



San Diego Regional Water Quality Control Board

April 15, 2016

Mr. Allen Carlisle
CEO/General Manager
Padre Dam Municipal Water District
P.O. Box 719003
Santee, California 92072

Certified Mail – Return Receipt Requested
Article Number: 7011 0470 0002 8952 9865

In reply refer to/attn:
247351:DQuach

Subject: Acceptance of Settlement Offer No. R9-2016-0022: Offer to Participate in Expedited Payment Program Relating to Violations of Order No. R9-2009-0037, NPDES No. CA0107492, Waste Discharge Requirements for the Padre Dam Water Recycling Facility Discharge to Sycamore Creek, San Diego County

Mr. Carlisle:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) accepts Settlement Offer No. R9-2016-0022: *Offer to Participate in Expedited Payment Program Relating to Violations of Order No. R9-2009-0037, NPDES No. CA0107492, Waste Discharge Requirements for the Padre Dam Water Recycling Facility Discharge to Sycamore Creek, San Diego County*. The San Diego Water Board released the Notice of Written Comment Period for the Tentative Settlement Offer No. R9-2016-0022 on March 4, 2016. Comments were due by April 4, 2016. No comments were received during the comment period, and the San Diego Water Board's Executive Officer has signed the enclosed settlement offer.

Pursuant to the settlement offer, Padre Dam Municipal Water District has thirty (30) calendar days upon receipt of this notice to submit payment in full of the assessed liability (\$6,000). In accordance with Water Code section 13385(n)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the liability shall be paid by cashiers or certified check made out to the "State Water Pollution Cleanup and Abatement Account." Failure to pay the full liability within the required time period may subject Padre Dam Municipal Water District to further liability.

For questions or comments, please contact Dat Quach by phone at (619) 521-5899, or by email at dquach@waterboards.ca.gov. In the subject line of any response, please include the reference number 247351:DQuach.

Respectfully,

Brandi N. Outwin-Beals, P.E.
Senior Water Resource Control Engineer
Source Control Unit

Mr. Allen Carlisle
Padre Dam Municipal Water District

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April 15, 2016

Bob:dtq

Enclosure: Signed Acceptance and Waiver Settlement Offer No. R9-2016-0022

cc: Mr. Robert Northcote, Plant Manager, Padre Dam Municipal Water District,
P.O. Box 719003, Santee, California 92072
David Barker, San Diego Water Board, dbarker@waterboards.ca.gov
Chiara Clemente, San Diego Water Board, cclemente@waterboards.ca.gov
Brandi Outwin-Beals, San Diego Water Board, boutwinsbeals@waterboards.ca.gov
Joann Lim, San Diego Water Board, jlim@waterboards.ca.gov

Tech Staff Info & Use	
Order No.	R9-2016-0022
Party ID	33680
WDID	9 000000053
NPDES No.	CA0107492
Reg. Measure ID	400978
Place ID	247351
Person ID	525882 (Northcote)
Violation ID	987452, 972672

Exhibit A

NOTICE OF VIOLATIONS SUBJECT TO MANDATORY MINIMUM PENALTIES

The following table lists the alleged violations subject to mandatory minimum penalties, pursuant to Water Code sections 13385(h) and (i). For additional information about the alleged violations listed in the table:

1. Refer to the State Water Resources Control Board Public Reports webpage: http://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.shtml;
2. Choose the “MMP Report” link located under the “Violation Reports” category; and
3. Enter the search criteria.

Violation ID	Occurred Date	Violation Type	MMP Type	Violation Description
987452	06/30/2014	CAT2	SIG	Bis (2-Ethylhexyl) Phthalate Average Monthly Effluent Limit is 1.8 ug/L and the reported value was 8.03 ug/L
972672	06/03/2014	CAT2	SIG	Bis (2-Ethylhexyl) Phthalate Daily Maximum Effluent Limit is 3.6 ug/L and the reported value was 8.03 ug/L.

EXPEDITED PAYMENT AMOUNT

Mandatory Minimum Penalty Amount Owed for Effluent Limit Violations

2 Serious Violations × \$3,000 per Serious Violations = \$6,000 Expedited Payment Amount

DEFINITIONS

A	Effluent exceeds limit for annual reporting period.
AM	Effluent exceeds average monthly limitation.
ATOX	Violation of an acute toxicity effluent limitation.
AW	Effluent exceeds average weekly limitation.
CAT1	Violation of an effluent limitation for a Group I pollutant by more than 40%.
CAT2	Violation of an effluent limitation for a Group II pollutant by more than 20%.
CHRON	Chronic violation as defined by California Water Code section 13385 (i). To be counted as a chronic violation, there must be 3 preceding violations within a 180 day period. The fourth non-serious violation that occurs within the 180 period is an MMP violation.
CIWQS	California Integrated Water Quality System database.
CTOX	Violation of a chronic toxicity effluent limitation.
DM	Effluent exceeds daily maximum limitation.
DREP	Deficient reporting violation. This will only result in an MMP if the report is so deficient as to make determination of compliance impossible for that reporting period.
GROUP	The list of pollutants is based on Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations.
IM	Effluent exceeds instantaneous maximum limitation.
LREP	Late reporting violation. Every 30 days a report is late counts as one late reporting violation.
M	Effluent exceeds limit for monthly reporting period.
MMP Type	Classification of the type of MMP violation.
Occurrence Date	Date that a violation actually occurred. For continuing violations, such as a monthly average, the last day of the reporting period is used. If the occurrence date is

Notice of Violations Subject to Mandatory Minimum Penalties

	unknown, the date is entered as the day it was first discovered by staff, the discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due.
OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II.
Q	Effluent exceeds limit for quarterly reporting period.
S	Effluent exceeds limit for semi-annual reporting period.
SIG	Serious violation as defined by California Water Code section 13385 (h). Waste discharge exceeds the effluent limitation for a Group I pollutant by 40% or more (CAT1), or a Group II pollutant by 20% or more (CAT2). Also defined by Water Code section 13385.1 as a failure to file a discharge monitoring report pursuant to Water Code section 13383 for each period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations.
Violation Description	Narrative description of the violation.
Violation ID	Identification number assigned to a violation in CIWQS.
Violation Type	Classification of a violation. Two types of violations relate to MMPs: 1) Late Reporting Violations (LREP, DREP) 2) Effluent Violations (ATOX, CTOX, CAT1, CAT2, OEV)

Exhibit B

ACCEPTANCE OF CONDITIONAL RESOLUTION AND WAIVER OF RIGHT TO HEARING OF THE SETTLEMENT OFFER NO. R9-2016-0022

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), Padre Dam Municipal Water District (Permittee) hereby accepts the *Offer to Participate in Expedited Payment Program* and waives the right to a hearing before the San Diego Water Board to dispute the allegations of violations described in the Settlement Offer, which is attached hereto as Exhibit A and incorporated herein by reference.

The Permittee agrees that the Settlement Offer shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the San Diego Water Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Permittee agrees to pay the penalties required by Water Code section 13385, in the sum of \$6,000 (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to Water Code section 13385 that otherwise might be assessed for the violations described in the Settlement Offer. The Permittee understands that this Acceptance and Waiver waives the Permittee's right to contest the allegations in the Settlement Offer and the amount of civil liability for such violations.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the Settlement Offer.

Upon execution by the Permittee, the completed Acceptance and Waiver shall be returned to:

California Regional Water Quality Control Board, San Diego Region
2375 Northside Drive, Suite 100
San Diego, CA 92108-2700
ATTN: 247351:DQuach

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii), require the San Diego Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action addressing National Pollutant Discharge Elimination System (NPDES) permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Executive Officer, will be published as required by law for public comment.

During the public comment period, if no comments are received that cause the Executive Officer to question the Expedited Payment Amount, the Executive Officer will execute the Acceptance and Waiver.

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the San Diego Water Board to resolve the violations set forth in the Settlement Offer may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the San Diego Water Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the

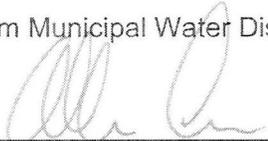
Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee further understands that once the Acceptance and Waiver is executed by the Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with Water Code section 13385(n)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the liability shall be paid by a cashiers or certified check for \$6,000 made out to the "State Water Pollution Cleanup and Abatement Account." Payment must be submitted to the San Diego Water Board no later than ten calendar days after the date the Permittee receives written notice that the Executive Officer has executed this Acceptance and Waiver.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

Padre Dam Municipal Water District

By:



Signed Name

2-4-16

Date

Allen Carlisle

Printed or Typed Name

CEO/General Manager

Title

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385.

By:



DAVID W. GIBSON
Executive Officer

13 April 2016

Date