

**California Regional Water Quality Control Board**

**San Diego Region**

**David Gibson, Executive Officer**



**Executive Officer’s Report**

**December 12, 2018**

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**Table of Contents**

**Part A – San Diego Region Staff Activities.....2**

- 1. Site Visit to San Onofre Nuclear Generating Station – Independent Spent Fuel Storage Installation .....2
- 2. Next Generation Monitoring: San Diego Water Board Spearheads Discussion with Descartes Labs on Use of Remote Sensing Data in Regulatory Programs Across State .....2
- 3. Overview of Plume Tracking Workshop.....3
- 4. Staff Recommendation for 2019 Enforcement Priorities .....4
- 5. Status Report on the Use of Supplemental Environmental Projects (SEP) in Settlement .....5
- 6. Staff Presentation at the 2018 Site Assessment and Mitigation Fall Forum .....7

**Part B – Significant Regional Water Quality Issues.....7**

- 1. Settlement Order with San Diego Association of Governments (SANDAG) Approved .....7
- 2. Commercial Agriculture Regulatory Program Update.....8
- 3. Status of Claude “Bud” Lewis Carlsbad Desalination Plant NPDES Permit Reissuance .....8
- 4. Enforcement Actions for September and October 2018 (*Attachment B-4*) .....10
- 5. Notice of Written Comment Period for Multiple Tentative Settlement Offers .....10
- 6. Sanitary Sewer Overflows and Transboundary Flows from Mexico in the San Diego Region – August and September 2018 (*Attachment B-6*) .....10

**Part C – Statewide Issues of Importance to the San Diego Region.....12**

The December report for the Tentative Schedule of Significant NPDES Permits, WDRs, and Actions; Agenda Items Requested by Board Members; and the attachments noted above are included at the end of this report.

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## **Part A – San Diego Region Staff Activities**

### **1. Site Visit to San Onofre Nuclear Generating Station – Independent Spent Fuel Storage Installation**

*Staff Contact: David Barker*

The San Diego Water Board met with David Asti and other Southern California Edison (SCE) staff at the San Onofre Nuclear Generating Station (SONGS) site on October 25, 2018 and viewed the Independent Spent Fuel Storage Installation (ISFSI) structures. San Diego Water Board Member Gary Strawn and staff members David Barker, Brandi Outwin-Beals and Ben Neill attended the site tour and also participated in a post-tour summary discussion with SCE on the operation and maintenance of the ISFSI as well as Board concerns regarding potential water quality threats posed by the ISFSI. Marlayna Vaaler, U.S. Nuclear Regulatory Commission (USNRC), Reactor Decommissioning Branch staff, also participated in the discussion.

During the discussion SCE also provided an overview of an incident that occurred at SONGS on August 3, 2018 when SCE plant personnel were transferring a multipurpose canister filled with spent nuclear fuel from the spent fuel pool to an underground ISFSI storage vault. As the canister was being lowered from the transport cask into the underground storage vault, it became stuck on a metal flange near the top of the vault's inner liner. The incident created the possibility of a "load drop event," as the canister could have fallen 18 feet into the storage vault if it had slipped off the metal flange. A post incident drop analysis conducted by SCE's contractor, Holden, indicated that the canister and all associated welds would remain intact, preventing any kind of radioactive release, when dropped from 25 feet onto a hardened surface. USNRC has preliminarily concluded that this "near-miss" load drop event of a spent fuel canister resulted from SCE deficiencies involving training, equipment, procedures, oversight, and corrective actions. As a result of this incident SCE has temporarily stopped all spent fuel canister loading activities. SCE reports that spent fuel loading work will not resume until SCE is satisfied that all corrective actions are in place and proven effective, the public has been briefed, and the USNRC has completed its final inspection report analysis. Details regarding conclusions and findings regarding this incident are available on the USNRC website at <https://www.nrc.gov/reactors/operating/ops-experience/songs-spec-insp-activities-cask-loading-misalignment.html>.

There are two ISFSI structures located in the North Industrial Area of the SONGS site. The ISFSI structures are used for interim dry storage of spent nuclear fuel that was generated at SONGS until it can be moved to an off-site repository to be established by the federal government. The most seaward of the ISFSI structures lies approximately 100 feet inland from the seawall and ocean shoreline at some of the lowest grade elevations (approximately 14 to 20 feet above MLLW) present at the SONGS site.

### **2. Next Generation Monitoring: San Diego Water Board Spearheads Discussion with Descartes Labs on Use of Remote Sensing Data in Regulatory Programs Across State**

*Staff Contact: Sarah Mearon*

The San Diego Water Board kicked off an ambitious, inter-regional Next Generation Monitoring Project in 2018. The overarching goal of the project is to evaluate and pilot-test the use of modern monitoring methods, including remote sensing tools, to support the mission of the Water Boards and assist with compliance, monitoring, and enforcement work across California. Staff from the San Diego, Lahontan, San Francisco Bay, and North Coast Water Boards have been working collaboratively to screen available technologies, identify opportunities for local pilot projects, and develop creative solutions for the challenges associated with implementation of a state-wide next generation monitoring tools program.

San Diego Water Board Executive Officer David Gibson, Board Vice Chair Henry Abarbanel, and Engineering Geologist Sarah Mearon joined representatives from the San Francisco Bay and Lahontan Water Boards and the State Water Board Division of Water Rights in a meeting with [Descartes Labs](#) on October 16, 2018, to discuss use of remote sensing technologies to accomplish the Water Boards' mission. Descartes is a technology services company based in Santa Fe, New Mexico, that uses multiple data sources – most prominently satellite imagery – to solve complex problems related to the physical environment. Descartes collects data from public and commercial sources, processes it, and stores it for use in scientific analyses. As more data sensors come online, Descartes's data refinery becomes increasingly efficient at modeling and analysis through the process of machine learning.

Moving forward, Descartes will task its applied scientists to work on two of the Water Boards' concerns that have State-wide application: monitoring compliance with the State-wide Construction General Permit and identifying illegal cannabis growing operations. Both of these issues have the potential to have numerous and widespread effects on water quality. The San Diego Water Board is optimistic that collaboration with Descartes, in addition to the progress made in other aspects of the Next Generation Monitoring Project, will provide the information necessary to approach the State Water Board with a proposal to use modern technologies across the State.

Regionally, the San Diego Water Board will be working with the City of San Diego to pilot-test the use of modern monitoring technologies to monitor compliance with Board-issued permits during construction of the North City Pure Water plant expansion. On November 15 the San Diego City Council approved the initiation of the first phase of construction. With this approval in place, Board staff is now taking steps to solidify this partnership prior to start of construction in spring 2019. Staff will update the Board as this regional Next Generation Monitoring Project progresses.

### **3. Overview of Plume Tracking Workshop**

*Staff Contact: Keith Yaeger*

In 2017, the San Diego Water Board began including requirements for ocean outfall plume tracking in newly reissued National Pollutant Discharge Elimination System (NPDES) permits for publicly owned treatment works (POTWs) that discharge treated wastewater through ocean outfalls to the Pacific Ocean. Pursuant to the requirements, dischargers must develop and implement plans to accurately characterize and track the ocean outfall effluent discharge plume and how it behaves in typical and atypical oceanographic conditions. The results of the plume tracking studies will be used to improve the NPDES permit receiving water monitoring programs with respect to the location and extent of required monitoring stations, evaluation of comingling effluent plumes from different ocean outfalls, determining compliance with receiving water quality objectives outside the zone of initial dilution and assisting with the development of a regional monitoring approach.

On September 21, 2018, the San Diego Water Board hosted a plume tracking stakeholder workshop to provide a forum for POTW agencies to consider coordination and collaboration on plume tracking efforts. In attendance were representatives from many of the POTWs in the San Diego Region, the Southern California Association of POTWs (SCAP), the Southern California Coastal Water Research Project (SCCWRP), Scripps Institution of Oceanography, and the U.S. Navy's Space and Naval Warfare Systems Command (SPAWAR). The workshop kicked off with a summary of the new plume tracking requirements, an overview of available plume tracking technologies, and a discussion about the City of San Diego's plume tracking program. The participants then broke out into smaller groups to discuss working together and preferred technologies. Nearly all participants expressed an interest in regional

collaboration. The consensus was that the plume tracking workshop was helpful, and the San Diego Water Board is working with the participating agencies to conduct additional workshops in 2019.

#### 4. Staff Recommendation for 2019 Enforcement Priorities

*Staff Contact: Chiara Clemente*

Advisory and prosecution staff members (led by the Executive Officer and Assistant Executive Officer, respectively) met in September for an annual evaluation of regional enforcement priorities, in accordance with the State Water Board's [2017 Enforcement Policy](#) and the San Diego Water Board's subsequent [Resolution No. R9-2018-0043](#). For 2019, the advisory and prosecution staff collectively recommend to continue to follow the Board's 2018

direction to prioritize enforcement of violations that affect one or more [key beneficial use categories](#) (i.e. municipal water supply, fish and shellfish consumption, recreation, and ecosystem health) in a key area for the specific use. In accordance with Resolution No. R9-2018-0043, this report serves as notice to the Board and the public that we do not intend to modify the regional enforcement priorities for 2019.



Examples of priority enforcement scenarios might include sanitary sewer overflows that result in beach closures at intensively used beaches, unauthorized discharges with pollutants that affect a local water supply, unreasonable delays in bay sediment cleanups, or unpermitted alteration of high quality or reference stream areas.

Following the Board's adoption of the 2018 enforcement priorities in Resolution No. R9-2018-0043, each program lead incorporated the regional enforcement priorities into their program operations. This helps programs prioritize activities such as permit requirement reviews, inspections, monitoring report reviews, and compliance efforts. Although many of the pending enforcement cases were selected prior to the current regional enforcement priorities, selection of new enforcement cases revolves around a discussion of these types of violations.

As directed by the Board during its endorsement of the 2018 regional enforcement priorities, secondary factors for consideration include statewide prioritization criteria listed in the 2017 Enforcement Policy. Those factors include compliance history, magnitude of the impacts (i.e. degree of harm), strength of the evidence, available staff resources, and considerations for environmental justice and the human right to water. In absence of violations that are of regional priority, these criteria often tend to drive the selection of new enforcement cases.

## 5. Status Report on the Use of Supplemental Environmental Projects (SEP) in Settlement

*Staff Contact: Chiara Clemente*

For at least two decades, the San Diego Water Board has approved portions of assessed liabilities to be used for Supplemental Environmental Projects (SEPs) consistent with federal and State enforcement statutes and policy.<sup>1</sup> In October 2015, Assembly Bill 1071 was signed into law requiring, in part, that all boards, departments, and offices within CalEPA that have enforcement authority, develop an annual SEP list designed to benefit environmental justice (EJ) communities and disadvantaged communities (DACs).

To meet the intent of AB 1071, the San Diego Water Board adopted Resolution No. [R9-2017-0014](#) in February 2017, supporting a list of SEP concepts (i.e. [SEP List](#)), and providing guidance to staff for how to prioritize and proceed with project selection thereafter. The SEP List contains project proposals that a discharger facing civil liability could propose to suspend up to 50 percent of the total liability amount as part of a settlement proceeding pursuant to Government Code section 11415.60.

The intended purposes of maintaining a SEP List were to:

- 1) Promote projects that were consistent with Regional and State Water Board priorities.
- 2) Provide an opportunity for third party proposed projects (e.g. projects from non-governmental organizations) to be considered for funding by dischargers.
- 3) Minimize time spent in settlement negotiations by allowing the selection of a pre-approved project concept.
- 4) Minimize the risk that a settlement be rejected by the Board (or its delegate) by having advisory staff participate in the review of the SEP List projects.

In accordance with Resolution R9-2017-0014, the San Diego Water Board allows for continuous solicitation of SEP project proposals. Since February 2017, the San Diego Water Board has received a few inquiries from SEP project proponents, but no SEP proposals that conform to the selection criteria.

### Use of the Annual SEP List

Only two of the 25 original proposals on the SEP List have been selected and proposed, both by a single discharger as part of a single settlement.<sup>2</sup> That same discharger, and two other dischargers<sup>3</sup> elected to propose SEPs not on the SEP List (but that conformed to the [SEP Policy](#), R9-2017-0014, and [R9-2015-0020](#), collectively referred to as “selection criteria”). Thus, since adoption of the first annual SEP List in February 2017, dischargers facing liability have more

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<sup>1</sup> Descriptions of adopted SEPs are at: [https://www.waterboards.ca.gov/sandiego/water\\_issues/programs/compliance/environmental\\_projects.html#funded\\_projects](https://www.waterboards.ca.gov/sandiego/water_issues/programs/compliance/environmental_projects.html#funded_projects)

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<sup>2</sup> Order R9-2017-0056; [https://www.waterboards.ca.gov/sandiego/board\\_decisions/adopted\\_orders/2017/R9-2017-0056.pdf](https://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2017/R9-2017-0056.pdf)

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<sup>3</sup> Order [R9-2017-0008](#) and City of Oceanside (pending final approval).

often proposed SEPs not on the list than from the list. The remaining 18 dischargers<sup>4</sup> elected not to propose any SEP Projects.

The prosecution team believes this is largely due to the following:

- Many of the penalties resolved through settlement are for small liability amounts.
- Most dischargers, particularly private entities, are not willing to assume the added responsibilities and liabilities necessary to see these SEPs to completion.
- Public agencies are limited to funding projects within their service area and tend to propose projects that benefit their interests, whereas many SEP-list projects benefit the interests of the third parties who developed them.

In December 2017, the State Water Board approved updates to the [SEP Policy](#). The 2017 SEP Policy continues to hold dischargers responsible for completion of SEPs, even when performed or administered by a third party. The SEP Policy now requires the completion of SEP projects within 36 months, rendering it difficult to complete, much less measure the benefits of, many habitat restoration projects. The 2017 SEP Policy also provides more prescriptive criteria for defining a SEP, and mandates that each of the Water Boards maintain a SEP list.

### Next Steps

The San Diego Water Board's SEP Review Committee, consisting of prosecution and advisory staff, is in the process of updating its SEP List to conform to the 2017 SEP Policy. In light of the underwhelming response to the current SEP List, staff's effort will be streamlined and specifically focused on the following:

- Reviewing projects currently on the SEP List to determine whether they conform to the new SEP Policy. Those that do not conform to the new SEP Policy will be removed from the list, and the project proponents will be notified of the opportunity to revise and resubmit their proposals.
- Determining which projects on the SEP List are still viable by contacting the project proponents. Projects that are outdated, no longer viable, or have been otherwise fully funded will be removed from the list. Proponents will be provided with the opportunity to "refresh" their proposal to provide updated information.
- Contacting representatives of Environmental Justice (EJ) or Disadvantaged Communities (DACs) to discuss and actively solicit project concepts that conform to the selection criteria.
- Evaluating any new project proposals received.

Staff is concurrently evaluating ways to improve SEP utilization by attempting to address some of the reasons that dischargers are not electing to propose SEPs. For instance, after adoption of the 2017 SEP Policy, the State Water Board adopted [Resolution No. 2018-0015](#), which allows the San Francisco Bay Water Board to direct SEP funds to the San Francisco Estuary Institute's (SFEI's) Regional Monitoring Program (RMP). With this resolution, settlements imposing (smaller) mandatory penalties can be aggregated into a larger monitoring effort, and the discharger's liability is released upon payment to the RMP. The San Diego Water Board has a

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<sup>4</sup> Includes pending actions where dischargers have elected not to pursue a SEP

similar RMP framework with the Southern California Stormwater Monitoring Coalition (SMC), and is evaluating whether a similar resolution could be viable and of benefit to our region.

## **6. Staff Presentation at the 2018 Site Assessment and Mitigation Fall Forum**

*Staff Contact: Charles Cheng*

Mr. Craig Carlisle, Senior Engineering Geologist in charge of the Site Restoration and Agricultural Program Unit, gave a presentation at the 2018 Site Assessment and Mitigation Fall Forum (SAM Forum) on October 30, 2018. The SAM Forum is hosted by the San Diego County Department of Environmental Health (County DEH) annually and San Diego Water Board staff provide an agency update every year. This year's attendees included representatives from the State and San Diego Water Boards, California Department of Toxic Substance Control (DTSC), County DEH, environmental consulting firms, and other interested parties.

Mr. Carlisle presented an agency update on several topics including:

- San Diego Water Board Personnel Changes
- San Diego Water Board Agricultural Orders
- Upcoming Renewal of San Diego Water Board Waivers
- State-Wide Cannabis Order

Other presentations included DTSC's toxicological studies on per- and poly-fluoroalkyl substances (PFAS) by Dr. Shukla Roy-Semmen, State Board's fraud investigation by Mr. Jacques Lord, and other technical topics including environmental forensics and vapor intrusion.

Presentations from the 2018 SAM Fall Forum will be available at County's website at: [https://www.sandiegocounty.gov/content/sdc/deh/lwqd/sam\\_update\\_agenda.html](https://www.sandiegocounty.gov/content/sdc/deh/lwqd/sam_update_agenda.html).

## **Part B – Significant Regional Water Quality Issues**

### **1. Settlement Order with San Diego Association of Governments (SANDAG) Approved**

*Staff Contact: Chiara Clemente*

On November 20, 2018, the Executive Officer of the San Diego Water Board approved Stipulated Order No. R9-2018-0065, assessing \$36,371 in liability against SANDAG for violations of the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*, (Order No. 2009-0009-DWQ, as amended; [Construction General Permit](#)) from the mid-coast corridor project near Anna Avenue in the City of San Diego. The Settlement Order was publicly noticed on the San Diego Water Board's [Enforcement Webpage](#) for a minimum of 30-days for written comments, and no comments were received. The final order can also be viewed on the San Diego Water Board's Enforcement Webpage: [https://www.waterboards.ca.gov/sandiego/water\\_issues/programs/compliance/enforcement\\_unit.html](https://www.waterboards.ca.gov/sandiego/water_issues/programs/compliance/enforcement_unit.html)

## 2. Commercial Agriculture Regulatory Program Update

*Staff Contact: Christina Arias*

The Commercial Agriculture Regulatory Program (Program) continues to send letters to agricultural operations that are not enrolled (non-filers) in [Order No. R9-2016-0004](#)<sup>5</sup> (Order). The letters direct the owners or operators to enroll in the Order and have proven to be an effective way to compel growers to seek regulatory coverage by joining one of four Third-Party Groups. From September to mid-November, staff issued 21 directive letters, for a total of 39 letters since February 2018.

The highest Program priority continues to be taking enforcement actions on non-filers, starting with operations located in watersheds upstream of surface waters impaired for nutrients or eutrophic conditions. The Program, however, continues to adapt to other emerging issues such as processing Notices of Termination (NOTs). Staff have developed templates for both NOT approvals and NOT return letters. Staff are also in the process of developing Notices of Violation for growers that are enrolled in the Order, but have failed to pay annual fees.

Program staff have reviewed the Third-Party Groups' Monitoring and Reporting Program Plans (Plans), which were required by the Order. One issue that has delayed acceptance of the Plans is the need for the Third-Party Groups to commit to bioassessment monitoring at 13 pre-determined stations. Staff held a meeting on November 20, 2018, with all four Third-Party Groups to facilitate a resolution for the issue and reach a consensus. The Third-Party Groups agreed upon a distribution of responsibility and committed to provide addendums to their Plans by December 20, 2018. Staff will issue Plan acceptance letters once it has been confirmed the Plan addenda include a commitment to collectively monitor all 13 bioassessment stations.

Finally, staff issued a Notice of Violation to the Upper Santa Margarita Irrigated Lands Group (USMILG; Third-Party Group) for numerous violations of the Order, including missing deadlines and failing to assist growers in developing their Water Quality Protection Plans. Many members of the USMILG have failed to develop Water Quality Protection Plans that meet the requirements of the Order (e.g., inadequate or missing maps of their operations). This resulted in USMILG members violating the Order and making themselves susceptible to enforcement, including assessment of civil penalties of up to \$5,000 per day.<sup>6</sup>

## 3. Status of Claude "Bud" Lewis Carlsbad Desalination Plant NPDES Permit Reissuance

*Staff Contact: Ben Neill*

This report provides a monthly status update on the San Diego Water Board's review of [Poseidon Resources \(Channelside\) LLC's](#) (Poseidon) Report of Waste Discharge (ROWD) application for reissuance of the National Pollutant Discharge Elimination System (NPDES) permit for the [Claude "Bud" Lewis Carlsbad Desalination Plant](#) (CDP) and the development of the draft NPDES permit including a California Water Code section 13142.5(b) determination. The reissuance of the NPDES permit for the CDP is a high priority for the San Diego Water Board and the State Water Board (collectively referred to

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<sup>5</sup> *General Waste Discharge Requirements for Discharges from Commercial Agricultural Operations for Dischargers that are Members of a Third-Party Group in the San Diego Region.*

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<sup>6</sup> Pursuant to Water Code section 13350.



as Water Boards). Following is an update on key activities since the [previous Executive Officer Report update](#)<sup>7</sup>:

- By letter dated October 22, 2018, Poseidon proposed a schedule to construct and implement Design Alternative 21, using wedgewire intake screens in Agua Hedionda Lagoon with flow-augmentation discharge at the existing channel to the Pacific Ocean. The letter proposed the mitigation acreage required to construct and operate Design Alternative 21, consistent with the mitigation calculations of the Science Advisory Panel. The letter also states the Poseidon and San Diego County Water Authority position that Design Alternative 21 is best suited to comply with the requirements of the Ocean Plan Desalination Amendment, contingent upon the results of a two-year pilot-scale wedgewire screen demonstration project to confirm the design, operation, and maintenance requirements for the Alternative 21 intake screens.
- On November 16, 2018, San Diego Water Board met with Poseidon to discuss criteria for implementing new fish-friendly pumps at the CDP. At the meeting, Poseidon described their intent to order the new fish-friendly pumps by November 30, 2018, to avoid curtailment of CDP operations in 2020 as the result of Encina Power Station decommissioning. The proposed pumps will include several design features intended to minimize marine life impacts, such as lower revolutions per minute, minimum impeller blades, axial-flow design, and variable speed drives. The San Diego Water Board is evaluating a request by Poseidon to provide written confirmation, prior to the Board's consideration of the NPDES permit reissuance, that the specifications for the new fish-friendly pumps comply with the requirements set forth in chapter M.2.d.(2).(d).ii of the Ocean Plan Desalination Amendment.
- The draft NPDES permit is nearing completion of internal review and is tentatively scheduled for consideration by the San Diego Water Board at a public hearing in the March 2019 time frame.

## Background

Poseidon owns and operates the CDP subject to waste discharge requirements established by the San Diego Water Board in NPDES Permit No. CA0109223, Order No. R9-2006-0065. Order No. R9-2006-0065 expired in 2011, but remains in effect under an administrative extension until the reissued NPDES permit supersedes it. The CDP is located adjacent to the Encina Power Station (owned by [NRG Energy](#)) on the southern shore of the [Agua Hedionda Lagoon](#) in Carlsbad, California. The CDP is the nation's largest seawater desalination plant. On November 9, 2015, the CDP began potable water production providing up to 50 million gallons of drinking water per day to customers within the SDCWA service area. The CDP currently intakes source water from Agua Hedionda Lagoon through the existing Encina Power Station discharge structure.

The San Diego Water Board has developed a dedicated website to inform the public about the NPDES permit reissuance for the CDP:

[http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/regulatory/carlsbad\\_desalination.shtml](http://www.waterboards.ca.gov/sandiego/water_issues/programs/regulatory/carlsbad_desalination.shtml).

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<sup>7</sup> Additional information regarding the CDP can be found in the monthly [Executive Officer Reports](#) from June 2015 through September 2018 for [October 2018](#), [September 2018](#), [August 2018](#), [June 2018](#), [May 2018](#), [April 2018](#), [February 2018](#), [December 2017](#), [October 2017](#), [September 2017](#), [August 2017](#), [June 2017](#), [April 2017](#), [February 2017](#), [December 2016](#), [November 2016](#), [October 2016](#), [September 2016](#), [August 2016](#), [May 2016](#), [December 2015](#), [September 2015](#), and [June 2015](#).

In addition, an email list is available for interested persons to subscribe to at this website: [http://www.waterboards.ca.gov/resources/email\\_subscriptions/reg9\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/reg9_subscribe.shtml).

#### **4. Enforcement Actions for September and October 2018 (Attachment B-4)**

*Staff Contact: Chiara Clemente*

During the months of September and October 2018, the San Diego Water Board issued 1 Settlement Order for Administrative Civil Liability, 1 Investigative Order issued pursuant to Water Code section 13267, 5 Notices of Violation, and 27 Staff Enforcement Letters. A summary of each enforcement action taken is provided in the table below. The State Water Board's [Enforcement Policy](#) contains a brief description of the kinds of enforcement actions the Water Boards can take.

Additional information on violations, enforcement actions, and mandatory minimum penalties is available to the public from the following on-line sources:

State Water Board Office of Enforcement webpage: [http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/](http://www.waterboards.ca.gov/water_issues/programs/enforcement/).

California Integrated Water Quality System (CIWQS): [http://www.waterboards.ca.gov/water\\_issues/programs/ciwqs/publicreports.shtml](http://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.shtml).

State Water Board GeoTracker database: <https://geotracker.waterboards.ca.gov/>.

#### **5. Notice of Written Comment Period for Multiple Tentative Settlement Offers**

*Staff Contact: Chiara Clemente*

On December 5, 2018, the San Diego Water Board publicly noticed the opportunity to submit written comments on seven tentative settlement orders resolving administrative civil liability. The tentative orders, and notices with instructions on how to submit comments, are all available on the Board's enforcement webpage at [https://www.waterboards.ca.gov/sandiego/water\\_issues/programs/compliance/acl\\_complaints.html](https://www.waterboards.ca.gov/sandiego/water_issues/programs/compliance/acl_complaints.html). Notice was provided through the webpage, and the Board's Lyris list for penalty assessments. Pursuant to Resolution No. R9-2014-0046, all the tentative orders are delegable to the Executive Officer for final action.

#### **6. Sanitary Sewer Overflows and Transboundary Flows from Mexico in the San Diego Region – August and September 2018 (Attachment B-6)**

*Staff Contact: Keith Yaeger*

Sanitary sewer overflow (SSO) discharges from sewage collection systems and private laterals, and transboundary flows from Mexico into the San Diego Region can contain high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oil, and grease. SSO discharges and transboundary flows can pollute surface and ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters. Typical impacts of SSO discharges and transboundary flows include the closure of beaches and other recreational areas, the inundation of property, and the pollution of rivers and streams.

## Sanitary Sewer Overflows (SSOs)

State agencies, municipalities, counties, districts, and other entities (collectively referred to as public entities) that own or operate sewage collection systems report SSO spills through an on-line database system, the *California Integrated Water Quality System (CIWQS)*. These spill reports are required under the [Statewide General SSO Order](#)<sup>8</sup>, the [San Diego Regional General SSO Order](#)<sup>9</sup>, and/or individual National Pollutant Discharge Elimination System (NPDES) permit requirements. Some federal entities<sup>10</sup> report this information voluntarily. Most SSO reports are available to the public on a real-time basis at the following State Water Board webpage:

[https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/PublicReportSSOServlet?reportAction=criteria&reportId=sso\\_main](https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/PublicReportSSOServlet?reportAction=criteria&reportId=sso_main).

Details on the reported SSOs are provided in the following attached tables (Attachment B-5):

- Table 1: August 2018 - Summary of Public and Federal Sanitary Sewer Overflows in the San Diego Region
- Table 2: September 2018 - Summary of Public and Federal Sanitary Sewer Overflows in the San Diego Region
- Table 3: August 2018 - Summary of Private Lateral Sewage Discharges in the San Diego Region
- Table 4: September 2018 - Summary of Private Lateral Sewage Discharges in the San Diego Region

A summary view of information on SSO trends is provided in the following attached figures (Attachment B-5):

- Figure 1: Number of SSOs per Month
- Figure 2: Volume of SSOs per Month

These figures show the number and total volume of sewage spills per month from August 2017 to September 2018. During this period, 36 of the 50 collection systems regulated under the SSO Program reported one or more sewage spills. Fourteen collection systems did not report any sewage spills. A total of 340 sewage spills were reported and 150,712 gallons of sewage reached surface waters.

Additional information about the San Diego Water Board sewage overflow regulatory program is available at [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/sso/index.shtml](http://www.waterboards.ca.gov/sandiego/water_issues/programs/sso/index.shtml).

## Transboundary Flows

Water and wastewater in the Tijuana River and from a number of canyons located along the international border ultimately drain from Tijuana, Mexico into the U.S. The water and wastewater flows are collectively referred to as transboundary flows. The U.S. Section of the International Boundary and Water Commission (USIBWC) has built canyon collectors to capture dry weather transboundary flows from

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<sup>8</sup> State Water Board Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems* as amended by Order No. WQ 2013-0058-EXEC, *Amending Monitoring and Reporting Program for Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*.

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<sup>9</sup> San Diego Water Board Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*.

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<sup>10</sup> Marine Corp Base Camp Pendleton reports sewage spills to CIWQS as required by its individual NPDES permit, Order No. R9-2013-0112, NPDES Permit No. CA0109347, *Waste Discharge Requirements for the Marine Corps Base, Camp Pendleton, Southern Regional Tertiary Treatment Plant and Advanced Water Treatment Plant, Discharge to the Pacific Ocean via the Oceanside Ocean Outfall*. The U.S. Marine Corps Recruit Depot and the U.S. Navy voluntarily report sewage spills through CIWQS.

some of the canyons for treatment at the South Bay International Wastewater Treatment Plant (SBIWTP) in San Diego County at the U.S./Mexico border. Dry weather transboundary flows that are not captured by the canyon collectors for treatment at the SBIWTP, such as flows within the main channel of the Tijuana River, are reported by the USIBWC pursuant to [Order No. R9-2014-0009](#), the NPDES permit for the SBIWTP discharge. These uncaptured flows can enter waters of the U.S. and/or State, potentially polluting the Tijuana River Valley and Estuary, and south San Diego beach coastal waters.

Details on the reported transboundary flows are provided in the attached table (Attachment B-5):

- Table 5: August and September 2018 - Summary of Transboundary Flows from Mexico into the San Diego Region

According to the 1944 *Water Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* and stipulations established in [IBWC Minute No. 283](#), the USIBWC and the Comisión Internacional de Límites y Aguas (CILA)<sup>11</sup> share responsibility for addressing border sanitation problems, including transboundary flows. Efforts on both sides of the border have led to the construction and ongoing operation of several pump stations and treatment plants to reduce the frequency, volume, and pollutant levels of transboundary flows. This infrastructure includes but is not limited to the following:

- The SBIWTP, located just north of the U.S./Mexico border, provides secondary treatment for a portion of the sewage from Tijuana, Mexico and dry weather runoff collected from a series of canyon collectors located in Smuggler Gulch, Goat Canyon, Canyon del Sol, Stewart's Drain, and Silva Drain. The secondary-treated wastewater is discharged to the Pacific Ocean through the South Bay Ocean Outfall, in accordance with Order No. R9-2014-0009, NPDES No. CA0108928.
- Several pump stations and wastewater treatment plants in Tijuana, Mexico.
- The River Diversion Structure and Pump Station CILA in Tijuana divert dry weather flows from the Tijuana River. The flows are diverted to a Pacific Ocean shoreline discharge point approximately 5.6 miles south of the U.S./Mexico border, or can be diverted to SBIWTP or another wastewater treatment plant in Tijuana, depending on how Tijuana's public utility department (CESPT) configures the collection system. The River Diversion Structure is not designed to collect wet weather river flows and any river flows over 1,000 liters per second (35.3 cubic feet per second).

Additional information about sewage pollution within the Tijuana River Watershed is available at [https://www.waterboards.ca.gov/sandiego/water\\_issues/programs/tijuana\\_river\\_valley\\_strategy/sewage\\_issue.html](https://www.waterboards.ca.gov/sandiego/water_issues/programs/tijuana_river_valley_strategy/sewage_issue.html).

## **Part C – Statewide Issues of Importance to the San Diego Region**

### **No Report**

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<sup>11</sup> The Mexican section of the IBWC.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

Significant NPDES Permits,  
WDRs, and Actions of the  
San Diego Water Board

December 12, 2018

APPENDED TO EXECUTIVE OFFICER'S REPORT

TENTATIVE SCHEDULE  
SIGNIFICANT NPDES PERMITS, WDRS, AND ACTIONS  
OF THE SAN DIEGO WATER BOARD

Action Agenda Item	Action Type	Draft Complete	Written Comments Due	Consent Item
<b>January 2019</b> <i>No Meeting Scheduled</i>				
<b>February 13, 2019</b> <i>San Diego Water Board</i>				
San Luis Rey Wastewater Treatment Plant, City of Oceanside, San Diego County ( <i>Bushnell</i> )	Master Recycling Permit Reissuance	95%	14-Jan-2019	Yes
Rescission of Order No. 95-83, Mr. Karl Kemp, Warm Springs Mobile Home and R.V. Park, Riverside County. Tentative Order No. R9-2019-0009 ( <i>Bushnell</i> )	Rescind WDRs	80%	11-Jan-2019	Yes
Tentative Order No. R9-2018-0155, Amending Order No. R9-2014-0009, NPDES Permit No. CA0108928, Waste Discharge Requirements for the USIBWC South Bay IWTP Discharge to the Pacific Ocean via the South Bay Ocean Outfall ( <i>Rodriguez</i> )	NPDES Pemrit Amendment	100%		Yes
2018 Accomplishments and Tentative Resolution Endorsing the Operational Plan for 2019 ( <i>Gibson</i> )	Tentative Resolution	NA	NA	NA
Investigative Order to Quantify Sources of Human Waste in to the San Diego River ( <i>Walsh</i> )	Investigative Order Issuance	90%	20-Jun-2018	No
Santa Margarita River Estuary Recovery Project ( <i>Sarabia</i> )	Informational Item	NA	NA	NA
Election of Board Chair and Vice Chair for 2018 ( <i>Gibson</i> )	Election	NA	NA	NA
<b>March 13, 2019</b> <i>San Diego Water Board</i>				
Ocean Discovery Institute ( <i>Abarbanel</i> )	Informational Item	NA	NA	NA
Waste Discharge Requirements for the Bel Air Murrieta, LLC Project ( <i>Bradford</i> )	New WDRs	95%	TBD	Yes
Poseidon LLC, Carlsbad Desalination Plant ( <i>Neill</i> )	NPDES Permit Reissuance	95%	TBD	No

**Agenda Items Requested by Board Members**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
<b>June 24, 2015</b>		
Gary Strawn would like more information on how to address low dissolved oxygen conditions in the San Diego River.	Strawn	
Informational item about how the Board deals with high levels of naturally occurring elements in groundwater when they interact with other uses.	Olson	
<b>August 12, 2015</b>		
Informational item on the data that supports the Basin Plan WQOs.	Olson	
<b>December 16, 2015</b>		
Workshop on the status of restoration and land acquisition efforts along the San Diego River.	Strawn	
<b>August 10, 2016</b>		
Informational item before the Board on the SCCWRP Flow Recovery Project once their report is available.	Strawn	
<b>March 15, 2017</b>		
Information item regarding impacts of population dynamics on water quality	Olson	
Clarify operation of value for beneficial use	Abarbanel	

**Agenda Items Requested by Board Members**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
<b>June 21, 2017</b>		
San Diego Water Board to partner with the San Diego Unified Port District in planning and conducting additional and more focused outreach meetings with stakeholder groups on San Diego Bay water quality issues and environmental justice issues.	Abarbanel	
San Diego Water Board to provide an opportunity for San Diego Unified Port District participation in analysis of the data from the San Diego Bay Fish Consumption Study.	Abarbanel	
San Diego Unified Port District report back to San Diego Water Board on the steps the Port District is taking in their decision-making on San Diego Bay projects to ensure “long-term net gain in the quantity, quality, and permanence of wetlands acreage and values...”	Abarbanel	
San Diego Water Board to support and encourage the San Diego Unified Port District participation in the Southern California Coastal Water Research Project (SCCWRP) so that the Port District can be a recipient of the water quality science research conducted by SCCWRP.	Abarbanel	
<b>September 13, 2017</b>		
A future board meeting will include an agenda item on how best to amend the WDRs.	Abarbanel	



**Agenda Items Requested by Board Members**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
<b>December 13, 2017</b>		
Gary Strawn wants an Informational Item on the low dissolved oxygen issues in the San Diego River. In particular, he wants to know more about the aerators added to the river. He would like the San Diego River Park Foundation and the San Diego River Conservancy to attend and possibly present information	Strawn	
<b>February 14, 2018</b>		
The Board's Tentative Resolution on Climate Change to include a request to obtain a climate scientist as part of the San Diego Water Board staff.	Abarbanel	
<b>April 11, 2018</b>		
Identify and review current proposed legislation related to homeless populations and related issues	Olson	
Formation of a "Volunteer Climate Science Advisory Panel" to inform board staff of the latest climate science; to consist of members from the Scripps Institution of Oceanography, the Southern California Coastal Research Project, San Diego State University, the University of California at Irvine, and possibly from the San Francisco Estuary Institute.	Abarbanel	
Do "more" for environmental justice; work with the recently formed Office of Environmental Justice at the Attorney General. Provide a background report regarding the possibility.	Abarbanel	

**Agenda Items Requested by Board Members**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Future Executive Officer's Reports to clearly explain the opportunity to comment on the proposed enforcement priorities for the coming year.	Warren	
<b>May 9, 2018</b>		
Letter to State Water Resources Control Board Executive Director Eileen Sobeck and Board Member Joaquin Esquivel requesting a response to questions posed to Mr. Esquivel by members of the San Diego Water Board at the April 2018 Board Meeting. The letter is to be signed by Chair Morales and Vice Chair Abarbanel.	Abarbanel	
Provide an off-cycle update to the Clean Water Act Section 305(b) and 303(d) Integrated Report (which includes the list of impaired waters). Further, use data submitted to the Board up to six months prior to the time of adoption of the next regularly scheduled Integrated Report.		
Reach out to the Mayor of Temecula about possible attendance at the October Water Quality Coordinating Committee meeting in Sacramento.	Abarbanel	
Provide statistics regarding homeless in the San Diego Region. The list will include health impacts and associated illnesses, along with the number of camps, campers, and the amount of trash.	Olson	

**Agenda Items Requested by Board Members**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Send a response to CalEPA's comment letter asking for the establishment of a climate change panel in each Region and asking to create a hiring classification for climate scientists, to be equal to geologists, engineers, and other scientists.	Abarbanel	
<b>June 20, 2018</b>		
Board Members to visit an Indirect Potable Reuse site in the Riverside Water Board portion of Orange County.	Olson	
Visit the wastewater treatment facility at SeaWorld.	Olson	October 4, 2018
Incorporate education of the public on the need to protect water quality into Board actions whenever practicable.	Morales, Abarbanel	
Invite Southern California Edison back for another meeting to address Board Member follow up questions.	Morales, Abarbanel, Warren	
Meet with Southern California Edison to discuss development fo a new strategy to compel a federal solution to the storage of spent nuclear fuel.	Abarbanel	October 25, 2018
<b>August 8, 2018</b>		
Update from Southern California Edison about SONGS sooner than the 3-12 month window presented in the August agenda package	Abarbanel	
Inform stakeholders about the upcoming hearings pertaining to desalination plant planned for Huntington Beach	Morales	

**Agenda Items Requested by Board Members**

<b>Requested Agenda Item</b>	<b>Board Member</b>	<b>Status</b>
Confer with the director of SCCWRP to explore the possibility of assistance with measuring indicator bacteria to evaluate the protection of human health from recreational activities where the ingestion of water is likely.	Abarbanel	
<b>September 12, 2018</b>		
Information on the status of the posting of updated fish consumption advisories.	Warren	September 2019
Information on the costs of the City of San Diego's plume tracking efforts.	Morales	June 2019
Informational item on Encina Wastewater Authority's sludge drying operation.	Strawn	June 2019
Update on efforts to expand the use of recycled water by the Encina Wastewater Authority.	Warren	June 2019
<b>October 10, 2018</b>		
Learn more about the data behind the City of San Diego's State of the Ocean Report in a visit with Tim Stebbins, City of San Diego, and Drs. Falk Feddersen and Sarah Giddings from the Scripps Institution of Oceanography.	Abarbanel, Olson	

### Enforcement Actions for September and October 2018

Enforcement Date	Enforcement Action	Entity/ Facility/ Location	Summary of Violations and Enforcement	Applicable Permit/Order Violated
<b>NPDES: WASTEWATER</b>				
9/27/2018	<a href="#">Settlement Order No. R9-2018-0121</a>	Encina Wastewater Authority, Encina Water Pollution Control Facility, Carlsbad	Expedited Payment Letter for Mandatory Minimum Penalties totaling \$3,000 for multiple effluent exceedances resulting from a single operational upset	National Pollutant Discharge Elimination System (NPDES) Order No. R9-2011-0019
9/17/2018	Notice of Violation (NOV) Order No. R9-2018-0146	CVS Pharmacy, CVS Permanent Dewatering, La Jolla	NOV for failure to enroll in Order No. R9-2015-0013 and discharging without a permit	NPDES General Order No. R9-2015-0013 for groundwater extraction
9/28/2018	Staff Enforcement Letter	City of Escondido, Hale Avenue Resource Recovery Facility discharge to San Elijo Ocean Outfall, Escondido	Late reporting	NPDES Order No. R9-2010-0086
9/28/2018	Staff Enforcement Letter	Fallbrook Public Utility District, Fallbrook Public Water District Plant 1, Fallbrook	Late reporting	NPDES Order No. R9-2012-0004
10/01/2018	Staff Enforcement Letter	Sweetwater Authority, Groundwater Demineralization, Chula Vista	Failed chronic toxicity test and accelerated chronic toxicity test	NPDES Order No. R9-2017-0020
<b>NPDES: STORMWATER</b>				
10/02/2018	Notice of Violation No. R9-2018-0114	San Diego County Regional Airport Authority Municipal Separate Storm Sewer System (MS4)	Failure to actively and effectively implement the over-irrigation prohibition of the MS4 permit	NPDES Order No. R9-2013-0001 for MS4

### Enforcement Actions for September and October 2018

<b>Enforcement Date</b>	<b>Enforcement Action</b>	<b>Entity/ Facility/ Location</b>	<b>Summary of Violations and Enforcement</b>	<b>Applicable Permit/Order Violated</b>
<b>10/03/2018</b>	Notice of Violation No. R9-2018-0110	City of Imperial Beach MS4	Failure to actively and effectively implement the over-irrigation prohibition of the MS4 permit	NPDES Order No. R9-2013-0001
<b>10/17/2018</b>	Notice of Violation No. R9-2018-0115	City of San Marcos MS4	Failure to actively and effectively implement the over-irrigation prohibition of the MS4 permit	NPDES Order No. R9-2013-0001
<b>9/12/2018</b>	Staff Enforcement Letter	Rossin Steel, San Diego	Deficient Storm Water Pollution Prevention Plan (SWPPP) and deficient Best Management Practices (BMPs)	NPDES Industrial General Storm Water Permit Order No. 2014-0057-DWQ
<b>9/25/2018</b>	Staff Enforcement Letter	Connex Concrete Delivery, Connex Inc., Spring Valley	Deficient BMPs	NPDES Industrial General Storm Water Permit Order No. 2014-0057-DWQ
<b>10/05/2018</b>	Staff Enforcement Letter	Miller Barz Enterprises, Inc., All Ways Metal Recycling, El Cajon	Deficient BMPs	NPDES Industrial General Storm Water Permit Order No. 2014-0057-DWQ
<b>10/08/2018</b>	Staff Enforcement Letter	Padree Homes San Diego, Castlerock Weston, Santee	Deficient SWPPP	NPDES Construction General Permit Order No. 2009-0009-DWQ
<b>10/11/2018</b>	Staff Enforcement Letter	City of San Clemente, San Clemente Wastewater Reclamation Plant MO2	Deficient SWPPP and BMPs	NPDES Industrial General Storm Water Permit Order No. 2014-0057-DWQ
<b>10/18/2018</b>	Staff Enforcement Letter	Tito's Metal, San Diego	Deficient BMPs	NPDES Industrial General Storm Water Permit Order No. 2014-0057-DWQ

### Enforcement Actions for September and October 2018

<b>Enforcement Date</b>	<b>Enforcement Action</b>	<b>Entity/ Facility/ Location</b>	<b>Summary of Violations and Enforcement</b>	<b>Applicable Permit/Order Violated</b>
<b>10/25/2018</b>	Staff Enforcement Letter	Salvador Robago, Tapatio Auto Recycling, San Diego	Deficient SWPPP and BMPs	NPDES Industrial General Storm Water Permit Order No. 2014-0057-DWQ
<b>WASTE DISCHARGE REQUIREMENTS: SANITARY SEWER OVERFLOWS</b>				
<b>10/31/2018</b>	Notice of Violation No. R9-2018-0163 and Investigative Order No. R9-2018-0164	City of Oceanside Sewage Collection System, Oceanside	Unauthorized discharge of approximately 48,950 gallons of raw sewage to Pilgrim Creek on 10/13/2018	Waste Discharge Requirement (WDR) Order Nos. R9-2007-0005 and 2006-0003-DWQ
<b>WASTE DISCHARGE REQUIREMENTS: AGRICULTURE</b>				
<b>9/07/2018</b>	Staff Enforcement Letter	So. Cal. Ag Properties, Inc., Vista, Oceanside	Failure to submit a Notice of Intent; discharging without a permit	Order No. R9-2016-0004; WDRs for Commercial Agricultural Operations; California Water Code (CWC) section 13260
<b>9/10/2018</b>	Staff Enforcement Letter	Alex's Nursery, Fallbrook	Failure to submit a Notice of Intent; discharging without a permit	Order No. R9-2016-0004; WDRs for Commercial Agricultural Operations; CWC section 13260
<b>9/12/2018</b>	Staff Enforcement Letter	Aloha Tropicals, Vista	Failure to submit a Notice of Intent; discharging without a permit	Order No. R9-2016-0004; WDRs for Commercial Agricultural Operations; CWC section 13260
<b>9/13/2018</b>	Staff Enforcement Letter	Acosta Plants, Vista, San Marcos, Escondido	Failure to submit a Notice of Intent; discharging without a permit	Order No. R9-2016-0004; WDRs for Commercial Agricultural Operations; CWC section 13260

### Enforcement Actions for September and October 2018

<b>Enforcement Date</b>	<b>Enforcement Action</b>	<b>Entity/ Facility/ Location</b>	<b>Summary of Violations and Enforcement</b>	<b>Applicable Permit/Order Violated</b>
<b>9/14/2018</b>	Staff Enforcement Letter	Amarato Growers or Cactus Flower, Vista	Failure to submit a Notice of Intent; discharging without a permit	Order No. R9-2016-0004; WDRs for Commercial Agricultural Operations; CWC section 13260
<b>9/18/2018</b>	Staff Enforcement Letter	Eli's Farms, Fallbrook, Bonsall	Failure to submit a Notice of Intent; discharging without a permit	Order No. R9-2016-0004; WDRs for Commercial Agricultural Operations; CWC section 13260
<b>9/27/2018</b>	Staff Enforcement Letter	Gillette, Robert J., Fallbrook	Failure to submit a Notice of Intent; discharging without a permit	Order No. R9-2016-0004; WDRs for Commercial Agricultural Operations; CWC section 13260
<b>10/1/18</b>	Staff Enforcement Letter	Suh, Kyung Hee, Fallbrook	Failure to submit a Notice of Intent; discharging without a permit	Order No. R9-2016-0004; Waste Discharge Requirements for Commercial Agricultural Operations; CWC section 13260
<b>10/3/18</b>	Staff Enforcement Letter	Choi, Yoon Sup, Fallbrook	Failure to submit a Notice of Intent; discharging without a permit	Order No. R9-2016-0004; Waste Discharge Requirements for Commercial Agricultural Operations; CWC section 13260
<b>10/10/18</b>	Staff Enforcement Letter	Andre, Charlotte, Fallbrook	Failure to submit a Notice of Intent; discharging without a permit	Order No. R9-2016-0004; Waste Discharge Requirements for Commercial Agricultural Operations; CWC section 13260



### Enforcement Actions for September and October 2018

<b>Enforcement Date</b>	<b>Enforcement Action</b>	<b>Entity/ Facility/ Location</b>	<b>Summary of Violations and Enforcement</b>	<b>Applicable Permit/Order Violated</b>
<b>10/17/18</b>	Staff Enforcement Letter	Vandam, Nicolaas, Fallbrook	Failure to submit a Notice of Intent; discharging without a permit	Order No. R9-2016-0004; Waste Discharge Requirements for Commercial Agricultural Operations; CWC section 13260
<b>10/17/18</b>	Staff Enforcement Letter	KTL Mushroom Corp. USA, Fallbrook	Failure to submit a Notice of Intent; discharging without a permit	Order No. R9-2016-0004; Waste Discharge Requirements for Commercial Agricultural Operations; CWC section 13260
<b>10/22/18</b>	Staff Enforcement Letter	Rosales, Santiago Sr., Fallbrook	Failure to submit a Notice of Intent; discharging without a permit	Order No. R9-2016-0004; Waste Discharge Requirements for Commercial Agricultural Operations; CWC section 13260
<b>10/22/18</b>	Staff Enforcement Letter	Rosales, Santiago II, Fallbrook	Failure to submit a Notice of Intent; discharging without a permit	Order No. R9-2016-0004; Waste Discharge Requirements for Commercial Agricultural Operations; CWC section 13260
<b>10/23/18</b>	Staff Enforcement Letter	Golden Rainbow Property, LLC, Fallbrook	Failure to submit a Notice of Intent; discharging without a permit	Order No. R9-2016-0004; Waste Discharge Requirements for Commercial Agricultural Operations; CWC section 13260

**Enforcement Actions for September and October 2018**

<b>Enforcement Date</b>	<b>Enforcement Action</b>	<b>Entity/ Facility/ Location</b>	<b>Summary of Violations and Enforcement</b>	<b>Applicable Permit/Order Violated</b>
<b>10/23/18</b>	Staff Enforcement Letter	Chen, Chung Ming, Fallbrook	Failure to submit a Notice of Intent; discharging without a permit	Order No. R9-2016-0004; Waste Discharge Requirements for Commercial Agricultural Operations; CWC section 13260

Table 1: August 2018 - Summary of Public and Federal Sanitary Sewer Overflows in the San Diego Region

Responsible Agency	Collection System (CS)	Total Volume <sup>1</sup>	Total Recovered <sup>2</sup>	Total Reaching Surface Waters <sup>3</sup>	Total Reaching Separate Storm Drain and Recovered <sup>4</sup>	Total Discharged to Land <sup>5</sup>	Percent Recovered	Percent Reaching Surface Waters	Percent Reaching Separate Storm Drain and Recovered	Percent Discharged to Land	Surface Water Body Affected	Miles of Pressure Sewer	Miles of Gravity Sewer	Population in Service Area
City of Chula Vista	City of Chula Vista CS	400	350	50	350	0	88%	13%	88%	0%	N/A	3.4	503	265,070
National City	National City CS	20	20	0	0	20	100%	0%	0%	100%	-	1.0	105.0	58,967
City of Oceanside	City of Oceanside CS, La Salina Wastewater Treatment Plant	294	294	0	294	0	100%	0%	100%	0%	-	35.6	439.7	69,957
City of Poway	City of Poway CS	364	1	0	0	364	0%	0%	0%	100%	-	3.5	185.0	44,006
		131	24	0	0	131	18%	0%	0%	100%	-			
City of San Diego	City of San Diego CS	800	800	0	0	800	100%	0%	0%	100%	-	153.7	3,021.1	2,207,591
		1,150	1,000	150	0	1,000	87%	13%	0%	87%	Chollas Creek			
City of San Juan Capistrano	City of San Juan Capistrano CS	625	25	0	0	625	4%	0%	0%	100%	-	0.4	128.0	40,000
University Of California, San Diego	University Of California, San Diego CS	30	28	0	0	30	93%	0%	0%	100%	-	0.5	25.0	57,000
US Marine Corps Base Camp Pendleton	US Marine Corps Base Camp Pendleton CS	38,030	22,000	30	0	38,000	58%	0%	0%	100%	-	35.0	122.0	90,000
<b>Totals for Public Spills</b>		<b>4,022</b>	<b>2,542</b>	<b>200</b>	<b>644</b>	<b>3,178</b>	<b>63%</b>	<b>5%</b>	<b>16%</b>	<b>79%</b>	<b>-</b>	<b>198.1</b>	<b>4,406.8</b>	<b>2,742,591</b>
<b>Totals for Federal Spills</b>		<b>38,030</b>	<b>22,000</b>	<b>30</b>	<b>0</b>	<b>38,000</b>	<b>58%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>	<b>-</b>	<b>35.0</b>	<b>122.0</b>	<b>90,000</b>

<sup>1</sup>Total Volume = total amount that discharged from sanitary sewer system to a separate storm drain, drainage channel, surface water body, and/or land.

<sup>2</sup>Total Recovered = total amount recovered from a separate storm drain, drainage channel, surface water body, and/or land.

<sup>3</sup>Total Reaching Surface Waters = total amount reaching separate storm drain (not recovered), drainage channel, and/or surface water body, but does not include amount reaching separate storm drain that was recovered.

<sup>4</sup>Total Reaching Separate Storm Drain and Recovered = total amount reaching separate storm drain that was recovered.

<sup>5</sup>Total Discharged to Land = total amount reaching land.

Table 2: September 2018 - Summary of Public and Federal Sanitary Sewer Overflows in the San Diego Region

Responsible Agency	Collection System (CS)	Total Volume <sup>1</sup>	Total Recovered <sup>2</sup>	Total Reaching Surface Waters <sup>3</sup>	Total Reaching Separate Storm Drain and Recovered <sup>4</sup>	Total Discharged to Land <sup>5</sup>	Percent Recovered	Percent Reaching Surface Waters	Percent Reaching Separate Storm Drain and Recovered	Percent Discharged to Land	Surface Water Body Affected	Miles of Pressure Sewer	Miles of Gravity Sewer	Population in Service Area
City of El Cajon	City of El Cajon CS	195	195	0	195	0	100%	0%	100%	0%	-	0.0	195.0	103,768
City of La Mesa	City of La Mesa CS	29	29	0	0	29	100%	0%	0%	100%	-	0.0	155.0	58,244
City of Laguna Beach	City of Laguna Beach CS	500	0	0	0	500	0%	0%	0%	100%	-	9.0	86.0	18,000
National City	National City CS	400	400	0	400	0	100%	0%	100%	0%	-	1.0	105.0	58,967
City of Poway	City of Poway CS	20	20	0	0	20	100%	0%	0%	100%	-	3.5	185.0	44,006
City of San Clemente	City of San Clemente CS	500	500	0	0	500	100%	0%	0%	100%	-	3.7	174.6	65,399
City of San Diego	City of San Diego CS	154	154	0	0	154	100%	0%	0%	100%	-	153.7	3,032.0	2,207,591
		20	0	0	0	20	0%	0%	0%	100%	-			
San Diego County Department of Public Works	County of San Diego CS	4,102	3,198	904	3,198	0	78%	22%	78%	0%	Forester Creek	10.0	408.0	35,567
UC San Diego	UC San Diego CS	100	60	0	0	100	60%	0%	0%	100%	-	0.5	25.0	57,000
		40	34	0	0	40	85%	0%	0%	100%	-			
Vallecitos Water District	Meadowlark CS	600	0	0	0	600	0%	0%	0%	100%	-	7.8	260.6	100,800
US Marine Corps Base Camp Pendleton	USMC Base Camp Pendleton CS	11,280	1,000	4,140	0	7,140	9%	37%	0%	63%	N/A	35.0	122.0	90,000
<b>Totals for Public Spills</b>		<b>6,660</b>	<b>4,590</b>	<b>904</b>	<b>3,793</b>	<b>1,963</b>	<b>69%</b>	<b>14%</b>	<b>57%</b>	<b>29%</b>	<b>-</b>	<b>189.2</b>	<b>4,626.2</b>	<b>2,749,342</b>
<b>Totals for Federal Spills</b>		<b>11,280</b>	<b>1,000</b>	<b>4,140</b>	<b>0</b>	<b>7,140</b>	<b>9%</b>	<b>37%</b>	<b>0%</b>	<b>63%</b>	<b>-</b>	<b>35.0</b>	<b>122.0</b>	<b>90,000</b>

<sup>1</sup>Total Volume = total amount that discharged from sanitary sewer system to a separate storm drain, drainage channel, surface water body, and/or land.

<sup>2</sup>Total Recovered = total amount recovered from a separate storm drain, drainage channel, surface water body, and/or land.

<sup>3</sup>Total Reaching Surface Waters = total amount reaching separate storm drain (not recovered), drainage channel, and/or surface water body, but does not include amount reaching separate storm drain that was recovered.

<sup>4</sup>Total Reaching Separate Storm Drain and Recovered = total amount reaching separate storm drain that was recovered.

<sup>5</sup>Total Discharged to Land = total amount reaching land.

Table 3: August 2018 - Summary of Private Lateral Sewage Discharges in the San Diego Region

Responsible Agency	Collection System (CS)	Total Volume <sup>1</sup>	Total Recovered <sup>2</sup>	Total Reaching Surface Waters <sup>3</sup>	Total Reaching Separate Storm Drain & Recovered and/or Discharged to Land <sup>4</sup>	Percent Recovered	Percent Reaching Surface Waters	Percent Reaching Separate Storm Drain & Recovered and/or Discharged to Land	Population in Service Area	Lateral Connections
		(Gallons)				(%)				
City of El Cajon	City of El Cajon CS	250	250	0	250	100%	0%	100%	103,768	16,950
		48	24	24	24	50%	50%	50%		
		10	10	0	10	100%	0%	100%		
		3,900	780	3,120	780	20%	80%	20%		
National City	National City CS	75	0	0	75	0%	0%	100%	58,967	8,000
Padre Dam Municipal Water District	Padre Dam Municipal Water District CS	8	8	0	8	100%	0%	100%	69,957	15,202
City of San Diego	City of San Diego CS	1,008	900	108	900	89%	11%	89%	2,207,591	267,237
		705	500	205	500	71%	29%	71%		
		78	78	0	78	100%	0%	100%		
<b>Totals</b>		<b>6,082</b>	<b>2,550</b>	<b>3,457</b>	<b>2,625</b>	<b>42%</b>	<b>57%</b>	<b>43%</b>	<b>2,440,283</b>	<b>307,389</b>

<sup>1</sup>Total Volume = total amount that discharged from private lateral to a separate storm drain, drainage channel, surface water body, and/or land.

<sup>2</sup>Total Recovered = total amount recovered from a separate storm drain, drainage channel, surface water body, and/or land.

<sup>3</sup>Total Reaching Surface Waters = total amount reaching separate storm drain (not recovered), drainage channel, and/or surface water body, but does not include amount reaching separate storm drain that was recovered.

<sup>4</sup>Total Reaching Separate Storm Drain & Recovered and/or Discharged to Land = total amount reaching separate storm drain that was recovered and/or total amount reaching land.

**Table 4: September 2018 - Summary of Private Lateral Sewage Discharges in the San Diego Region**

Responsible Agency	Collection System (CS)	Total Volume <sup>1</sup>	Total Recovered <sup>2</sup>	Total Reaching Surface Waters <sup>3</sup>	Total Reaching Separate Storm Drain & Recovered and/or Discharged to Land <sup>4</sup>	Percent Recovered	Percent Reaching Surface Waters	Percent Reaching Separate Storm Drain & Recovered and/or Discharged to Land	Population in Service Area	Lateral Connections
		(Gallons)				(%)				
Carlsbad Municipal Water District (MWD)	Carlsbad MWD CS	22	0	0	22	0%	0%	100%	69,750	22,500
City of Chula Vista	City of Chula Vista CS	300	300	0	300	100%	0%	100%	265,070	49,532
Moulton Niguel Water District	Moulton Niguel Water District CS	30	25	5	25	83%	17%	83%	172,000	50,833
		20	20	0	20	100%	0%	100%		
National City	National City CS	90	30	0	90	33%	0%	100%	58,967	8,000
City of San Diego	City of San Diego CS	138	138	0	138	100%	0%	100%	2,207,591	267,237
		713	713	0	713	100%	0%	100%		
		42	42	0	42	100%	0%	100%		
City of Vista	City of Vista CS	50	50	0	50	100%	0%	100%	90,000	16,525
		10	10	0	10	100%	0%	100%		
<b>Totals</b>		<b>1,415</b>	<b>1,328</b>	<b>5</b>	<b>1,410</b>	<b>94%</b>	<b>0%</b>	<b>100%</b>	<b>2,863,378</b>	<b>414,627</b>

<sup>1</sup>Total Volume = total amount that discharged from private lateral to a separate storm drain, drainage channel, surface water body, and/or land.

<sup>2</sup>Total Recovered = total amount recovered from a separate storm drain, drainage channel, surface water body, and/or land.

<sup>3</sup>Total Reaching Surface Waters = total amount reaching separate storm drain (not recovered), drainage channel, and/or surface water body, but does not include amount reaching separate storm drain that was recovered.

<sup>4</sup>Total Reaching Separate Storm Drain & Recovered and/or Discharged to Land = total amount reaching separate storm drain that was recovered and/or total amount reaching land.

**Figure 1: Number of SSOs per Month**

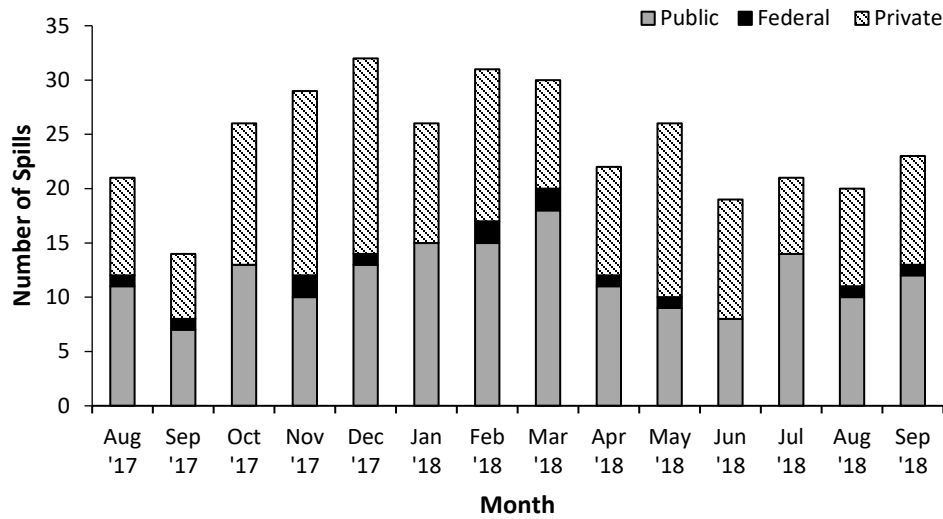


Figure 1: The number of public, federal, and private sanitary sewer overflows (SSOs) per month from August 2017 to September 2018.

**Figure 2: Volume of SSOs per Month**

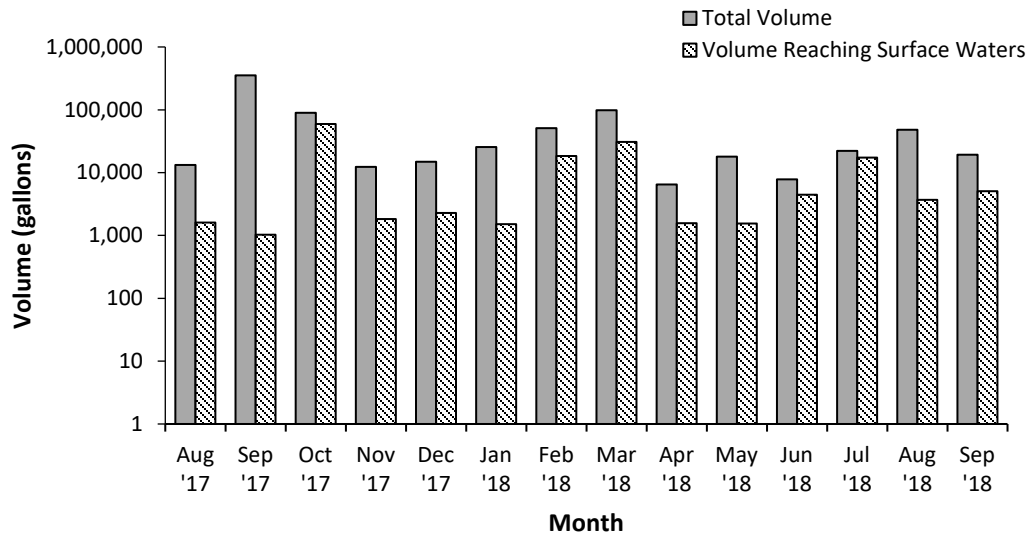


Figure 2: The volume of public, federal, and private sanitary sewer overflows (SSOs) per month from August 2017 to September 2018. Note the logarithmic scale on the vertical axis showing the wide variation in SSO volumes.

**Table 5: August and September 2018 - Summary of Transboundary Flows from Mexico into the San Diego Region**

Location	Start Date	Total Volume	Total Recovered	Total Reaching Surface Waters	Percent Recovered	Percent Reaching Surface Waters	Additional Details
		(Gallons)			(%)		
<b>Dry Weather<sup>1</sup></b>							
N/A	-	-	-	-	-	-	-
<b>Total Dry Weather</b>		-	-	-	-	-	<b>No Dry Weather Flows Reported</b>
<b>Wet Weather<sup>2</sup></b>							
N/A	-	-	-	-	-	-	-
<b>Total Wet Weather</b>		-	-	-	-	-	<b>No Wet Weather Flows Reported</b>

1 - Order No. R9-2014-0009 requires monthly reporting of all dry weather transboundary flows.

2 - Order No. R9-2014-0009 does not require monthly reporting of wet weather transboundary flows. Any information provided regarding these flows is voluntary.