



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## San Diego Regional Water Quality Control Board

July 18, 2016

**Certified Mail – Return Receipt Requested**

Article Number: 7011 0470 0002 8952 8172

The Honorable Kevin Faulconer  
City of San Diego  
202 C Street  
San Diego, CA 92101  
[kevinfaulconer@sandiego.gov](mailto:kevinfaulconer@sandiego.gov)

**In reply refer to / attn:** CW-255222:rstewart

### **Notice of Hearing and Issuance of Complaint No. R9-2016-0155 for Administrative Civil Liability against the City of San Diego for Violations of Order No. R9-2007-0001**

Mayor Faulconer:

Enclosed find Complaint No. R9-2016-0155 (Complaint) for Administrative Civil Liability against the City of San Diego (Discharger) for **\$4,614,868** for violations of *Order No. R9-2007-0001, NPDES No. CAS0108758, Waste Discharge Requirements for Discharges of Urban Runoff From the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority*. The alleged violations are described in the Complaint and the attached Technical Analysis to the Complaint. Pursuant to California Water Code section 13323, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) shall hold a hearing on the Complaint no later than ninety (90) days after it is issued.

The City and the San Diego Water Board share common interests in protecting and restoring our environmental resources. Our collective efforts to revise water quality objectives for metals and for contact recreation exemplify the positive aspects of our collaboration. The joint development of the sediment TMDL for Los Peñasquitos Lagoon is a prime example of the City Storm Water Department's commitment to water quality protection. Moving forward, I hope we can build on these relationships such that all City departments enjoy positive and cooperative interactions with the San Diego Water Board to achieve our common goals.

#### Waiver of Hearing

You may elect to waive your right to a hearing before the San Diego Water Board. Waiver of the hearing constitutes admission of the violations alleged in the Complaint and the acceptance of the assessment of civil liability as set forth in the Complaint. For the San Diego Water Board to accept the waiver of your right to a public hearing, you must sign, as the Legally Responsible Person for the City of San Diego, the enclosed waiver form with Option 1 selected, and submit it to the San Diego Water Board by 5:00 p.m. on **August 17, 2016**.

#### Settlement Discussions

You may also waive your right to a hearing conducted within ninety (90) days of issuance of the Complaint in order to engage in settlement discussions. For the San Diego Water Board to accept your request to enter into settlement discussions, you must sign the enclosed waiver form with Option 2 selected, and submit it to the San Diego Water Board no later than 5 p.m. on **August 17, 2016**.

Public Hearing

Alternatively, if you elect to proceed to a public hearing, a hearing is tentatively scheduled to be held at the San Diego Water Board meeting on **October 12, 2016**. The meeting is scheduled to convene at the San Diego Water Board, 2375 Northside Drive, Suite 100, San Diego, California at 9:00 a.m. At that time, the San Diego Water Board will accept testimony, public comment, and decide whether to affirm, reject, or modify the proposed liability, or whether to refer the matter for judicial civil action.

Enclosed is the recommended hearing procedure for the San Diego Water Board to follow in conducting the hearing. Please note that comments on the proposed procedure are due by **July 28, 2016**, to the San Diego Water Board's advisory attorney, Catherine Hagan, at the address indicated in the hearing procedure.

Please submit all documents as Portable Document Format (PDF) files to [sandiego@waterboards.ca.gov](mailto:sandiego@waterboards.ca.gov). In the subject line of any response, please include the reference number **CW-255222:rstewart**. For questions or comments please contact myself at (619) 521-3006, or Rebecca Stewart by telephone at (619) 516-1977, or by email at [Rebecca.Stewart@waterboards.ca.gov](mailto:Rebecca.Stewart@waterboards.ca.gov).

Respectfully,



JAMES G. SMITH  
Assistant Executive Officer

JGS:jh:cmc:rls

Enclosures:

1. ACL Complaint No. R9-2016-0155 with attached Technical Analysis
2. ACL Complaint Fact Sheet
3. Proposed Hearing Procedure
4. Waiver of Public Hearing Form

cc: sent via email:

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PIN Number	CW-255222
WDID	9 000000510
Regulatory Measure ID	406987
Violation IDs	889367
	964457
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