

Item Number 8  
Supporting Document 4  
Notice of Written Comment  
Period for Tentative Order  
R9-2020-0150  
October 14, 2020

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

**NOTICE OF WRITTEN COMMENT PERIOD FOR  
TENTATIVE  
SETTLEMENT AGREEMENT AND STIPULATION FOR ENTRY OF  
ADMINISTRATIVE CIVIL LIABILITY  
ORDER NO. R9-2020-0150**

**IN THE MATTER OF  
  
CITY OF SAN DIEGO  
JANUARY 2016 SANITARY SEWER  
OVERFLOW  
TECOLOTE CREEK, MISSION BAY, CA**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is considering the adoption of Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Stipulated Order) No. R9-2020-0150. The Stipulated Order is a settlement agreement between the City of San Diego and the San Diego Water Board's Prosecution Team to address liability associated with the violation of Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems* and Order R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*. The violations of the above Orders were a result of the City discharging 6,750,734 gallons of untreated sewage into Tecolote Creek, a water of the United States and tributary to Mission Bay from January 5, 2016 to January 10, 2016.

To resolve the alleged violations without formal administrative proceedings, the parties have reached a settlement in concept and tentatively agreed to the final imposition of an administrative civil liability in the amount of \$2,541,874, calculated in accordance with the State Water Resources Control Board [2009 Enforcement Policy](#) and its penalty calculation methodology. A portion of that liability would be deferred upon successful completion of a Supplemental Environmental Project, as described in Attachment B of the Stipulated Order.

Pending final approval by the City of San Diego, the San Diego Water Board will review all written comments and responses and consider adoption of the Stipulated Order at its regularly scheduled Board Meeting. Board meeting dates and agendas are available on the San Diego Water Board's webpage at:

[https://www.waterboards.ca.gov/sandiego/board\\_info/agendas/](https://www.waterboards.ca.gov/sandiego/board_info/agendas/)

## **Document Availability**

A copy of the Stipulated Order is available for download and review from the San Diego Water Board's website at:

[https://www.waterboards.ca.gov/sandiego/board\\_decisions/tentative\\_orders/](https://www.waterboards.ca.gov/sandiego/board_decisions/tentative_orders/)

For access to documents relied upon, as referenced in the order, please email [rb9\\_records@waterboards.ca.gov](mailto:rb9_records@waterboards.ca.gov) and, if possible, reference the ECM Document No. listed in the Order (Attachment A, Page 8).

## **Written Comment Period**

The San Diego Water Board is accepting written comments on the Stipulated Order. **Written comments are due by 5:00 p.m. on August 10, 2020.**

Interested persons may submit written comments on the Stipulated Order during the public comment period by e-mail to the attention of Christopher Means at [SanDiego@waterboards.ca.gov](mailto:SanDiego@waterboards.ca.gov). Please indicate in the subject line of all written comments "Comment – Stipulated Order No. R9-2020-0150; CW-631631:CMeans". All comments timely received will be provided to the San Diego Water Board, or its delegate, to consider whether to accept or deny the Stipulated Order. The San Diego Water Board may refuse to accept written comments received after the deadline.

## **Contact Information**

For questions, please contact Mr. Christopher Means, Environmental Scientist, by:

Email: [christopher.means@waterboards.ca.gov](mailto:christopher.means@waterboards.ca.gov)

Telephone: (619) 521-3365

U.S. Mail: California Regional Water Quality Control Board, San Diego Region, 2375 Northside Drive, Suite 100, San Diego, CA 90218-2700