

San Diego Regional Water Quality Control Board

April 13, 2018

Sent By Email Only

Elaine Lukey, Public Works Director
City of Carlsbad
5950 El Camino Real
Carlsbad, CA 92008
c/o David.hull@carlsbadca.gov

In reply refer to / attn:
838848: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)

Carlsbad Foxes Landing Sewer Lift Station, 4155 Harrison St., Carlsbad, CA (Project)

Ms. Lukey:

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 City of Carlsbad (Discharger) pursuant to Order No. R9-2015-0013:

- Monthly self-monitoring reports – November 2017 through December 2017

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.

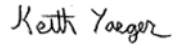
Pursuant to CWC section 13385(h), certain violations, such as late reporting and deficient monitoring, are subject to mandatory minimum penalties (MMPs) of \$3,000 for each violation. MMPs for late or missing monitoring reports will be assessed for each 30-day period following the deadline for submission 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: 838848: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 Slaby, Pure Effect Inc., mslaby@pureeffect.com

Tech Staff Info & Use	
Order No.	R9-2015-0013
NPDES No.	CAG919003
CW Place ID (GW Extraction, Foxes Landing Sewer Lift Station, 4155 Harrison Street)	838848
CW Party/Organization ID (Carlsbad City)	7836
CW Party/Person ID (Elaine Lukey)	569121
CW Party/Person ID (David Hull)	567858
CW Party/Person ID (Jesse Castaneda)	369492
CW Regulatory Measure (General Order)	400619
CW Regulatory Measure (Enrollment)	415787
CW Regulatory Measure (SEL)	1041820
WDID	9 000003206
Violation IDs	
1. 1041820 2. 1041821	

Summary of Violations
Carlsbad Foxes Landing Sewer Lift Station, 4155 Harrison St., Carlsbad, CA (Project)

	Violation ID(s)	Date(s)	Section of Order Violated	Violation Type	Description of Violation	Additional Notes
1	1041820	12/30/17	Table 6 of the Notice of Applicability	Deficient Reporting	Failed to submit the self-monitoring report for the month of November 2017. This report was due December 30, 2017	Please submit this report.
2	1041821	1/30/18	Table 6 of the Notice of Applicability	Deficient Reporting	Failed to submit the self-monitoring report for the month of December 2017. This report was due January 30, 2018	Please submit this report.