

ENFORCEMENT SUMMARY REPORT
January 12, 2011

- ITEM: 6
- SUBJECT: Administrative Assessment of Civil Liability, Sea World, Inc., SeaWorld, San Diego, Mandatory Minimum Penalty for violations of Order No. R9-2005-0091. The San Diego Water Board will consider adoption of a tentative Order that would impose a \$6,000 mandatory minimum penalty recommended in Complaint No. R9-2010-0138 for violations of effluent limitations prescribed in Waste Discharge Requirements Order No. R9-2005-0091. The San Diego Water Board may approve or reject assessment of the recommended penalty. If the San Diego Water Board rejects the tentative Order, the matter may be rescheduled to a future public hearing at which time the San Diego Water Board will consider assessment of civil liability. (Tentative Order No. R9-2011-0011) (Rebecca Stewart)
- PURPOSE: The San Diego Water Board will consider Sea World, Inc.'s waiver of a right to a hearing and settlement offer to pay the recommended liability in full. The San Diego Water Board may approve or reject Sea World, Inc.'s offer.
- PUBLIC NOTICE: On October 11, 2010, Complaint No. R9-2010-0138 for Administrative Civil Liability (ACL) for Mandatory Minimum Penalties (MMPs) and its supporting documents were posted on the San Diego Water Board website and distributed to known interested parties. The public comment period ended November 19, 2010.
- DISCUSSION: Sea World, Inc. owns and operates SeaWorld, San Diego. Effluent discharged to Mission Bay from Sea World San Diego is subject to the San Diego Water Board's Order No. R9-2005-0091, NPDES No. CA0107336 (Order). The Order prescribes effluent limitations for the discharge of wastewater from

exhibit pools, intermittent flows during pool drainage and cleaning operations, runoff from landscape irrigation and facility wash down via two outfalls.

From June 2007 through November 2008, Sea World, Inc. reported eight violations of the Order's effluent limitations. The violations are detailed in an attachment to the Tentative ACL Order (Supporting Document No. 2). Of the eight violations, two require assessment of a mandatory minimum penalty of \$3,000 pursuant to Water Code sections 13385(h) and (i). On October 7, 2010, the Assistant Executive Officer issued Complaint No. R9-2010-0138 for Administrative Civil Liability for Mandatory Minimum Penalties to Sea World, Inc. pursuant to Water Code sections 13385(h) and (i) in the amount of \$6,000 (Supporting Document No. 3). On October 29, 2010, the San Diego Water Board received Sea World, Inc.'s signed waiver of hearing form along with a check for \$6,000 in settlement of the Complaint (Supporting Document No. 4).

LEGAL CONCERNS: None.

SUPPORTING
DOCUMENTS:

1. Location Map
2. Tentative ACL Order No. R9-2011-0011
3. Complaint No. R9-2010-0138
4. Sea World, Inc. Waiver of Hearing

RECOMMENDATION: Adopt Tentative Administrative Civil Liability Order No. R9-2011-0011.