

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

**NOTICE OF WRITTEN COMMENT PERIOD FOR
TENTATIVE
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 tentative Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Stipulated Order) No. R9-2020-0150. The tentative Stipulated Order consists of 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 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.

The tentative Stipulated Order is pending final approval by the City of San Diego. If approved without changes, 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/

Document Availability

A copy of the tentative 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/

For access to documents relied upon, as referenced in the Order, please email 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 tentative Stipulated Order. **Written comments are due by 5:00 p.m. on August 10, 2020.**

Interested persons may submit written comments on the tentative Stipulated Order during the public comment period by e-mail to the attention of Christopher Means at 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

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