



California Regional Water Quality Control Board San Diego Region



Matthew Rodriguez
Secretary for
Environmental Protection

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Edmund G. Brown Jr.
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

February 9, 2012

Certified Mail-Return Receipt Requested
7009 1410 0002 2347 5937

Mr. James L. Smyth
General Manager
Sweetwater Authority
100 Lakeview Avenue
Spring Valley, CA 91977

In reply refer to:
259791:rstewart

Dear Mr. Smyth:

SUBJECT: ORDER NO. R9-2012-0035, ENDORSEMENT OF PARTICIPATION IN THE SAN DIEGO WATER BOARD'S EXPEDITED PAYMENT PROGRAM; SWEETWATER AUTHORITY, RICHARD A. REYNOLDS DESALINATION FACILITY

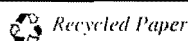
This Order endorses Sweetwater Authority's participation in the San Diego Water Board's Expedited Payment Program for effluent limitation violations of Order No. R9-2010-0012, *Waste Discharge Requirements and NPDES Permit for the Sweetwater Authority Richard A. Reynolds Desalination Facility, Discharge to the Lower Sweetwater Basin*. 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.

Please note that for recordkeeping purposes, a new Order number has been assigned to reflect that this action was finalized in 2012 although the original offer was issued to and accepted by Sweetwater Authority in 2011.

In order to finalize this agreement, your payment of fifteen thousand dollars (\$15,000) must be submitted to this office within ten (10) days of receipt of this letter. Please submit your payment by cashier's check or certified check payable to the State Water Resources Control Board. 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 requested "**In reply refer to:**" information located in the heading of this letter. For questions, please contact Rebecca Stewart at 858-467-2966 or rstewart@waterboards.ca.gov.

California Environmental Protection Agency



2012-0035
Settlement Offer No. R9-2011-0074
NPDES Permit No. CA0108952

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

Sweetwater Authority
Settlement Offer No. R9-2011-0074
NPDES Permit No. CA0108952

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), Sweetwater Authority (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 \$15,000 (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: rstewart:259791

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.

2012-0035
Settlement Offer No. R9-~~2011-0074~~
NPDES Permit No. CA0108952

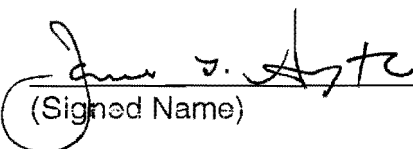
If no comments are received within the notice period that cause the Executive Officer to question the Expedited Payment Amount, the Executive Officer will execute the Acceptance and Waiver.

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 \$15,000 liability shall be paid by a cashiers or certified check for \$15,000 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.

Sweetwater Authority

By: 
(Signed Name)

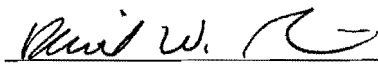
12-16-11
(Date)

JAMES L. SMYTH
(Printed or typed name)

GENERAL MANAGER
(Title)

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

Date: 9 February 2012

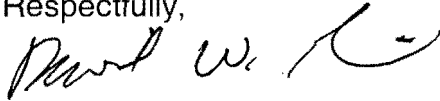
By: 
David W. Gibson
Executive Officer

Mr. James L. Smyth
Sweetwater Authority

- 2 -

February 9, 2012

Respectfully,



DAVID W. GIBSON
Executive Officer

DWG:jh: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
pisorena@waterboards.ca.gov

Catherine Hagan, State Water Board, Office of Chief Counsel
chagan@waterboards.ca.gov

Jessica Newman, State Water Board, Office of Chief Counsel
jmnewman@waterboards.ca.gov

Laura Drabandt, State Water Board, Office of Enforcement
ldrabandt@waterboards.ca.gov

David Barker, San Diego Water Board, Surface Water Basins Branch
dbarker@waterboards.ca.gov

Robert Morris, San Diego Water Board, Core Regulatory Unit,
rmorris@waterboards.ca.gov

Michelle Mata, San Diego Water Board, Core Regulatory Unit,
mmata@waterboards.ca.gov

CIWQS:	
Place ID:	259791
Party ID:	42701
RM ID:	382556
Violation IDs:	906096
	906322
	906323
	906324
	906326

California Environmental Protection Agency



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