

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



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December 5, 2019

Brian Enge
Chief Executive Officer
Surf Cup Sport
3525 Del Mar Heights Road, Ste. #892
San Diego, CA 92130
Via email (brian@surfcupsports.com) and Express Overnight Mail

RE: Order to Cease and Desist Illegal Pumping of Stormwater

Dear Mr. Enge:

The 22nd District Agricultural Association (22nd DAA) owns a parcel of land adjacent to the San Diego Polo Fields, which Surf Cup Sports leases from the City of San Diego to operate several soccer fields. The 22nd DAA has become aware that the Surf Cup Sport is utilizing generators and other pumping equipment to convey stormwater from the soccer fields across a parking lot and into a drainage system located on the 22nd DAA's property. (See Attached Photograph.) For the reasons set forth below, **you are hereby directed to cease and desist your unpermitted and unlawful redirection of stormwater on the 22nd DAA's property.**

The 22nd DAA's property includes a system of drainage ditches and conveyances that allow for the drainage of naturally occurring stormwater from its property to the San Dieguito River. The operation and use of this stormwater system is governed by a Phase II Small Municipal Separate Storm Sewer System (MS4) permit issued by State Water Resources Control Board to the 22nd DAA. As a condition of such permits, the permittee (here 22nd DAA) has primary responsibility for enforcing the terms of the permit. This includes the responsibility to take steps, including legal action, to ensure that the stormwater system is not being used to convey excess sediment or other pollutants or waste (such as fertilizers) into a water of the United States and/or water of the State of California.

The pumping of water by Surf Cup is an ongoing issue dating back to at least 2016. Over the last several years staff employed by the 22nd DAA have verbally directed your agents to stop redirecting stormwater onto the 22nd DAA's property but your agents refused to do so. Over that same time period staff of the 22nd DAA have also sent emails directing Surf Cup to cease pumping stormwater. Your conduct constitutes a trespass and a nuisance. It also violates the terms of the 22nd DAA's MS4 permit by discharging sediment and pollutant-laden stormwater

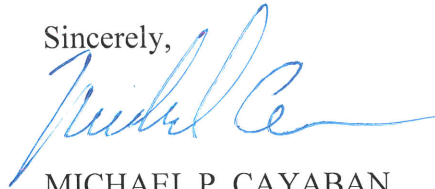
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into a drainage system that empties into the San Dieguito River. Consequently, your conduct places the 22nd DAA's MS4 permit in jeopardy and, because of the 22nd DAA's obligation to enforce the permit, exposes the DAA to potential claims under the Clean Water Act and California Porter-Cologne Water Quality Act.

Accordingly, you are hereby directed to cease and desist the redirection of stormwater, by pumping or any other means, onto the 22nd DAA's property.

Sincerely,



MICHAEL P. CAYABAN
Supervising Deputy Attorney General

For XAVIER BECERRA
Attorney General

Enclosure

Cc: Rob Haskell, Vice President, Surf Cup Sports (via email only)

Kris Michell, Chief Operating Officer
Cybele Thompson, Director, Real Estate Assets
City of San Diego (via email only)

Laurie Walsh, P.E., Senior Engineer
Regional Water Quality Control Board, San Diego Region (via email only)

Timothy Fennell, Chief Executive Officer
22nd DAA

22nd DAA Board of Directors (via email only)

MPC:

