

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

<b>IN THE MATTER OF:</b>	)	
	)	COMPLAINT NO. R9-2005-0264
CITY OF CARLSBAD	)	FOR
MUNICIPAL GOLF COURSE	)	ADMINISTRATIVE CIVIL LIABILITY
NONCOMPLIANCE WITH WATER CODE	)	
§ 13376, AND STATE BOARD ORDER	)	October 20, 2005
<u>NO. 99-08-DWQ</u>	)	

**CITY OF CARLSBAD IS HEREBY GIVEN NOTICE THAT:**

1. The City of Carlsbad (City) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability under section 13385 of the Water Code.
2. On September 8, 2005, the City of Carlsbad commenced construction activity for a municipal golf course disturbing 200 acres of the 400-acre site located at 5800 Hidden Valley Road, Carlsbad, California. On October 14, 2005, the Regional Board inspected the site and was informed by the City's contractor that a Notice of Intent (NOI) had not been filed for the site, and that Best Management Practices (BMPs) specified in the Storm Water Pollution Prevention Plan (SWPPP) had not been implemented on site. On October 17, 2005, the City of Carlsbad filed a NOI for the site with the State Water Resources Control Board and received WDID No. 9 37C337203. The Regional Board conducted a follow-up inspection of the site on October 18, 2005 and noted that the site still lacked the necessary BMPs required by the SWPPP to protect the site from discharging pollutants to an unnamed tributary to Aqua Hedionda Creek.

**ALLEGATIONS**

3. **Failure to Implement Storm Water Pollution Prevention Plan**  
The City failed to implement its SWPPP by failing to implement adequate BMPs at the site in violation of California State Water Resources Control Board (State Board) Order No. 99-08-DWQ section C.2 on at least 20 days: October 1, 2005 to present (the days of violation are ongoing).
4. **Failure to File Notice of Intent**  
The City failed to file a NOI for coverage under State Board Order No. 99-08-DWQ, *NPDES General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity* prior to the commencement of construction activity at the site on September 8, 2005 as required by Water Code section 13376, and Order No. 99-08-DWQ section C.1. The State Board received a NOI for the site on October 17, 2005, 39 days late. The Municipal Golf Course site will continue to be

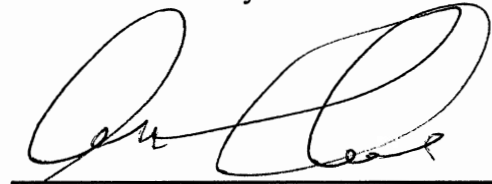
regulated under State Board Order No. 99-08-DWQ until it's expected completion in summer 2007.

5. Pursuant to Water Code section 13385, the maximum liability for failure to implement the SWPPP is \$10,000 per day of violation. Since the failure to implement the SWPPP continues, the maximum liability presently is \$200,000.
6. Pursuant to Water Code section 13385, the maximum liability for failure to file a NOI is \$10,000 per day of violation. The City failed to file a NOI for 39 days; therefore the maximum liability is \$390,000.

**PROPOSED CIVIL LIABILITY**

7. Based on consideration of the factors listed in section 13385 of the Water Code, civil liability should be imposed on the City by the Regional Board in the amount of \$20,000 for the violations described in paragraph No. 3; and \$3,900 for the violations described in paragraph No. 4 resulting in a total liability for all violations of \$23,900.

Dated this 20<sup>th</sup> day of October 2005



JOHN H. ROBERTUS  
Executive Officer