CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

In the matter of:	)	
	)	
CITY OF OCEANSIDE	)	**Order No. R9-2018-0159**
Sanitary Sewer Overflow to	)	
Loma Alta Creek and Slough	)	
and	)	
Mandatory Minimum Penalties	)	
at the La Salina Wastewater	)	
Treatment Plant	)	**Settlement Agreement and Stipulation for**
	)	**Entry of Administrative Civil Liability Order;**
Administrative Civil Liability	)	**Order**

Section I: Introduction

This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Stipulated Order) is entered into by and between the California Regional Water Quality Control Board, San Diego Region Prosecution Staff (Prosecution Staff) and City of Oceanside (City) (collectively, Parties) and is presented to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), or its delegate, for adoption as an order by settlement pursuant to Government Code section 11415.60.

Section II: Recitals

1. The City owns and operates approximately 490 miles of sewer pipe, 34 sewer lift stations, two sewage treatment plants, and a ground water purification facility that serves the City of Oceanside in the County of San Diego in California. This sanitary sewer collection system is regulated by State Water Resources Control Board Water Quality Order Nos. 2006-0003-DWQ and 2008-0002-EXE, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems* (collectively referred to as the Sanitary Sewer Systems Waste Discharge Requirements or SSS WDR). The City's collection system is also regulated by San Diego Water Board Order R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Systems in the San Diego Region,* which prohibits any discharge of sewage upstream of a wastewater treatment plant. The two sewage plants and the ground water purification facility are regulated by Order No. R9-2011-0016 (as amended by Order Nos. R9-2012-0042 and R9-2012-0060), National Pollutant Discharge Elimination System (NPDES) Order No. CA0107433, *Waste Discharge Requirements for the City of Oceanside San Luis Rey Water Reclamation Facility, La Salina Wastewater Treatment Plant, and Mission Basin Desalting Facility Discharges to the Pacific Ocean via the Oceanside Ocean Outfall.*

2. On June 15, 2015, the City became aware of a dry weather sanitary sewer overflow (SSO) from a manhole at the intersection of Mesa Drive and Garrison Street. The City reported that 540,000 gallons of raw sewage were discharged from a 24-inch gravity pipeline which had collapsed due to excessive corrosion. The City returned approximately 432,500 gallons to the sewage collection system prior to it entering receiving waters. The remaining 107,500 gallons were discharged to Loma Alta Creek and Loma Alta Slough, both waters of the United States. Factors contributing to the cause of the SSO include the City's inability to perform routine inspections and maintenance on the entirety of the 2.5 mile, 24-inch gravity line from lack of access due to the pipe depth (between 25 and 40 feet deep), a limited number of manholes, and an inaccessible 900-foot segment of pipe that runs under a public utility property. Additional findings are contained in the liability methodology prepared by the Prosecution Staff, which is included as Attachment A, incorporated herein by reference.

3. For the June 15, 2015 SSO, the Prosecution Staff alleges the City violated SSS WDR Prohibitions C.1 and C.2 by discharging raw sewage to waters of the United States, creating a condition of nuisance. This unauthorized discharge to waters of the United States violates the federal Clean Water Act section 301 (33 U.S.C. 1311). The unauthorized discharge was upstream of a sewage treatment plant, thereby also violating Order No. R9-2007-0005, Prohibition B.1. The City is therefore subject to administrative liability pursuant to California Water Code section 13385, subdivision (a)(5).

4. In addition to the SSO, the City reported 24 effluent violations of NPDES Order No. R9-2011-0016 from January 2016 to March 2018 resulting in 22 mandatory minimum penalties. For the 17 serious violations, Water Code section 13385, subdivision (g), requires a mandatory $3,000 liability for any waste discharge that violated the effluent limitations in the waste discharge requirements for a Group II pollutant by 20 percent or more, or for a Group I pollutant by 40 percent or more. For the seven non-serious violations, Water Code section 13385, subdivision (i), requires a mandatory $3,000 liability whenever a discharger violates a waste discharge requirement effluent limitation four or more times in any period of six consecutive months. Additional information is contained in Attachment B, incorporated herein by reference.

5. To resolve by consent and without further administrative proceedings the violations described herein, the Parties have agreed to the imposition of **$319,393** against the City, which includes **$241,996** in liability for the SSO, **$11,397** for staff costs associated with investigating and preparing the SSO enforcement, and **$66,000** in mandatory minimum penalties.

6. The Parties have engaged in settlement negotiations and agree to settle the matter without administrative or civil litigation and by presenting this Stipulated Order to the San Diego Water Board for adoption as an Order pursuant to Government Code section 11415.60. The Prosecution Staff contends that the resolution of the alleged violations is fair and reasonable and fulfills its enforcement objectives, that no further action is warranted concerning the specific violations alleged except as provided in this Stipulated Order, and that this Stipulated Order is in the best interest of the public.

Section III: Stipulations

The Parties stipulate to the following:

7. **Administrative Civil Liability:** The City hereby agrees to pay the administrative civil liability totaling **$319,393** as set forth in Paragraph 5 herein. Within 30 days of the effective date of this Stipulated Order, the City agrees to remit by check a total of **$183,395**, payable to the *State Water Cleanup and Abatement Account,* indicating on the check the number of this Stipulated Order, R9-2018-0159. The City shall send the original check referencing this Stipulated Order to the Division of Administrative Services, ATTN: Accounting, State Water Resources Control Board, 1001 I Street, 18th Floor, Sacramento, CA 95814. The City shall send an electronic copy to the San Diego Regional Water Quality Control Board at sandiego@waterboards.ca.gov, Attn: RStewart:631595:236019. The remaining **$135,998** in administrative civil liability will be suspended upon successful completion of the Garrison Creek Native Habitat Restoration Project (SEP Project) as described in Paragraph 9 and Attachment C, incorporated herein by reference.

8. **San Diego Water Board Oversight Costs:** The City shall pay $5,000 to cover the San Diego Water Board's estimated costs of overseeing the implementation of the SEP. Similar to the administrative civil liability, this payment is due within 30 days of the entry of the Stipulated Order by the San Diego Water Board, and under the terms articulated in Paragraph 7. If the City elects to send one check to cover both the administrative civil liability and the oversight costs for a total of **$188,395**, the City will submit a cover letter with the check explaining the combined amounts and identifying the number of this Stipulated Order, R9-2018-0159.

9. **SEP Description:**[1] The SEP Project involves removal of invasive vegetation followed by selective native revegetation to improve biodiversity and habitat for the federal and State endangered southwestern willow flycatcher (*Empidonax trailii extimus*) and least bell's vireo (*Vireo bellii pusillus*). The SEP Project has three goals: 1) treatment and removal of invasive vegetation across 28 acres of conserved riparian habitat in Garrison Creek in central Oceanside, 2) restoration of 2.4 acres of currently disturbed land along the edges of the existing riparian corridor to Southern Willow Scrub, and 3) environmental education and engagement with nearby disadvantaged communities. The City will contract with the San Elijo Lagoon Conservancy to implement the invasive vegetation removal and habitat restoration components. Together, the SEP Project is intended to improve ecosystem health in an area of special importance (area used by special status or vulnerable species), and is consistent with the SEP priorities identified in Resolution No. R9-2015-0020. The SEP Project is located in the same watershed where the SSO occurred, and benefits warm freshwater habitat, wildlife habitat, and non-contact recreation, which were affected by the SSO. Garrison Creek is a main tributary of Loma Alta Creek and drains an upstream watershed of over 800 acres consisting primarily of residential development. The project area is located adjacent to a State Department of Water Resources Disadvantage Mapping Tool designated disadvantaged community block group,[2] and is intended to benefit nearby residential communities that utilize the property for recreation on the El Corazon Nature Trail. The SEP is scheduled to conclude within five years. See Attachment C for the complete SEP description.

10. **Representation of the City:** The City represents that it understands that its promise to implement the SEP, in its entirety and in accordance with the schedule for implementation, is a material condition of this settlement. The City represents that: 1) it will spend the SEP amount as described in this stipulated order; 2) it will provide a written, certified report to the San Diego Water Board consistent with the terms of this Stipulated Order detailing the implementation of the SEP, and 3) within 30 days of completing the SEP, it will provide written certification, under penalty of the perjury laws of the State, that the City followed all applicable environmental laws and regulations in the implementation of the SEP, including but not limited to the California Environmental Quality Act, the federal Clean Water Act, and the Porter-Cologne Act. The City agrees that the San Diego Water Board has the right to require an audit of the funds expended by it to implement the SEP. The City shall permit inspection of the SEP by San Diego Water Board staff at any time without notice.

---

[1] Since the Parties had reached a settlement in concept prior to the May 3, 2018 effective date of the new SEP policy, this settlement follows the 2009 SEP Policy while implementing guidance from the 2018 SEP Policy.
[2] https://gis.water.ca.gov/app/dacs/

11. **Required SEP Reporting:** Throughout the project's implementation, the City will provide quarterly reports on the 15th day of the months of May, August, September, and January following the completion of the calendar quarter, and a Final Project Completion Report. In addition, the City shall provide a complete Restoration Plan within six months of this Stipulated Order taking effect as described in the SEP proposal in Attachment C, either in a quarterly report if one is due at the same time, or as its own submittal. The reports shall be provided in electronic copy to sandiego@waterboards.ca.gov with "RStewart:631595:236019" included in the subject line.

a. **Quarterly Reports:** These reports will describe activities undertaken, photo documentation when applicable, budget expended, and milestones met during the reporting period. The first quarterly report submitted shall contain the final riparian planting palette, quantities and revegetation map consistent with the proposal contained in Attachment C.

b. **Certified Final Project Completion Report:** The City will submit a Final Project Completion Report upon the project's completion that will detail project outcomes and success criteria and will include a certified statement of post-project City expenditures. Biannual quantitative and qualitative vegetation surveys and annual avian surveys will be submitted in their corresponding quarterly reports and summarized in the Final Project Completion Report.

i. **Certification of Performance of Work:** The report shall contain a certified statement by a responsible City official documenting the City's expenditures during the completion period for the SEP. The expenditures may be external payments to outside vendors or contractors implementing the SEP, or the costs of internal environmental management and business resources, provided that such expenditures are directly related to implementing the SEP. In making such certification, the official may rely upon normal municipal project tracking systems that capture employee time expenditures and external payments to outside vendors such as environmental and information technology contractors or consultants. The City shall provide any additional information requested by the San Diego Water Board staff that is reasonably necessary to verify the City's expenditures. The certification need not address any costs incurred by the San Diego Water Board for oversight.

ii. **Certification the Work Performed on SEP Met or Exceeded Requirements of Environmental Laws:** The report shall contain a certified statement by a responsible City official and documentation, if necessary, stating that the SEP is in compliance with California Environmental Quality Act (CEQA) and meets or exceeds the requirements of other environmental laws. The City, before

implementing the SEP, shall consult with other interested State agencies regarding potential impacts of the SEP. Other interested State agencies may include, but are not limited to, the California Department of Fish and Wildlife.

12. **Reporting Dates:** The following is a list of the required reports and respective due dates for activities presented in the preceding stipulations:

Stipulated Order Reporting Dates

Activity	Due Date
Restoration Plan	Within 6 months of adoption of this Order
1st Quarterly SEP Status Report with final riparian planting palette, quantities and revegetation map.	May 15, 2019
Remaining Quarterly SEP Status Reports	15th day of May, August, September and January
Certified Final Project Completion Report	January 31, 2023

13. **Third Party Audit:** Upon completion of the SEP, if the Prosecution Staff determine it is appropriate, the City, at its sole cost, shall submit a report prepared by an independent third party, approved by the Prosecution Staff, providing such party's professional opinion that the City has expended money in the amounts claimed by the City. Such information shall be provided to the Prosecution Staff within three months of the completion of the City's SEP obligations.

14. **Request for Extension:** If the City cannot meet the SEP deliverables identified in Attachment C or reporting obligations identified in Paragraph 11 above, due to circumstances beyond its anticipation or control, the City shall notify the Prosecution Staff in writing within thirty days of the date the City first knew of the delay. The notice shall describe the reason for the nonperformance and specifically refer to this paragraph of the Stipulated Order. The notice shall describe the anticipated length of time the delay may persist, the cause or causes of the delay, the measures taken or to be taken by the City to prevent or minimize the delay, the schedule by which the measures will be implemented, and the anticipated date of compliance. The City shall take all reasonable measures to avoid and minimize such delays. The Executive Officer is to determine whether the circumstances were beyond the reasonable control of the City and its agents. Where the Executive Officer concurs that compliance was or is impossible, despite the timely good faith efforts of the City's staff, due to circumstances beyond the control of the City that could not have been reasonably foreseen and prevented by the exercise of reasonable diligence by the City, a new compliance deadline shall be established and this Stipulated Order will be amended accordingly. The Executive Officer will endeavor to grant a reasonable extension of time if warranted up to but not exceeding one year.

15. **Satisfaction of Order:** Upon the City's satisfaction of its obligations under this Stipulated Order, the completion of the SEP and any audits, the Prosecution Staff shall request the San Diego Water Board or its Executive Officer, as its delegate, issue a "Satisfaction of Order." The issuance of the Satisfaction of Order shall terminate any further obligations of the City under this Stipulated Order.

16. **Failure to Expend All Suspended Administrative Civil Liability Funds on SEP:** In the event that the City is not able to demonstrate to the reasonable satisfaction of the Prosecution Staff that it has spent the entire SEP amount for the completed SEP, the City shall pay the difference between the suspended administrative civil liability and the amount the City can demonstrate it actually spent on the SEP, as an administrative civil liability.

17. **Failure to Complete the SEP:** If the SEP is not completed within the prescribed schedule or if there is a material failure to produce a deliverable contained in Attachment C or submit a report required in Paragraph 11 above, the City may be subject to pay the entire suspended liability amount, or some portion thereof, or the City may be compelled to complete the SEP. The Prosecution Staff may act as follows:

a. The Prosecution Staff elects for the payment or partial payment of the unspent SEP funds: The City may not be entitled to any credit, offset, or reimbursement from the San Diego Water Board for tasks that are not completed. The amount of the unspent SEP funds owed shall be determined via a Motion for Payment of Unspent SEP Funds by the Prosecution Staff and heard before the San Diego Water Board or its delegate. Upon a determination by the San Diego Water Board or its delegate of the unspent SEP funds, the amount owed shall be paid by the City within thirty days after the City is served with the San Diego Water Board's determination. Payment of the assessed amount will satisfy the City's obligations to implement the SEP.

b. The Prosecution Staff elects for the completion of the SEP: The Prosecution Staff shall file a Motion to Enforce the SEP before the San Diego Water Board against the City. Upon the San Diego Water Board identifying the remaining SEP work to be performed, the City agrees that the San Diego Water Board may order the City to perform that work. In addition, the City shall be liable for the San Diego Water Board's reasonable costs of enforcement, including, but not limited to, legal costs and expert witness fees.

18. **San Diego Water Board is Not Liable:** Neither the San Diego Water Board members nor the staff, attorneys, or representatives shall be liable for any injury or damage to persons or property resulting from acts or omissions by the City, its directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulated Order, nor shall the San Diego Water Board, its members or staff be held as parties to or guarantors of any contract entered into by the City, its directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulated Order. Upon adoption of this Stipulated Order, the City covenants not to sue or pursue any administrative or civil claim(s) against any State agency or the State of California, their officers, Board Members, employees, representatives, agents, or attorneys arising out of or relating to any covered matter.

19. **Publicity:** Whenever the City or its agents or subcontractors publicizes one or more elements of the SEP, it shall state in a **prominent manner** that the project is being undertaken as part of the settlement of an enforcement action by the San Diego Water Board against the City.

20. **Compliance with Applicable Laws:** The City understands that payment of administrative civil liability in accordance with the terms of this Order or compliance with the terms of this Order is not a substitute for compliance with applicable laws, and that continuing violations of the type may subject them to further enforcement, including additional administrative civil liability.

21. **Attorney's Fees and Costs:** Except as otherwise provided herein, each Party shall bear all attorneys' fees and costs arising from the Party's own counsel in connection with the matters set forth herein.

22. **Matters Addressed by Stipulation:** Upon adoption by the San Diego Water Board, this Stipulated Order represents a final and binding resolution and settlement of all claims, violations or causes of action alleged herein as covered matters. The provisions of this paragraph are expressly conditioned on the full payment of the administrative civil liability and the completion of the SEP, or payment of the suspended administrative civil liability in the alternative to completing the SEP.

23. **Public Notice:** The City understands that this Stipulated Order will be noticed for a 30-day public review and comment period prior to consideration by the San Diego Water Board or its delegate. If significant new information is received that reasonably affects the propriety of presenting this Stipulated Order to the San Diego Water Board, or its delegate, for adoption, the Assistant Executive Officer may unilaterally declare this Stipulated Order void and decide not to present it to the San Diego Water Board or its delegate. The City agrees that it may not rescind or otherwise withdraw its approval of this proposed Stipulated Order.

24. **Addressing Objections Raised During Public Comment Period:** The Parties agree that the procedure contemplated for adopting the Stipulated Order by the San Diego Water Board and review of this Stipulated Order by the public is lawful and adequate. In the event procedural objections are raised prior to the Order becoming effective, the Parties agree to meet and confer concerning any such objections and may agree to revise or adjust the procedure as necessary or advisable under the circumstances.

25. **Interpretation:** This Stipulated Order shall be construed as if the Parties prepared it jointly. Any uncertainty or ambiguity shall not be interpreted against any one Party. The City is represented by counsel in this matter.

26. **If Order Does Not Take Effect:** In the event that this Stipulated Order does not take effect because it is not approved by the San Diego Water Board, or its delegate, or is vacated in whole or in part by the State Water Resources Control Board or a court, the Parties acknowledge that they expect to proceed to a contested evidentiary hearing before the San Diego Water Board, on a future date after reasonable notice and opportunity for preparation, to determine whether to assess administrative civil liabilities for the underlying alleged violations, unless the Parties agree otherwise. The Parties agree that all oral and written statements and agreements made during the course of settlement discussions will not be admissible as evidence in the hearing. The Parties agree to waive any and all objections based on settlement communications in this matter, including, but not limited to:

a. Objections related to prejudice or bias of any of the San Diego Water Board members or their advisors and any other objections that are premised in whole or in part on the fact that the San Diego Water Board members or their advisors were exposed to some of the material facts and the Parties' settlement positions as a consequence of reviewing the Stipulated Order, and therefore may have formed impressions or conclusions prior to any contested evidentiary hearing on a complaint in this matter; or

b. Laches or delay or other equitable defenses based on the time period for administrative or judicial review to the extent this period has been extended by these settlement proceedings.

27. **Waiver of Hearing:** The City has been informed of the rights provided by Water Code section 13323, subdivision (b), and hereby waives its right to a hearing before the San Diego Water Board prior to the adoption of the Stipulated Order.

28. **Waiver of Right to Petition or Appeal:** The City hereby waives its right to petition the San Diego Water Board's adoption of the Stipulated Order for review by the State Water Resources Control Board, and further waives its rights, if any, to appeal the same to a California Superior Court and/or any California appellate level court.

29. **Necessity for Written Approvals:** All approvals and decisions of the San Diego Water Board under the terms of this Stipulated Order shall be communicated to the City in writing. No oral advice, guidance, suggestions or comments by employees or officials of the San Diego Water Board regarding submissions or notices shall be construed to relieve the City of its obligation to obtain any final written approval required by this Stipulated Order.

30. **Authority to Bind:** Each person executing this Stipulated Order in a representative capacity represents and warrants that he or she is authorized to execute this Stipulated Order on behalf of and to bind the entity on whose behalf he or she executes the Stipulated Order.

31. **No Third-Party Beneficiaries:** Except as described in this Stipulated Order, the Order is not intended to confer any rights or obligations on any third party or parties, and no third party or parties shall have any right of action under this Order for any cause whatsoever.

32. **Effective Date**: This Stipulated Order and its incorporated attachments shall be effective and binding on the Parties on the date that the San Diego Water Board enters the Order.

33. **Counterpart Signatures:** This Stipulated Order may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document.

34. **Severability:** This Stipulated Order and Order are severable; should any provision be found invalid the remainder shall remain in full force and effect.

IT IS SO STIPULATED.

California Regional Water Quality Control Board Prosecution Team
San Diego Region

By: _____
JAMES G. SMITH
Assistant Executive Officer

Date: 30 Nov 2018

City of Oceanside

By: _____
CARI DALE
Water Utilities Director

Date: 12/4/2018

Attachment A: City of Oceanside Sewage Collection System
Attachment B: City of Oceanside La Salina Wastewater Treatment Plant
Attachment C: City of Oceanside Supplemental Environmental Project (SEP), Garrison Creek Native Habitat Restoration Project

Order of the San Diego Water Board

35. This Order incorporates the foregoing Stipulated Order, paragraphs 1 through 34 as set forth fully herein.

36. In accepting the foregoing Stipulated Order, the San Diego Water Board has considered, where applicable, each of the factors prescribed in Water Code section 13385(e). The San Diego Water Board's consideration of these factors is based upon information obtained by the San Diego Water Board' staff in investigating the allegations in the Stipulated Order or otherwise provided to the San Diego Water Board. In addition to these factors, this settlement recovers the costs incurred by the staff of the San Diego Water Board for this matter.

37. This is an action to enforce the laws and regulations administered by the San Diego Water Board. The San Diego Water Board finds that issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, sections 21000 et seq.), in accordance with section 15321(a)(2), Title 14, of the California Code of Regulations.

38. The San Diego Water Board's Executive Officer is hereby authorized to refer this matter directly to the Attorney General for enforcement if the City fails to perform any of its obligations under this Stipulated Order.

39. Fulfillment of the City's obligations under this Stipulated Order constitutes full and final satisfaction of any and all liability for each claim in this Order in accordance with the terms of this order.

40. The San Diego Water Board may modify the findings prior to the adoption of the Order, provided that the modifications do not change the terms of the Settlement Agreement.

Pursuant to Water Code section 13323 and Government Code section 11415.60, **IT IS HEREBY ORDERED** on behalf of the California Regional Water Quality Control Board, San Diego Region.

_____

DAVID W. GIBSON
Executive Officer

Date: _____

ATTACHMENT A

CITY OF OCEANSIDE SEWAGE COLLECTION SYSTEM

This document supports enforcement in response to an illegal Sanitary Sewer Overflow (SSO) discharge that occurred within the City of Oceanside's (City) sanitary sewer collection system, and incorporates information submitted by the City pursuant to an initial California Water Code section 13267 request and subsequent communications between the City and the Prosecution Team.

1.0 Discharger Information

The City owns and operates approximately 490 miles of sewer pipe, 34 sewer lift stations, and two sewage treatment plants. The sanitary sewer collection system is regulated by State Water Resources Control Board Water Quality Order Nos. 2006-0003-DWQ and 2008-0002-EXE (collectively, the SSS WDR). The City's collection system is also regulated by San Diego Water Board Order R9-2007-0005,[1] which prohibits any discharge of sewage upstream of a wastewater treatment plant.

2.0 Application of Water Board's Enforcement Policy[2]

On November 17, 2009, the State Water Board adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy).[3] The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy establishes a methodology for assessing administrative civil liability. Use of the methodology addresses the factors in Water Code section 13385(e), which requires a Regional Water Board to consider several factors when determining the amount of civil liability to impose, including "...the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require."

The following recommendations have been developed based on the procedures included in the Enforcement Policy methodology.

---

[1] http://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2007_0005.pdf

[2] http://www.waterboards.ca.gov/water_issues/programs/enforcement/policy.shtml

[3] The State Water Board again amended the Enforcement Policy, effective October 5, 2017. However, since these violations occurred before then, the 2009 Enforcement Policy is used for this methodology.

SSO Violation #1

Illegal discharge from City of Oceanside Collection System reported on June 15, 2015

Alleged Cause of SSO: *The City's failure to address the inaccessibility of a forty year old 24-inch gravity-fed ductile iron pipe for inspection and preventive maintenance that collapsed due to excessive internal corrosion.*

SSO Description: *On June 15, 2015, the City became aware of a dry weather SSO from a manhole at the intersection on Mesa Drive and Garrison Street. A manhole upstream of the SSO location was equipped with an alarm system (SMARTCover) which notified City staff eight times between May 19, 2015 and June 15, 2015 of rising sewage levels within the manhole. The City, believing there was a blockage in the line, reacted by flushing lines, and installing a hot tap on an adjacent pressurized force main to remove a butterfly valve, but when the City responded to the eighth alarm on June 15, 2015, it discovered a 540,000 gallon SSO from a corroded pipe that failed.*

The City was able to recover approximately 432,500 gallons of raw sewage and return it to the sewage collection system, while 107,500 gallons were discharged to Loma Alta Creek and Loma Alta Slough, both waters of the United States. The City reported that the SSO did not reach the Pacific Ocean as a sand berm separating Loma Alta Slough from the Ocean was in place at the time of the SSO.

The City contends that contributing factors to the SSO include the inaccessibility of 2.5 miles of sewer pipe because it ranges from depths of 20 feet to 45 feet below ground with no manhole access and 900 linear feet of the pipe running through a grouted 7 foot diameter tunnel under a public utility property, making routine inspection and maintenance either difficult or impossible.

As a result of the SSO and the condition of the pipeline, the City has initiated a condition assessment to determine the need and urgency of additional repairs and to facilitate future inspection and maintenance activities.

This unauthorized discharge of raw sewage violates Order No. 2006-0003-DWQ, Prohibitions C.1 and C.2 because the SSO resulted in a discharged of untreated wastewater to waters of the United States and created a nuisance. The unauthorized discharge violates Order No. R9-2007-0005, Prohibition B.1 because the SSO was discharged upstream of a sewage treatment plant. This unauthorized discharge to waters of the United States violates Water Code section 13376(a) and the federal Clean Water Act section 301 (33 U.S.C. 1311), subjecting the City to administrative civil liability pursuant to Water Code section 13385(a)(1) and 13385(a)(5), respectively. The unauthorized discharge to waters of the state subject the City to administrative civil liability pursuant to Water Code section 13350(a). These violations are alleged collectively and in the alternative for the purpose of seeking the issuance of one penalty for the conduct.

SSO VIOLATION #1 (STEP 1): POTENTIAL FOR HARM FOR DISCHARGE VIOLATIONS

FACTOR 1: HARM OR POTENTIAL HARM TO BENEFICIAL USES

- **SCORE =5 [MAJOR HARM TO BENEFICIAL USES]**

  - The Water Quality Control Plan for the San Diego Basin (Basin Plan) designates the beneficial uses for water bodies in the San Diego Region. The existing beneficial uses for Loma Alta Creek include: Non-contact water recreation (REC-2), Warm freshwater habitat (WARM), and Wildlife habitat (WILD). Contact water recreation (REC-1) is a potential beneficial use.

  - The existing beneficial uses for Loma Alta Slough are: Contact water recreation (REC-1), Non-contact water recreation (REC-2), Estuarine habitat (EST), Wildlife habitat (WILD), Rare, threatened, or endangered species (RARE), and Marine habitat (MAR).

  - The San Diego Water Board has designated habitat and ecosystem beneficial uses (WARM and WILD) as a key beneficial use category and lagoons, estuaries, and stream systems as key areas for that key beneficial use category.

  - Loma Alta Creek and Slough serve as habitat for approximately 100 species of wildlife, including migratory birds and raptors, and provides refuge, foraging areas, and breeding grounds for several threatened and endangered species like the California gnatcatcher, as well as coastal marine species.

  - Loma Alta Slough is listed on the Clean Water Act section 303(d) list of impaired water bodies for eutrophication resulting from excessive nutrients (nitrogen and phosphorus). San Diego Water Board Resolution No. R9-2014-0020 requires the reduction in nitrogen and phosphorus discharged into Loma Alta Slough as a means to reduce eutrophic conditions.

  - The Carlsbad Watershed Management Area Water Quality Improvement Plan identifies eutrophication in Loma Alta Slough as a priority water quality condition.

  - Water quality monitoring data for Loma Alta Creek indicated that fecal coliform levels returned to normal ranges on June 19, 2015 (< 5 days). Signs warning of contaminated water were removed from Loma Alta Slough on June 25, 2015 (>5 days).

  - The discharge of untreated sewage to Loma Alta Creek and Loma Alta Slough constitutes a high threat to the beneficial uses listed above, especially considering the lack of assimilative capacity for nutrients in the receiving waters. Nutrients discharged from the untreated sewage are likely to contribute to the existing eutrophication problems and cause chronic effects to ecological health.

FACTOR 2: PHYSICAL, CHEMICAL, BIOLOGICAL OR THERMAL CHARACTERISTICS

- **SCORE = 3 [ABOVE-MODERATE RISK]**

  - Raw sewage contains high levels of viruses, parasites and bacteria that are a potential vehicle for disease transmission to humans and ecological receptors. Wildlife exposure to untreated sewage can result in suppression of the immune response system, alterations in defense mechanisms, and the depression of essential biological activity that can lead do susceptibility to disease and latent infections.

  - Raw sewage contains high concentrations of nutrients, which can deposit or bind with sediment. Under certain conditions, the available nutrients can cause excessive eutrophication, which can in turn lead to anoxic conditions and mortality of aquatic species.

  - Raw sewage also contains high levels of suspended solids, toxic pollutants, oil, and grease, etc. which can have negative effects to potential receptors.

FACTOR 3: SUSCEPTIBILITY TO CLEANUP OR ABATEMENT

- **SCORE = 0 [>50% SUSCEPTIBLE TO CLEANUP OR ABATEMENT]**

  - The City recovered more than 50 percent of the raw sewage and returned it to the sanitary sewer system for treatment through the use of City owned, neighboring municipalities', and contracted pumping trucks prior to its entering surface waters of the United States and State.

FINAL SCORE = 8 [5 + 3 + 0]

SSO VIOLATION #1 (STEP 2): PER GALLON AND PER DAY ASSESSMENTS FOR DISCHARGE VIOLATIONS

VOLUME DETERMINATION

- **107,500 GALLONS**

  The City estimates that although 540,000 total gallons of raw sewage were discharged from the 24-inch pipe, 432,500 gallons were recovered and redirected to the sanitary sewer system, and 107,500 gallons discharged to Loma Alta Creek and Loma Alta Slough. The Prosecution Team is not disputing the City volume calculations for this SSO.

DAYS OF VIOLATION DETERMINATION

- **DAYS OF VIOLATION**

  The SSO began at 9:00 a.m. on June 15, 2015 and ended at 3:00 a.m. on June 16, 2015, resulting in two days of violation.

DEVIATION FROM REQUIREMENT

- **SCORE = MAJOR**

  The deviation from requirements is scored as major because this SSO rendered Clean Water Act section 301, two prohibitions set forth in Order No. 2006-0003-DWQ, and one prohibition set forth in San Diego Water Board Order No. R9-2007-0005 ineffective in their essential functions to prevent raw sewage from discharging into the environment.

  - By failing to discharge only in compliance with its waste discharge requirements permit, the City failed to comply with Clean Water Action section 301 and Prohibition C.1 of Order No. 2006-0003-DWQ when the SSO discharged to waters of the United States.

  - By failing to discharge only in compliance with its waste discharge requirements permit, the City violated Order No. R9-2007-0005 Prohibition B.1 when the SSO discharged upstream of sewage treatment plant.

VOLUME ASSESSMENT

- **SCORE = $3.00 PER GALLON**

  Pursuant to Water Code sections 13385(a)(1) and (5) and 13350 the City is subject to administrative civil liability for the unauthorized discharge of raw sewage to waters of the United States and state. Accordingly, the San Diego Water Board may impose administrative civil liability pursuant to Article 2.5 (commencing with section 13323) of Chapter 5 in an amount not to exceed the sum of both the following per section 13385(c): $10,000 for each day in which the violation occurs; and $10 for each gallon of discharge not cleaned up in excess of 1,000 gallons. Pursuant to Water Code section 13350(e), the San Diego Water Board may impose liability in an amount not to exceed the sum of either $5,000 for each day of violation, or $10 for each gallon of waste discharged.

  The Enforcement Policy requires application of the per gallon factor to the maximum per gallon amount allowed under statute for the violations involved but allows for an adjustment down to $2.00 per gallon maximum penalty for high volume discharges. Although a high volume discharge is not defined, the adjustment was intended to address select discharge situations (i.e. sewage and construction site discharges during storm events, or recycled water discharges).

The Enforcement Policy also requires that where reducing these minimum amounts results in an inappropriately small penalty, a higher amount, up to the maximum per gallon amount, may be used.

The Prosecution Team has elected to use a per gallon multiplier of $3.00 per gallon as the maximum reduction because:

- The total volume discharged is small relative to other "high volume discharge" penalties previously assessed by the San Diego Water Board.
- The circumstances of the discharge are slightly different from those intended in the Enforcement Policy.
- $2.00 per gallon would result in a penalty amount that is disproportionate to the severity of the violation.

PER GALLON AND PER DAY FACTOR

- **SCORE = 0.6 PER GALLON FACTOR, 0.6 PER DAY FACTOR**

  Based on Potential for Harm score of 5 (major) and a Deviation from Requirement score of Major, Table 1 of the Enforcement Policy, Per Gallon Factor for Discharges and Table 2, Per Day Factor for Discharges, the per gallon and per day scores are 0.6.

SSO VIOLATION #1 (STEP 3): PER DAY ASSESSMENT FOR NON-DISCHARGE VIOLATIONS

This step does not apply to discharge violations.

SSO VIOLATION #1 (STEP 4): ADJUSTMENT FACTORS

CULPABILITY

- **SCORE = 1.2**

  - The City's SSMP states that typically, all gravity sewer lines in the system are cleaned every two to two and a half years, yet only a portion of the 24-inch gravity line has been serviced since 2005.

  - The City's SSMP states that "ASCE [American Society of Civil Engineers] recommends completing a CCTV inspection of the entire collection system every seven years," yet the City has only televised 1,100 linear feet of nearly 2.5 miles of this pipeline since 2005.

  - Nearly one million gallons of the City's raw sewage flows through this pipeline.

- The City failed to perform any type of conditions assessment on this segment of the pipe prior to the spill even though it was identified a critical area when choosing SMARTCover locations.

CLEANUP AND COOPERATION

- **SCORE = 0.9**
  - The City mobilized the appropriate response to the SSO allowing for the maximum amount of sewage to be recovered prior to entering Loma Alta Creek and Loma Alta Slough.
  - City personnel manned a temporary bypass line 24-hours per day, seven days a week, for 5 months to ensure that no additional sewage spilled from the line until the permanent repair was completed.

HISTORY OF VIOLATIONS

- **SCORE = 1.1**
  - The City has been assessed two previous administrative civil liability penalties by the San Diego Water Board for SSOs from its sewage collection system since 2000. Order No. R9-2000-0089 assessed a $364,015 liability for the discharge of 2 million gallons of raw sewage to Buena Vista Lagoon, and R9-2013-0004 assessed a $770,184 liability for the discharge of up to 5.35 million gallons of raw sewage to Buena Vista Lagoon and the Pacific Ocean.

SSO VIOLATION #1 (STEP 5): DETERMINATION OF BASE LIABILITY

- Initial liability of $203,700 x 1.2 x 0.9 x 1.1 = **$241,996**

SSO VIOLATION #1 (STEP 6): ABILITY TO PAY AND ABILITY TO CONTINUE IN BUSINESS

The ability to pay is used as a consideration when assessing administrative civil liabilities. The ability to pay was calculated using the MUNIPAY financial calculator provided by the US EPA. The model takes into account the municipality's revenues, assets, liabilities, and local demographic information.

The Enforcement Policy provides that if the Water Board has sufficient financial information to assess the violator's ability to pay the Total Base Liability, or to assess the effect of the Total Base Liability on the violator's ability to continue in business, then the Total Base Liability amount may be adjusted downward.

In this case, the San Diego Water Board Prosecution Team has sufficient information to suggest the City has the ability to pay the proposed liability. The fiscal year 2015/2016 Comprehensive Annual Financial Report (CAFR) was available for review on the City's website. Collection system operation and maintenance expenses are managed and budgeted under the City's Sewer Enterprise Fund. In order to understand an agency's ability to pay, review of the agency's cash flow and availability of funds is necessary. Based on data available in the CAFR, the Sewer Fund had over $70 million in current assets (over $65 million in cash and investments) at the end of the fiscal year. Current liabilities totaled approximately $6 million. The fund had an unrestricted net position of over $51 million. These figures indicate that the City has liquid funds available that could be used to satisfy unanticipated expenses such as penalties or accelerated compliance.

In addition to the analysis above, the San Diego Water Board used the MUNIPAY software provided by the USEPA to determine whether the City has the ability to pay. MUNIPAY uses the information available in the CAFR and demographic data retrieved from United States Census Bureau, to determine whether the City can afford the penalty expenditure of $241,996 + $11,397 in staff costs. Based on the input data, MUNIPAY has confirmed the City's ability to pay the penalty directly from the Sewer Fund.

SSO VIOLATION #1: (STEP 7): OTHER FACTORS AS JUSTICE MAY REQUIRE

- **STAFF COSTS = $11,397**

  As of January 16, 2018, the costs associated with investigating and preparing this enforcement action are approximately $11,397. Costs are calculated based on the following summary of work.

Staff Position	TASK	Estimated Hours
WRCE	Review RB9 case files	20
WRCE	Development of investigative NOV/13267 Order	20
SEA	Review applicable SSO WDRs	2
SEA	Review CIWQS SSO data	2
SEA	Review NOV/13267 Order	2
SEA	Review RB9 case files, past SSO enforcement	20
SEA	Review City NOV/13267 Order response	2
SEA WRCE Senior ES	Meet with City for discussion and questions	1.5
SEA	Review City response to questions	1
SEA	Review City SSMP	2
SEA	Review City Sewer Master Plan	2
SEA	Review Loma Alta Slough TMDL, WQIP, etc.	8
SEA	Develop Draft Attachment A + penalty matrix	44
SEA	Develop Draft Attachment B	6
Senior ES	Supervisor Review	4
EPM	Management Review	3
AEO	Management Review	3
SEA	Edits after Management Review	9
SEA WRCE Senior ES	Meet with City after settlement documents provided (including prep)	1.5
SEA	Provide 50% of flow document to City, review City response, draft recommendation	4
SEA	Internal discussions, edit Attachment A, route for management review.	4
Senior ES	Review and edit response and counter-offer	4
EPM	Review and edit counter-offer	2

Total hours as of January 16, 2018 = 173

STAFF	HOURS	MONTHLY SALARY	Hourly	Hourly total	Benefits	Total
Sr ES	11.00	$10,602	$61.17	$672.83	$290.73	$963.56
SEA	111.00	$6,750	$38.94	$4,322.68	$1,867.83	$6,190.51
WRCE	43.00	$9,548	$55.09	$2,368.68	$1,023.51	$3,392.19
EPM	5.00	$12,259	$70.73	$353.63	$152.80	$506.44
AEO	3.00	$13,888	$80.12	$240.37	$103.87	$344.24
	173.00		**TOTAL COSTS**			**$11,396.94**

SSO VIOLATION #1 (STEP 8): ECONOMIC BENEFIT

Pursuant to Water Code section 13385(e), civil liability shall be assessed at a minimum to recover the economic benefits, if any, derived from noncompliance with the order. The SSO in question was the result of avoided preventative maintenance.

The Enforcement Policy states (p.21) that the total liability shall be at least 10 percent higher than the economic benefit, "so that liabilities are not construed as the cost of doing business and the assessed liability provides meaningful deterrent to future violations."

The Prosecution Team's economic benefit calculations estimate the City's economic benefit from the alleged violation is **$69,727**. This estimate is based on the avoided cost of sewer cleaning and inspection of the 2.5 miles of inaccessible sewer pipeline.

MAXIMUM AND MINIMUM LIABILITY (STEP 9):

MAXIMUM LIABILITY AMOUNT

The maximum liability amount is determined based on the statutory maximums of $10,000 per day and $10 per gallon after subtracting the first 1,000 gallons discharged (107,500 - 1,000).

Maximum Liability Amount: **$1,085,000**

MINIMUM LIABILITY AMOUNT

Pursuant to the Enforcement Policy and Water Code section 13385(e), the total proposed liability amount shall be at least 10% higher than the economic benefit ($69,727 x 110%).

- Minimum Liability Amount: **$76,700**

SSO VIOLATION #1 (STEP 10): FINAL LIABILITY AMOUNT

Based on the above penalty factor analysis and consistent with the Enforcement Policy, the final liability amount proposed for the SSO violation is **$253,393.**

- Base Liability amount of $241,996 + staff costs of $11,397 **= $253,393 (plus MMPs)**

ATTACHMENT B

CITY OF OCEANSIDE
LA SALINA WASTEWATER TREATMENT PLANT

VIOLATIONS #2-25 – MANDATORY MINIMUM PENALTIES

This document provides details to support recommendations for enforcement of mandatory minimum penalties (MMPs) for effluent limitation violations reported by the City to the California Integrated Water Quality System (CIWQS).

1.0 Discharger Information

The City owns and operates two sewage treatment plants, and a ground water purification facility regulated by Order No. R9-2011-0016, *Waste Discharge Requirements for the City of Oceanside San Luis Rey Water Reclamation Facility, La Salina Wastewater Treatment Plant, and Mission Basin Desalting Facility Discharges to the Pacific Ocean Via the Oceanside Ocean Outfall.*

2.0 Applicability of Water Code Sections 13385(h) and (i)

California Water Code **section 13385(h) requires that a mandatory minimum penalty of three thousand dollars ($3,000) shall be assessed for each serious violation. A serious** violation is defined as any waste discharge **that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant[1] by 20 percent or more or for a Group I pollutant by 40 percent or more.**

Water Code **section 13385(i) requires that a mandatory minimum penalty of three thousand dollars ($3,000) shall be assessed for each violation whenever a person violates a waste discharge requirement effluent limitation four or more times in any period of six consecutive months, except for the first three non-serious violations.**

MMP Violations 2-25

Effluent Limitation Violations Reported by City

The City reported the following effluent limitations that are subject to mandatory minimum penalties:

[1] Group I and II pollutants are specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal regulations.

	La Salina Wastewater Treatment Plant Violations							
Violation No.	Date	Constituent	Sample Type	Effluent Limit	Sample Value	Violation Type	Mandatory Minimum Penalty	Violation ID
2	1/25/2016	Settleable Solids	Instantaneous Maximum	3.0 ml/L	5 ml/L	Serious	$3,000	1003667
3	1/30/2016	Settleable Solids	Weekly Average	1.5 ml/L	2.1 ml/L	Serious	$3,000	1003665
4	1/5/2017	Settleable Solids	Instantaneous Maximum	3.0 ml/L	15 ml/L	Serious	$3,000	1021109
5	1/7/2017	Settleable Solids	Weekly Average	1.5 ml/L	3.88 ml/L	Serious	$3,000	1021110
6	1/31/2017	Settleable Solids	Weekly Average	1.0 ml/L	1.1 ml/L	Non-serious	$0	1201100
7	3/20/2017	Settleable Solids	Instantaneous Maximum	3.0 ml/L	50 ml/L	Serious	$3,000	1025215
8	3/22/2017	Settleable Solids	Instantaneous Maximum	3.0 ml/L	4.0 ml/L	Non-serious	$3,000	1025216
9	3/24/2017	Settleable Solids	Instantaneous Maximum	3.0 ml/L	4.0 ml/L	Non-serious	$3,000	1025217
10	3/25/2017	Settleable Solids	Weekly Average	1.5 ml/L	12.10 m/L	Serious	$3,000	1025219
11	3/31/2017	Settleable Solids	Monthly Average	1.0 ml/L	2.82 ml/L	Serious	$3,000	1025218
12	9/18/2017	Settleable Solids	Instantaneous Maximum	3.0 ml/L	3.50 ml/L	Non-serious	$3,000	1033904
13	1/23/2018	Settleable Solids	Instantaneous Maximum	3.0 ml/L	5.0 ml/L	Serious	$3,000	1039683
14	1/27/2018	Settleable Solids	Weekly Average	1.5 ml/L	2.0 ml/L	Non-serious	$0	1039681
15	2/12/2018	Settleable Solids	Instantaneous Maximum	3.0 ml/L	10 ml/L	Serious	$3,000	1041084
16	2/16/2018	Settleable Solids	Instantaneous Maximum	3.0 ml/L	42.0 ml/L	Serious	$3,000	1041087
17	2/17/2018	Total Suspended Solids	Weekly Average	45 ml/L	45.4 ml/L	Non-serious	$3,000	1041082
18	2/17/2018	Settleable Solids	Weekly Average	1.5 ml/L	12 ml/L	Serious	$3,000	1041086
19	2/17/2018	Settleable Solids	Instantaneous Maximum	3.0 ml/L	40.0 ml/L	Serious	$3,000	1041081
20	2/19/2018	Settleable Solids	Instantaneous Maximum	3.0 ml/L	50.0 ml/L	Serious	$3,000	1041080
21	2/20/2018	Settleable Solids	Instantaneous Maximum	3.0 ml/L	100 ml/L	Serious	$3,000	1041085
22	2/24/2018	Settleable Solids	Weekly Average	1.5 ml/L	25 ml/L	Serious	$3,000	1041083
23	2/28/2018	Settleable Solids	Monthly Average	1.0 ml/L	9.6 ml/L	Serious	$3,000	1049779
24	3/12/2018	Settleable Solids	Instantaneous Maximum	3.0 ml/L	3.5 ml/L	Non-serious	$3,000	1042999
25	3/17/2018	Settleable Solids	Weekly Average	1.5 ml/L	2.14 ml/L	Serious	$3,000	1042998

MMP VIOLATIONS 2-25: FINAL LIABILITY AMOUNT

The effluent limitation violations reported by the City are subject to MMPs totaling **$66,000.**

CITY OF OCEANSIDE
SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP) APPLICATION

(Revised September 13, 2018)

Name of Project: **Garrison Creek Native Habitat Restoration Project**

Project Applicant(s): City of Oceanside

Applicant Contact Person: Justin Gamble (City of Oceanside)

Applicant Phone Number: 760-435-5093 (City of Oceanside)

Applicant Email Address: jgamble@ci.oceanside.ca.us (City of Oceanside)

PROBLEM STATEMENT

This Supplemental Environmental Project (SEP) proposes invasive vegetation control and removal, and habitat restoration to a portion of Garrison Creek in the City of Oceanside. The project includes removal of invasive vegetation and native planting to improve native biodiversity and habitat for the federal- and state-endangered southwestern willow flycatcher (*Empidonax traillii extimus*) and least bell's vireo (*Vireo bellii pusillus*). There are three project goals: 1) treatment and removal of invasive vegetation across 28 acres of conserved habitat, 2) restoring 2.4 acres of currently disturbed land along the edges of the existing riparian corridor to Southern Willow Scrub, and 3) environmental education and engagement with nearby Disadvantaged Communities. The San Elijo Lagoon Conservancy (SELC) will be contracted by the City of Oceanside to implement the invasive vegetation removal and habitat restoration components of the project. The SELC will leverage its restoration expertise to implement a project with meaningful environmental outcomes in the Carlsbad Hydrologic Unit.

SITE DESCRIPTION

The proposed project involves invasive vegetation removal across approximately 28 acres of riparian habitat in Garrison Creek in central Oceanside. The project area lies entirely within conservation lands under ownership of the City of Oceanside and consists of Southern Willow Scrub, Coastal/Valley Freshwater Marsh and Diegan Coastal Sage Scrub (**Figure 1**). Garrison Creek is a main tributary of Loma Alta Creek and drains an upstream watershed of over 800 acres consisting primarily of residential development. Loma Alta Creek is included in the State's Clean Water Act 303(d) list of impaired waters and the Carlsbad Water Quality Improvement Plan (WQIP) identifies the watershed as a management priority for the City of Oceanside.

The project area includes property acquired by the City of Oceanside in the 1990's and has since been preserved as permanent conservation habitat. No portion of the project area serves as compensatory mitigation for other projects. Stands of invasive vegetation are present along this segment of Garrison Creek. The project will to restore and retain the biological value of the conservation area for years to come.

The El Corazon Specific Plan (2009) identifies the project area as supporting habitat for least bell's Vireo and Southern Willow Flycatcher. Biological resources reports from 2006 and 2013[1] identify federally listed bird species present at the site. The plan indicates that any activity occurring in this area should work to protect and preserve natural resources. This project will improve the native habitat along Garrison Creek and is part of the larger conserved habitat on El Corazon. The project area is part of the Biological Core and Linkage area in the regional Multiple Habitat Conservation Program (MHCP). It is also a critical component of the city's Subarea Habitat Conservation Plan as the largest remaining natural habitat area through the primary north/south wildlife movement corridor. The project attributes are also consistent with the San Diego Water Board's objective to restore areas that address key beneficial uses and sensitive species habitat per its Practical Vision.

The project provides multiple benefits to Garrison Creek and the Loma Alta hydrologic subarea:

- Provides measurable biological functional lift by increasing potential foraging and/or nesting habitat for least bell's vireo and southwestern willow flycatcher
- Reduces the extent and propagation of invasive vegetation within the habitat corridor and to downstream reaches of Garrison Creek
- Improves recreational use through aesthetics, preservation of native habitat and community engagement

The project area will benefit nearby residential communities that utilize the property for recreation on the El Corazon Nature Trail. The project area is located adjacent to a designated Disadvantaged Community Block Group according to the State Department of Water Resources mapping tool (https://gis.water.ca.gov/app/dacs/). Public access to the site is provided by the City of Oceanside in collaboration with Friends of El Corazon, a local community group.

PARTICIPATING ORGANIZATIONS & RESPONSIBILITIES

The City of Oceanside will administer the project to meet performance criteria and ensure achievement of the stated project goals. The City of Oceanside is providing all project funding up to a maximum budget amount of $156,000. The project is funded solely by the City for mitigation of environmental impacts resulting from a sewer spill to Loma Alta Creek (Notice of Violation R9-2016-0026). The City is the sole responsible party for demonstrating compliance and completion of this SEP project as approved by the San Diego Water Board. The City will manage the project budget,

[1] City of Oceanside. (2009). El Corazon Final Environmental Impact Report & subsequent Amendments.

submit regular reports to the San Diego Water Board, and obtain regulatory approvals not currently fulfilled by SELC's permits.

The SELC will serve as the lead contractor for invasive vegetation removal, restoration planting and long-term monitoring. SELC utilizes a programmatic permit for invasive vegetation removal within the Carlsbad hydrologic unit (HU) that is approved by California Department of Fish and Wildlife (CDFW), the County of San Diego and San Diego Water Board. Since 2005, the SELC's Habitat Restoration Program has protected over 450 acres of native habitat through control of invasive plants and revegetation efforts.

The Friends of El Corazon (FELC) is a local citizens group whose mission is to support the implementation of the El Corazon Specific Plan as stewards of the Park. Their activities include community engagement through guided hikes, trash clean up and volunteer projects to control invasives and support habitat restoration. FELC will leverage citizen volunteer effort to assist with invasive vegetation removal and restoration planting managed by SELC. All volunteer labor will be subject to the City's standard liability waiver and indemnification requirements for activity on municipal property.

WORK PLAN AND DELIVERABLES

TASK 1 – PROJECT MANAGEMENT AND REPORTING

Task 1 includes direct project management, subcontractor coordination and routine regulatory reporting required under the State SEP Policy.

As required by the State SEP Policy, the City will prepare and submit **Quarterly Progress Reports** to the San Diego Water Board that describe activities undertaken, budget expended and milestones met during the reporting period. The City will submit a **Final Project Completion Report** to the San Diego Water Board at the end of the proposed five-year project schedule. The Final Project Completion Report will detail project outcomes and success criteria that were met, and include a certified statement of post-project City expenditures as required by the State SEP Policy.

This task includes acquisition of necessary regulatory permits and approvals not already covered under SELC's blanket permits for the Carlsbad Hydrologic Unit. As the project involves only vegetation removal, planting and monitoring, acquisition of additional regulatory permits is not expected. If necessary, the City will oversee completion of a CEQA Notice of Exemption.

DELIVERABLES:

- Quarterly compliance reports (required by State SEP Policy)
- Final Project Completion Report (required by State SEP Policy)
- Regulatory permits, approvals and CEQA compliance (as-needed)

TASK 2 – INVASIVE VEGETATION CONTROL

Upon approval of the project by the Water Board, SELC staff will perform a **baseline biological survey** to document existing conditions on-site and demarcate sensitive wildlife habitat within the project area. Field GPS data will be used to create a **detailed project area map** showing density of exotic vegetation. All field activities will be scheduled to occur outside of the CDFW-defined riparian nesting season as defined in SELC's permits (March 15-Septemer 15). Invasive vegetation removal will occur across the 28-acre project area (see **Figure 1**). This will be the first task completed following the initial baseline invasive species survey and in preparation for native vegetation restoration (Task 3). The suite of invasive species to be managed will be based on a species prioritization model that favors complete removal of target invasives over containment (**Figure 2**).

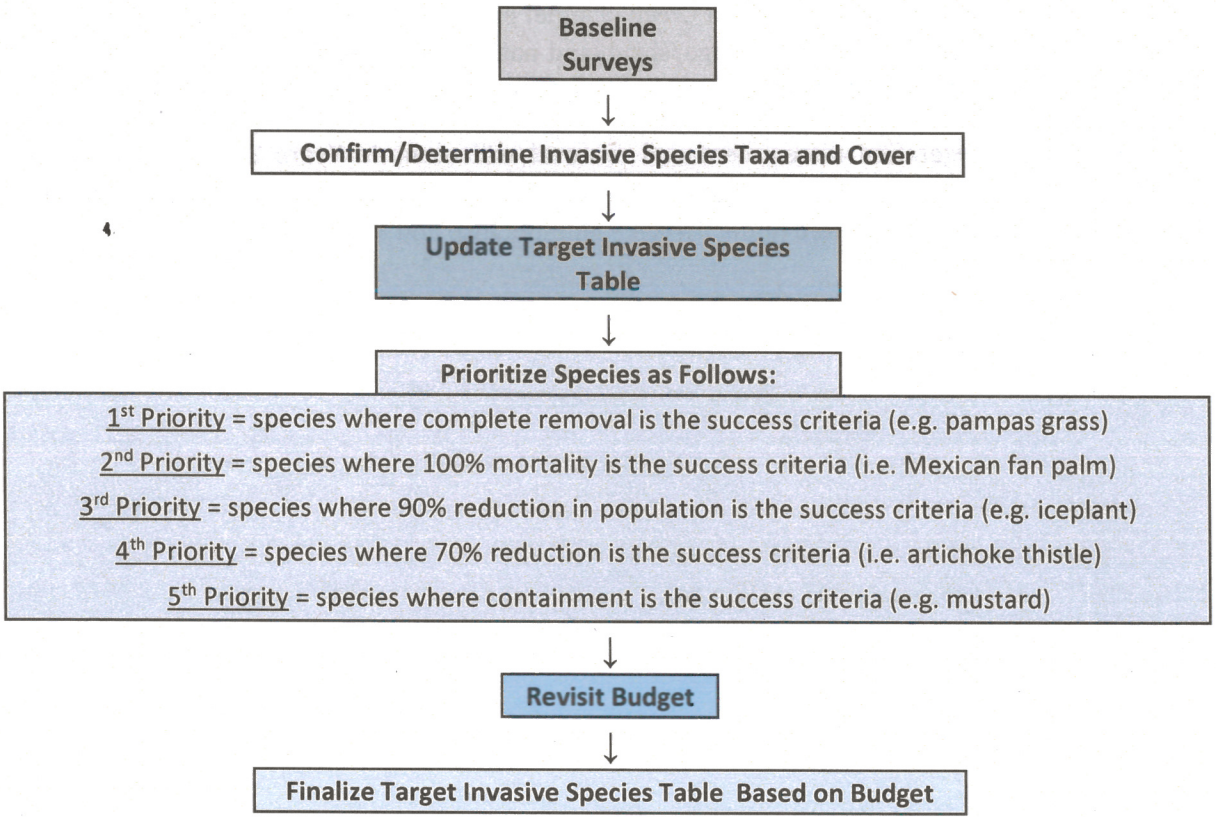

Figure 2. Species Prioritization Model

Non-native biomass removal will involve primarily hand labor and licensed contractor application of USEPA-approved herbicides where necessary (glyphosate, triclopyr herbicides). Where feasible, volunteers from FELC will assist with manual vegetation removal in areas that are not treated with

herbicide. All volunteers will be required to sign a waiver of liability for work performed on City property prior to entry into the project area. Specifically, iceplant (*Carpobrotus spp.*) along the southern project boundary will be removed by volunteer effort within the first year of the project. Any waste biomass left on site will be chipped and only used on the existing trail south of the project area. Waste biomass that does not remain onsite will be transported to the adjacent El Corazon Agri-Service Compost Facility (2 miles from project site) for beneficial reuse. **Table 1** describes the target invasive vegetation currently observed in the project area, proposed treatment methods and proposed success criteria for ongoing management. SELC will prioritize the removal of certain species based on the initial survey results, project budget and expected progress towards achieving the success criteria shown in **Table 1**.

Erosion from invasive vegetation removal is not anticipated due to the relatively flat topography of the site; however, the City will ensure protective measures are taken if risks become evident. No root systems or vegetation along the Garrison Creek channel edge will be removed. Within the existing densely populated riparian mid-outer edge/shrubland natives will naturally recruit into openings. Willow cuttings may be installed in these areas to alleviate erosion concerns if necessary.

Ongoing invasive vegetation retreatment and removal will occur in Years 2-5 of the proposed schedule not to exceed the total visit days listed in **Table 1**. Retreatment schedules are species-specific and are further elaborated under Task 4 – Maintenance and Monitoring.

Table 1. Target invasive species with treatment strategy and proposed success criteria.

Common name	Scientific name	Estimated Percent Cover[2]	Treatment Strategy[3]	Total Visits (days)	Success Criteria
Mustard	*Brassica sp.*	1%	USEPA-approved herbicide annually for up to 5 years; treat prior to setting seed (~late Feb/early March)	5	Containment[4]
Hottentot fig (iceplant)	*Carpobrotus edulis*	1%	USEPA-approved herbicide annually for up to 5 years or manual removal; biomass left in place to decompose; biomass monitored for re-growth and treated as needed for up to 5 years	5	90% reduction in population
Pampas grass	*Cortaderia* spp.	10%	USEPA-approved herbicide annually for up to 3 years; biomass removed when possible, or left in place to decompose; bases monitored for re-growth and treated as needed for up to 5 years	3	Complete removal
Gum tree	*Eucalyptus* spp.	<1%	Complete tree felling; lumber mulched and either used on-site for trail maintenance or disposed of off-site	3	Complete removal; control of saplings/resprouts during life of project
Sweet fennel	*Foeniculum vulgare*	1%	USEPA-approved herbicide annually for up to 4 years; treat prior to setting seed (~late Feb/early March)	4	90% reduction in population
Artichoke thistle	*Cyanara cardunculus*	1%	USEPA-approved herbicide annually for up to 5 years	2	70% reduction in population
Bridal creeper	*Asparagus asparagoides*	1%	USEPA-approved herbicide annually for up to 3 years; treat in November - prior to seeding & while willows are leafless	3	Containment
Mexican fan palm	*Washingtonia robusta*	5%	Crown cut to kill	3	100% mortality of cut individuals; control of saplings during life of project
Edible fig	*Ficus carica*	<1%	USEPA-approved herbicide annually for up to 2 years; biomass removed from site	2	Complete removal
Tamarisk	*Tamarix* sp.	unknown	Cut/stump USEPA herbicide treatment, biomass removed; monitored for regrowth and saplings	unknown	90% reduction in population

[2] Over the 28.2 acre treatment site.

[3] Invasive control methods will occur outside of the California Department of Fish & Wildlife nesting bird season (March 15-September 15).

[4] Containment herein is defined as maintaining or decreasing the baseline extents of the invasive species population size and number of occurrence during the life of the project.

DELIVERABLES:

- Site plan and vegetation map showing location of target invasives (SELC) to be provided in the first quarterly report (baseline survey results). No invasives removal will occur prior to completion of the baseline survey.
- Estimated species percent cover data pre- and post-treatment/removal (SELC) to be provided in annual vegetation surveys (see Task 4 – Maintenance and Monitoring)
- Photo documentation of invasive eradication (SELC).

TASK 3 – NATIVE HABITAT RESTORATION

The City will coordinate with SELC to develop a detailed **Restoration Plan** that will guide implementation and success monitoring for the proposed native planting effort. The Restoration Plan will provide additional detail on the proposed planting areas, the finalized plant palette, maintenance activities and vegetation monitoring methods. The Plan will be completed and provided to San Diego Water Board staff within six months of project approval.

The SELC's Habitat Management Program and subcontractors will complete planting of native vegetation throughout an approximate 2.4 acres as shown in **Figure 1**. Restoration work will target currently disturbed areas to support habitat for special-status avian species including least bell's vireo and southern willow flycatcher. Restoration will involve planting 1-gallon containers from the proposed palette (**Table 2**) along the upper terrace and disturbed areas of riparian habitat to achieve the following success criteria:

- **Native cover >60%,**
- **Non-native cover <5%,**
- **Survivorship of tagged individuals >80%**

Restoration planting in the areas shown in **Figure 1** will enhance the existing riparian habitat by: 1) reducing invasives in the dense mid-outer canopy, and 2) restore the degraded areas on the upper riparian edges. The suitability of the palette and final quantities will be verified after the initial habitat survey in Task 2. Ongoing irrigation and plant replacement will occur for a plant establishment period **of approximately 120 days from end of planting operations** to ensure the successful establishment of vegetation. Any installed irrigation piping will be removed following this period.

Planting operations will occur outside of the bird nesting season (March 15-September 15) and immediately prior to the rainy season to reduce irrigation demand and promote healthy establishment and growth. The City may use existing water utilities near the project area for irrigation purposes (fire hydrant metering). Alternatively, irrigation maybe accomplished by water truck using access on the El Corazon Nature Trail.

Table 2. Final riparian[5] planting palette.

Common name	Scientific name	Plant type	Quantity (1 gal. container)
Coastal Goldenbush	*Isocoma menziesii*	Shrub	800
Coyote Brush	*Baccharis pilularis*	Shrub	1000
Mulefat	*Baccharis salicifolia*	Shrub	1000
Mugwort	*Artemisia spp.*	Herb	800
		Total:	**3600[6]**

Following project completion, the City will coordinate with Friends of El Corazon to install public signage at the El Corazon Nature Trail to educate residents and visitors about the enhancement project and promote watershed stewardship and habitat conservation. Installation of interpretive signage along an existing recreation trail will increase public awareness of watershed stewardship and protection of beneficial uses in the Loma Alta Creek watershed. Budget for a minimum of **three interpretive signs** is included in Table 4.

DELIVERABLES:

- Complete Restoration Plan within six months of project approval by RWQCB
- Final riparian planting palette, quantities and revegetation map (SELC) will be provided in the first quarterly report.
- Photo documentation of completed revegetation efforts.
- Photo documentation of installation of three educational signs at El Corazon Nature Trail.

TASK 4 – MAINTENANCE AND MONITORING

Maintenance activities will include infill planting, repairs to irrigation and ongoing invasive species removal in Years 2-5. Replanting will occur during a 120-day plant establishment period following completion of Task 3 (restoration planting) and as-needed throughout the success monitoring period in years three through five. Irrigation water will be sourced from either City fire hydrants located to the northeast of the project area, or use of water trucks that can access the site from the El Corazon

[5] A riparian scrub/successional stage riparian habitat is preferred by the federal and state endangered least bell's vireo (*Vireo bellii pusillus*).

[6] Based on SELC's target restoration density of 1,500 plants per acre. Approximately 2.4 acres are proposed for planting within the project area.

Nature trail. Ongoing invasive vegetation control will leverage citizen volunteer efforts through Friends of El Corazon for manual removal. **Table 1** lists the total number of expected herbicide retreatment days for invasive vegetation present at the site. The anticipated re-treatment schedule is as follows for each species:

- Mustard *(Brassica spp.)* **Years 2-5**
- Hottentot fig/iceplant *(Carpobrotus edulis)* **Years 2-5, manual removal**
- Pampas grass *(Cortaderia spp.)* **Years 2-3**
- Gum tree *(Eucalyptus spp.)* **Years 2-3**
- Sweet fennel *(Foeniculum vulgare)* **Years 2-4**
- Artichoke thistle *(Cyanara cardunculus)* **Year 2**
- Bridal creeper *(Asparagus asparagoides)* **Years 2-3**
- Mexican fan palm *(Washingtonia robusta)* **Years 2-3**
- Edible fig *(Ficus carica)* **Year 2**

While implementation work will be completed within two years of project approval, the City and SELC are proposing to work with San Diego Water Board staff to approve a five-year total project schedule with a robust monitoring program to demonstrate quantifiable measures of success. The City is proposing success criteria that directly measure net benefits to sensitive avian species.

Performance monitoring will include **biannual quantitative and qualitative vegetation surveys** to track progress in achieving the proposed establishment period described in Task 3. Vegetation surveys will commence following the 120-day native plant establishment period.

Throughout the project, **annual protocol avian surveys** for least bell's vireo will be completed to assess measurable improvements to nesting and/or foraging habitat. Presence/absence surveys for southwestern willow flycatcher will also be conducted during annual avian surveys. Functional lift will be measured in terms of landscape connectivity, and through target invasive and least Bell's vireo tracking and spatial analysis. Protocol surveys will follow established USFWS protocols as described in the USFWS Least Bell's Vireo Survey Guidelines (2001). The avian monitoring budget (shown in **Table 4**) is based on five surveys per year, lasting approximately four hours each, with 25 surveys over the life of the project.

DELIVERABLES:

- Results of annual protocol avian surveys will be submitted in quarterly reports and summarized in the Final Project Completion Report.
- Biannual vegetation survey results will be submitted in quarterly reports following completion of Task 3 and summarized in the Final Project Completion Report.

TIMELINE (FROM FUNDING APPROVAL) WITH MILESTONES AND END DATES:

Project tasks and significant milestones are described below. Deliverables are based on the final project approval date from the San Diego Water Board. Pending approval by Water Board staff, the City envisions a five-year project schedule to quantify substantial net benefits to sensitive species habitat. Tasks 1-3 will be completed no later than two years from project approval by the Water Board, meeting the State SEP Policy 36-month implementation requirement.

TASK 1- PROJECT MANAGEMENT AND REPORTING

- Quarterly Progress Reports– *within 45 days of each quarterly reporting period, including monitoring results when applicable. The baseline vegetation survey results may be submitted prior to the first quarterly report to facilitate immediate treatment of invasives.*
- Final Project Completion Report - *end of 5-year project schedule*

TASK 2 – INVASIVE VEGETATION CONTROL

- Site plan, baseline vegetation survey results and map of target invasives – *First quarterly report*
- Estimated species percent cover data pre- and post-treatment/removal – *annual vegetation survey results (see Task 4)*
- Photo documentation of invasive eradication (SELC) – *annual vegetation survey results (see Task 4)*

TASK 3 – NATIVE HABITAT RESTORATION

- Restoration Plan submitted to Water Board – *six months from project approval*
- Final riparian planting palette, quantities, photographs and a revegetation map – *first quarterly report*
- Installation of three educational signs at El Corazon Nature Trail – *end of project Year 2*

TASK 4 – MAINTENANCE AND MONITORING

- Results of annual protocol avian surveys – *quarterly reports as applicable, summary in Final Project Completion Report*
- Biannual vegetation establishment survey results – *quarterly reports following Task 3, summary in Final Project Completion Report*
- Ongoing invasive vegetation herbicide retreatment/removal – *(species-specific, see Task 4)*

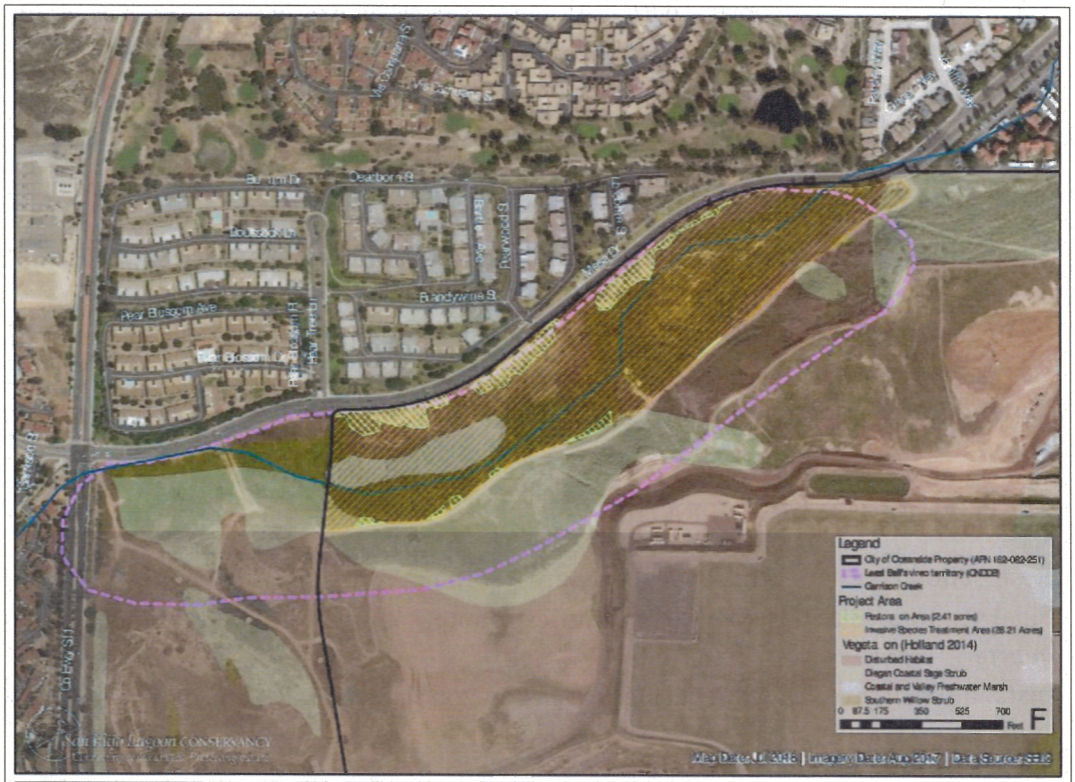

Figure 1: Garrison Creek at El Corazon - City Property (APN 162-082-251)

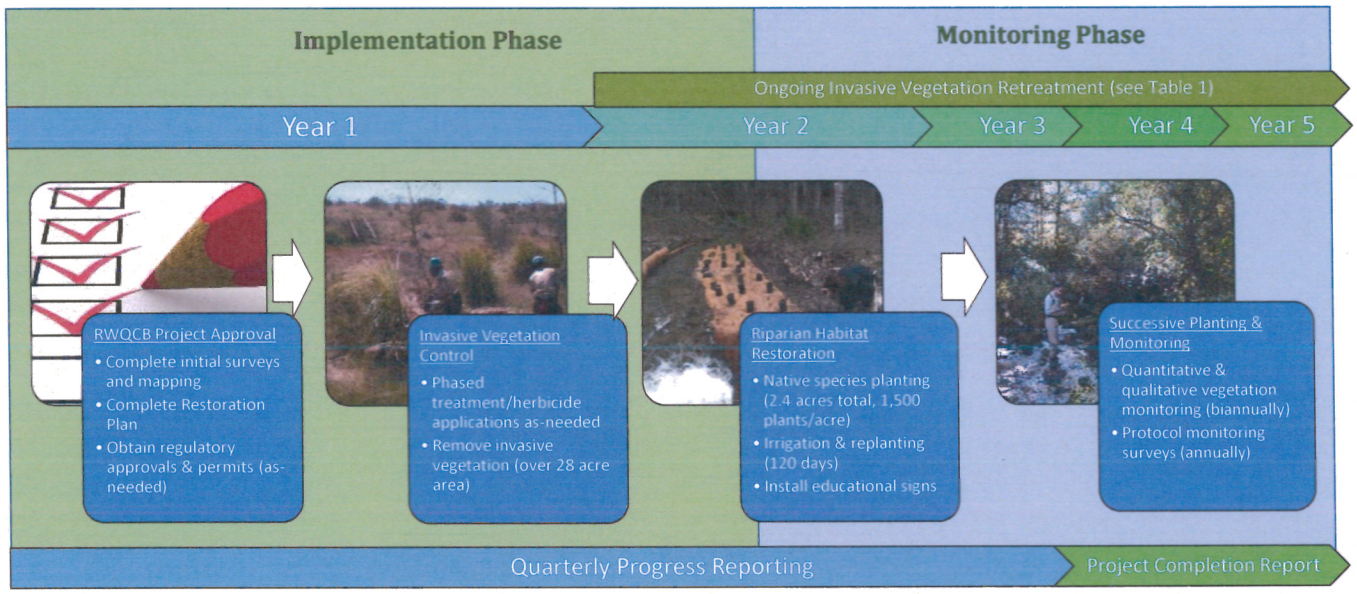

Figure 2. Proposed 5-year project timeline and work plan components.

BUDGET BROKEN DOWN INTO TASKS:

Table 4 includes a summary budget of the main project tasks. The City of Oceanside is providing all project funding not to exceed $156,000 to achieve the project objectives and meet the proposed five-year vegetation performance criteria. It is important for Water Board staff to note that the City has budgeted and scheduled the project to fulfill the suspended SEP liability amount within the first two years of the project.

Table 1. Project budget summary. Indirect costs for San Elijo Lagoon Conservancy services are included at 11% of the total budget (see Attachment).

ITEM	TASK	COST	% BUDGET
1	DIRECT PROJECT ADMINISTRATION	$17,449	12
1.2	Project Management & Reporting	$14,449	
1.3	Permitting Contingency	$3,000	
2	INVASIVE VEGETATION CONTROL	$61,465	44
2.1	Initial Biological Surveys & Mapping	$767	
2.2	Invasive Vegetation Removal & Control	$59,698	
2.3	Fencing Repair (Eucalyptus Removal)	$1,000	
3	NATIVE HABITAT RESTORATION	$48,955	35
3.1	Restoration Plan	$1,917	
3.2	Container Plants	$14,400	
3.3	Plant Install and Irrigation	$18,774	
3.4	Plant Maintenance (120 days)	$9,864	
3.5	Educational signage	$4,000	
5	MAINTENANCE & SUCCESS MONITORING	$12,964	9
5.1	Avian Surveys	$9,900	
5.2	Long-term Monitoring (Years 2-5)	$3,064	
	Subtotal	$140,833	
	SELC Indirect Costs at 11% (see Attachment)	$15,162	
	TOTAL COST	$155,995	

DISCUSS ALL PERMITTING REQUIREMENTS, INCLUDING CEQA, AND THEIR STATUS. IF EXEMPT, CITE APPLICABLE STATUTE:

It is anticipated that the project will be categorically exempt from CEQA as a small habitat restoration project under Section 15333 (Class 33). The City will obtain additional regulatory agency approvals and/or permits as needed within the first year of project implementation. The City recognizes it is responsible for fulfilling expenditures to meet at a minimum the suspended SEP liability amount.

SELC utilizes an invasive vegetation control permit and right-of-entry agreement process under approval of the California Department of Fish and Wildlife (CA-DFW) to perform habitat management in accordance with all applicable State regulations. It is anticipated that all work associated with this project will be covered under SELC's blanket CEQA documentation and regulatory approvals.

WATERSHED(S) AFFECTED:

The proposed project area lies within the Carlsbad Watershed Management Area (WMA) and will be conducted within the Loma Alta Creek hydrologic subarea. The City has listed the Loma Alta Creek as a high priority receiving water under the Carlsbad WMA Water Quality Improvement plan (WQIP).

The project addresses multiple improvement strategies listed in the Loma Alta Watershed Management Plan (2003) including Goal 2 – *Protect, Enhance and Restore Native Habitats and Biological Resources.* Under Goal 2, specific actions include those that protect and integrate creek and upland corridors in the watershed, actions to control exotic species and actions that increase awareness and stewardship of the watershed.

DESCRIBE IF THIS PROJECT CAN BE A BASIS FOR ADDITIONAL FUNDING FROM OTHER SOURCES:

Additional outside funding for this project is not anticipated.

MONITORING, SUCCESS CRITERIA, AND OTHER TOOLS TO TRACK LONG-TERM SUCCESS:

The City is proposing monitoring success criteria for invasive vegetation control and native planting establishment. The Restoration Plan will provide additional detail on monitoring methods for vegetation establishment and avian survey protocols.

Implementation activities (Task 2 and 3) will be completed within two years of project approval. The City and SELC propose a five-year total project schedule to measure net benefits to special-status species habitat. Criteria include mortality, population reduction and/or containment of invasive

vegetation (species-specific) as described in Table 1, and successful survivorship of planted native species as described in Task 3.

DESCRIBE HOW THE PROJECT IS RESILIENT TO CLIMATE CHANGE:

The project will enhance and restore Southern Willow Scrub and Diegan Coastal Sage Scrub habitat to promote colonization and retention of southern California native avian species, including least bell's vireo and southwestern willow flycatcher. As climate change and development reduces available habitat for these sensitive species, this project will fortify the El Corazon habitat corridor for future years as a permanent wildlife area.

APPLICANT'S ABILITY/AUTHORITY TO RECEIVE AND DISTRIBUTE FUNDS:

The SELC is a regional nonprofit organization with substantial experience in managing and implementing native wetland and riparian habitat enhancement projects. They promote conservation and restoration of natural resources through volunteer effort, professional contracting and community education. The SELC's Carlsbad Hydrologic Unit Invasive Species Control and Habitat Restoration Program has enhanced over 450 acres of habitat over the past ten years through native plant revegetation.

The City of Oceanside has sole authority for disbursement of funds to fulfill the requirements of this SEP project. The project fulfills compensatory mitigation for a sewer spill to Loma Alta Creek. Completion of the project will fulfill the City's compliance with San Diego Water Board Notice of Violation No. R9-2016-0026. The City has a successful record of accomplishment in managing and executing mitigation work as evidenced by prior grant awards, SEP and ECA projects. Grant funds will not be utilized; however, any future grant-funded habitat projects in the Loma Alta Creek watershed will be coordinated with this SEP project to the maximum extent feasible.

IS THE PROJECT TO CONDUCT WORK THAT IS REQUIRED BY ANY ENTITY/AGENCY? (E.G. CLEANUP OR MITIGATION):

No, the proposed SEP project is not required by any entity/agency. The project area consists of public property set aside permanently as conservation area. Only activities that improve or enhance existing native habitat at the site are allowed. This project seeks to take actions that are not otherwise legally required that will improve Southern Willow Scrub and Diegan Coastal Sage Scrub habitat and associated beneficial uses through restoration.

SEP APPLICATION CHECKLIST

The project's attributes meets the following priorities for SEP eligibility as described on the **San Diego Water Board's SEP Application Checklist[7]:**

ELIGIBILITY REQUIREMENTS

1. The project provides environmental benefits, restoration of native riparian habitat and enhanced recreational opportunities for nearby Disadvantaged Communities (**Priority #1**)

2. The project promotes the preservation and restoration of an aquatic ecosystem within the San Diego Region through riparian habitat restoration and exotic species removal, per Resolution R9-2015-0041 (**Priority #3**).

3. The project implements the recovery of riparian systems as part of the San Diego Water Board's Practical Vision - *Recovery of Stream, Wetlands and Riparian Systems* (**Priority #4**).

PROJECT ATTRIBUTES

1. The project directly contributes to improvements of key beneficial uses (wildlife habitat and non-contact recreational use). The project area is a direct tributary to the Loma Alta Creek and recent surveys have verified that threatened, endangered, sensitive riparian species use the project area. Habitat improvements will directly address the Water Board's priority in protecting key habitat beneficial uses and will provide consistency with the City's Multiple Habitat Conservation Plan (MHCP).

2. The project will deliver on measurable environmental outcomes via a monitoring and maintenance program funded by the City of Oceanside. The project involves vegetation and avian monitoring components to quantify improvements to habitat structure in the project area.

3. The project demonstrates sustained longevity of environmental outcomes through ongoing maintenance and monitoring. The SELC has coordinated with the City of Oceanside and Friends of El Corazon to leverage volunteer effort for ongoing invasive vegetation removal. Furthermore, the City will leverage volunteer effort to control invasive vegetation in riparian areas downstream of the SEP project boundary.

4. **The invasive vegetation project component will be incorporated as part of the larger Carlsbad Hydrologic Unit Invasive Species Control and Habitat Restoration Plan administered by the**

---

7 https://www.waterboards.ca.gov/sandiego/water_issues/programs/compliance/docs/application_checklists_final.pdf

SELC and Carlsbad Watershed Network. The project has acquired volunteer support from the Friends of El Corazon community group.

5. The project improves habitat conditions in a Clean Water Act Section 303(d) limited waterbody segment.

6. The project addresses designated priorities listed in the Carlsbad Water Quality Improvement Plan for restoration and enhancement of native habitat area.

7. The project improves conditions of a key beneficial use category in a key area. Specifically, the project addresses a First Rank Key Water Body Type (stream system) and Area of Special Importance for the Key Use[8] for areas used by special status and/or vulnerable species. As described in the SEP Project Application and in Attribute 1 above, surveys in the project area have verified threatened, endangered, sensitive riparian species utilize the project area.

8. The project area is located in the upper reach of Garrison Creek where excessive non-native vegetation growth and sedimentation has caused flow restriction. The project will help restore native stream function through native vegetation establishment and removal of invasive plants on the riparian edge.

9. The project addresses problems and risks to sensitive and vulnerable places and uses (habitat for threatened and endangered wildlife) as described in Attribute 1 and 7.

10. The project can be used to leverage funding for additional riparian and habitat restoration work within the Carlsbad Hydrologic Unit through the SELC and Carlsbad Watershed Network.

11. The project provides a cost-effective means of restoring native habitat. The project will forge collaborative relationships between the SELC, City of Oceanside and the local community (Friends of El Corazon), leveraging volunteer effort for habitat management. The City of Oceanside is providing all necessary funding for the project in compliance with its enforcement liability. The SELC will leverage its invasive vegetation treatment and removal permit for the Carlsbad HU for Task 2, further reducing costs and time associated with permit acquisition.
12. The project will integrate outreach and education targeted towards a residential **Disadvantaged Community block adjacent to the project area. Signage will be installed along**

---

8 https://www.waterboards.ca.gov/sandiego/water_issues/programs/compliance/docs/key_beneficial_uses_key_areas_final.pdf

the El Corazon trail to educate residents and visitors on the value of riparian habitat conservation, protection of threatened and sensitive species and watershed protection.

APPLICANT ATTRIBUTES

1. The City of Oceanside (applicant) has an established record of accomplishment with both the San Diego Regional Water Quality Control Board and State Water Resources Control Board.

2. The City has successfully implemented past Enhanced Compliance Action projects in the Buena Vista Creek watershed to improve its sanitary sewer system. The City has successfully administered multiple State Water Board grant projects in the Loma Alta watershed, including construction of an ultraviolet treatment system at Loma Alta Slough and completion of a microbial source identification study throughout the watershed.

3. The City of Oceanside (applicant) has an established record of project completion with other awarding agencies across all municipal departments. In FY16-17 the City managed over $1.7 million in non-federal grant programs and over $22 million in federal awards.

4. The City continues to demonstrate its commitment to habitat preservation in the Loma Alta Creek watershed into the future as outlined in strategies of the Carlsbad Water Quality Improvement Plan, El Corazon Specific Plan and Final Environmental Impact Report, and the Loma Alta Slough Wetlands Enhancement project funded by the California Coastal Conservancy.

5. The City of Oceanside has the institutional capacity through its Clean Water (stormwater), Property Management and Public Works programs to complete the project in coordination with local nonprofit volunteer efforts. The City will continue to manage the site following the monitoring and reporting period to complete as-needed vegetation maintenance.