



## California Regional Water Quality Control Board, San Diego Region

April 15, 2013

**Certified Mail – Return Receipt Requested**  
7011 0470 0002 8961 5469

Mr. Tom Rosales  
Executive Director  
SOCWA  
34156 Del Obispo Street  
Dana Point, CA 92629  
E-mail address: [trosales@socwa.com](mailto:trosales@socwa.com)

In reply refer to / attn:  
237396:rstewart

### **ORDER NO. R9-2013-0049, ENDORCEMENT OF PARTICIPATION IN THE SAN DIEGO WATER BOARD'S EXPEDITED PAYMENT PROGRAM; SOUTH ORANGE COUNTY WASTEWATER AUTHORITY, ALISO CREEK OCEAN OUTFALL, LOS ALISOS WATER RECLAMATION PLANT**

Mr. Rosales:

This Order endorses South Orange County Wastewater Authority's participation in the San Diego Water Board's Expedited Payment Program for an effluent limitation violation of Order No. R9-2006-0055, *Waste Discharge Requirements for the South Orange County Wastewater Authority, Discharge to the Pacific Ocean Via the Aliso Creek Outfall*. No comments were received by the San Diego Water Board regarding the proposed resolution of the violation. A copy of the endorsed Acceptance and Waiver is attached for your records.

In order to finalize this agreement, your payment of three thousand dollars (\$3,000) must be submitted to this office within ten (10) days of receipt of this letter. Please submit your payment to the address on the letterhead 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 reference number 237396:rstewart. For questions or comments, please contact Rebecca Stewart by phone at 858-467-2966, or by email at [rstewart@waterboards.ca.gov](mailto:rstewart@waterboards.ca.gov).

Respectfully,

DAVID W. GIBSON  
Executive Officer

TOMÁS MORALES, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

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



DWG:cmc:jh:rls

Enclosure: Executed Acceptance and Waiver

cc: (via email)

Brennon Flahive, SOCWA, [bflahive@socwa.com](mailto:bflahive@socwa.com)  
 Jamie Marincola, U.S. EPA, [marincola.jamespaul@epamail.epa.gov](mailto:marincola.jamespaul@epamail.epa.gov)  
 Ken Greenberg, U.S. EPA, [greenberg.ken@epamail.epa.gov](mailto:greenberg.ken@epamail.epa.gov)  
 Fatima Ty, U.S. EPA, [ty.fatima@epamail.epa.gov](mailto:ty.fatima@epamail.epa.gov)  
 Phil Isorena, State Water Board, Division of Water Quality, [pisorena@waterboards.ca.gov](mailto:pisorena@waterboards.ca.gov)  
 Catherine Hagan, State Water Board, Office of Chief Counsel, [chagan@waterboards.ca.gov](mailto:chagan@waterboards.ca.gov)  
 Laura Drabandt, State Water Board, Office of Enforcement, [ldrabandt@waterboards.ca.gov](mailto:ldrabandt@waterboards.ca.gov)  
 David Barker, Surface Water Basins Branch, [dbarker@waterboards.ca.gov](mailto:dbarker@waterboards.ca.gov)  
 Joann Lim, Core Regulatory Unit, [jlim@waterboards.ca.gov](mailto:jlim@waterboards.ca.gov)  
 Ben Neill, Core Regulatory Unit, [bneill@waterboards.ca.gov](mailto:bneill@waterboards.ca.gov)

Tech Staff Info & Use	
Order No.	R9-2013-0049
Party ID	41385
WDID	9 000000117
NPDES No.	CA0107611
Reg. Measure ID	389445
Place ID	237396
Person ID	143932
Violation ID	910259

Exhibit B

**ACCEPTANCE OF CONDITIONAL RESOLUTION  
AND  
WAIVER OF RIGHT TO HEARING  
(PROPOSED) 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), South Orange County Wastewater 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 allegation of violation 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 (Water Code) and that no separate complaint is required for the San Diego Water Board to assert jurisdiction over the alleged violation through its Chief Prosecutor. The Permittee agrees to pay the penalties required by Water Code section 13385, in the sum of three thousand dollars (\$3,000) (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 violation 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 violation.

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:

California Regional Water Quality Control Board  
San Diego Region  
ATTN: 237396:rstewart  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

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 thirty (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.

During the public comment period, if no comments are received 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 liability shall be paid by a cashiers or certified check for three thousand dollars (\$3,000) made out to the "State Water Pollution Cleanup and Abatement Account." 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.

South Orange County Wastewater Authority

By:

  
Signed Name

Tom Rosales

Printed or Typed Name

03/07/2013

Date

General Manager

Title

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385.

By:

  
DAVID W. GIBSON  
Executive Officer

15 April 2013  
Date