

EXECUTIVE OFFICER SUMMARY REPORT
October 11, 2006

ITEM: 8

SUBJECT: CONTINUATION OF CONSIDERATION OF SETTLEMENT OFFER: City of Escondido, Hale Avenue Resource Recovery Facility: Administrative Assessment of Civil Liability against the City of Escondido for violations of Order No. 99-72, NPDES No. CA0107981, Waste Discharge Requirements for the City of Escondido, Hale Avenue Resource Recovery Facility, Discharge to the Pacific Ocean Via the Escondido Land Outfall and the San Elijo Ocean Outfall. (Tentative Order No. R9-2006-0095) (Rebecca Stewart)

PURPOSE: To consider acceptance an offer proposed by the City of Escondido to settle the allegations of violations and administrative civil liability proposed in Complaint No. R9-2005-0265. If the Regional Board rejects the settlement, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability.

PUBLIC NOTICE: A public notice seeking public input on the proposed settlement offer was published in the San Diego Union-Tribune, the North County Times, and the Regional Board website on June 27, 2006. Written comments were accepted through July 26, 2006.

DISCUSSION: September 13, 2006 Regional Board Meeting

On September 13, 2006, the Regional Board determined there was not enough background information contained in their agenda packages to make a decision regarding the adequacy of the settlement offer. Although not distributed to the Regional Board members, additional background information was part of the Regional Board record on this matter and had previously been posted on the Regional Board webpage for this agenda item.

Regional Board staff has compiled additional information from the record for inclusion in this

agenda package. The information provides both the Regional Board staff analysis of and the City of Escondido's various defenses to the alleged violations and assessment of liability proposed in Complaint No. R9-2005-0265. A listing of the materials and an index keyed to the Complaint is attached as Supporting Document No. 4. The portion of the materials that are privileged and confidential are enclosed separately, for Regional Board member viewing only, and not for public viewing at this time.

The City of Escondido has submitted supplemental information to support the acceptance of the settlement offer that is identified as Supporting Document No. 6.

**SUPPORTING
DOCUMENTS:**

1. Location Map
2. Tentative Order No. R9-2006-0095
3. Complaint No. R9-2005-0265
4. Table 1: List of Documents Available in the Record to Supplement the Regional Board Agenda
5. Table 2: list of Privileged and Confidential Documents (Not Available to the Public)
6. City of Escondido Supplement Submittal in Support of Proposed Settlement of Complaint No. R9-2005-0265, September 28, 2006

RECOMMENDATION:

The adoption of tentative Administrative Civil Liability Order No. R9-2006-0095 is recommended.