

## San Diego Regional Water Quality Control Board

July 6, 2018

**Sent By Email Only**

Colonel Kirk E. Gibbs  
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**In reply refer to / attn:**  
**824299: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 No. R9-2015-0013, NPDES No. CAG919003 (General Order)**

**Murrieta Creek Flood Control, Temecula, CA 92590 (Project)**

Colonel Kirk E. Gibbs:

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 the U.S. Army Corps of Engineers (Discharger) pursuant to Order No. R9-2015-0013:

- Monthly self-monitoring reports – November 2016 through October 2017
- Quarterly self-monitoring reports – January 2017 through September 2017
- Semiannual self-monitoring reports – January 2017 through July 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.

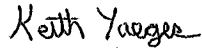
Pursuant to CWC section 13385(h), certain violations, such as late reporting and deficient monitoring, are subject to mandatory minimum penalties (MMPs) of \$3,000 for each violation. MMPs for late or missing monitoring reports will be assessed for each 30-day period following the deadline for submission 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: 824299: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](mailto: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](mailto:ben.neill@waterboards.ca.gov)

Brandi Outwin-Beals, San Diego Water Board, [Brandi.Outwin-Beals@waterboards.ca.gov](mailto:Brandi.Outwin-Beals@waterboards.ca.gov)

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Tech Staff Info & Use	
Order No.	R9-2015-0013
Party (CIWQS) ID	550073 (OHL USA)
WDID	9 000003045
NPDES No.	CAG919003
Reg. Measure ID	400619 (R9-2015-0013), 405959 (Enrollee), 422460 (SEL)
Place ID	824299 (GW Extraction, Murrieta Creek Flood Control, Temecula, CA 92590, OHL USA)
Person ID	560378 (Colonel Kirk E. Gibbs)
Violations ID:	
1. 1045386	7. 1045395
2. 1045387	8. 1045396
3. 1045388	9. 1045397
4. 1045389	10. 1045398
5. 1045391	11. 1045399
6. 1045394	12. 1045400

**Summary of Violations**  
**Murrieta Creek Flood Control, Temecula, CA 92590**

	<b>Violation ID(s)</b>	<b>Date(s)</b>	<b>Monitoring Report</b>	<b>Section of Order Violated</b>	<b>Violation Type</b>	<b>Description of Violation</b>	<b>Additional Notes</b>
1	1045386	5/30/17	April 2017	Attachment E section V.B.3 of the General Order	Late Reporting	The self-monitoring report for the month of April 2017 was submitted on June 1, 2017. This report was due on May 30, 2017.	
2	1045387	6/30/17	May 2017	Attachment E section V.B.3 of the General Order	Late Reporting	Failed to submit a self-monitoring report for the month of May 2017. This report was due June 30, 2017.	Please submit this report.
3	1045388	7/30/17	June 2017	Attachment E section V.B.3 of the General Order	Late Reporting	The self-monitoring report for the month of June 2017 was submitted on July 31, 2017. This report was due on July 30, 2017.	
4	1045389	6/29/17	June 2017	Section V.A.3 of the General Order	Serious Effluent	Total recoverable iron exceeded the instantaneous maximum effluent limitation of 0.3 mg/L with a reported value of 1.1 mg/L.	
5	1045391	6/29/17	June 2017	Section V.A.3 of the General Order	Effluent	Total recoverable iron exceeded the instantaneous maximum effluent limitation of 2.48 lbs/day with a reported value of 2.56 lbs/day.	
6	1045394	6/29/17	June 2017	Section V.A.3 of the General Order	Serious Effluent	Total recoverable manganese exceeded the instantaneous maximum effluent limitation of 0.05 mg/L with a reported value of 0.391 mg/L.	
7	1045395	6/29/17	June 2017	Section V.A.3 of the General Order	Serious Effluent	Total recoverable manganese exceeded the instantaneous maximum effluent limitation of 0.413 lbs/day with a reported value of 0.908 lbs/day.	
8	1045396	6/29/17	June 2017	Section V.A.3 of the General Order	Effluent	Total phosphorous exceeded the instantaneous maximum effluent limitation of 0.1 mg/L with a reported value of 0.11 mg/L.	
9	1045397	7/30/17	June 2017	Attachment E section V.B.7 and V.B.8 of the General Order	Deficient Reporting	The effluent violations that occurred during June 2017 were not identified in the cover letter of the monthly self-monitoring report.	
10	1045398	8/30/17	July 2017	Attachment E section V.B.3 of the General Order	Late Reporting	Failed to submit a self-monitoring report for the month of July 2017. This report was due August 30, 2017.	Please submit this report.
11	1045399	7/30/17	Q2 2017	Attachment E section V.B.3 of the General Order	Late Reporting	Failed to submit a self-monitoring report for the second quarter of 2017. This report was due July 30, 2017.	Please submit this report.
12	1045400	7/30/17	H1 2017	Attachment E section V.B.3 of the General Order	Late Reporting	Failed to submit a self-monitoring report for the second semiannual period of 2017. This report was due July 30, 2017.	Please submit this report.