)
 2. Phosphorus (ortho-PO₄ and TP)
 3. TSS
 4. Flow
- c. Data Submission: Data must be submitted to the Water Board in MS-Excel (or equivalent) format.
- d. Report Submission: The City must submit a report summarizing and analyzing all results of the water chemistry data collected by **January 13, 2012.**

³ The California Department of Parks and Recreation manages the Los Penasquitos Lagoon. The City must promptly notify the San Diego Water Board if it is unable to secure access privileges.

14. Bioassessment Monitoring and Reporting: The City must conduct an evaluation of benthic macroinvertebrate (BMI) and stream algae to evaluate effects of the sewage spill. The City must notify the San Diego Water Board at least two days prior to each planned collection event:
- a. Monitoring and Sampling Site Locations: BMI and algae samples shall be collected at the same locations as the water chemistry samples.
 - b. Sampling Period and Frequency: Monitoring must be conducted for three months. Monitoring shall begin as soon as feasible once data collected by the City indicates no public health threat from water contact in the areas affected by the sewage spill.
 - i. Monitored every other week:
 1. Algal biomass for benthic algae. Measurements must include algal cover, chlorophyll *a* (Chl *a*), and carbon biomass as ash-free dry mass (AFDM).
 2. Algal biomass of phytoplankton chlorophyll *a* (Chl *a*).
 - ii. Monitored once per month:
 1. BMI bioassessment (species composition)
 2. Physical habitat
 - c. Field Methods for Bioassessment Collections and Habitat Assessment: Procedures must be SWAMP-comparable and conducted according to SWAMP's standard operating procedures (SOPs).^{4,5} The City shall conduct physical habitat monitoring using the "full" suite of physical/habitat characterization measurements as specified in the SOPs and as summarized in the Surface Water Ambient Monitoring Program's Stream Habitat Characterization Form — Full Version.⁶
 - d. Laboratory Methods for Benthic Macroinvertebrates: Benthic macroinvertebrates shall be identified and classified according to the Standard Taxonomic Effort (STE) Level I of the Southwestern Association of Freshwater Invertebrate Taxonomists (SAFIT) and using a fixed-count of 600 organisms per sample.

⁴ *Collecting Benthic Macroinvertebrate Samples & Associated Physical and Chemical Data for Ambient Bioassessments in California - Standard Operating Procedures Manual* - February 2007
Available on-line: <http://swamp.mpsl.mlml.calstate.edu/resources-and-downloads/standard-operating-procedures#Bioassessment>

⁵ *Collecting Stream Algae Samples and Associated Physical Habitat and Chemical Data for Ambient Bioassessments in California*. Available on-line: <http://swamp.mpsl.mlml.calstate.edu/resources-and-downloads/standard-operating-procedures>

⁶ Available on-line: http://swamp.mpsl.mlml.calstate.edu/wp-content/uploads/2011/02/SWAMP_BA_Field_Data_Sheets_with_Algae_v2.5_020911.pdf

- e. Methods for Lagoon Bioassessment: Lagoon bioassessment should be conducted in accordance with protocols identified in "*Southern California Bight 2008 Regional Marine Monitoring Survey (Bight'08) Estuarine Eutrophication Assessment Field Operations Manual Version 6.*" The City must contact the San Diego Water Board if alternate protocols will be used.
- f. Data Submission:
 - a. The benthic macroinvertebrate taxonomic results (i.e., taxonomic identifications consistent with the specified SAFIT STEs, and number of organisms within each taxa) and the algae taxonomic results must be submitted to the Water Board in MS-Excel (or equivalent) format.
 - b. The index of biotic integrity must be reported for each bioassessment event and calculated using the Southern California Index of Biotic Integrity (Ode et. al, 2005).
- g. Report Submission: The City must submit a report summarizing and analyzing all results of the bioassessment data collected by **January 13, 2012.**

D. Provisions

- 15. Use of Registered Professionals:** The City shall provide documentation that any reports required under this Order were prepared under the direction of appropriately qualified professionals. In preparing the technical report required by this Order, any engineering or geologic evaluations and judgments must be performed by or under the direction of registered professionals. A statement of qualifications and registration numbers of the responsible lead professional shall be included in the report submitted by the City. The lead professional shall sign and affix their registration stamp to the report.
- 16. Use of Qualified Technical Professionals:** The City shall ensure that plans and reports, required under this Order, are prepared under the direction of technical professionals who are appropriately qualified to evaluate short and long term impacts to ecological receptors.
- 17. Laboratory Qualifications:** Unless otherwise permitted by the San Diego Water Board, all analyses shall be conducted at a laboratory certified to perform such analyses by the California Department of Public Health (CDPH).
- 18. Laboratory Analytical Reports:** Any report presenting new analytical data is required to include the complete laboratory analytical report(s). The laboratory analytical report must be signed by the laboratory director and contain:

- a. Complete sample analytical report.
- b. Complete laboratory quality assurance/quality control (QA/QC) report.
- c. Discussion of the QA/QC data, and
- d. A transmittal letter that shall indicate whether or not all the analytical work was supervised by the director of the laboratory, and contain the following statement, "All analyses were conducted at a laboratory certified for such analyses by the CDPH in accordance with current procedures approved by the United States Environmental Protection Agency."

19. Analytical Methods: Specific methods of analysis must be identified in the City's monitoring reports. If the City proposes to use methods or test procedures other than those included in the most current version of 40 CFR, Part 136, "*Guidelines Establishing Test Procedures for the Analysis of Pollutants; Procedures for Detection and Quantification*", and State Water Board SWAMP Bioassessment Standard Operating Procedures (SOP's),⁷ then the exact methodology must be submitted for review and approval by the San Diego Water Board prior to use.

20. Signatory Requirements: All reports required under this Order shall be signed and certified by either a principal executive officer or ranking elected official or the person with overall responsibility for environmental matters for that municipality.

Certification Statement: Any person signing a document under this provision shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

⁷ SWAMP SOP's for benthic macroinvertebrate samples and stream algae samples can be obtained at:

<http://swamp.mpsl.mlml.calstate.edu/resources-and-downloads/standard-operating-procedures>.

21. **Report Submittal:** All reports required under this Order shall be submitted to the following address:

Assistant Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

E. COST RECOVERY

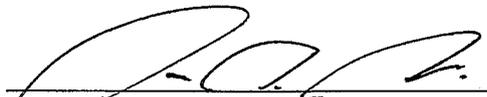
Upon receipt of invoices, and in accordance with instructions therein, the City must reimburse the San Diego Water Board for all reasonable costs incurred by the San Diego Water Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order.

F. NOTIFICATIONS

Enforcement Discretion: The San Diego Water Board reserves its right to take any enforcement action authorized by law for violations of the terms and conditions of this Order.

Enforcement Notification: Water Code section 13268 (a) (1) provides that any person failing or refusing to furnish technical or monitoring report information as required by Water Code section 13267(b), or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly for an administratively imposed liability of up to \$1,000 per day for each day compliance is not achieved with an Order issued in accordance with subdivision 13268(b).

Requesting Administrative Review by the State Water Board: Any person affected by this action of the San Diego Water Board may petition the State Water Board to review the action in accordance with section 13320 of the Water Code and CCR Title 23 section 2050. The petition must be received by the SWRCB (Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812) within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.


JAMES G. SMITH
Assistant Executive Officer

28 Sep 2011
Date

JGS: jh:

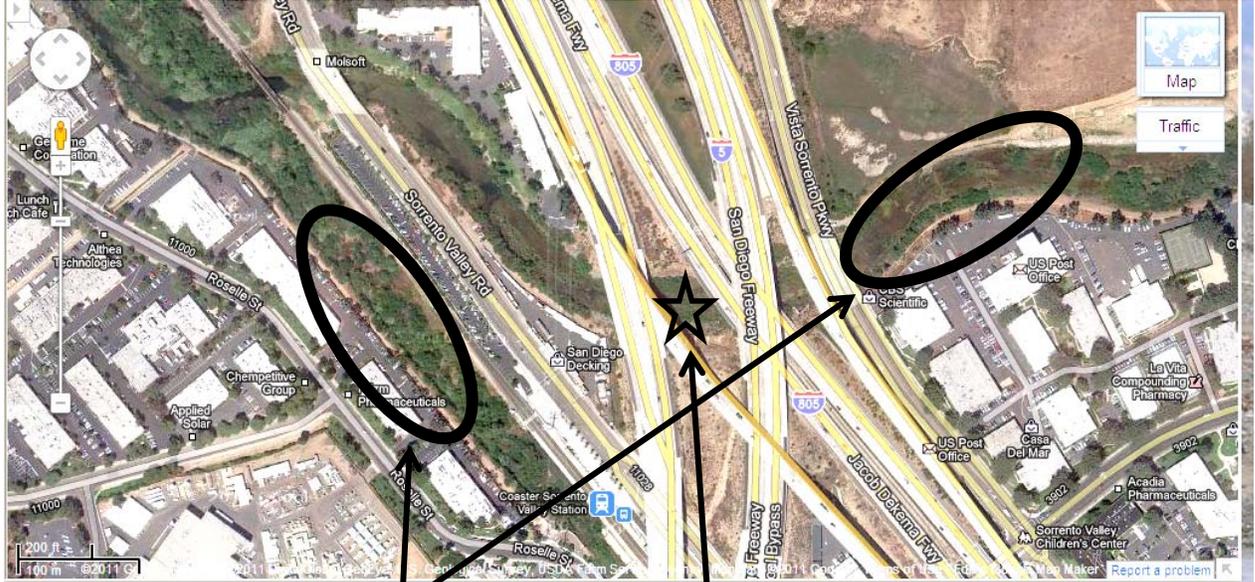
CIWQS Place ID: 770901
Reg. Measure No: 381530

Violation ID: 908482
SSO Event ID: 770901

Party ID: 8700

Exhibit 1. Bioassessment Reference Station Locations

Reference Locations must be within the circled reaches of Los Penasquitos and Carroll Canyon Creeks:



Reference station locations for continued monitoring program

Approximate spill discharge point