

San Diego Regional Water Quality Control Board

April 16, 2018

Sent By Email Only

Mr. J.J. Abraham
Vice President
LMI Little Italy Holdings, LLC
95 Enterprise, Suite 200
Aliso Viejo, CA 92656
c/o Dan.ferguson@lennar.com

In reply refer to / attn:
823801: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)

Little Italy, LMC East Village I Holdings, LLC, 460 16th Street (15th & Island)

Mr. Abraham:

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 LPP Lane Field, LLC (Discharger) pursuant to Order No. R9-2015-0013:

- Monthly self-monitoring reports – May 2016 through November 2016
- Quarterly self-monitoring reports – April 2016 through September 2016
- Annual self-monitoring report – 2016

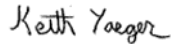
Please take steps to ensure that the violation(s) noted in the attached violation summary table does not occur in the future. Pursuant to the California Water Code (CWC), the violations noted are subject to additional enforcement action(s) by the San Diego Water Board including a time schedule order, 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: 823801: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 Regulation Unit

cc by email: Michael E. Slaby, Pure Effect, Inc., mslaby@pureeffect.com
Darin Dalton, LMC East Village I Holdings, LLC, Darrin.Dalton@lennar.com
Gretchen Sorenson, Civic San Diego, sorenson@civicsd.com
Ben Neill, San Diego Water Board, ben.neill@waterboards.ca.gov

Tech Staff Info & Use	
Order No.	R9-2015-0013
NPDES No.	CAG919003
CW Place ID (GW Extraction, Little Italy, 460 16 th St. (15 th & Island)	823801
CW Party/Organization ID (LMC East Village I Holdings, LLC)	554794
CW Party/Person ID (Darin Dalton)	554795
CW Party/Organization ID (Pure Effect Inc.)	35063
CW Party/Person ID (Michael E. Slaby)	548613
CW Regulatory Measure (Enrollee)	405666
CW Regulatory Measure (SEL)	420890
CW Regulatory Measure (General Order)	400619
WDID	9 000003044
Violation IDs	
1. 1041944	5. 1041948
2. 1041945	6. 1041949
3. 1041946	7. 1041950
4. 1041947	8. 1041951

Summary of Violations
Little Italy, LMC East Village I Holdings, LLC, 460 16th Street (15th & Island) (Project)

	Violation ID(s)	Date(s)	Section of Order Violated	Violation Type	Description of Violation	Additional Notes
1	1041944	5/31/16	Table 3 of the Notice of Applicability	Effluent Violation	The average daily flow for the month of May 2016 was 0.218 MGD. The permitted flow for the facility is 0.144 MGD.	
2	1041945	5/31/16	Attachment E, section V.B.7 and V.B.8.b of the General Order	Deficient Reporting	The effluent violations during the May 2016 monitoring period were not clearly identified in the monthly self-monitoring report cover letter.	The Discharger is required to attach a cover letter to each self-monitoring report. The cover letter must clearly identify violations of the Order.
3	1041946	6/30/16	Table 3 of the Notice of Applicability	Effluent Violation	The average daily flow for the month of June 2016 was 0.217 MGD. The permitted flow for the facility is 0.144 MGD.	
4	1041947	6/30/16	Attachment E, section V.B.7 and V.B.8.b of the General Order	Deficient Reporting	The effluent violations during the June 2016 monitoring period were not clearly identified in the monthly self-monitoring report cover letter.	
5	1041948	7/30/16	Table 3 of the Notice of Applicability	Effluent Violation	The average daily flow for the month of July 2016 was 0.218 MGD. The permitted flow for the facility is 0.144 MGD.	
6	1041949	7/30/16	Attachment E, section V.B.7 and V.B.8.b of the General Order	Deficient Reporting	The effluent violations during the July 2016 monitoring period were not clearly identified in the monthly self-monitoring report cover letter.	
7	1041950	9/13/16	Section V.C.1	Effluent Violation	Chronic toxicity test for the giant kelp (<i>Macrocystis pyrifera</i>) germ tube length endpoint resulted in a 'Fail' and greater than 50%.	
8	1041951	5/1/17	Attachment E, section V.C and Table E-9 of the General Order	Deficient Reporting	Failed to submit the Annual Summary of Monitoring Data for the year 2016. This report was due March 1, 2017.	Please submit this report.