CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. R9-2004-0107
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
FOR
MANDATORY MINIMUM PENALTIES
AGAINST
THE CITY OF SAN DIEGO
SAN DIEGO CONVENTION CENTER
VIOLATION
OF
ORDER NO. R9-2003-0050, NPDES NO. CA0109029
WASTE DISCHARGE REQUIREMENTS
FOR GROUNDWATER EXTRACTION WASTE DISCHARGES
TO SAN DIEGO BAY
FROM THE
SAN DIEGO CONVENTION CENTER
SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), on May 12, 2004, having received a signed waiver of public hearing form and a payment of $9,000 and having reviewed the allegations contained in Complaint No. R9-2004-0067, dated March 2, 2004, and on the recommendation for administrative assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of $9,000, finds as follows:

1. The City of San Diego owns and operates the San Diego Convention Center and is authorized to discharge up to 1,000,000 gallons per day of extracted groundwater to San Diego Bay in accordance with waste discharge requirements contained in Order No. R9-2003-0050 which was adopted by this Regional Board on March 12, 2003.

2. The Discharge Specifications' section of Order No. R9-2003-0050 contains an average monthly effluent limitation (AMEL) for tributyltin of 0.005 μg/L. In September 2003, the City of San Diego reported a monthly average tributyltin result of 0.031 μg/L, 620% greater than the Discharge Specification, which is a serious violation.

3. The Discharge Specifications' section of Order No. R9-2003-0050 contains an instantaneous maximum effluent limitation of 50 mg/L and an AMEL of 30 mg/L for total suspended solids. In November 2003, the City of San Diego reported a total suspended solids result of 141 mg/L, 470% greater than the instantaneous maximum effluent limitation and 282% greater than the AMEL, which are serious violations.

4. California Water Code section 13385(h) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars ($3,000) for each serious violation. California Water Code section 13385(h)(1) states that a "serious violation" means any waste discharge that violates the effluent limitation contained in the applicable waste discharge requirements for a Group I pollutant by 40 percent or more, or for a Group II pollutant by 20 percent or more, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations. Total suspended solids is Group I pollutant. Tributyltin is a Group II pollutant.

5. Consideration of the factors prescribed in California Water Code section 13385(e) based upon information available to the Regional Board supports assessment of civil liability pursuant to California Water Code section 13385(h) in the amount of $9,000.

6. The Regional Board incurred costs totaling $2,880 to prosecute the enforcement action; the costs include investigation, preparation of enforcement documents, communication with the Discharger, and preparation of materials for public review and hearing.

7. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15521, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that pursuant to section 13385 of the California Water Code, civil liability is imposed on the City of San Diego in the amount of nine thousand dollars ($9,000).

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on May 12, 2004.

John H. Robertus

JOHN H. ROBERTUS
Executive Officer