

State of California  
Regional Water Quality Control Board  
San Diego Region

SUPPLEMENTAL  
ENFORCEMENT SUMMARY REPORT  
March 12, 2008

ITEM: 6

SUBJECT: Proposed settlement of Administrative Civil Liability (ACL) Complaint against the Cities of Vista and Carlsbad for the discharge of 7.3 million gallons of untreated sewage from March 31 to April 3, 2007 from a 24-inch diameter sewer main at the Buena Vista Pump Station to Buena Vista Lagoon, San Diego County. The Regional Board will consider a proposed settlement of violations alleged in Complaint No. R9-2007-0099. The settlement includes :(1) payment of \$200,000 to the State Water Resources Control Board; (2) payment of \$500,000 to fund a Supplemental Environmental Project; and (3) the suspension of \$395,000 in liability when the Cities complete specified actions to the satisfaction of the Regional Board. (Tentative Order No. R9-2008-0004) (Eric Becker)

PURPOSE: The Regional Board will consider adoption of Tentative Order No. R9-2008-0004 (Attachment 2), implementing the proposed settlement. If the Regional Water Board rejects the proposed settlement, the matter will be scheduled for a public hearing at a subsequent Regional Board meeting.

PUBLIC NOTICE: Previously discussed in original Enforcement Summary Report.

DISCUSSION: On March 3, 2008, the Carlsbad Watershed Network provided comments on the tentative Order (Attachment 12). The Regional Board staff analyses of Carlsbad Watershed Network March 3, 2008 comments are provided in Attachment 13.

LEGAL CONCERNS: None.

SUPPORTING DOCUMENTS:

1. Location Maps
2. Tentative Order No. R9-2008-0004
3. Notice of Public Hearing (February 4, 2008)

4. Proof of Newspaper Publication (February 5, 2008)
5. ACL Complaint No. R9-2007-0099
6. Staff Report for ACL Complaint No. R9-2007-0099
7. Comparison of Previous Regional Board Sewage Discharge Enforcement Actions
8. City of Carlsbad Agenda & Resolution Approving \$500,000 for Buena Vista Forcemain Improvement Project (September 11, 2007)
9. City of Carlsbad Agenda & Resolution Approving \$455,156 Agreement With Brown & Caldwell for Preliminary Design Report for Buena Vista Forcemain Improvement Project (January 15, 2008)
10. U.S. Fish & Wildlife and California Department of Fish & Game Letter (February 20, 2008)
11. Coastal Conservancy Letter of Support (February 22, 2008)
12. Carlsbad Watershed Network Comments on Tentative Order (March 3, 2008)
13. Regional Board Response to Carlsbad Watershed Network Comments dated March 3, 2008

RECOMMENDATION: Adoption of Tentative Order No. R9-2008-0004 is recommended.

If this item is removed from the consent calendar, the Executive Officer will provide a recommendation at the conclusion of the item.