

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

**ENFORCEMENT SUMMARY REPORT
PREPARED BY THE PROSECUTION TEAM AND
CITY OF SAN DIEGO
JUNE 11, 2025**

ITEM 5

SUBJECT

Settlement Agreement and Stipulation for Entry of Administrative Civil Liability (ACL) in the matter of City of San Diego January 2023 sanitary sewer spill to San Diego Bay and San Diego River. This item will be heard concurrently with Item 6. (Tentative Order No. R9-2025-0010). (Christina Arias)

THE PARTIES' RECOMMENDATION

The San Diego Water Board's Prosecution Team (Prosecution Team) and the City of San Diego (City) (together, the Parties) recommend adoption of Tentative Order No. R9-2025-0010 (**Supporting Document 1**). Adoption of the Tentative Order would approve the terms of the settlement agreement between the Parties to resolve liability associated with an approximately 9.8-million-gallon sewage spill into San Diego Bay and the San Diego River that occurred in January 2023.

KEY ISSUE

As a condition of the Tentative Order, the City would pay \$11,419,608 in administrative civil liabilities to the State Water Board's Cleanup and Abatement Account (CAA). The penalty calculation methodology, which comports to the 2017 Water Quality Enforcement Policy ([2017 Enforcement Policy](#)),¹ is described in **Supporting Document 2**. Should the San Diego Water Board decide not to adopt the Tentative Order as drafted, the Prosecution Team may either take no action, re-open settlement discussions with the City, or proceed with a contested evidentiary hearing at a future meeting before the San Diego Water Board.

The Board will hear this item concurrently with Item 6 but will hold separate votes on the two items.

PRACTICAL VISION

The San Diego Water Board's regional enforcement priorities align with the Practical Vision by focusing on violations that affect one or more key beneficial use categories in a key area for that use. This enforcement action is in response to a sewage spill caused by failures in the City of San Diego's sanitary sewer system in January 2023. Approximately 9.8 million gallons of untreated sewage spilled into San Diego Bay and the San Diego River. The spill impaired the contact and non-contact beneficial uses. The spill also

¹ The Prosecution Team developed the administrative civil liabilities based on the 2017 Enforcement Policy since the alleged violations occurred prior to the adoption of the 2024 Enforcement Policy. However, the [2024 Enforcement Policy](#) was used to the extent it provides clarifications or procedural changes to the 2017 Enforcement Policy.

threatened a plethora of wildlife and habitat related beneficial uses in the Bay and River, and the sportfishing and shellfish harvesting beneficial uses in San Diego Bay.

DISCUSSION

After almost three inches of rain over three days, the City of San Diego experienced a sewage spill on January 16, 2023, when the wet well level sensors at Pump Station 2, located on N. Harbor Drive near the San Diego International Airport, experienced an equipment malfunction and caused all working pumps to shut off. The pump shutdowns resulted in the discharge of 9,781,765 gallons of untreated sewage into San Diego Bay and the San Diego River. The level sensors likely became inundated with sewage during the peak of the storm on January 16, 2023, and registered a false low-level reading. This malfunction automatically caused all working pumps to shut off per the level sensors' pre-programmed logic. An exacerbating factor was that two of the eight pumps were out of service on the day of the spill (the City's normal operating procedure is to use seven pumps to reach maximum station capacity and have one pump on standby). The City had been attempting to repair both downed pumps over the course of several years prior to the spill, but experienced numerous technical difficulties and setbacks. Had a seventh pump been available, the wet well sensors may not have malfunctioned, and the spill may not have occurred.

Untreated sewage was discharged from up to 20 manhole locations and 10 non-manhole locations within the City's sanitary sewer system upstream of Pump Station 2. The City and the County of San Diego Department of Environmental Health posted closure signs at seven San Diego Bay shoreline public access locations due to high fecal indicator bacteria concentrations caused by the spill. The closed segments of San Diego Bay lasted seven days and included all water north and west of the Chollas Creek mouth, including beaches at Coronado, up to Shelter Island. The City was unaware that untreated sewage may have reached the San Diego River until modeling analysis was completed in March 2023, two months following the spill.

The City has since performed corrective actions at Pump Station 2 to ensure it maintains maximum capacity including: replacement of the failed level sensors, use of equipment guards to protect the level sensors, reprogramming of the logic controllers that caused the pumps to turn off, and repair of the two downed pumps.

The Parties initiated confidential settlement negotiations in early 2024 to resolve the alleged violations for this spill and one to Lake Hodges (i.e., Agenda items 5 and 6). As described in Tentative Order No. R9-2025-0010, the Parties agreed to settle the January 16, 2023 spill for \$11,419,608, which includes \$46,655 in staff costs. Although explored as an option by the Parties, Tentative Order No. R9-2025-0010 does not include suspended liability for a supplemental environmental project (SEP) or Enhanced Compliance Action (ECA).

PUBLIC NOTICE

San Diego Water Board staff posted the Tentative Order and Attachment A, and a Notice of Public Hearing and Opportunity to Comment (**Supporting Document 3**) for a 30-day review and comment period on the "Tentative Orders" page of the San Diego Water Board's website. Staff also emailed a message to the "Penalty Assessment Notice" email list subscribers on March 21, 2025, to announce the review and comment period. As of the close of the written comment period, San Diego Water Board staff did not receive any

comments on the Tentative Order.

The agenda notice for today's meeting was posted on the San Diego Water Board's website and sent to subscribers to the email list for Board meetings. This satisfies the Bagley-Keene Open Meeting Act requirements to publish the meeting notice and agenda.

SUPPORTING DOCUMENTS

1. Tentative Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order No. R9-2025-0010
2. Attachment A to Order No. R9-2025-0010 (Penalty Calculation Methodology)
3. Notice of Public Hearing and Opportunity to Comment