

California Regional Water Quality Control Board, San Diego Region

April 25, 2012

Certified Mail – Return Receipt Requested
Article Number: 7011 0470 0002 8961 5292

Mr. Roger S. Bailey
Director of Public Utilities
City of San Diego
Metropolitan Wastewater Department
9192 Topaz Way
San Diego, CA 92123-1119

In reply refer to / attn:
rstewart:248796

ORDER NO. R9-2012-0020, ENDORSEMENT OF PARTICIPATION IN THE SAN DIEGO WATER BOARD'S EXPEDITED PAYMENT PROGRAM; CITY OF SAN DIEGO, E.W. BLOM POINT LOMA METROPOLITAN WASTEWATER TREATMENT PLANT

Mr. Bailey:

This Order endorses the City of San Diego's participation in the San Diego Water Board's Expedited Payment Program for effluent limitation violations of Order No. R9-2002-0025, *Waste Discharge Requirements and NPDES Permit for the City of San Diego, E.W. Blom Point Loma Metropolitan Wastewater Treatment Plant, Discharge to the Pacific Ocean through the Point Loma Ocean Outfall, San Diego County*. No comments were received by the San Diego Water Board regarding the proposed resolution of the violations. A copy of the endorsed Acceptance and Waiver is attached for your records.

In order to finalize this agreement, your payment of six thousand dollars (\$6,000) must be submitted to this office within ten (10) days of receipt of this letter. Please submit your check payable to the State Water Resources Control Board to the address on the letterhead. Failure to submit your payment may result in further liability, referral of the matter to the Attorney General, and/or void the offer to participate in this Expedited Payment Program.

In the subject line of any response, please include the information located in the heading of this letter: "in reply refer to." For questions or comments, please contact Rebecca Stewart by phone at 858-467-2966, or by email at rstewart@waterboards.ca.gov.

Respectfully,

DAVID W. GIBSON
Executive Officer

DWG:jch:rls

Enclosure: Executed Acceptance and Waiver

cc: (via email)

Jamie Marincola, U.S. EPA, marincola.jamespaul@epamail.epa.gov

Ken Greenberg, U.S. EPA, Greenberg.ken@epamail.epa.gov

Fatima Ty, U.S. EPA, ty.fatima@epamail.epa.gov

Phil Isorena, State Water Board, Division of Water Quality,
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Catherine Hagan, State Water Board, Office of Chief Counsel,
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Jessica Newman, State Water Board, Office of Chief Counsel,
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Laura Drabandt, State Water Board, Office of Enforcement,
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David Barker, San Diego Water Board, Surface Water Basins Branch,
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Robert Morris, San Diego Water Board, Core Regulatory Unit,
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Joann Lim, San Diego Water Board, Core Regulatory Unit, jlim@waterboards.ca.gov

Tech Staff Info & Use	
Order No.	R9-2012-0020
Party ID	8709
Reg. Measure ID	383746
Place ID	248796
Violation ID	912547, 912548

**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING; ORDER**

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the San Diego Regional Water Quality Control Board (San Diego Water Board), San Diego City Metropolitan Wastewater Department (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the San Diego Water Board to dispute the allegations of violations described in the Settlement Offer, which is attached hereto as Exhibit "A" and incorporated herein by reference.

The Permittee agrees that the Settlement Offer shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the San Diego Water Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Permittee agrees to pay the penalties required by Water Code section 13385, in the sum of \$6,000 (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the Settlement Offer. The Permittee understands that this Acceptance and Waiver waives the Permittee's right to contest the allegations in the Settlement Offer and the amount of civil liability for such violations.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the Settlement Offer.

Upon execution by the Permittee, the completed Acceptance and Waiver shall be returned to:

San Diego Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
ATTN: dbradford:248796

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the San Diego Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that cause the Executive Officer to question the Expedited Payment Amount, the Executive Officer will execute the Acceptance and Waiver.

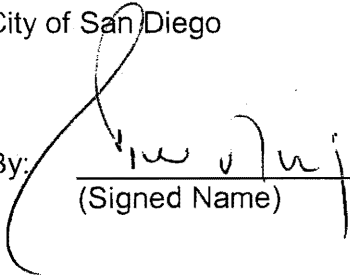
The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the San Diego Water Board to resolve the violations set forth in the Settlement Offer may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the San Diego Water Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee further understands that once the Acceptance and Waiver is executed by the Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with Water Code section 13385(n)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the \$6,000 liability shall be paid by a cashiers or certified check for \$6,000 made out to the "State Water Pollution Cleanup and Abatement Account." The payment must be submitted to the San Diego Water Board no later than ten (10) calendar days after the date the Permittee receives written notice that the Executive Officer has executed this Acceptance and Waiver.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

City of San Diego

By:



(Signed Name)

02/01/12

(Date)

ROGFR S. BAILEY

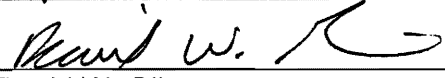
(Printed or typed name)

DIRECTOR OF PUBLIC UTILITIES

(Title)

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

Date: April 25, 2012

By: 

David W. Gibson
Executive Officer