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## San Diego Regional Water Quality Control Board

March 17, 2026

**Sent by Email Only**

Kim Godby  
Utility Manager – Wastewater and Stormwater  
Dept. of Public Services and Engineering  
City of Coronado  
101 B Avenue  
Coronado, CA 92118  
[KGodby@coronado.ca.us](mailto:KGodby@coronado.ca.us)

**In reply refer to:**  
**CW-631933:CArias**

**SUBJECT: OFFER NO. R9-2026-0044 TO SETTLE ADMINISTRATIVE CIVIL LIABILITY OF \$34,430 FOR 2025 SANITARY SEWER SPILLS TO SAN DIEGO BAY AND THE PACIFIC OCEAN, SPILL IDs 902062 AND 903318**

Kim Godby:

This letter (hereafter, Settlement Offer) contains an offer from the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) Prosecution Team to the City of Coronado (City) to settle potential claims for administrative civil liability arising out of the discharge of 1,273 gallons of untreated sewage to San Diego Bay on July 1, 2025, (Coronado Cays Spill) and the discharge of 2,170 gallons of untreated sewage to the Pacific Ocean on October 20, 2025, (North Beach Spill). The City allegedly violated multiple provisions of the Clean Water Act, Porter-Cologne Water Quality Control Act, and relevant state and regional waste discharge requirements because of these spills.

**This Settlement Offer provides the City with an opportunity to resolve the alleged violations through payment of thirty-four thousand, four hundred and thirty dollars (\$34,430). Please read this letter carefully and respond no later than April 17, 2026. If we do not hear from you by April 17, 2026, the San Diego Water Board Prosecution Team will proceed with issuance of an administrative civil liability complaint that may include additional violations and assess an increased penalty.**

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GARY STRAWN, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

### Description of Alleged Violations

The San Diego Water Board Prosecution Team (Prosecution Team) alleges the following violations, as summarized below, and as further described in the attached documents.

The City's sanitary sewer system is regulated by State Water Resources Control Board (State Water Board) Water Quality Order No. 2022-0103-DWQ, *Statewide Waste Discharge Requirements General Order for Sanitary Sewer Systems (SSS WDRs)*<sup>1</sup> and by San Diego Water Board Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region (San Diego WDRs)*.<sup>2</sup>

Prohibition 4.2 in the SSS WDRs states that "any discharge from a sanitary sewer system, discharged directly or indirectly through a drainage conveyance system or other route, to waters of the State is prohibited." Additionally, the San Diego WDRs, in Prohibition B.1, prohibit "the discharge of sewage from a sanitary sewer system at any point upstream of a sewage treatment plant." The SSS WDRs define a Category 1 Spill in Section 5.13.1 as a spill of any volume of sewage from or caused by a sanitary sewer system that results in a discharge to surface waters or a drainage conveyance system that discharges to surface waters that is not fully captured.

Section 301 of the Clean Water Act (33 U.S.C. § 1311) and California Water Code (Water Code) section 13376 prohibit the discharge of pollutants to Waters of the United States except in compliance with a National Pollutant Discharge Elimination System (NPDES) Permit. Neither the SSS WDRs nor the San Diego WDRs is an NPDES Permit.

### **Violation 1: Coronado Cays Spill**

The Prosecution Team alleges the City failed to prevent an unauthorized discharge of 1,273 gallons of untreated sewage to San Diego Bay on July 1, 2025, in violation of SSS WDRs Prohibition 4.2, San Diego WDRs Prohibition B.1, Water Code section 13376, and Section 301 of the Clean Water Act. The Coronado Cays Spill resulted in a total discharge of 1,550 gallons of sewage, of which 277 gallons were recovered by the City from the stormwater conveyance system, and the remaining 1,273 gallons discharged to San Diego Bay, a navigable water of the United States.

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<sup>1</sup> The current SSS WDRs (Order No. 2022-0103-DWQ) can be accessed at the following link: [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2022/wqo\\_2022-0103-dwq.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo_2022-0103-dwq.pdf)

<sup>2</sup> The San Diego WDRs can be accessed at the following link: [https://www.waterboards.ca.gov/sandiego/board\\_decisions/adopted\\_orders/2007/R9-2007-0005\\_ADA.pdf](https://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2007/R9-2007-0005_ADA.pdf)

## **Violation 2: North Beach Spill**

The Prosecution Team alleges the City failed to prevent an unauthorized discharge of 2,170 gallons of untreated sewage to the Pacific Ocean at North Beach on October 20, 2025, in violation of SSS WDRs Prohibition 4.2, San Diego WDRs Prohibition B.1, Water Code section 13376, and section 301 of the Clean Water Act. The North Beach Spill resulted in a total discharge of 4,089 gallons of sewage, of which 1,500 gallons were recovered by the City using an excavated pit via vactor truck, 419 gallons of which were removed by soil excavation, and the remaining 2,170 gallons entered the City's groundwater extraction system that discharges to the Pacific Ocean Shoreline at North Beach, a navigable water of the United States.

### Statutory Liability

Pursuant to Water Code section 13385, the maximum penalty for both violations is \$10,000 per day and \$10 per gallon.<sup>3</sup> The State Water Board's *Water Quality Enforcement Policy* ([Enforcement Policy](#))<sup>4</sup> states that the economic benefit shall be estimated for each violation, and the minimum penalty shall be the economic benefit plus 10 percent.

### Proposed Settlement Offer

**The Prosecution Team proposes to resolve the violations with this Settlement Offer of \$34,430.** This Settlement Offer was determined based on an assessment of the factors set forth in Water Code section 13385, subdivision (e), using the penalty methodology set forth in the Enforcement Policy. The enclosed "Penalty Calculation Methodology" describes how the penalty amount was calculated. The Prosecution Team believes that the proposed resolution of the alleged violations is fair and reasonable, fulfills the San Diego Water Board's enforcement objectives, and is in the best interest of the public.

The City's acceptance of this Settlement Offer will result in a complete and final resolution of potential claims the San Diego Water Board may have related to the violations described herein. Should the City choose *not* to accept this Settlement Offer, please be advised that the Prosecution Team reserves the right to pursue civil liability assessments for additional violations, including those identified in Notice of Violation

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<sup>3</sup> In excess of 1,000 gallons spilled but not recovered.

<sup>4</sup> The 2024 Enforcement Policy can be accessed at:

[https://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf](https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf)

No. R9-2026-0019 dated January 15, 2025. San Diego Water Board staff issued the notice of violation after completing an audit of the City's sanitary sewer system management program and identified several WDR violations and areas of concern.

Options for Responding to the Settlement Offer

**Option A: Accept the Offer and Pay the Full Amount**

If the City chooses to accept this Settlement Offer, then the enclosed *Acceptance of Settlement Offer and Waiver of Right to Hearing (Acceptance and Waiver)* shall be completed and submitted no later than April 17, 2026 by email to sandiego@waterboards.ca.gov with "CW-631933:CArias" included in the subject line.

Important: Upon receipt of the *Acceptance and Waiver*, this settlement will be publicly noticed for a 30-day comment period as required by federal regulations. If no comments are received within the 30 days that warrant revocation of the Settlement Offer, the Prosecution Team will ask the San Diego Water Board's Executive Officer to formally endorse the *Acceptance and Waiver* as an order of the San Diego Water Board. An invoice will then be mailed to the City requiring payment of the \$34,430 administrative civil liability within 30 days from when the Settlement Offer is signed by the Executive Officer.

If, however, comments are received in opposition to this settlement that reasonably affects the propriety of presenting this Settlement Offer to the Executive Officer or if the Executive Officer declines to accept the settlement, then the Settlement Offer may be withdrawn. In this case, the City will be notified and its waiver pursuant to the *Acceptance and Waiver* will also be treated as withdrawn. The unresolved violations will most likely be addressed through a formal enforcement action. The Prosecution Team may issue an administrative civil liability complaint, and the matter may be set for a hearing.

**Option B: Contest the Alleged Violations**

If the City wishes to contest the violations or the methodology used to calculate the proposed liability, it must submit a written response identifying the basis for the challenge, including any evidence to support its claims. The City must submit its response to the Prosecution Team no later than April 17, 2026. The Prosecution Team will evaluate the City's basis for a challenge and may seek clarifying information or schedule an in-person meeting. The Prosecution Team will inform the City whether a reduction in the settlement amount is warranted, or whether the original settlement amount is appropriate. The Prosecution Team will provide the City with a final

opportunity to accept the revised/original settlement amount before proceeding with formal enforcement.

**Option C: Reject Offer**

If the City chooses to reject this Settlement Offer and/or does not complete and return the enclosed *Acceptance and Waiver* by April 17, 2026, it should expect that the Prosecution Team will issue an administrative civil liability complaint and schedule a hearing before the San Diego Water Board. Should the City not accept this Settlement Offer, the Prosecution Team reserves the right to issue a formal complaint alleging additional violations and use revised penalty calculation factors. The City will receive notice of any deadlines associated with that action. As previously stated, in such an action, the liability amount sought may substantially exceed the liability amount set forth in this Settlement Offer.

The Prosecution Team reserves the right to take further enforcement action against the City for all past violations not identified in this Settlement Offer and future violations of the Water Code or subsequently adopted orders.

If you have any questions about this Settlement Offer, please contact Ms. Christina Arias, Water Resource Control Engineer, at (619) 521-3361 or at [Christina.Arias@waterboards.ca.gov](mailto:Christina.Arias@waterboards.ca.gov).

Respectfully,

**Original Signed by Laurie Walsh on March 17, 2026**

Laurie Walsh, P.E.  
Assistant Executive Officer  
San Diego Water Board

Enclosures:

Exhibit A: Acceptance of Settlement Offer and Waiver of Right to a Hearing

Exhibit B: Penalty Calculation Methodology

cc (via email only):

Jeremy Haas, San Diego Water Board, [Jeremy.Haas@waterboards.ca.gov](mailto:Jeremy.Haas@waterboards.ca.gov)

Kate Becker, San Diego Water Board, [Kate.Becker@waterboards.ca.gov](mailto:Kate.Becker@waterboards.ca.gov)

Carson Capps, Esq., State Water Board Office of Enforcement,

[Carson.Capps@waterboards.ca.gov](mailto:Carson.Capps@waterboards.ca.gov)

Tech Staff Info & Use	
Order No.	R9-2026-0044
CW Place ID	631933
CW Regulatory Measure (Enrollment)	300485
CW Regulatory Measure (Settlement Offer)	464246
WDID	9SSO10647

ACL – administrative civil liability; CW – California Integrated Water Quality System (CIWQS); ID – identifier; WDID – Waste Discharge Identification

## EXHIBIT A

### ACCEPTANCE OF SETTLEMENT OFFER AND WAIVER OF RIGHT TO A HEARING FOR SETTLEMENT OFFER NO. R9-2026-0044; CITY OF CORONADO

By signing below and returning this *Acceptance of Settlement Offer and Waiver of Right to Hearing (Acceptance and Waiver)* to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), the City of Coronado (City) hereby accepts the Settlement Offer described in the letter titled OFFER NO. R9-2026-0044 TO SETTLE ADMINISTRATIVE CIVIL LIABILITY OF \$34,430 FOR 2025 SANITARY SEWER SPILLS TO SAN DIEGO BAY AND THE PACIFIC OCEAN, SPILL IDs 902062 AND 903318, and waives the right to a hearing before the San Diego Water Board to dispute the alleged violations described in the Settlement Offer and its enclosures.

The City agrees that the Settlement Offer shall serve as a complaint pursuant to Article 2.5 of the California Water Code (Water Code) and that no separate complaint is required for the San Diego Water Board to assert jurisdiction over the alleged violations. The City agrees to perform the following:

- Pay an administrative civil liability in the sum of **\$34,430 (thirty-four thousand, four hundred and thirty dollars)** by cashier's check or certified check made payable to the "*State Water Resources Control Board Cleanup and Abatement Account.*" This payment shall be deemed full payment of any civil liability pursuant to Water Code section 13385 that might otherwise be assessed for the violations described in the Settlement Offer and its enclosures.
  - In lieu of paying the full administrative civil liability to the Cleanup and Abatement Account, the City may elect to apply up to \$17,215 of the penalty to a supplemental environmental project (SEP), such as the Southern California Bight Regional Monitoring Program ([Bight RMP](#)),<sup>5</sup> which is administered by the Southern California Coastal Research Project (the remaining \$17,215 would be paid by the City to the Cleanup and Abatement Account). This SEP would supplement Bight RMP work that would not otherwise be funded by the Bight RMP's existing workplan(s).
- Comply with the conditions of State Water Resources Control Board (State Water Board) Water Quality Order No. 2022-0103-DWQ and San Diego Water Board Order No. R9-2007-0005, as amended.

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<sup>5</sup> Information regarding the Bight RMP can be found at: <https://www.sccwrp.org/about/research-areas/regional-monitoring/southern-california-bight-regional-monitoring-program/bight-program-documents/>.

The City understands that by signing this *Acceptance and Waiver*, it has waived its right to contest the allegations in the Settlement Offer and the civil liability amount for the alleged violations. The City further understands that this *Acceptance and Waiver* does not address or resolve liability for any violation not specifically identified in the Settlement Offer and its enclosures. Upon execution by the City, the *Acceptance and Waiver* shall be submitted by email to [sandiego@waterboards.ca.gov](mailto:sandiego@waterboards.ca.gov) with “**CW-631933:CArias**” included in the subject line.

The City understands that federal regulations require the San Diego Water Board Prosecution Team (Prosecution Team) to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action for violations of the Clean Water Act. Accordingly, this *Acceptance and Waiver*, prior to being formally executed by the San Diego Water Board, will be published as required by law for public comment.

If no comments are received within the notice period, or the comments received do not cause the Prosecution Team to reconsider the Settlement Offer, then the Prosecution Team will present this *Acceptance and Waiver* to the San Diego Water Board’s Executive Officer for formal endorsement on behalf of the San Diego Water Board.

The City understands that if significant comments are received in opposition to the settlement, then the offer may be set for consideration by the San Diego Water Board or withdrawn by the Prosecution Team. If the Settlement Offer is withdrawn, then the City will be notified and the City’s waiver pursuant to the *Acceptance and Waiver* will also be treated as withdrawn. The unresolved violations will be addressed in a formal enforcement action. The Prosecution Team may issue an administrative civil liability complaint and the matter may be set for a hearing.

The City understands that once this *Acceptance and Waiver* is formally endorsed, then, in accordance with Water Code section 13323, full payment shall be made by the City no later than 30 days from the date on which the order is issued.

I hereby affirm that I am duly authorized to act on behalf of and to bind the City in the making and giving of this *Acceptance and Waiver*.

City of Coronado

By: \_\_\_\_\_ **Original Signed by Tina Friend, City Manager, on April 16, 2026**

IT IS SO ORDERED, pursuant to California Water Code section 13385.

By: \_\_\_\_\_  
David W. Gibson, Executive Officer, San Diego Water Board

## EXHIBIT B

### PENALTY CALCULATION METHODOLOGY FOR CITY OF CORONADO VIOLATIONS OF ORDER NO. 2022-0103-DWQ, *STATEWIDE WASTE DISCHARGE REQUIREMENTS GENERAL ORDER FOR SANITARY SEWER SYSTEMS AND ORDER NO. R9-2007-0005, WASTE DISCHARGE REQUIREMENTS FOR SEWAGE COLLECTION AGENCIES IN THE SAN DIEGO REGION*

The State Water Resources Control Board's (State Water Board's) *Water Quality Enforcement Policy* ([Enforcement Policy](#))<sup>6</sup> establishes a methodology for determining administrative civil liability by addressing the factors that are required to be considered under California Water Code (Water Code) sections 13327 and 13385, subdivision (e). Descriptions of how each factor is considered are included in the Enforcement Policy. The tables below summarize the facts supporting how each factor of the ten-step approach was applied to the alleged violations, providing the basis for assessing the corresponding score.

#### **Violation 1 – Discharge of Untreated Sewage to San Diego Bay (Coronado Cays Spill)**

The first violation is for the Coronado Cays Spill, a discharge of untreated sewage to San Diego Bay. On July 1, 2025, the City experienced a Category 1 Spill due to a failed air release valve at the Cays Main Pump Station, totaling 1,550 gallons of untreated sewage that was discharged to the City's stormwater drainage conveyance system. The City recovered 277 gallons of sewage via vactor truck and returned it to the sanitary sewer collection system, and the remaining 1,273 gallons were discharged from a coastal stormwater outfall to San Diego Bay within the Coronado Cays community. The City immediately notified the California Office of Emergency Services (Cal OES) and the San Diego County Department of Health and Quality (DEHQ) of the spill. In response, DEHQ closed two publicly accessible areas (one near a marina and one beach) and collected water quality samples. Both locations were opened the following day, July 2, 2025, after the DEHQ confirmed levels of enterococcus bacteria met State health standards considered safe for recreational use.<sup>7</sup>

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<sup>6</sup>The 2024 Enforcement Policy can be accessed at the following link:

[https://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf](https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf)

<sup>7</sup> DEHQ uses the digital droplet Polymerase Chain Reaction (ddPCR) method to determine safe levels of enterococcus bacteria as part of its Beach and Bay Monitoring Program. DEHQ posts bacteria results and other related information on its website: [www.sdbeachinfo.com](http://www.sdbeachinfo.com).

**Table 1. Penalty Calculation for Violation 1 - Discharge of Untreated Sewage to San Diego Bay (Coronado Cays Spill)**

<b>PENALTY FACTOR</b>	<b>VALUE</b>	<b>DISCUSSION</b>
Degree of Toxicity of the Discharge	3 (above moderate)	<p>The unauthorized discharge of untreated sewage represents an “above moderate” risk level because untreated sewage contains high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oxygen-demanding organic compounds, oil and grease, and other pollutants known to exceed existing water quality standards. These pollutants have varying levels of impacts to beneficial uses of the receiving waters. The high degree of toxicity in untreated sewage poses a direct threat to human and ecological receptors.</p>
Actual Harm or Potential Harm to Beneficial Uses	2 (below moderate)	<p>The untreated sewage entered San Diego Bay from a storm drain outlet at Coronado Cays, a waterfront residential neighborhood with private docks and boat slips. As a precaution, DEHQ closed two nearby publicly accessible areas, including a marina and a small sandy beach (roughly 500 feet and 1,200 feet away from the discharge location, respectively) while awaiting sampling results.</p> <p>Beneficial uses of San Diego Bay include contact and non-contact water recreation, wildlife habitat, shellfish harvesting, and rare, threatened or endangered species. Discharges of untreated sewage to surface waters have expected potential impacts to these beneficial uses. In this case, the marina and beach closures restricted contact recreation for one day each during the summer but were opened the following day when sampling results demonstrated that the water was safe for contact recreation. Therefore, there were observed impacts, namely restrictions to contact recreation, but harm or potential harm to beneficial uses was measurable in the short term, and a score of 2 (below moderate) is appropriate.</p>

<b>PENALTY FACTOR</b>	<b>VALUE</b>	<b>DISCUSSION</b>
Susceptibility to Cleanup or Abatement	1	A factor of 1 is assigned if less than 50 percent of the discharge is cleaned up. In this case, the City reported that 277 of the 1,550 gallons of untreated sewage were recovered and returned to the sanitary sewer system.
Potential for Harm	6	Sum of the above three values:  (Degree of Toxicity) + (Actual or Potential Harm) + (Susceptibility to Cleanup)  $3+2+1 = 6$
Deviation from Requirement	major	The deviation from the requirement is major because a spill of untreated sewage to surface waters directly violates the Clean Water Act (Section 301), Water Code section 13376, <a href="#">SSS WDR</a> <sup>8</sup> , and <a href="#">San Diego WDRs</a> . <sup>9</sup>
Per Gallon Factor and Per Day Factor	0.28	Factor obtained from Table 1 and Table 2 of the Enforcement Policy for discharge violations, using the Potential for Harm and Deviation from Requirement scores.
Per Gallon Liability	\$764	The liability using the statutory maximum per gallon:  (Per Gallon Factor) x (Volume Discharged – 1,000 gallons) x (\$ Per Gallon)  $(0.28) \times (1,273 - 1,000) \times (\$10) = \$764$
Days of Discharge	1 day	The sewage spill occurred on the morning of July 1, 2025, and was stopped the same day.

<sup>8</sup> State Water Board Water Quality Order No. 2022-0103-DWQ, *Statewide Waste Discharge Requirements General Order for Sanitary Sewer Systems (SSS WDRs)*.

<sup>9</sup> Regional Water Quality Control Board, San Diego Region (San Diego Water Board) Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region (San Diego WDRs)*.

<b>PENALTY FACTOR</b>	<b>VALUE</b>	<b>DISCUSSION</b>
Per Day Liability	\$2,800	The liability calculated per day:  (Per Day Factor) x (Days of Discharge) x (\$ Statutory Maximum Per Day)  (0.28) x (1) x (\$10,000) = \$2,800
Initial Liability for Violation 1	\$3,564	Sum of Per Gallon Liability and Per Day Liability:  (\$764) + (\$2,800) = \$3,564
<i>Adjustments for Discharger Conduct – Violation 1</i>		
Culpability	1.3	The City reported that the cause of the spill was a failed air release valve at the Cays Main Pump station. The air release valve is a pump station feature that is included on the City's inspection checklist. However, the Prosecution Team found that in the six months prior to the sewage spill, City staff had been inspecting the pump station but had not been inspecting the air release valve specifically, as indicated by the lack of notation on the line item. Failing to abide by the inspection checklist deprived the City of the opportunity to notice that the valve was not functioning properly, which could have prompted a repair and avoided the spill. The City was negligent in ensuring that the pump station was in good working condition and therefore bears significant culpability for the spill.
History of Violations	1.0	The Enforcement Policy states that when a discharger does not have a history of adjudicated violations, the History of Violations factor shall be 1. Here, the City has no history of violations.
Cleanup and Cooperation	1.0	The City responded by stopping the active spill, using a vacor truck to recover as much sewage as possible, and contacting DEHQ for public posting and water quality sampling. In short, the City followed its Spill

PENALTY FACTOR	VALUE	DISCUSSION
		Emergency Response Plan, and a neutral score is appropriate.
Total Base Liability Amount for Violation 1	\$4,633	Product of initial liability and penalty adjustment factors:  (Initial Liability) x (Culpability) x (History of Violations) x (Cleanup and Cooperation)  (\$3,564) x (1.3) x (1.0) x (1.0) = \$4,633

**Violation 2 – Discharge of Untreated Sewage to the Pacific Ocean (North Beach Spill)**

The second violation is for the North Beach Spill, a discharge of untreated sewage to the Pacific Ocean Shoreline. On October 20, 2025, the City experienced a Category 1 Spill totaling 4,089 gallons of untreated sewage that was discharged from the sanitary sewer system when a force main ruptured close to the Parker Pump Station. The pump station was under construction at the time, and the City believes the heavy equipment moving across the path of the force main may have shifted pipe alignment, resulting in the rupture and spill. The untreated sewage caused a sinkhole at the construction site, which was discovered when construction workers reported to the site on the morning of Monday, October 20, 2025.

The City immediately notified Cal OES and DEHQ of the spill and mobilized a bypass around the force main break to maintain sewer service and complete the force main repair, which was completed on the afternoon of October 20, 2025. The City also engaged in cleanup, and estimates that about 1,500 gallons were recovered via vactor truck and returned to the sanitary sewer system, about 419 gallons were retained in the surrounding soil or excavated, and the remaining 2,170 gallons entered the intake of a construction dewatering pump that enters a filtration system before discharging to a coastal stormwater outfall directly to North Beach.<sup>10</sup>

DEHQ took samples at North Beach on the afternoon of Monday, October 20, 2025. The samples showed elevated levels of enterococcus bacteria and DEHQ closed the beach on Tuesday, October 21, 2025. DEHQ took samples on the morning of Tuesday, October 21, 2025, and reopened the beach on Wednesday, October 22, 2025, after sample results demonstrated the water was safe for contact recreation.

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<sup>10</sup> The City is enrolled in Order No. R9-2015-0013, *General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters Within the San Diego Region*.

**Table 2. Penalty Calculation for Violation 2 - Discharge of Untreated Sewage to the Pacific Ocean**

<b>PENALTY FACTOR</b>	<b>VALUE</b>	<b>DISCUSSION</b>
Degree of Toxicity of the Discharge	3 (above moderate)	<p>The unauthorized discharge of untreated sewage represents an “above moderate” risk level because untreated sewage contains high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oxygen-demanding organic compounds, oil and grease, and other pollutants known to exceed existing water quality standards. These pollutants exert varying levels of impacts to beneficial uses of the receiving waters. The high degree of toxicity in untreated sewage poses a direct threat to human and ecological receptors.</p>
Actual Harm or Potential Harm to Beneficial Uses	3 (moderate)	<p>The City discovered the failed force main on the morning of Monday, October 20, 2025, as construction crews arrived at the Parker Pump Station construction site. The crew found a sinkhole and immediately began excavating the area until they found the ruptured force main. The City installed a sewer bypass around the failed force main but not before some of the untreated sewage reached an intake for the City’s groundwater extraction system, which is first filtered then discharged to the City’s stormwater conveyance system and ultimately North Beach.</p> <p>The City estimates that about 2,170 gallons of untreated sewage entered the groundwater extraction system and discharged to North Beach. DEHQ took enterococcus bacteria samples on the afternoon of Monday, October 20, 2025, and closed the beach on Tuesday, October 21, 2025, after bacteria samples were confirmed to be above State health standards. DEHQ reopened the beach on Wednesday, October 22, 2025, after additional samples showed the water was safe for contact recreation.</p>

		<p>North Beach is a popular swimming beach and dogs are allowed to run leash-free in this area. The beach remained open on the day of the spill, putting beachgoers at risk of exposure. Subsequently, the beach was closed the next day. A score of “moderate” is appropriate for this factor because there were observed impacts to beneficial uses, namely swimmer exposure and a beach closure, but potential harm to beneficial uses was moderate and likely to attenuate without appreciable medium or long term acute or chronic effects.</p>
Susceptibility to Cleanup or Abatement	1	<p>A factor of 1 is assigned if less than 50 percent of the discharge is cleaned up. In this case, the City reported that 1,919 of the 4,089 gallons of untreated sewage was recovered and returned to the sanitary sewer system.</p>
Potential for Harm	7	<p>Sum of the above three values:</p> <p>(Degree of Toxicity) + (Actual or Potential Harm) + (Susceptibility to Cleanup)</p> <p><math>3+3+1 = 7</math></p>
Deviation from Requirement	major	<p>The deviation from the requirement is major because a spill of untreated sewage to surface waters directly violates the Clean Water Act (Section 301), Water Code section 13376, SSS WDRs, and San Diego WDRs.</p>
Per Gallon Factor and Per Day Factor	0.41	<p>Factor obtained from Table 1 and Table 2 of the Enforcement Policy for discharge violations, using the Potential for Harm and Deviation from Requirement scores.</p>
Volume Discharged	1,170 gallons	<p>Per Water Code section 13385, subdivision (c), liability is not to exceed \$10 multiplied by the</p>

(minus first 1,000 gallons)		<p>number of gallons discharged but not cleaned up, minus 1,000 gallons.</p> <p>(gallons discharged to surface waters) – 1,000 gallons</p> <p>2,170 gallons – 1,000 gallons = 1,170 gallons</p>
Per Gallon Liability	\$4,797	<p>The liability using the statutory maximum per gallon:</p> <p>(Per Gallon Factor) x (Volume Discharged – 1,000 gallons) x (\$ Per Gallon)</p> <p><math>(0.41) \times (2,170 - 1,000) \times (\\$10) = \\$4,797</math></p>
Days of Discharge	1 day	The sewage spill was discovered on October 20, 2025, and was stopped the same day.
Per Day Liability	\$4,100	<p>The liability calculated per day:</p> <p>(Per Day Factor) x (Days of Discharge) x (\$ Statutory Maximum Per Day)</p> <p><math>(0.41) \times (1) \times (\\$10,000) = \\$4,100</math></p>
Initial Liability for Violation 2	\$8,897	<p>Sum of Per Gallon Liability and Per Day Liability:</p> <p><math>(\\$4,797) + (\\$4,100) = \\$8,897</math></p>
<i>Adjustments for Discharger Conduct – Violation 2</i>		
Culpability	1.0	The City believes that heavy equipment used over the path of the force main may have caused the pipe rupture. The City was in active construction for pump station improvements, and the use of heavy equipment is necessary. A neutral score is appropriate.
History of Violations	1.0	The Enforcement Policy states that when a discharger does not have a history of adjudicated violations, the History of Violations factor shall be 1. Here, the City has no history of violations.

Cleanup and Cooperation	1.1	The City responded by stopping the active spill, using a vactor truck and excavator to recover as much sewage as possible, and contacting DEHQ for public posting and water quality sampling. However, the City did not proactively post a warning sign to beachgoers while awaiting the arrival of DEHQ, even though Chapter 3 of the City's Spill Emergency Response Plan allows City staff to place warning signs without the direction of DEHQ.
Total Base Liability Amount for Violation 2	\$9,787	Product of initial liability and penalty adjustment factors:  (Initial Liability) x (Culpability) x (History of Violations) x (Cleanup and Cooperation)  (\$8,897) x (1.0) x (1.0) x (1.1) = \$9,787
<b>Total Base Liability for Violation 1 + Violation 2: \$14,420</b>		



		Although the Enforcement Policy encourages the Prosecution Team to recover staff costs in consideration of the costs of investigating and enforcing the matter (\$5,169 from January 12, 2026, through February 18, 2026), the proposed settlement amount is the maximum penalty authorized by statute, precluding inclusion of staff costs.
Ability to Pay and Ability to Continue in Business	No adjustment	The City of Coronado is a public entity with the ability to raise funds and the City's Fiscal Year 2025-26 budget identifies \$39.2 million of "unassigned fund balance". The San Diego Water Board is not aware of any evidence of inability to pay.
Maximum Liability	<p>\$12,730 (Violation 1)</p> <p>\$21,700 (Violation 2)</p>	<p><u>Violation 1</u>: The maximum liability for the Coronado Cays Spill is calculated using statutory maximum limits per Water Code section 13385, subdivision (c): \$10,000 per day of violation and \$10 per gallon discharged but not cleaned up, minus 1,000 gallons.</p> <p><math>[(\\$10,000 \text{ per day}) \times (1 \text{ day})] + [(\\$10 \text{ per gallon}) \times (1,273 \text{ gallons} - 1,000 \text{ gallons})] = \\$12,730</math></p> <p><u>Violation 2</u>: The maximum liability for the North Beach Spill is calculated using statutory maximum limits per Water Code section 13385, subdivision (c): \$10,000 per day of violation and \$10 per gallon discharged but not cleaned up, minus 1,000 gallons.</p> <p><math>[(\\$10,000 \text{ per day}) \times (1 \text{ day})] + [(\\$10 \text{ per gallon}) \times (2,170 \text{ gallons} - 1,000 \text{ gallons})] = \\$21,700</math></p>

<p>Minimum Liability</p>	<p>\$1 (Violation 1)</p> <p>\$1 (Violation 2)</p>	<p>The Enforcement Policy states that the minimum liability is the economic benefit plus 10 percent.</p> <p><u>Violation 1:</u></p> <p><math>(\\$1 + [(1)*(0.1)] = \\$1.10</math></p> <p><u>Violation 2:</u></p> <p><math>(\\$1) + [(\\$1)*(0.1)] = \\$1.10</math></p>
<p><b>Final Liability</b></p>	<p><b>\$34,430</b></p>	<p>The Final Liability Amount is the maximum amount allowed under statute.</p> <p><math>(\\$12,730) + (\\$21,700) = \\$34,430</math></p>

**Table 4. Reference Documents Available Upon Request**

<b>Item No.</b>	<b>Document Handle No.</b>	<b>Item</b>	<b>Date</b>
1	11849980	Certified Technical Spill Report for Event ID 902062; Spill occurring on July 1, 2025	07/15/2025
2	11802802	July 1, 2025 spill bacteria data	07/02/2025
3	11849981	Memo describing volume calculations and photos for July 1, 2025 spill	07/14/2025
4	11802805	Inspection logs for Cays Main Pump Station, January to July, 2025	07/31/2025
5	11854089	City of Coronado Sewer System Management Plan, including Spill Emergency Response Plan	06/02/2025
6	11849976	Certified Technical Spill Report for Event ID 903318; Spill occurring on October 10, 2025	11/05/2025
7	11802803	October 20, 2025 spill bacteria data	10/20/2025
8	11849977	Memo describing volume calculations for October 20, 2025 spill	11/03/2025
9	11849978	Parker Pump Station spill photos and flow path	10/20/2025
10	11819546	San Diego Water Board Compliance Evaluation Inspection Report dated January 13, 2026	01/13/2026
11	11822014	Notice of Violation No. R9-2026-0019 issued to the City of Coronado for violations of the SSS WDRs and San Diego WDRs	01/15/2026
12	11538019	Email correspondence with the City of Laguna Beach and San Diego Water Board staff estimating the cost of treating sewage, per gallon.	02/20/2025
13	11853839	Economic Benefit Analysis using BEN 2024.0.0	02/18/2026
14	11852686	San Diego DEHQ Beach and Bay Monitoring Program Summary	02/18/2026
15	11853057	Staff Costs Through February 18, 2026	02/18/2026
16	11868960	City's response to NOV No. R9-2026-0019	03/02/2026
17	11880438	City Fiscal Year 2025-2026 Adopted Budget	05/13/2025