

San Diego Regional Water Quality Control Board

April 12, 2018

Sent By Email Only

Mr. Alec Schiffer
Vice President
1310 K Street Apartment Investors, LLC
5790 Fleet Street, Suite 140
Carlsbad, CA 92008
aschiffer@tcr.com

In reply refer to / attn:
817937:KYaeger

Subject: Staff Enforcement Letter (SEL) Related to Violations of General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters Within the San Diego Region, Order R9-2015-0013, NPDES No. CAG919003 (General Order)

Alexan San Diego, 1310 K Street Apartments Investors, LLC, 1300 K Street (Project)

Mr. Schiffer:

Attached is a summary of the California Regional Water Quality Control Board, San Diego Region's (San Diego Water Board's) findings regarding the following reports submitted by 1310 K Street Apartments Investors, LLC (Discharger) pursuant to Order No. R9-2015-0013:

- Monthly self-monitoring reports – September 2016 through December 2016
- Quarterly self-monitoring reports – July 2016 through December 2016
- Semiannual self-monitoring reports – July 2016 through December 2016

Please take steps to ensure that the violation(s) noted in the attached violation summary table does not occur in the future. 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.

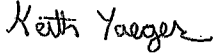
Pursuant to CWC section 13385(h), certain violations, such as late reporting and deficient monitoring, are subject to mandatory minimum penalties (MMPs) of \$3,000 for each violation. MMPs for late or missing monitoring reports will be assessed for each 30-day period following the deadline for submission until the monitoring report is received by the San Diego Water Board. If no monitoring was conducted, the Discharger must submit a written statement signed under penalty of perjury in accordance with Title 40 of the Code of Federal Regulations (40 CFR) section 122.41(k) and 40 CFR section 122.22(a)(1) stating the following:

- 1) That no monitoring was conducted during the relevant monitoring period;
- 2) The reason(s) the required monitoring was not conducted; *and*
- 3) The reason(s) the required discharge monitoring report was not submitted to the San Diego Water Board by the requisite deadline if the written statement is submitted after the deadline for submitting the monitoring report.

The San Diego Water Board will issue MMP enforcement actions under separate cover.

In the subject line of any response, please include the following: 817937:KYaeger. For questions or concerns regarding this letter, please contact me by phone at 619-521-5899 or by email at Keith.Yaeger@waterboards.ca.gov.

Respectfully,



Keith Yaeger
Environmental Scientist
Source Control Regulation Unit

cc by email: Ben Neill, San Diego Water Board, ben.neill@waterboards.ca.gov
Michael E. Slaby, Pure Effect, Inc., msslaby@pureeffect.com

Tech Staff Info & Use	
Order No.	R9-2015-0013
NPDES No.	CAG919003
CW Place ID (GW Extraction, Alexan San Diego)	817937
CW Party/Organization ID (1310 K Street Apartments Investors, LLC)	551405
CW Party/Person ID (Alec Shiffer)	552934
CW Regulatory Measure (Enrollee)	406265
CW Regulatory Measure (General Order)	400619
CW Regulatory Measure (SEL)	420490
WDID	9 000002892
Violation IDs:	
1. 1041251	
2. 1041253	
3. 1041254	

Summary of Violations
Alexan San Diego, 1310 K Street Apartments Investors, LLC, 1300 K Street (Project)

	Violation ID(s)	Date(s)	Section of Order Violated	Violation Type	Description of Violation	Additional Notes
1	1041251	10/30/16	Table 6 of the Notice of Applicability	Deficient Reporting	Failed to submit a self-monitoring report for the month of September 2016. This report was due October 30, 2016.	Please submit this report.
2	1041253	10/30/16	Table 6 of the Notice of Applicability	Deficient Reporting	Failed to submit a self-monitoring report for the third quarter of 2016. This report was due October 30, 2016.	Please submit this report.
3	1041254	12/30/16	Table 6 of the Notice of Applicability	Deficient Reporting	Failed to submit a self-monitoring report for the month of November 2016. This report was due December 30, 2016.	An email was received on 12/22/16 stating the self-monitoring report for November was attached. However, the attached document was only a cover letter. No monitoring results or data was attached. Please submit this report.

* Violation subject to a mandatory minimum penalty (Water Code §§ 13385, subdivision (h)(2) & 13385.1)