

ENFORCEMENT SUMMARY REPORT  
November 10, 2010

- ITEM: 5
- SUBJECT: Administrative Assessment of Civil Liability, City of Escondido, Hale Avenue Resource Recovery Facility, Mandatory Minimum Penalty for violations of Order No. R9-2005-0139. The San Diego Water Board will consider adoption of a tentative Order that would impose a \$6,000 mandatory minimum penalty recommended in Complaint No. R9-2010-0132 for violations of effluent limitations prescribed in Waste Discharge Requirements Order No. R9-2005-0139, Hale Avenue Resource Recovery Facility Brine Discharge. The San Diego Water Board may approve or reject assessment of the recommended penalty. If the San Diego Water Board rejects the tentative Order, the matter may be rescheduled to a future public hearing at which time the San Diego Water Board will consider assessment of civil liability. (Tentative Order R9-2010-0144) (*Frank Melbourn*)
- PURPOSE: The San Diego Water Board will consider the City of Escondido's waiver of a right to a hearing and settlement offer to pay the recommended liability in full. The San Diego Water Board may approve or reject the City of Escondido's offer.
- PUBLIC NOTICE: On September 29, 2010, Complaint No. R9-2010-0132 for Administrative Civil Liability (ACL) for Mandatory Minimum Penalties (MMPs) and its supporting documents were posted on the San Diego Water Board website and distributed to known interested parties. The public comment period ends November 8, 2010.
- DISCUSSION: The City of Escondido owns and operates the Hale Avenue Resource Recovery Facility (HARRF). Effluent discharged to the Pacific Ocean from the HARRF is subject to the San Diego Water Board's Order No. R9-2005-0139, NPDES No. CA0109215 (Order). The Order prescribes effluent limitations for the discharge of untreated brine wastewater to the Pacific Ocean via the San Elijo Ocean Outfall.

From January 2007 through January 2009, the City of Escondido reported eight violations of the Order's effluent limitations. The six Total Suspended Solids (TSS) violations and two pH violations are detailed in an attachment to the Tentative ACL Order (Supporting Document No. 2). Of the eight violations, two require assessment of a mandatory minimum penalty of \$3,000 pursuant to Water Code section 13385(i). On September 29, 2010, the Assistant Executive Officer issued Complaint No. R9-2010-0132 for Administrative Civil Liability for Mandatory Minimum Penalties to the City of Escondido pursuant to Water Code section 13385(i) in the amount of \$6,000 (Supporting Document No. 3). On October 18, 2010, the San Diego Water Board received the City of Escondido's signed waiver of hearing form along with a check for \$6,000 in settlement of the Complaint (Supporting Document No. 4).

**LEGAL CONCERNS:** None.

**SUPPORTING DOCUMENTS:**

1. Location Map
2. Tentative ACL Order No. R9-2010-0144
3. Complaint No. R9-2010-0132
4. City of Escondido Waiver of Hearing

**RECOMMENDATION:** Adopt Tentative Administrative Civil Liability Order No. R9-2010-0144.