

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

ORDER NO. R9-2003-0286

**ASSESSMENT OF
ADMINISTRATIVE CIVIL LIABILITY
WITH MANDATORY MINIMUM PENALTIES
AGAINST
THE CITY OF SAN DIEGO
SAN DIEGO CONVENTION CENTER DEWATERING
DISCHARGE TO SAN DIEGO BAY
FOR VIOLATIONS OF ORDER NOS. 95-25 AND 2000-90**

The San Diego Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), having held a public hearing on August 13, 2003, to hear evidence and comments on the allegations contained in Complaint No. R9-2003-0279, dated July 25, 2003, and on the recommendation for administrative assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of \$63,000 finds as follows:

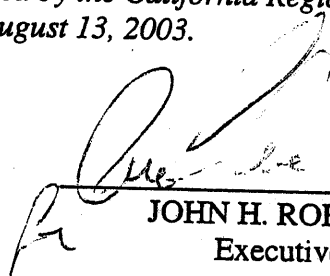
1. The City of San Diego was issued waste discharge requirements pursuant to Order Nos. 95-25 and 2000-90 (Order No. 95-25 was superceded by Order No. 2000-90 on June 14, 2000) for the discharge of extracted groundwater from the permanent dewatering system at the San Diego Convention Center located at 111 West Harbor Drive, San Diego.
2. The permanent dewatering system at the San Diego Convention Center extracts groundwater from the sub-grade parking structure and discharges to San Diego Bay.
3. Self Monitoring Reports (SMRs) submitted by the City of San Diego for the period January 2000 through March 2003 indicate various violations of Order Nos. 95-25 and 2000-90. These violations are due to effluent limitation exceedances of total suspended solids and copper. Complaint No. R9-2003-0279 (Table 1) summarizes the discharge limitations set forth in Order Nos. 95-25 and 2000-90 and the violations by the City of San Diego during the period in question. Based on these SMRs there are a total of twenty-two violations (six chronic and sixteen serious).
4. Under California Water Code section 13385(h) and (i), five of the chronic violations and the sixteen serious violations are subject to mandatory minimum penalties.

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5. The violations are assessed \$3,000 per violation, giving a total mandatory minimum penalty of \$63,000 for twenty-one violations.
6. Consideration of the information available to the Regional Board prior to the hearing and described in greater detail in Complaint No. R9-2003-0279 supports assessment of civil liability pursuant to Water code section 13385(h) and (i) in the amount of \$63,000 as detailed in Table 1 of Complaint No. R9-2003-0279.
7. The Regional Board incurred costs totaling \$9,400, which includes investigation, preparation of enforcement documents, and communication with the discharger and interested parties regarding the enforcement action.
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 the City of San Diego in the amount of sixty three thousand dollars (\$63,000) and that the rationale for the assessment contained in Complaint No. R9-2003-0279 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 13, 2003.



JOHN H. ROBERTUS
Executive Officer