

State of California
Regional Water Quality Control Board
San Diego Region

ENFORCEMENT SUMMARY REPORT
February 11, 2009

ITEM: 5

SUBJECT: Administrative Assessment of Civil Liability, Studio 15 Housing Partners, Studio 15 Construction Dewatering. The Regional Board will consider adoption of a tentative Order that would impose a \$42,000 mandatory minimum penalty recommended in Amended Complaint R9-2008-0121 for violations of effluent limitations prescribed in Order 2000-90, NPDES No. CAG919001, General Waste Discharge Requirements for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay and Storm Drains or Other Conveyance Systems Tributary Thereto. (Tentative Order R9-2009-0022) (*Frank Melbourn*)

PURPOSE: The Regional Board may approve, modify, or reject assessment of the recommended penalty. If the Regional Board rejects the tentative Order, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability.

PUBLIC NOTICE: This item was publicly noticed on the Regional Board's website on January 5, 2009, and published in the San Diego Union-Tribune on January 10, 2009.

DISCUSSION: Studio 15 Housing Partners, LLC (Studio 15) discharged extracted groundwater to a City of San Diego storm drain connected to San Diego Bay in violation of Order No. R9-2000-0090's effluent limits for fecal and total coliform, and dissolved oxygen. Discharges occurred from September 2007 through March 2008 during the construction of 275 low income apartments at the southwest corner of 15th Street and Imperial Avenue in downtown San Diego. See attached location map (Supporting Document No. 1). Tentative Order No. R9-2009-0022 (Supporting Document No. 2) will impose a Mandatory Minimum Penalty (MMP) of \$42,000 on Studio 15 for these 17 violations.

On January 5, 2009, the Assistant Executive Officer issued Amended Complaint No. R9-2008-0121 for Administrative

Civil Liability (ACL) with MMPs to Studio 15 (Supporting Document No. 3) for \$42,000 for the 17 alleged violations of Order No. R9-2000-0090. On January 15, 2009, the Regional Board received a letter from Studio 15 waiving its right to a hearing within 90 days along with its offer to pay the recommended liability in full (Supporting Document No. 4).

LEGAL CONCERNS: None.

SUPPORTING DOCUMENTS:

1. Site Location Map
2. Tentative Order No. R9-2009-0022
3. Amended Complaint No. R9-2008-0121
4. Studio 15's Waiver of Hearing

RECOMMENDATION: Accept Studio 15's settlement offer by adopting tentative Order No. R9-2009-0022.