

**Significant Enforcement Actions for August 2007 (Frank Melbourne)**

The following is a summary of all enforcement actions during the month of August 2007. During this period the Regional Board initiated 84 enforcement actions (3 Notices of Non-Compliance, 78 Notices of Violation, 1 Investigative Order, 1 Administrative Civil Liability Complaint, and 1 Administrative Civil Liability Order).

A detailed listing of the most significant enforcement actions undertaken by the Regional Board during the period is attached. Information on sewage spills is provided in a separate discussion topic entitled "Sewage Spills".

| <b>AGENCY/ FACILITY NAME</b> | <b>CITY</b> | <b>PROGRAM</b> | <b>ACTION DATE</b> |
|------------------------------|-------------|----------------|--------------------|
|------------------------------|-------------|----------------|--------------------|

| <b>Notice of Violation (NOV)</b>  |             |        |                  |
|---|-------------|--------|------------------|
| 73 Enrollees in the General Industrial Storm Water Permit for failure to submit 2006/07 Annual Storm Water Report | Region-wide | INDSTW | 8/20 & 8/22/2007 |
| Bill & Heidi Dickerson<br>Larry & Penny Gunning<br>Perry & Papenhausen Const.                                     | Coronado    | CER    | 8/22/2007        |

| <b>Investigative Order (13267 letter)</b>  |        |       |           |
|--|--------|-------|-----------|
| Restructure Petroleum Marketing Services of Calif. Interra Development Partners, LLC | Santee | TANKS | 8/24/2007 |

| <b>Administrative Civil Liability (ACL) Complaint</b> |   |        |           |
|---|---|--------|-----------|
| North County Transit District                         | Escondido, Vista, San Marcos, & Oceanside | CONSTW | 8/31/2007 |

| <b>Administrative Civil Liability (ACL) Order</b> |        |     |          |
|---|--------|-----|----------|
| Dakota Ranch Development Co., LLC                 | Santee | CER | 8/8/2007 |

**Program Acronyms**

|        |   |
|--------|---|
| CER    | Clean Water Act Section 401 Certification |
| CONSTW | Construction Storm Water                  |
| DoD    | Department of Defense                     |
| INDSTW | Industrial Storm Water                    |
| LNDISP | Land Disposal                             |

|       |  |
|-------|--|
| MNSTW | Municipal Storm Water                      |
| NPDES | National Discharge Elimination System      |
| WDR   | Waste Discharge Requirements               |
| SSO   | Sanitary Sewer Overflow                    |
| SLIC  | Spills, Leaks, Investigations, and Cleanup |
| TANKS | Underground Storage Tank                   |

**Attachment: Significant Enforcement Actions in August 2007**

|                             |   |           |
|-----------------------------|---|-----------|
| Agency/Entity:<br>Facility: | Bill & Heidi Dickerson (Owner of 501 1 <sup>st</sup> Street,<br>Coronado, California)<br>Larry & Penny Gunning (Owner of 505 1 <sup>st</sup> Street)<br>Perry & Papenhausen Construction (Contractor) | 8/22/2007 |
| Program:                    | Clean Water Act Section 401 Water Quality Certification   |           |
| Enforcement Action:         | Notice of Violation (NOV) No. R9-2007-0168  |           |
| Description:                | Failure to submit June, July, and August 2007, eelgrass impact assessment reports required by Directive No. 6 of Cleanup and Abatement Order Nos. R9-2006-0101 and 0102 as amended.                   |           |

|                             |   |           |
|-----------------------------|---|-----------|
| Agency/Entity:<br>Facility: | Restructure Petroleum Marketing Services of<br>California (Owner during discharge)<br>Interra Development Partners, LLC (Current<br>owner)  | 8/24/2007 |
| Program:                    | Underground Storage Tank  |           |
| Enforcement Action:         | Investigative Order No. R9-2007-0105  |           |
| Description:                | Issued for 1985 unauthorized discharge of petroleum hydrocarbon waste to soil and groundwater at former E-Z Serve Gas Station, 9305 Mission Gorge Road, Santee, California.<br><br>The Order requires the following submittals: 1. An Interim Remedial Action Workplan by September 30, 2007; 2. A Site Conceptual Model by October 30, 2007; and 3. Quarterly Groundwater Monitoring Reports beginning October 30, 2007. |           |

|                             |  |           |
|-----------------------------|--|-----------|
| Agency/Entity:<br>Facility: | North County Transit District  | 8/31/2007 |
| Program:                    | Industrial Storm Water Program   |           |
| Enforcement<br>Action:      | Administrative Civil Liability (ACL) Complaint No. R9-2007-0093  |           |
| Description:                | <p>\$160,000 ACL Compliant against North County Transit District (NCTD) for violations of the General Construction Storm Water Permit, State Board Order No. 99-08-DWQ. The Complaint alleges that during the Sprinter Rail Project, NCTD discharged sediment into Waters of the United States, failed to implement Best Management Practices (BMPs), and failed to conduct adequate site inspections.</p> <p>A public hearing is scheduled for November 14, 2007.</p> |           |

|                             |  |          |
|-----------------------------|--|----------|
| Agency/Entity:<br>Facility: | Dakota Ranch Development Co., LLC  | 8/8/2007 |
| Program:                    | Clean Water Act Section 401 Water Quality Certification  |          |
| Enforcement<br>Action:      | Administrative Civil Liability (ACL) Order No. R9-2007-00107   |          |
| Description:                | <p>\$312,600 liability issued to Dakota Ranch Development Co., LLC (Dakota Ranch) for failing to construct mitigation in Mast Park, Santee, California, by September 30, 2004. Payment of \$52,500 is due September 7, 2007. The remaining balance, \$260,500 is suspended for 90 days from the date the ACL Order was adopted. If Dakota Ranch fails to complete the mitigation in accordance with Condition No. 7 of File No. 02C-064 by November 6, 2007, it shall pay the remaining balance. If Dakota Ranch completes the mitigation by November 6, 2007, then the suspended liability shall be deemed satisfied.</p> |          |