



California Regional Water Quality Control Board

San Diego Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb9/>
9174 Sky Park Court, Suite 100, San Diego, California 92123
Phone (858) 467-2952 • FAX (858) 571-6972

Gray Davis
Governor

February 6, 2003

Certified Mail – Return Receipt Requested
7002 2410 004 0597 4658

Ms. Marie Giere
Assistant Vice President
America Plaza Owners Association
600 W. Broadway, Suite 1540
San Diego, CA 92101

File No.: 14-0469.02

Dear Ms. Giere:


ADOPTION OF ORDER NO. R9-2003-0010, "ASSESSMENT OF ADMINISTRATIVE CIVIL LIABILITY WITH MANDATORY MINIMUM PENALTIES AGAINST AMERICA PLAZA OWNERS ASSOCIATION, ONE AMERICA PLAZA, DISCHARGE TO SAN DIEGO BAY FOR VIOLATIONS OF ORDER NO. 2000-90"

Enclosed is a copy of Administrative Civil Liability Order No. R9-2003-0010 adopted by the California Regional Water Quality Control Board, San Diego Region (Regional Board) on February 5, 2003, for the amount of \$21,000.

The Regional Board has received your payment of \$21,000 dated November 15, 2002, in accordance with the amount proposed in Complaint No. R9-2002-0204. The Regional Board considers the matter regarding the violations cited in Complaint No. R9-2002-0204 closed and the assessment of liability in Order No. R9-2003-0010 paid.

If you have any questions, please contact Mr. Vicente Rodriguez of my staff at (858) 627-3940.

Respectfully,


JOHN H. ROBERTUS
Executive Officer

JHR:mja:vrr

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper



Enclosure: Administrative Civil Liability Order No. R9-2003-0010

WDID: 9 00000469

V:	01/25/00	TSS-INS	121219
V:	01/25/00	TSS-30D	121220
V:	03/01/00	TSS-INS	121221
V:	03/01/00	TSS-30D	121222
V:	04/25/00	TSS-INS	121223
V:	04/25/00	TSS-30D	121224
V:	06/21/00	Ag-6Mo	121225
V:	07/31/01	TSS-INS	80123
V:	07/31/01	TSS-30D	80121
V:	03/26/02	Cu-INS	100826
V:	03/28/02	CTOX	100825
V:	04/23/02	CTOX	114846
V:	06/11/02	Cu-6Mo	116069

E: (ACL) 66828

One America Plaza Transmittal Letter R9-2003-0010 [adopted].doc

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

**ORDER NO. R9-2003-0010
ASSESSMENT OF
ADMINISTRATIVE CIVIL LIABILITY
WITH MANDATORY MINIMUM PENALTIES
AGAINST
AMERICA PLAZA OWNERS ASSOCIATION
ONE AMERICA PLAZA
DISCHARGE TO SAN DIEGO BAY
FOR VIOLATIONS OF ORDER NO. 2000-90**


The San Diego Regional Water Quality Control Board (hereafter Regional Board), having held a public hearing on February 5, 2003, to hear evidence and comments on the allegations contained in Complaint No. R9-2002-0204, dated October 17, 2002, and on the recommendation for administrative assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of \$21,000 finds as follows:

1. The Shimizu Development (New York) Inc., and then the America Plaza Owners Association, the responsible party for the facility One America Plaza, (previously known as Great American Plaza) were issued waste discharge requirements pursuant to Order No. 2000-90 for the discharge of extracted groundwater from the One America Plaza facility located at 600 West Broadway, San Diego, California.
2. The dewatering system at the One America Plaza high rise office building extracts groundwater from the sub-grade parking structure to prevent the structure from being inundated with groundwater. This extracted groundwater is then treated through an air stripper and discharged to San Diego Bay through a storm drain.
3. Self Monitoring Reports (SMRs) from the One America Plaza for the period from January 2000 through July 2002 indicate various violations of Order No. 2000-90. These violations are due to effluent limit exceedances of Total Suspended Solids, silver, copper, and Chronic Toxicity. Complaint No. R9-2002-0204 (Table 1) summarizes the discharge limitations set forth in Order No. 2000-90 and the violations by America Plaza Owners Association during the period in question. Based on these SMRs there are a total of seven violations (six serious and one chronic).
4. Under California Water Code section 13385 (h) and (i), the six serious and one chronic violations are subject to mandatory minimum penalties.
5. The violations are assessed \$3,000 per violation, giving a total mandatory minimum penalty of \$21,000 for the seven violations.

6. Consideration of the information available to the Regional Board prior to the hearing and described in greater detail in Complaint No. R9-2002-0204 supports assessment of civil liability pursuant to Water Code section 13385 (h) and (i) in the amount of \$21,000 as detailed in Table 1 of Complaint No. R9-2002-0204.
7. The Regional Board incurred costs totaling approximately \$9,600, which includes investigation, preparation of enforcement documents, and communication with the discharger.
8. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that pursuant to section 13385 of the California Water Code, civil liability is imposed on One America Plaza Owners in the amount of twenty one thousand dollars (\$21,000) and that the rationale for the assessment contained in Complaint No. R9-2002-0204 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 February 5, 2003.


JOHN H. ROBERTUS
Executive Officer