

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

**ENFORCEMENT SUMMARY REPORT  
PREPARED BY THE PROSECUTION TEAM AND  
MOULTON NIGUEL WATER DISTRICT  
OCTOBER 8, 2025**

**ITEM 5**

**SUBJECT**

Settlement Agreement and Stipulation for Entry of Administrative Civil Liability (ACL) in the matter of Moulton Niguel Water District's January 2025 sanitary sewer system spill to Sulphur Creek, Aliso Creek, and Aliso Beach (Tentative Order No. R9-2025-0137). (Christina Arias)

**THE PARTIES' RECOMMENDATION**

The San Diego Water Board's Prosecution Team (Prosecution Team) and the Moulton Niguel Water District (District) (together, the Parties) recommend adoption of Tentative Order No. R9-2025-0137 (Tentative Order; **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 464,700-gallon sewage spill into lower Sulphur Creek, Aliso Creek, and Aliso Beach that occurred in January 2025.

**KEY ISSUE**

As a condition of the Tentative Order, the District would pay \$553,000 in administrative civil liability to the State Water Resources Control Board's Cleanup and Abatement Account. The penalty calculation methodology, which comports to the 2024 Water Quality Enforcement Policy ([2024 Enforcement Policy](#)), 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 District, or proceed with a contested evidentiary hearing at a future meeting before the San Diego Water Board.

**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 force main failure in the District's sanitary sewer system in January 2025. The force main failure allowed 464,700 gallons of untreated sewage to discharge into lower Sulphur Creek, Aliso Creek, and the Pacific Ocean shoreline at the mouth of Aliso Creek (Aliso Beach), which is near the Laguna Beach State Marine Conservation Area and Laguna Beach State Marine Reserve. The spill impaired contact and non-contact beneficial uses and threatened several wildlife and habitat related beneficial uses within creek and shoreline areas.

**DISCUSSION**

On January 10, 2025, the District received a phone call at 9:45 am reporting a sewage discharge within the Laguna Niguel Regional Park. Upon arrival, the District discovered

that a fiberglass reinforced pipe force main, which carries untreated sewage from the Regional Lift Station to the Regional Treatment Plant, had failed, allowing sewage to discharge into the park. Although the District instituted emergency measures such as building dirt berms around the nearby storm drain and using vacuum trucks to recover as much sewage as possible, the sewage flow eventually overtook the berm and entered the storm drain and Sulphur Creek.

The District estimates that 464,700 gallons of untreated sewage entered Sulphur Creek. The untreated sewage continued flowing downstream to the confluence with Aliso Creek and eventually reached the mouth of Aliso Creek and the Pacific Ocean shoreline at Aliso Beach, located about four miles downstream of the spill entry point. The District performed an emergency repair on the failed force main and stopped the spill at approximately 1:30 pm, slightly less than four hours after discovery.

The District set up a submersible pump at a road crossing of Aliso Creek to recover sewage, about 1.5 miles downstream of the spill entry point. The District also set up a pump at the mouth of Aliso Creek, which was bermed at the time of the spill (the mouth of Aliso Creek is naturally bermed by beach sand, and the berm is periodically cleared during storm events and/or tidal activity).

The District estimates that it recovered about 1 million gallons of a mixture of sewage and freshwater from the road crossing, and 130,000 gallons of sewage and freshwater from behind the berm at the mouth of Aliso Creek. The collected water was returned to the sanitary sewer system. The City of Laguna Beach assisted with spill response by reinforcing the sand berm at the mouth of Aliso Creek with bulldozers. However, tidal activity caused the berm to break on the morning of January 15, 2025, causing sewage to reach Aliso Beach and discharge into the Pacific Ocean. The Orange County Health Care Agency assisted with sampling the surf zone for fecal indicator bacteria for several days following the spill and found levels consistent with untreated sewage beginning with the sample collected on January 13, 2025. In total, the spill caused the beach to be closed to the public from January 14-18, 2025.

The District is in the process of replacing the failed force main as part of its Regional Lift Station Force Main Replacement capital improvement project (CIP), which is currently in construction. The District had been planning this CIP since 2017 but experienced an uncontrollable lengthy delay related to unanticipated geotechnical concerns that resulted in the need to implement an emergency slope stability project prior to commencement of the CIP. The District anticipates completing the CIP in Spring 2027.

The Parties initiated confidential settlement negotiations in May 2025 to resolve the alleged violation. As described in Tentative Order No. R9-2025-0137, the Parties agreed to settle the January 10, 2025 spill for \$553,000, which includes \$19,640 in staff costs. Tentative Order No. R9-2025-0137 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 August 4, 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. R9-2025-0137
2. Attachment A to Tentative Order No. R9-2025-0137 (Penalty Calculation Methodology)
3. Notice of Public Hearing and Opportunity to Comment