

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

**TENTATIVE CEASE AND DESIST ORDER NO. R9-2023-0016,
CITY OF SAN DIEGO SANITARY SEWER COLLECTION SYSTEM,**

AND

**SETTLEMENT AGREEMENT AND STIPULATION FOR ENTRY OF
ADMINISTRATIVE CIVIL LIABILITY ORDER
NO. R9-2023-0017**

**IN THE MATTER OF
CITY OF SAN DIEGO, APRIL 2020 SANITARY SEWER
OVERFLOW, SWEETWATER RIVER, SAN DIEGO BAY, CA**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is considering the adoption of two Tentative Orders related to 1) a stipulated Cease and Desist Order with a time schedule requiring repairs and improvements to portions of the City of San Diego's (City's) sanitary sewer system; and 2) a stipulated Administrative Civil Liability Order associated with an 11.23-million-gallon sanitary sewer overflow (SSO) that occurred on April 20-21, 2020, into the Sweetwater River near its terminus at San Diego Bay. The San Diego Water Board is accepting written comments on the two Tentative Orders, as described below, and is scheduled to consider adoption of the two Tentative Orders at its regularly scheduled Board Meeting on June 14, 2023.

Tentative Cease and Desist Order (Tentative CDO) No. R9-2023-0016 describes actions the City will complete to address deficiencies within its sanitary sewer system, specifically at Pump Station 1 and the SSO overflow site at the Sweetwater River. These actions are required to reduce the risk of a future SSO at this location and other locations.

Tentative Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order No. R9-2023-0017 (Tentative Stipulated Order) consists of a settlement agreement between the City and the San Diego Water Board's Prosecution Team to address liability associated with the unauthorized discharge of 11.23 million gallons of untreated sewage into the Sweetwater River and San Diego Bay during intense storms in April 2020.

To resolve the violations described in the Tentative Stipulated Order without formal administrative proceedings, the parties reached a settlement and agreed to the imposition of an administrative civil liability in the amount of \$4,609,724. This penalty was calculated in accordance with the State Water Resources Control Board's Water Quality Enforcement Policy and its penalty calculation methodology, which is described in Attachment A to the Tentative Stipulated Order. The penalty calculations contained in the Tentative Stipulated Order are reliant upon the adoption of the Tentative Cease and Desist Order.

A portion of that liability would be suspended upon successful completion of two Supplemental Environmental Projects (SEPs), as described in Attachments B and C of the Tentative Stipulated Order. Attachment B describes the “Living Shoreline” SEP, which consists of removal of riprap and installation of biologically enhanced interlocking tidepool concrete units at the mouth of the Sweetwater River as it joins San Diego Bay. The project footprint replaces riprap at: 1) Pepper Park, a community park with playground equipment and picnic tables, 2) the adjacent marina, and 3) bordering the San Diego Bay National Wildlife Reserve.

Attachment C describes the “Ocean Connectors” SEP, which will focus on restoration and enhancement of wetland and riparian habitat directly adjacent to Paradise Creek and other areas of San Diego Bay, including the Sweetwater Marsh Units 1 and 2 and South San Diego Bay Unit of the San Diego Bay National Wildlife Refuge, the Sweetwater Channel, and the Chula Vista Wildlife Reserve. The SEP also includes community outreach, monthly wildlife kayaking tours, and education programs for schoolchildren in the National City School District, National City, Chula Vista, and Imperial Beach.

Document Availability

A copy of Tentative Order Nos. R9-2023-0016 and R9-2023-0017, and all Attachments, are available for download and review from the San Diego Water Board’s website at:

https://www.waterboards.ca.gov/sandiego/board_decisions/tentative_orders/

Submission of Written Comments

The San Diego Water Board is accepting written comments on Tentative Order Nos. R9-2023-0016 and R9-2023-0017. Written comments are due by 5:00 pm on April 24, 2023.

Interested persons may submit written comments on each or both Tentative Orders during the public comment period by e-mail to the attention of Christina Arias at SanDiego@waterboards.ca.gov. Please indicate in the subject line of all written comments “PIN: CW-631631:CArias” and indicate the Tentative Order(s) applicable to the comments. All comments timely received will be provided to the San Diego Water Board, or its delegate, for consideration as part of the adoption process. The San Diego Water Board may refuse to accept written comments received after the deadline.

Notice of Public Hearing

A hearing before the San Diego Water Board is scheduled for the following date, time, and location:

June 14 at 9:00 a.m.
San Diego Regional Water Quality Control Board
Board Meeting Room
2375 Northside Drive, Suite 108
San Diego, California 92108
And via Video and Teleconference

During the hearing the San Diego Water Board will accept public comment and consider whether to accept or reject the Tentative Orders. Any changes to the hearing schedule or format will be noticed on the [Tentative Orders](#) webpage.

Contact Information

For questions, please contact Christina Arias by email or phone:

Christina.Arias@waterboards.ca.gov

Telephone: (619) 521-3361

Date of Notice: 03/23/2023