CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. R9-2005-0223

ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
FOR
MANDATORY MINIMUM PENALTIES
AGAINST
SEAWORLD SAN DIEGO
VIOLATION OF
ORDER NO. 2000-0025, NPDES NO. CA0107336
WASTE DISCHARGE REQUIREMENTS
FOR
SEAWORLD SAN DIEGO
DISCHARGE TO MISSION BAY

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), on June 7, 2005, having received a signed waiver of public hearing form and a payment of $6,000 and having reviewed the allegations contained in Complaint No. R9-2005-0129, dated May 16, 2005, and on the recommendation for Administrative Assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of $6,000, finds as follows:

1. SeaWorld San Diego discharges up to 3.24 million gallons per day (MGD) of wastewater and storm water through the East Outfall and up to 6.12 MGD through the West Outfall in accordance with waste discharge requirements contained in Order No. 2000-0025, which was adopted by the Regional Board on April 12, 2000.

2. Order No. 2000-0025 established an effluent limitation for the daily maximum for total suspended solids at 16.1 mg/l. On December 31, 2004, SeaWorld San Diego reported the daily maximum concentration for total suspended solids on December 15, 2004 at 40 mg/l. This total suspended solids value exceeded the 16.1 mg/l effluent limitation by 248%.

3. Order No. 2000-0025 established an effluent limitation for the average monthly concentration for total suspended solids at 11.1 mg/l. On December 31, 2004, SeaWorld San Diego reported the average monthly concentration for total suspended solids on December 15, 2004 at 40 mg/l. This total suspended solids value exceeded the 11.1 mg/l effluent limitation by 360%.

4. The California Water Code Section 13385(h) specifies that violation of effluent limitations for total suspended solids (a Group I pollutant) by 40 percent or more are serious violations and are subject to three thousand dollar ($3,000) Mandatory Minimum Penalty.

5. Consideration of the factors prescribed in California Water Code 13385(e) based upon information available to the Regional Board supports an assessment of civil liability pursuant to California Water Code section 13385(i) in the amount of six thousand dollars ($6,000).

6. The Regional Board incurred costs of $2,500 to prosecute the enforcement action; the costs include investigation, preparation of enforcement documents, communicating with the Discharger, and preparation of materials for public review and hearing.

7. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15521, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that pursuant to section 13385 of California Water Code, civil liability is imposed on Sea World San Diego in the amount of six thousand dollars ($6,000).

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on August 10, 2005.

for JOHN H. ROBERTUS
Executive Officer