

ENFORCEMENT SUMMARY REPORT
April 8, 2009

- ITEM: 5
- SUBJECT: Administrative Assessment of Civil Liability, North County Transit District, Sprinter Crouch Street Station Dewatering. The Regional Board will consider adoption of a tentative Order that would impose a \$15,000 mandatory minimum penalty recommended in Complaint R9-2008-0020 for violations of effluent limitations prescribed in Order No. R9-2001-0096, NPDES No. CAG919002, *General Waste Discharge Requirements for Groundwater Extraction Waste Discharges From Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters Within the San Diego Region Except for San Diego Bay*. (Tentative Order R9-2009-0043) (Jeremy Haas)
- PURPOSE: The Regional Board may approve, modify, or reject assessment of the recommended penalty. If the Regional Board rejects the tentative Order, the matter may be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability.
- PUBLIC NOTICE: On February 2, 2009, ACL Complaint No. R9-2009-0020 and its supporting documents were posted on the Regional Board website and distributed to interested parties. The Regional Board published notice of today's item on its web site on March 4, 2009 and in the North County Times newspaper on March 18, 2009.
- DISCUSSION: Between May 1, 2006 and August 25, 2006, the North County Transit District (NCTD) discharged groundwater into Loma Alta Creek during the construction of the Sprinter Crouch Street Station Culvert Replacement Project. The discharges were subject to effluent limitations established in Order No. R9-2001-0096. The Regional Board issued a Notice of Violation to NCTD on August 7, 2006 for alleged violations of effluent limitations that were subject to mandatory minimum penalties (MMPs) pursuant to California Water Code Section 13385.

On February 2, 2009, the Assistant Executive Officer of the Regional Board issued Administrative Civil Liability (ACL) Complaint R9-2009-0020 (Supporting Document 3) to NCTD for alleged violations of effluent limitations established in NPDES Order R9-2001-0096.

The Complaint proposes that the Regional Board impose MMPs of fifteen thousand dollars (\$15,000) for five alleged violations of total nitrogen and total phosphorus effluent limitations that occurred in May 2006. Discretionary civil liability above the mandatory minimum for the violations alleged in this Complaint was not recommended.

On March 4, 2009, NCTD submitted a written waiver of its right to a hearing, accepting the validity of the allegations and submitted with payment of the \$15,000 liability proposed in Complaint No. R9-2009-0020 (Supporting Document 4).

LEGAL CONCERNS:

None

SUPPORTING DOCUMENTS:

1. Location Map
2. Tentative ACL Order No. R9-2009-0043
3. Complaint No. R9-2009-0020
4. NCTD March 4, 2009 Waiver of Public Hearing.

RECOMMENDATION:

The adoption of Tentative Order R9-2009-0043 is recommended assessing a civil liability of \$15,000 against the North County Transit District for the violations alleged in Complaint No. R9-2009-0020.