

## San Diego Regional Water Quality Control Board

April 13, 2018

**Sent By Email Only**

Michael De Cotiis, Manager  
Pinnacle Broadway U.S., LLC.  
430 15th St.  
San Diego, CA 92101  
c/o dlasalle@pinnacleinternational.ca

**In reply refer to / attn:**  
**834442: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)**

**Pinnacle 11th Avenue and Broadway, San Diego, CA (Project)**

Mr. DeCotiis:

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 Pinnacle Broadway U.S., LLC. & Pinnacle 11th Avenue U.S., LLC (Discharger) pursuant to Order No. R9-2015-0013:

- Monthly self-monitoring reports – April 2017 through December 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.

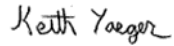
Pursuant to CWC section 13385(h), certain violations, such as late reporting and deficient monitoring, are subject to mandatory minimum penalties (MMPs) of \$3,000 for each violation. MMPs for late or missing monitoring reports will be assessed for each 30-day period following the deadline for submission 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: 834442: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)  
Mike Slaby, Pure Effect, [msslaby@pureeffect.com](mailto:msslaby@pureeffect.com)

Tech Staff Info & Use	
Order No.	R9-2015-0013
NPDES No.	CAG919003
CW Place ID (GW Extraction, Pinnacle, 11th Avenue and Broadway, San Diego, CA)	834442
CW Party/Organization ID (Pinnacle Broadway U.S., LLC. & Pinnacle 11th Avenue U.S., LLC)	563430
CW Party/Person ID (Dennis LaSalle)	556525
CW Regulatory Measure (General Order)	400619
CW Regulatory Measure (Enrollment)	412847
CW Regulatory Measure (SEL)	420861
WDID	9 000003166
Violation IDs	
1. 1041850	
2. 1041851	
3. 1041852	
4. 1041853	
5. 1041854	

**Summary of Violations**  
**Pinnacle 11th Avenue and Broadway, San Diego, CA (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	1041850	5/30/17	Attachment E, section V.B.3, Table E-9 of the General Order	Late Reporting	The self-monitoring report for the month of April 2017 was submitted on July 10, 2017. This report was due on May 30, 2017.	
2	1041851	6/30/17	Attachment E, section V.B.3, Table E-9 of the General Order	Late Reporting	The self-monitoring report for the month of May 2017 was submitted on July 10, 2017. This report was due on June 30, 2017.	
3	1041852	9/30/17	Attachment E, section V.B.3, Table E-9 of the General Order	Late Reporting	The self-monitoring report for the month of August 2017 was submitted on February 28, 2018. This report was due September 30, 2017.	
4	1041853	12/30/17	Attachment E, section V.B.3, Table E-9 of the General Order	Late Reporting	The self-monitoring report for the month of November 2017 was submitted on February 28, 2018. This report was due December 30, 2017.	
5	1041854	1/30/18	Attachment E, section V.B.3, Table E-9 of the General Order	Late Reporting	The self-monitoring report for the month of December 2017 was submitted on February 14, 2018. This report was due January 30, 2018.	