

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**ORDER NO. 2000-158
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
AGAINST
THE CITY OF LAGUNA BEACH
SANITARY SEWER OVERFLOWS**

The San Diego Regional Water Quality Control Board (hereinafter SDRWQCB), having held a public hearing on August 9, 2000, to hear evidence and comments on the allegations contained in Complaint No. 2000-151, dated 20 July 2000, and on the recommendation for administrative assessment of Civil Liability in the amount of \$60,000 finds as follows:


1. Clean Water Act Section 301 [33 U.S.C. 1311] states, in part, "Except as in compliance with this section and sections 302, 306, 307, 318, 402, and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."
2. California Water Code Section 13376 states, in part, "Any person discharging pollutants or proposing to discharge pollutants to the navigable waters of the United States within the jurisdiction of this state...shall file a report of the discharge in compliance with the procedures set forth in Section 13260...at least 180 days in advance of the date on which it is desired to commence the discharge of pollutants..."
3. The Water Quality Control Plan, San Diego Basin (Basin Plan) contains waste discharge prohibitions applicable to sanitary sewer overflows.
4. Prohibition A.1 of Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewering Agencies* states that the discharge of sewage from a sanitary sewer system from any point upstream of a wastewater treatment plant is prohibited.
5. Between 1 January 1999 and 30 June 2000, the City of Laguna Beach had eight sanitary sewer overflows resulting in the posting and closure of coastal receiving waters for a total of 29 days.
6. *California Regional Water Quality Control Board, San Diego Region, Staff Report, Proposed Administrative Civil Liability Contained in Complaint No. 2000-151, City of Laguna Beach, for Sanitary Sewer Overflows, 20 July 2000*, contains an analysis of the California Water Code Section 13385 factors

supporting the assessment of civil liability. Assessment of civil liability in the amount of \$60,000 in this matter based on \$7,500 per day of violation (8 days) is appropriate for reasons set forth in the staff report.

7. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 31000 et seq.) in accordance with Section 13389 of the California Water Code.

IT IS HEREBY ORDERED that civil liability is imposed on the City of Laguna Beach in the amount of sixty thousand dollars (\$60,000) payable immediately, and that the rationale for the assessment contained in *California Regional Water Quality Control Board, San Diego Region, Staff Report, Proposed Administrative Civil Liability Contained in Complaint No. 2000-151, City of Laguna Beach for Sanitary Sewer Overflows*, 20 July 2000 is hereby incorporated into this order.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on August 30, 2000.



JOHN H. ROBERTUS
Executive Officer