
San Diego Regional Water Quality Control Board

March 13, 2017

Sent Via Email Only

Ms. Lori Rigby
Compliance Officer
City of Oceanside
3950 North River Road
Oceanside, CA 92058
lrigby@ci.oceanside.ca.us

In reply refer to / attn:
245795:DQuach

Subject: Staff Enforcement Letter for the City of Oceanside, Oceanside Ocean Outfall (OOO), Order No. R9-2011-0016, NPDES Permit No. CA0107433

Ms. Rigby:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) has reviewed the Outfall Capacity Report, dated February 13, 2017, submitted per section VI.C.5.a.v of Order No. R9-2011-0016, and has noted the following violations:

Violations – Late Reporting and Deficient Reporting, Section VI.C.5.a.v

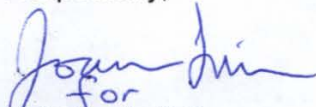
1. The City of Oceanside submitted the Outfall Capacity Report on February 13, 2017, 528 days after the due date of September 4, 2015.
2. The Outfall Capacity Report contains the *City of Oceanside Ocean Outfall Capacity Evaluation Report* dated January 2010. The Outfall Capacity Report also references a letter, dated April 7, 2014, that clarifies the conclusions in the 2010 *City of Oceanside Ocean Outfall Capacity Evaluation Report*. Neither of these documents meet the requirement for section VI.C.5.a.v.(a): “Most current report on the OOO and Oceanside’s land outfall capacity conducted within 1 year of the expiration date of this Order (expiration date is March 2, 2016).”
3. The Outfall Capacity Report does not contain the information required by section VI.C.5.a.v.(b): “The Discharger’s best estimate of when the average daily flow will equal or exceed the OOO and Oceanside’s land outfall capacity.”
4. The Outfall Capacity Report contains the following statement: “The City is planning to prepare a new Water Utilities Master Plan in July (2012). The plan will include capacity studies for the land and ocean outfalls.” The Outfall Capacity Report does not provide any capacity studies conducted in 2012 or later, and does not provide any updates for any planned capacity studies. Thus, the Outfall Capacity Report fails to meet the requirement for section VI.C.5.a.v.(c): “The Discharger’s intended schedule for studies, design, and other steps needed to provide additional capacity for the OOO and Oceanside’s land outfall, and/or to control the flow rate before the flow rate is equal to the current outfall capacity.”

5. The Outfall Capacity Report does not contain the information required by section VI.C.5.a.v.(d): "Report on the physical condition of the OOO."
6. Given that the Outfall Capacity Report does not contain a current report on the OOO and Oceanside's land outfall capacity conducted within 1 year of the expiration date of Order No. R9-2011-0016, the Outfall Capacity Report could not meet the requirement for section VI.C.5.a.v.(e): "The report must be signed and agreed upon by each of the parties discharging through the OOO."

Pursuant to the California Water Code (CWC), the violations noted are subject to additional enforcement action(s) by the San Diego Water Board including a time schedule order, cease and desist order, cleanup and abatement order, imposition of administrative civil liability, referral to the district attorney for criminal prosecution, or referral to the attorney general. Administrative civil liability amounts that may be imposed by the San Diego Water Board under authority of CWC section 13385 include up to \$10,000 per day or up to \$10 per gallon for each gallon of waste discharged.

In the subject line of any response, please include the reference "245795:DQuach". For questions or concerns regarding this letter, please contact me by phone at 619-521-5899 or by email at Dat.Quach@waterboards.ca.gov.

Respectfully,



for
Dat Quach, P.E.
Water Resources Control Engineer
Source Control Unit

cc by email:

Brandi Outwin-Beals, San Diego Water Board, Brandi.Outwin-Beals@waterboards.ca.gov
Joann Lim, San Diego Water Board, Joann.Lim@waterboards.ca.gov
Chiara Clemente, San Diego Water Board, Chiara.Clemente@waterboards.ca.gov

Tech Staff Info & Use	
Order No.	R9-2011-0016
Party IDs	32483 (Oceanside City), 553906 (Rigby)
WDID	9 000000146
NPDES No.	CA0107433
Reg. Measure IDs	377272 (R9-2011-0016), 412176 (SEL)
PIN	245795
Violation IDs	
1	1022083
2 through 6	1022084