

**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 6

SUBJECT

Settlement Agreement and Stipulation for Entry of Administrative Civil Liability (ACL) in the matter of City of San Diego March 2023 sanitary sewer spill to Lake Hodges Reservoir (Tentative Order No. R9-2025-0053). This item will be heard concurrently with Item 5.
(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. R9-2025-0053 (**Supporting Document 1**). Adoption of the Tentative Order would approve the terms of the settlement agreement between the Parties to resolve liability associated with a March 2023 sewage spill that discharged 3,725 gallons of sewage into Lake Hodges.

KEY ISSUE

As a condition of the Tentative Order, the City would pay \$35,045 in administrative civil liabilities, of which \$10,080 will be used to fund a Supplemental Environmental Project (SEP) contributing to the [Southern California Stormwater Monitoring Coalition Regional Watershed Monitoring Program \(SMC RMP\)](#). 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 5 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 a failure in the City of San Diego's sanitary sewer system in 2023 that caused a discharge of 3,725 gallons of untreated sewage into Lake Hodges, a drinking water reservoir. The sewage spill impaired the municipal beneficial use as the City suspended the domestic

¹ The Prosecution Team developed the administrative civil liability 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.

use of water from Lake Hodges for three days following the spill. Lake Hodges also supports contact and non-contact recreational beneficial uses and many wildlife and habitat related beneficial uses.

DISCUSSION

On March 24, 2023, a City contractor working at Lake Hodges noticed sewage spillage from the South Force Main Vault, located on the southeast side of Lake Hodges. The leak caused untreated sewage to flow downhill, resulting in a discharge of 3,725 gallons to the lake. The City identified the cause of the leak as a fractured cast iron tee connection within the vault and immediately initiated emergency repairs. The City halted the sewage discharge to the lake by using the overflow structure at Pump Station 77A, located on West Rancho Bernardo Road, about 0.5 miles southeast of Lake Hodges. The City also instituted other emergency measures to prevent sewage from reaching the lake including the use of portable pumps and barges to extract the sewage trapped inside the vault and return it to the sanitary sewer system.

The City suspended the domestic use of water from Lake Hodges for three days following the spill. The City resumed normal functions on the fourth day after assessing concentrations of fecal indicator bacteria and determining that there were no adverse effects to the drinking water supply. In the week following the spill, the City began to assess impacts to wildlife. The City observed that sewage had reached the lakeshore but did not observe dead fish or wildlife. The City performed a second assessment approximately two months later and again did not observe aquatic mortality.

The City faced challenges with the repair because muddy roads hindered heavy equipment access to the vault. Consequently, the City built an emergency access road to reach the vault. The emergency repair, which involved the installation of a temporary spool, was completed on March 31, 2023, seven days after the spill was discovered. The City spent \$1.4 million to complete a full replacement of the corroded tee joint in July 2023. The City also inspected the infrastructure in the North Force Main Vault, which is of similar age as the South Force Main Vault, to ensure the integrity of the critical components.

The Parties initiated confidential settlement negotiations in early 2024 to resolve the alleged violations for this spill and one to San Diego Bay (i.e., Items 5 and 6). As described in Tentative Order No. R9-2025-0053, the Parties agreed to settle the March 24, 2023 spill for \$35,045 in administrative civil liabilities, which includes a total base liability amount of \$20,160 plus \$14,885 in staff costs. The maximum amount allowed under the [SEP Policy](#) to be directed towards a SEP is half of the total base liability amount, which does not include staff costs. Therefore, the maximum of \$10,080, will be paid to the Southern California Coastal Water Research Project (SCCWRP) to fund a SEP program that supplements the SMC RMP. The SEP supplements RMP work that would not otherwise be funded by the RMP's existing workplan(s). The SMC RMP collects data annually on water quality, physical habitat and riparian conditions, and biological communities to answer questions like "What is the extent and magnitude of impact in Southern California's streams?", "How is this changing over time?", and "What are the stressors responsible for the impacts observed?" The SEP will be implemented consistent with Resolution 2021-0015 and the Memorandum of Understanding between the San

Diego Water Board and SCCWRP.

PUBLIC NOTICE

San Diego Water Board staff posted the Tentative Order and all attachments, 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. R9-2025-0053
2. Attachment A to Order No. R9-2025-0053 (Penalty Calculation Methodology)
3. Notice of Public Hearing and Opportunity to Comment