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## San Diego Regional Water Quality Control Board

April 17, 2018

**Sent By Email Only**

Mr. Reed Thornberry  
Storm Water Program Manager  
City of San Marcos  
1 Civic Center Drive  
San Marcos, CA 92069  
[RThornberry@san-marcos.net](mailto:RThornberry@san-marcos.net)

**In reply refer to / attn:**  
**771530: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)**

**San Marcos Flood Protection Project, City of San Marcos, Grand Avenue/ Las Posas (Project)**

Mr. Reed Thornberry:

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 the City of San Marcos (Discharger) pursuant to Order No. R9-2015-0013:

- Monthly self-monitoring reports –September 2016 through June 2017

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.

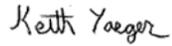
Pursuant to CWC section 13385(h), certain violations, such as late reporting and deficient monitoring, are subject to mandatory minimum penalties (MMPs) of \$3,000 for each violation. MMPs for late or missing monitoring reports will be assessed for each 30-day period following the deadline for submission 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: 771530: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](mailto:Keith.Yaeger@waterboards.ca.gov).

Respectfully,



Keith Yaeger  
Environmental Scientist  
Source Control Regulation Unit

cc by email:

Ben Neill, San Diego Water Board, [ben.neill@waterboards.ca.gov](mailto:ben.neill@waterboards.ca.gov)  
Christian Hunter, Dudek & Associates, Inc., [ckhunter@dudek.com](mailto:ckhunter@dudek.com)  
Mike Edwards, City of San Marcos, [MEdwards@san-marcos.net](mailto:MEdwards@san-marcos.net)

Tech Staff Info & Use	
Order No.	R9-2015-0013
Party (CIWQS) ID	369584 (San Marcos City)
WDID	9 000002343
NPDES No.	CAG919003
Reg. Measure ID	400619 (R9-2015-0013), 405850 (Enrollee), 420913 (SEL)
Place ID	771530 (GW Extraction, Las Posas Reach Flood Protection Const Dewat, City of San Marcos)
Person ID	527368 (Reed Thornberry)
Violations ID:	
1	1042105
2	1042106
3	1042107
4	1042108

**Summary of Violations**  
**San Marcos Flood Protection Project, City of San Marcos, Grand Avenue/ Las Posas (Project)**

	<b>Violation ID(s)</b>	<b>Date(s)</b>	<b>Section of Order Violated</b>	<b>Violation Type</b>	<b>Description of Violation</b>	<b>Additional Notes</b>
1	1042105	1/30/17	Attachment E section V.B.3 of the General Order	Late Reporting	The self-monitoring report for the month of December 2016 was submitted on February 2, 2017. This report was due on January 30, 2017.	
2	1042106	4/30/17	Attachment E section V.B.3 of the General Order	Late Reporting	The self-monitoring report for the month of March 2017 was submitted on May 2, 2017. This report was due on April 30, 2017.	
3	1042107	6/30/17	Attachment E section V.B.3 of the General Order	Late Reporting	The self-monitoring report for the month of May 2017 was submitted on July 3, 2017. This report was due on June 30, 2017.	
4	1042108	7/30/17	Table 6 of the Notice of Applicability	Deficient Reporting	Failed to submit a self-monitoring report for the month of June 2017. This report was due on July 30, 2017.	Please submit this report