UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

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| IN THE MATTER OF: | ) | Docket No. CWA-309(a)-08-030 |
| | ) | |
| Sewerage Agency of Southern Marin, | ) | **FINDINGS OF VIOLATION** |
| Almonte Sanitary District, | ) | **AND** |
| Alto Sanitary District, | ) | **AMENDED ORDER FOR COMPLIANCE** |
| City of Mill Valley, | ) | |
| Homestead Valley Sanitary District, | ) | Proceeding under Sections 308(a) and 309(a) of |
| Richardson Bay Sanitary District, and | ) | the Clean Water Act, 33 U.S.C. §§ 1318 and |
| Tamalpais Community Services District | ) | 1319(a) |

## STATUTORY AUTHORITY

The following Findings of Violation are made and Order for Compliance issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) under Sections 308(a) and 309(a) of the Clean Water Act (Act), as amended, 33 U.S.C. §§1318(a) and 1319(a). The Administrator has delegated these authorities to the Regional Administrator of EPA, Region IX, who has in turn delegated them to the Director of the Water Division of EPA, Region IX. Notice of this action has been given to the State of California Regional Water Quality Control Board, San Francisco Bay Region ("Regional Board").

## FINDINGS OF VIOLATION

On the basis of the following facts, the Director of the Water Division of EPA, Region IX, finds that the Sewerage Agency of Southern Marin, Almonte Sanitary District, Alto Sanitary District, City of Mill Valley, Homestead Valley Sanitary District, Richardson Bay Sanitary District, and Tamalpais Community Services District are in violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

1. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants into navigable waters of the United States except in compliance with various sections of the Act, including section 402 of the Act, 33 U.S.C. § 1342.

2. Section 402 of the Act establishes the National Pollutant Discharge Elimination System (NPDES). Pursuant to section 402 of the Act, the State of California, through its various Regional Water Quality Control Boards, may issue NPDES permits for the discharge of pollutants into navigable waters located within the State of California.

3. "Pollutants" means, among other things, "sewage". 33 U.S.C. § 1362(6). A point source means any discernable, confined and discrete conveyance, including but not limited to any pipe or other conduit, from which pollutants are or may be discharged. 33 U.S.C. § 1362(14). Navigable waters means the "waters of the United States," which include all waters used in interstate commerce, including tidal waters and their tributaries. 33 U.S.C. § 1362(7); 40 C.F.R. §§ 122.3, 230.3(s).

4. The Sewerage Agency of Southern Marin, Almonte Sanitary District, Alto Sanitary District, City of Mill Valley, Homestead Valley Sanitary District, Richardson Bay Sanitary District, and Tamalpais Community Services District are each a person in the context of section 502(5) of the Act. See 33 U.S.C. §§ 1362(4), 1362(5).

5. Almonte Sanitary District (Almonte) operates a sewage collection system that collects sewage from approximately 789 equivalent domicile units (EDUs), servicing a population of approximately 1,478 in southern Marin County. Almonte's collection system includes approximately 5.5 miles of sewage pipes. Sewage collected by Almonte's collection system is conveyed to the sewage collection system operated by Sewerage Agency of Southern Marin (SASM) and thereafter conveyed for treatment at the Sewerage Agency of Southern Marin Wastewater Treatment Plant.

6. Alto Sanitary District (Alto) operates a sewage collection system that collects sewage from approximately 508 EDUs, servicing a population of approximately 1,000 in southern Marin County. Alto's collection system includes approximately six miles of sewage pipes. Sewage collected by Alto's collection system is conveyed to the sewage collection system operated by SASM and thereafter conveyed for treatment at the Sewerage Agency of Southern Marin Wastewater Treatment Plant.

7. City of Mill Valley (Mill Valley) operates a sewage collection system that collects sewage from approximately 7,140 EDUs, servicing a population of approximately 13,600 in southern Marin County. Mill Valley's collection system includes approximately 59 miles of sewage pipes, two pumping stations, and a half mile of force main. Sewage collected by Mill Valley's collection system is conveyed to the sewage collection system operated by SASM and thereafter conveyed for treatment at the Sewerage Agency of Southern Marin Wastewater Treatment Plant.

8. Homestead Valley Sanitary District (Homestead Valley) operates a sewage collection system that collects sewage from approximately 1,064 EDUs, servicing a population of approximately 2,354 in southern Marin County. Homestead Valley's collection system includes approximately 11 miles of sewage pipes. Sewage collected by Homestead Valley's collection system is conveyed to the sewage collection system operated by SASM and thereafter conveyed for treatment at the Sewerage Agency of Southern Marin Wastewater Treatment Plant.

9. Richardson Bay Sanitary District (Richardson Bay) operates a sewage collection system that collects sewage from approximately 4,664 EDUs, servicing a population of approximately 9,494 in southern Marin County. Richardson Bay's collection system includes approximately 40 miles of sewage pipes, four miles of force mains, 15 pump stations, and eight individual home pump stations. Sewage collected by Richardson Bay's collection system is conveyed to the sewage collection system operated by SASM and thereafter conveyed for treatment at the Sewerage Agency of Southern Marin Wastewater Treatment Plant.

10. Tamalpais Community Services District (Tamalpais) operates a sewage collection system that collects sewage from approximately 2,560 EDUs, servicing a population of approximately 5,851 in southern Marin County. Tamalpais' collection system includes approximately 27 miles of sewage pipes, less than one mile of force main, and two pump stations. Sewage collected by Tamalpais' collection system, except that from the area known as Kay Park, is pumped to a sewage collection system operated by Sausalito-Marin City Sanitary District and thereafter conveyed for treatment at the Sausalito-Marin City Sanitary District Wastewater Treatment Plant. Sewage from about 140 EDUs in Kay Park flows to the sewage collection system operated by SASM and thereafter conveyed for treatment at the Sewerage Agency of Southern Marin Wastewater Treatment Plant.

11. SASM operates a sewage collection system and the wastewater treatment plant known as the Sewerage Agency of Southern Marin Wastewater Treatment Plant. SASM's collection system includes approximately five miles of sewage pipes, ten miles of force mains, and six lift stations. SASM's collection system collects sewage from the Almonte, Alto, Mill Valley, Homestead Valley, Richardson Bay, and a portion of the Tamalpais collection systems. SASM discharges treated wastewater from the Sewerage Agency of Southern Marin Wastewater Treatment Plant to Raccoon Strait in San Francisco Bay.

12. On June 20, 2001, the California Regional Water Quality Control Board, San Francisco Bay Region, adopted "Order No. 01-070, NPDES Permit No. CA0037711" (2001 Permit). The 2001 Permit served as an NPDES permit issued to SASM, and authorized discharges in accordance with the conditions set forth in the 2001 Permit. See 2001 Permit, p. 19 and sec. E (25 and 26).

13. The 2001 Permit states, in part:

"A. DISCHARGE PROHIBITIONS

....

5. Discharges of water, materials, or wastes other than storm water, which are not authorized by an NPDES permit, to a storm drain system or waters of the State are prohibited." 2001 Permit, Sec. A. 5; and

"E. PROVISIONS

....

18. Wastewater Facilities, Review and Evaluation, and Status Reports.

a. The discharger shall operate and maintain its wastewater collection, treatment and disposal facilities in a manner to ensure that all facilities are adequately staffed, supervised, financed, operated, maintained, repaired, and upgraded as necessary, in order to provide adequate and reliable transport, treatment, and disposal of all wastewater from both existing and planned future wastewater sources under the discharger's service responsibilities." 2001 Permit, Sec. E.18.

14. On August 8, 2007, the California Regional Water Quality Control Board, San Francisco Bay Region, adopted "Order No. R2-2007-0056, NPDES Permit No. CA00377711" (2007 Permit). The 2007 Permit authorizes SASM to discharge from a facility identified as "Sewerage Agency of Southern Marin Wastewater Treatment Plant, its collection system and its satellite collection systems" in accordance with the conditions set forth in the 2007 Permit. The 2007 Permit serves as an NPDES permit for point source discharges from this facility to surface waters. 2007 Permit, p. 1, and 2007 Permit, Sec. II.C. The 2007 Permit also rescinded the 2001 Permit except for enforcement purposes upon the effective date of the 2007 Permit, October 1, 2007. See 2007 Permit, p. 1.

15. The 2007 Permit states, in part:

"III. DISCHARGE PROHIBITIONS

....

E. Any sanitary sewer overflow that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited." 2007 Permit, Sec. III.E.

16. As part of its findings, the 2007 Permit identifies Almonte, Alto, Mill Valley, Homestead Valley, Richardson Bay, and Tamalpais as being among the "SASM member agencies". 2007 Permit, sec. II.B.1.

17. As part of its findings, the 2007 Permit further states: "Roles and Responsibilities of Satellite Collection Systems. Each satellite collection system is responsible for an

ongoing program of maintenance and capital improvements for sewer lines and pump stations within its respective jurisdiction in order to ensure adequate capacity and reliability of the collection system. Each satellite collection system shall ensure that its wastewater does not adversely impact the Discharger's treatment plant and/or collection system. The responsibilities include managing overflows, controlling Infiltration and Inflow (I&I) and implementing collection system maintenance." 2007 Permit, sec. II.7.

18. By letter dated November 15, 2004, the Regional Board notified sewer system authorities within its region of new requirements for reporting sanitary sewer overflows (SSOs), including requirements to electronically report SSOs to the Regional Board and to provide an annual report of all SSOs by a schedule set forth in the letter.

19. On May 2, 2006, the California State Water Resources Control Board adopted Order No. 2006-0003-DWQ, Statewide General Discharge Requirements for Sanitary Sewer Systems (2006 Order). The 2006 Order requires districts and other public entities that own or operate sanitary sewer systems to develop sewer system management plans, and comply with various other compliance and reporting requirements, as set forth in the 2006 Order. SASM, Almonte, Alto, Mill Valley, Homestead Valley, Richardson Bay, and Tamalpais are each required to comply with the 2006 Order. See 2006 Order, p. 1.

20. By letter dated September 29, 2006, the Regional Board notified sewer system authorities within its region of changes in requirements for electronic reporting of SSOs. The letter requested sewer system authorities to electronically report SSOs to the Regional Board through May 1, 2007, and then begin reporting SSOs to the statewide system on May 2, 2007 as required in the 2006 Order. See 2006 Order, p. 17.

21. Numerous SSOs have occurred from the collection systems operated by SASM, Almonte, Alto, Mill Valley, Homestead Valley, Richardson Bay, and Tamalpais. EPA has reviewed: SSO eReporting Program Database Records (from December 1, 2004 to May 2, 2007) as maintained by the Regional Board; information available from the California Integrated Water Quality System's Public Reports as maintained by the State Water Resources Control Board; and Annual Reports of SSOs submitted to the Regional Board by SASM, Almonte, Alto, Mill Valley, Homestead Valley, Richardson Bay, and Tamalpais, as required by the Regional Board's letter dated November 15, 2004.

22. Based upon its review of those records and reports, EPA finds that sewage spills occurred from a collection system operated by Almonte, Alto, Mill Valley, Homestead Valley, Richardson Bay, Tamalpais or SASM, as follows:

a. Between December 2004 and February 2008, 16 sewage spills occurred from the Almonte collection system. A summary of the sewage spills from Almonte's collection system is provided in Attachment 1.

b. Between December 2004 and February 2008, five sewage spills occurred from the

Alto collection system. Two of those sewage spills were reported as spills that flowed to surface waters or to storm drains. A summary of the sewage spills from Alto's collection system is provided in Attachment 1.

c. Between December 2004 and February 2008, 110 sewage spills occurred from the Mill Valley collection system. Twenty-five of those sewage spills were reported as spills that flowed to surface waters or to storm drains. A summary of the sewage spills from Mill Valley's collection system is provided in Attachment 1.

d. Between December 2004 and February 2008, 34 sewage spills occurred from the Homestead Valley collection system. Some of those sewage spills were reported as spills that flowed to surface waters or to storm drains. A summary of the sewage spills from Homestead Valley's collection system is provided in Attachment 1.

e. Between December 2004 and February 2008, 48 sewage spills occurred from the Richardson Bay collection system. Four of those sewage spills were reported as spills that flowed to surface waters or to storm drains. A summary of the sewage spills from Richardson Bay's collection system is provided in Attachment 1.

f. Between December 2004 and February 2008, 28 sewage spills occurred from the Tamalpais collection system. Eight of those sewage spills were reported as spills that flowed to surface waters or to storm drains. A summary of the sewage spills from Tamalpais' collection system is provided in Attachment 1. These spills are also cited in the Findings of Violation and Order for Compliance, EPA Docket No. CWA-309(a)-08-031 issued by EPA to Sausalito-Marin City Sanitation District, City of Sausalito, and Tamalpais.

g. Between December 2004 and February 2008, four sewage spills occurred from the SASM collection system. Those sewage spills were reported as spills to surface waters or to storm drains. A summary of the sewage spills from SASM's collection system is provided in Attachment 1.

23. Based upon its review of those records and reports, EPA further finds that various spills from the sewage collection systems operated by Almonte, Alto, Mill Valley, Homestead Valley, Richardson Bay, Tamalpais or SASM have been caused, and resultant public health and environmental impacts have been exacerbated, by excessive infiltration and inflow into those collection systems and by inadequate control of blockages within those systems.

24. In March 2006, SASM indicated in its Annual Report to the Regional Board that four SSOs occurred in SASM's collection system, and that "the predominant cause of the SSOs was high wet weather flow due to high rainfall and infiltration."

25. In August and October 2007, EPA staff and contractors conducted inspections of the

collection systems operated by Almonte, Alto, Homestead Valley, Richardson Bay, Tamalpais, and SASM. In February 2008, EPA conducted an inspection of the City of Mill Valley collection system. Copies of the inspection reports were provided to the agencies. Based upon the observations made in those inspections, EPA finds that various sewage spills from the member agencies' collection systems were caused by sewer line blockages, that the blockages were primarily caused by root intrusion and debris, and that inflow and infiltration in the member agencies' collection systems resulted in high wet weather flows to the collection system operated by SASM and to the Sewerage Agency of Southern Marin Wastewater Treatment Plant.

26. On January 25, 2008, an estimated 2,450,000 gallons of screened wastewater from the Sewer Agency of Southern Marin Wastewater Treatment Plant's equalization ponds bypassed the plant and discharged to Pickleweed Inlet of Richardson Bay, in violation of paragraph III.A. of the 2007 permit. EPA finds that the unpermitted discharge was caused, in part, by excessive inflow and infiltration to the member agencies' collection systems that resulted in peak wet weather flows through the collection systems and to the wastewater treatment plant.

27. The aging, deteriorated condition of many sewer pipes in the collection systems has allowed for infiltration of ground water into the sewer pipes, increasing wastewater flow to the SASM collection system and wastewater treatment plant. Therefore, the member agencies contributed to the discharge on January 25, 2008.

28. Based on the spills, permit violations, and unpermitted discharges identified above, EPA finds that on various occasions, SASM, Almonte, Alto, Homestead, Mill Valley, Richardson Bay, and Tamalpais have each discharged, or have caused and contributed to the discharge of, pollutants to waters of the U.S. in violation of section 301(a) of the Act.

Considering the foregoing Findings and the potential environmental and human health effects of the violations, EPA has determined that compliance in accordance with the following requirements is reasonable. Pursuant to the authority of sections 308(a) and 309(a) of the Act, it is hereby ORDERED:

## ORDER

The Sewerage Agency of Southern Marin, Almonte Sanitary District, Alto Sanitary District, City of Mill Valley, Homestead Valley Sanitary District, Richardson Bay Sanitary District, and Tamalpais Community Services District (collectively, "SASM and the member agencies") shall implement a Sewage Spill Reduction Action Plan (SSRAP) that includes the following components for reducing and eliminating collection system sewage spills. Each component plan of the SSRAP required in paragraphs II to VII of this Order is subject to review and approval by EPA as specified in paragraph VIII of this Order. SASM and the member agencies each shall

implement their current programs for controlling sewage spills and shall immediately implement improvements to their current programs that are consistent with the requirements below. A timetable for submittal of plans and reports required by this Order is included as Attachment 2. If a program currently being implemented by SASM or the member agencies fails to meet the requirements of this Order, SASM or a member agency, as appropriate, must implement the improvements necessary to satisfy this Order. To the extent that an existing program satisfies the requirements of this Order, SASM or a member agency may submit a description of its program for review and approval by EPA.

## I. ELIMINATION OF COLLECTION SYSTEM SPILLS

A. Beginning immediately, SASM and the member agencies each shall consistently and substantially reduce the frequency and volume of sewage spills to waters of the United States. SASM and the member agencies shall prevent sewage spills caused by that respective agency to waters of the United States.

B. SASM shall eliminate unpermitted discharges of wastewater from its wastewater treatment plant to waters of the U.S. and achieve consistent compliance with the 2007 Permit.

C. The member agencies each shall complete improvements necessary to eliminate conditions in its collection system that cause or contribute to wastewater spills from SASM's collection system or wastewater treatment plant.

## II. SPILL RESPONSE, RECORDKEEPING, NOTIFICATION & REPORTING

A. **Sanitary Sewer Overflow Response Plan**: By October 15, 2008, SASM and the member agencies each shall submit to EPA a Sanitary Sewer Overflow Response Plan that describes emergency response and contingency procedures to address SSOs from its collection system, including measures for containing and recovering spilled sewage, establishment of interim system operations, and timely repair and restoration of normal operations. Each agency shall ensure that agency staff and responders are adequately trained to perform the procedures outlined in the SSO response plan. The plan shall include:

1. Procedures to notify the responders during normal business hours and after business hours. A responder should be at the SSO spill location and initiating response activities within 60 minutes after the agency becomes aware of the spill. If the responder cannot be at the spill location within 60 minutes, the agency shall report the late response as part of the quarterly spill report required in Paragraph IX. The agency will include in the quarterly spill report a description of all late responses, reasons for each late response, and steps that will be taken to improve response time.

2. Procedures to ensure containment, termination, maximum recovery, and cleanup

of spilled sewage. These procedures shall prevent spills from reaching storm drains and surface water and mitigate the impact of spills that reach storm drains and surface water.

3. Procedures to estimate spill volume. The procedures should include more than one estimation method that can be used in different spill scenarios.

4. Procedures to secure the area surrounding a spill and post warning signs as necessary in coordination with the County of Marin's Department of Health and Human Services.

5. Procedures to sample and monitor surface waters following spills.

6. A list of necessary spare parts and emergency equipment to ensure adequate response time and maximum recovery of spilled sewage.

7. A description of staffing needs required to respond to SSOs and whether staffing duties will be carried out by agency staff, staff from other agencies, or private contractor(s). To the extent that any SSO response duties will be carried out by private contractor(s), the plan shall describe the contractor and include copies of the contracts obligating the contractor(s) to fulfill the requirements of the SSO response plan implemented pursuant to this Order.

B. **Recordkeeping**: The response plan developed in Paragraph II.A. shall include procedures for agency staff or its contractors to maintain records of spill incidents, including field reports that provide adequate information to meet reporting requirements to regulatory agencies, and procedures to link these records to the Maintenance Management System described in Paragraph III.B.

C. **Public Notification**: The response plan developed in Paragraph II.A. shall include procedures for notifying the public, including schools and recreational clubs, that may be affected by a spill. The plan should include procedures for advising the public to avoid contact and to take steps, as appropriate, in cases of contact with spilled sewage. For spills in homes and businesses, the plan should include procedures for cleaning the spill area. The plan shall identify the agency staff person(s) responsible for public notification.

D. **Regulatory Agency Notification and Reporting**: The response plan developed in Paragraph II.A. shall include procedures for notifying and reporting spills, as required, to the appropriate regulatory agencies, including the Regional Board, State Water Resources Control Board, the State of California's Office of Emergency Services, and the County of Marin's Department of Health and Human Services. The plan shall identify the agency staff person(s) responsible for reporting sewage spills.

## III. COLLECTION SYSTEM MAINTENANCE AND MANAGEMENT

### A. Sewer System Cleaning and Root Control Program:

1. By April 15, 2009, SASM and the member agencies each shall submit to EPA a plan to implement a Sewer System Cleaning and Root Control Program to ensure regular cleaning of sewer pipes. The program shall ensure that at least 30 percent of that agency's pipe mileage is cleaned each year such that the entire collection system is cleaned within three years. The program must be sufficient to eliminate or reduce blockage-related spills and shall include the following elements:

a. A schedule for routine cleaning of the agency's entire collection system;

b. A list of locations where pipe blockages and SSOs have frequently occurred ("hot spots"), a plan to regularly monitor these areas, a hot spot cleaning schedule and procedures for adjusting the hot spot cleaning schedule based on changing conditions;

c. Written procedures for cleaning and repairing sewer pipes in easements including cleaning schedules, instructions for gaining access to sewer pipes in easements, and cleaning procedures;

d. A plan for preventing blockage of sewer pipes by roots, including a description of root control methods, locations where root control methods may be used within the collection system, and a schedule for application of root control methods;

e. A plan for staffing the sewer system cleaning and root control program, indicating whether duties will be carried out by agency staff, staff from other agencies, or private contractor(s). To the extent that any sewer cleaning or root control duties will be carried out by private contractor(s), the plan shall describe the contractor and provide copies of the contracts obligating the contractor(s) to fulfill the requirements of the sewer cleaning and root control program implemented pursuant to this Order.

2. By October 15, 2008, SASM and the member agencies each shall submit a progress report documenting activities conducted to develop its Sewer System Cleaning and Root Control Program.

3. Beginning 2009, by October 15 of each year, SASM and the member agencies each shall submit an annual report to EPA documenting activities conducted under that agency's sewer cleaning and root control program during the previous annual cycle, including miles of pipe cleaned as part of the routine and hot spot cleaning programs and miles of pipe treated by each method used for controlling roots. SASM

and the member agencies each shall include a description of the success of the sewer cleaning and root control program at preventing blockages and sewage overflows as well as any changes to be made to the program to further reduce spills.

B. **Maintenance Management System:**

1. By April 15, 2009, SASM and the member agencies each shall obtain and implement a computerized sewer maintenance management system (MMS) capable of scheduling and tracking completion of sewer cleaning, maintenance, repairs, and SSOs. The MMS shall record information on sewer system inspections, condition ratings, and sewers repaired, rehabilitated and replaced. The MMS shall have the capability to be used to generate reports summarizing SSOs and identify hot spots.

2. By April 15, 2009 the MMS shall be linked to a Geographic Information System (GIS) map, or equivalent map system, of the sewage collection systems, which in turn shall be linked to an inventory of sewer system assets that includes information on asset age, material, dimensions and capacities.

3. By October 15, 2008, SASM and the member agencies each shall submit a progress report documenting activities conducted to implement the MMS by April 15, 2009.

C. **Pump Station Reliability Certification:**

1. By April 15, 2009, SASM and the member agencies each shall submit to EPA a report describing the pump stations within its collection system, including number of primary and redundant pumps, pumping capacity, emergency generators, alarm systems, and estimated time to overflow in the event of station failure during peak dry weather flow.

2. By April 15, 2009, SASM and the member agencies each shall certify to EPA that each pump station for which it is responsible is equipped for peak wet weather flows and continuous operation in the event of electrical failure, mechanical failure or power outage.

3. If an agency is unable to certify that a pump station is adequately equipped, the agency by April 15, 2009, shall submit a plan, including a schedule and financial plan, for completing all repairs, renovations, and upgrades on each pump station and force main to ensure adequate capacity for peak wet weather flows and to ensure continuous operation.

4. Beginning 2008, by October 15 of each year, SASM and the member agencies each shall submit an annual report to EPA documenting pump station and force main renovations, and upgrades during the previous year and describing projects to be

completed in the coming annual cycle.

D. **Fats, Oils & Grease (FOG) Blockage Control Program Report:**

By October 15, 2008, SASM and the member agencies each shall submit a report documenting its current program to control sources of FOG and the effectiveness of the program at eliminating grease blockages. The report shall include:

1. A list of locations where grease blockage spills have occurred and, if known, the sources causing the spill;

2. A summary of sewer cleaning activities aimed at sewer pipes prone to blockages by grease;

3. A description of FOG source control programs, including ordinances, treatment, best management practice requirements, source inspections and enforcement procedures, and outreach and education efforts;

4. A description of the effectiveness of the program at controlling and eliminating grease blockages; and

5. A description of any modifications needed to improve the effectiveness of the FOG source control program.

## IV. COLLECTION SYSTEM ASSESSMENTS

A. **Sewer Pipe and Maintenance Hole Inspection and Condition Assessment**:

1. By April 15, 2009, SASM and the member agencies each shall submit a plan to EPA for periodic inspection and assessment of the condition of gravity sewers and maintenance holes throughout the agency's collection system. The inspection and condition assessment program shall be sufficient to evaluate the condition of pipes following blockage-related spills, identify pipes in need of emergency repair, and provide a schedule for completion of a system-wide condition assessment no later than April 15, 2010. The requirements for system-wide condition assessment may be satisfied with reliable condition data obtained from an inspection and assessment conducted within the last five years. The plan shall describe:

a. Inspection methods to be used, including direct visual inspection, closed-circuit television (CCTV) inspection, and whether the SASM and the member agencies will purchase, lease, or contract for CCTV inspection equipment;

b. An inspection schedule including an estimation of the miles of sewer pipe and number of maintenance holes that will be inspected each year for the next

two years; and

c. A system for timely evaluation of inspection findings and documentation of the assessed condition.

2. By October 15, 2008, SASM and the member agencies each shall submit a report to EPA summarizing inspections and condition assessments completed during the previous five years. The report shall include activities conducted to complete an inspection and condition assessment plan by April 15, 2009.

3. By October 15, 2009, SASM and the member agencies each shall submit an annual progress report to EPA summarizing the inspection methods and findings of the sewer pipe condition assessments conducted during the previous year and the estimated miles of sewer pipe and number of maintenance holes to be inspected during the current year.

4. By October 15, 2010, SASM and the member agencies shall submit a final report summarizing the findings of the inspections and condition assessments required by Paragraph IV.A.1.

B. **Capacity Assessment**:

1. By October 15, 2008, SASM and the member agencies each shall install flow meters to assess average and peak dry and wet weather flow rates generated from the overall service area for each agency. The flow meters shall be capable of measuring a full range of flows, including peak flows under surcharge conditions. An agency may use temporary flow meters to fulfill these requirements.

2. By October 15, 2009 and each year thereafter, SASM and the member agencies each shall submit a report to EPA providing the results of collection system flow monitoring, including the average dry weather flow and peak wet weather flow from each of the member agency collection systems.

3. By October 15, 2010, SASM and the member agencies each shall complete an assessment and submit a report to EPA on collection system flows and hydraulic capacity. The assessments shall include flow measurements, visual observations of flow levels and predictive flow modeling as needed to complete a report that:

a. identifies areas, sources and quantities of significant inflow to the sewage collection system;

b. identifies areas, sources and quantities of significant infiltration to the sewage collection system;

c. identifies any bottlenecks in the collection system which lack sufficient capacity to convey sewage flows through the collection system and to the Sewerage Agency of Southern Marin Wastewater Treatment Plant during wet weather; and

d. provides a discussion of the impact of wet weather flow from one agency to another as well as the impact on the Sewerage Agency of Southern Marin Wastewater Treatment Plant.

## V. CAPACITY ASSURANCE

### A. Short-Term Contingency Plan:

By October 15, 2008, SASM shall develop and implement a short-term contingency plan for improvements necessary to eliminate spills from its wastewater treatment plant and equalization basins to Richardson Bay and its tributaries. The plan may include options for expanding the basins, rerouting basin overflows to the permitted outfall in Racoon Strait, or implementing other measures to eliminate overflows to Richardson Bay.

### B. Capacity Assurance Plan:

1. By October 15, 2010, SASM and the member agencies shall propose and schedule short-term (five years or less) and long-term (beyond five years) improvements identified from the condition and capacity assessments completed in Paragraph IV. The plan(s) shall consider the effects that existing capacity limitations and future upgrades may have on the Sewerage Agency of Southern Marin Wastewater Treatment Plant and other collection systems. The plan(s) should be sufficient to eliminate spills from the collection systems and wastewater treatment plant during peak wet weather. This plan may be submitted along with the plan that addresses the requirements under Paragraph VI.A for repair, rehabilitation and replacement of sewer pipes.

2. By October 15, 2013, SASM and the member agencies shall complete short-term improvements identified pursuant to Paragraph V.B.1. The improvements shall address preliminary I&I control, conveyance of peak flows, storage of peak flows, and improvements to treatment plant capacity.

3. SASM and the member agencies shall implement the long-term improvements pursuant to Paragraph V.B.1. in accordance with the approved schedule. The improvements shall address long-term I&I control, rehabilitation and repair of sewer mains, and as needed, rehabilitation of private laterals.

## VI. INFRASTRUCTURE RENEWAL

A. **Sewer Repair, Rehabilitation and Replacement**: By October 15, 2010, SASM and the member agencies each shall submit a plan to EPA for both short-term (emergency repairs and repairs of acute defects that occur within one year of observation) and long-term (beyond ten years) repair, rehabilitation and replacement of sewer pipes. The plan shall include a schedule and financial plan. The plan shall be sufficient to: 1) ensure timely repair of sewer pipes in imminent danger of failure or blockage; 2) ensure the long range sustainable rehabilitation or replacement of obsolete assets; 3) improve system performance and reduce spills caused by pipe defects and blockages from roots and debris; and 4) control inflow and infiltration as needed pursuant to the Capacity Assurance Plan in Paragraph V.B. This plan may be submitted along with a plan that addresses the requirements of the Capacity Assurance Plan prepared under Paragraph V.B. The plan shall include:

1. The length of pipe repaired, rehabilitated, or replaced in the last 20 years. If records are not available, then provide an estimate of the length and the basis for the estimation;

2. An estimate of the miles of sewer pipe to undergo emergency repair or replacement each year;

3. An estimate of the miles of sewer pipe to be rehabilitated or replaced over the next 10 years and identification of the pipe reaches to be rehabilitated or replaced in the next 5 years;

4. A 10-year financial plan for short-term and long-term repair, rehabilitation, and replacement of sewer pipes; and

5. A plan to address private lateral repair, rehabilitation and replacement as needed pursuant to the Capacity Assurance Plan in Paragraph V.B.

B. Beginning 2008, by October 15 of each year, SASM and the member agencies each shall submit an annual report to EPA documenting sewer repair, rehabilitation or replacement activities completed in the previous year; describing projects to be completed in the coming annual cycle; and providing the current 10-year Capital Improvement Plan (CIP) and any updates to that CIP.

## VII. IMPLEMENTATION STUDY AND REPORT

A. By April 15, 2009, SASM and the member agencies shall complete a study and submit a report that evaluates options for collaboration among the member agencies on efforts to implement and comply with the requirements of this Order. This evaluation shall consider:

1. options for deploying staff, equipment, and other resources, where possible, to minimize costs to each agency and provide for efficient implementation of collection system maintenance and spill response;

2. measures to reduce energy use within the collection systems and at the wastewater treatment plant, such as energy audits of pump stations and efforts to increase water conservation (see http://www.epa.gov/waterinfrastructure/bettermanagement_energy.html);

3. coordination among the agencies and SASM on completing the condition and capacity assessments;

4. coordination among the agencies on reaching sound engineering decisions on the most cost-effective means for ensuring adequate capacity throughout the collection systems and at the SASM Wastewater Treatment Plant;

5. collaboration among the agencies to ensure the most cost-effective and efficient delivery of the capital improvements needed to renew the aging sewer systems and complete the capacity improvements required by this Order; and

6. collaboration among the agencies to develop financial plans and secure funding needed to complete the requirements of this Order.

B. By October 15, 2008, SASM and the member agencies each shall submit a progress report documenting activities conducted to complete the study and report.

## VIII. PLAN REVIEW AND APPROVAL

Where this Order requires the submittal of a plan to EPA, that plan shall be subject to EPA review, comment and approval. If EPA does not approve or comment upon a plan within 60 days of receipt (or does not, in writing, extend EPA's review for an additional 30 days), the agency submitting the plan shall implement the plan submitted. SASM and the member agencies shall make any revisions requested by EPA in writing or respond to any EPA comments and submit a revised plan to EPA within 30 days of receipt of EPA's comments or requested revisions. Upon approval by EPA, the plans are automatically incorporated by reference as an enforceable part of this Order. All annual reports required by this Order are also subject to EPA review and approval in accordance with this paragraph.

## IX. QUARTERLY SPILL REPORTS

On the fifteenth day of January, April, July, and October in each year in which activities are conducted pursuant to this Order, SASM and the member agencies each shall submit a tabulation of all sewage spills occurring during the previous calendar quarter. The quarterly reports shall indicate, for each spill, the spill date, spill volume, volume recovered, spill location, cause, and

spill destination. An agency may include certified and uncertified spill reports submitted to the State Water Resources Control Board's California Integrated Water Quality System during the previous calendar quarter.

As required under Paragraph II.A.1, if responders cannot respond to a spill within 60 minutes, each agency shall report in its quarterly spill report the late response, reasons for the late response, and steps that will be taken to improve response time.

## X. ANNUAL PROGRESS REPORTS

Beginning in 2008, on October 15 of each year in which activities are conducted pursuant to this Order, SASM and the member agencies each shall submit a written summary progress report detailing the implementation of the requirements of this Order during the preceding annual cycle pursuant to Paragraphs III.A.2., III.A.3., III.B.3., III.C.4., IV.A.3., IV.B.2., VI.B., and VII.B. The reports shall evaluate the effectiveness of the spill elimination programs, and detail all additional actions each agency plans to take in order to eliminate spills. The annual progress reports shall also contain an updated wastewater collection system annual budget and annual expenditures for the current fiscal year. The first annual progress report due October 15, 2008 shall include the annual budget and annual expenditures for the prior and current fiscal years. Annual progress reports are subject to EPA review and approval in accordance with Paragraph VIII.

## XI. INFORMATION SUBMITTAL

A. All submittals made pursuant to this Order shall be mailed to the following addresses:

Fatima Ty
U.S. Environmental Protection Agency
Clean Water Act Compliance Office (WTR-7)
Water Division
75 Hawthorne Street
San Francisco, CA 94105

Michael Chee
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

B. All reports submitted pursuant to this Order shall be signed by a principal executive officer, ranking elected official or duly authorized representative of the agency [as specified by 40 CFR §122.22(b)(2)] and shall include the following statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

C. The information requested herein must be provided notwithstanding its possible characterization as confidential business information or trade secrets. EPA has promulgated regulations to protect the confidentiality of the business information it receives. These regulations are set forth in part 2, subpart B of Title 40 of the Code of Federal Regulations. A claim of business confidentiality may be asserted in the manner specified by 40 C.F.R. §2.203(b) for part or all of the information requested. EPA will disclose business information covered by such a claim only as authorized under 40 C.F.R. part 2, subpart B. If no such claim accompanies the business information at the time EPA receives it, EPA may make it available to the public without further notice.

## XII. GENERAL PROVISIONS

A. This Order is not a permit under the Act, and does not relieve the Sewerage Agency of Southern Marin, Almonte Sanitary District, Alto Sanitary District, City of Mill Valley, Homestead Valley Sanitary District, Richardson Bay Sanitary District, and Tamalpais Community Services District of any obligations imposed by the Act or any other law, regulation or permit.

B. All requirements to submit information to EPA set forth in this Order are not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because they are not "information collection requests" within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1). See also, 5 C.F.R. §§1320.3(c), 1320.4, and 1320.6(a). Furthermore, they are exempt from OMB review under the Paperwork Reduction Act because they are directed to fewer than ten persons and are an exempt investigation. 44 U.S.C. §§3502(4), (11), and 3518(c)(1); 5 C.F.R. §§1320.4 and 1320.6(a).

C. Issuance of an Order for Compliance shall not be deemed an election by EPA to forego any administrative, civil, or criminal action to seek penalties, fines, or other appropriate relief under the Act or any other statutes.

D. Failure to comply with this Order could subject SASM and the member agencies

each to civil action for appropriate relief, including judicial penalties under Section 309(d) of the Act. 33 USC §1319(d). Failure to submit information required under Section 308 of the Act (including information required under this Order), or to comply with the NPDES permit or other Act provisions, could subject SASM and the member agencies each to actions under Section 309(a) (for administrative compliance orders), Section 309(b) (for judicial injunctive relief), Section 309(d) (for civil judicial penalties), and/or Section 309(g) (for administrative penalties). 33 USC §1319(b), (d) and (g). In addition, Section 309(c) of the Act provides criminal sanctions for negligent or knowing violations of the Act, and for knowingly making false statements. 33 USC §1319(c).

E. If any event occurs that may cause a failure to timely carry out any requirement of this Order, the agency shall notify EPA in writing within twenty-one (21) calendar days of the time the agency becomes aware of the effect the event may have on compliance. The notice shall describe in detail the precise cause of the failure and measures taken to prevent or minimize the failure. The agency shall implement reasonable measures to avoid or minimize any such failure.

F. This Order remains in effect until terminated by the Director of the Water Division, EPA, Region 9. An agency may petition the Director to terminate the Order based on the progress by the agency toward reducing and eliminating sewage spills that are a violation of the Act and certification by the agency that they have completed each requirement of this Order and have in place programs and financial plans to assure the continued improvement of the collection system.

G. The Order for Compliance issued on April 10, 2008 is terminated.

Dated this 2nd day of Sept, 2008

Alexis Strauss

Alexis Strauss
Director
Water Division
U.S. Environmental Protection Agency, Region 9

**ATTACHMENT 1: Finding of Violation and Order Docket No. CWA-309(a)-08-030**

**Sewerage Agency of Southern Marin and its Member Agencies**
**Sewage Spills to Waters of the United States: December 1, 2004 to February 29, 2008**

| Agency | Date | Location | No. of Spills | Spill Volume (gal) | Spill Destination | Data Source |
|---|---|---|---|---|---|---|
| *SASM Collection System* | | | | | | |
| | 12/22/2005 | In the area of Miller Ave | | 100 | Waters of the State | Annual Report 12/2004-12/2005 |
| | 12/27/2004 | Almonte Blvd 200' north of intersection with Shoreline Highway. | | 600 | Storm Drain | RB SSO Track No. 698 |
| | 12/27/2004 | Intersection Almonte Blvd and Wisteria Lane. | | 1,200 | Storm Drain | RB SSO Track No. 699 |
| | 12/27/2004 | Miller Avenue at Tam High baseball field. | | 6,000 | Storm Drain | RB SSO Track No. 700 |
| *Almonte Sanitary District* | | | | | | |
| | 11/16/2007 | 213 Cleveland | | 20 | Street/Curb & Gutter | SB SSO No. 707901 |
| | 10/17/2007 | 145 Stadium Avenue | | 200 | Street/Curb & Gutter; Unpaved Surface | SB SSO No. 705756 |
| | 7/26/2007 | 151 Lark Lane | | 10 | Street/Curb & Gutter | SB SSO No. 655328 |
| | 7/1/2007 | 193 Lavender | | 50 | Street/Curb & Gutter | SB SSO No. 653825 |
| | 6/30/2007 | 276 Morning Sun | | 100 | Street/Curb & Gutter | SB SSO No. 653821 |
| | 6/10/2007 | 211 California Avenue | | 600 | Unpaved Surface | SB SSO No. 651694 |
| | 6/10/2007 | 211 California Avenue | | 600 | Unpaved Surface | SB SSO No. 651698 |
| | 5/1/2007 | 264 Morning Sun Avenue | | 10 | Street/Curb & Gutter | RB SSO Track No. 5190 |
| | 2006 | In the District | 2 | 10 - 99 | Not Waters of the State | Annual Report 1/2006-12/2006 |

| | | | | | |
|---|---|---|---|---|---|
| 11/4/2006 | 25 Homestead Blvd | | 300 | Street/Curb & Gutter | RB SSO Track No. 4075 |
| 4/19/2006 | 261 Cleveland Avenue | | 150 | Yard/Land | RB SSO Track No. 3220 |
| 2/13/2006 | 138 Stadium Avenue | | 200 | Yard/Land | RB SSO Track No. 2804 |
| 12/31/2005 | 157 Lark Lane | | 600 | Building/Structure | RB SSO Track No. 2499 |
| 2/5/2005 | MH #125A - 126 beside 225 Rosemont Avenue | | 300 | Street/Curb & Gutter | RB SSO Track No. 978 |
| 12/16/2004 | Rod hole in backyard sewer easement behind 215 California Avenue | | 850 | Yard/Land | RB SSO Track No. 615 |
| ***Alto Sanitary District*** | | | | | |
| 2007 | In the District | 2 | <10 | Contained & Returned | Annual Report 1/2007-2/2008 |
| 2006 | In the District | | 100 | Not Waters of the State | Annual Report 1/2006-12/2006 |
| 2006 | In the District | | 60 | Waters of the State | Annual Report 1/2006-12/2006 |
| 9/30/2005 | 39 Plaza Drive, Mill Valley, CA | | 100 | Storm Drain | RB SSO Track No. 1911 |
| ***Homestead Valley Sanitary District*** | | | | | |
| 2007 | In the District | 4 | 100 - 999 | 500 gal Contained & Returned; 1,293 gal Not to Waters of the State | Annual Report 1/2007-2/2008 |
| 2007 | In the District | 6 | 10 - 99 | 500 gal Contained & Returned; 1,293 gal Not to Waters of the State | Annual Report 1/2007-2/2008 |
| 2007 | In the District | 7 | <10 | 500 gal Contained & Returned; 1,293 gal Not to Waters of the State | Annual Report 1/2007-2/2008 |
| 2006 | In the District | 3 | 100 - 999 | 475 gal to Waters of the State; 770 gal Not to Waters of the State | Annual Report 1/2006-12/2006 |
| 2006 | In the District | 1 | 10 - 99 | 475 gal to Waters of the State; 770 gal Not to Waters of the State | Annual Report 1/2006-12/2006 |

| | | | | | |
|---|---|---|---|---|---|
| 2006 | In the District | 2 | <10 | 475 gal to Waters of the State; 770 gal Not to Waters of the State | Annual Report 1/2006-12/2006 |
| 2005 | In the District | 11 | <100 | Contained & Returned | Annual Report 12/2004-12/2005 |
| ***City of Mill Valley*** | | | | | |
| 2/21/2008 | 3 Wainwright Pl | | 100 | Unpaved surface | SB SSO No. 714429 |
| 2/19/2008 | 280 Buena Vista Ave | | 225 | Unpaved surface | SB SSO No. 713154 |
| 2/8/2008 | 209 Molino Ave | | 90 | Street/curb and gutter | SB SSO No. 712677 |
| 2/7/2008 | 775 Redwood Hwy | | 65 | Other: Captured in storm drain | SB SSO No. 712598 |
| 2/6/2008 | 77 Molino Avenue | | 105 | Storm drain | SB SSO No. 712534 |
| 1/25/2008 | 15 Elinor Ave | | 30 | Street/curb and gutter | SB SSO No. 711907 |
| 1/22/2008 | 80 Cypress Ave | | 80 | Unpaved surface | SB SSO No. 711519 |
| 1/21/2008 | 10 Glen Drive | | 20 | Street/curb and gutter | SB SSO No. 711471 |
| 1/11/2008 | 60 Monte Vista Ave | | 30 | Unpaved surface | SB SSO No. 711234 |
| 1/9/2008 | 315 Magee Ave | | 45 | Unpaved surface | SB SSO No. 711227 |
| 1/9/2008 | 343 Hazel Ave | | 50 | Unpaved surface | SB SSO No. 711232 |
| 1/1/2008 | 56-60 Monta Vista Ave | | 100 | Unpaved surface | SB SSO No. 710689 |
| 12/31/2007 | 116 Rose Ave | | 100 | Unpaved surface | SB SSO No. 710687 |
| 12/30/2007 | 14 Glen Drive | | 200 | Unpaved surface | SB SSO No. 710685 |
| 12/28/2007 | Behind 12 Azalea Dr | | 30 | Unpaved surface | SB SSO No. 710682 |
| 12/25/2007 | 233-235 Eldridge Ave | | 25 | Unpaved surface | SB SSO No. 710680 |
| 12/12/2007 | 340 W. Blithedale Ave | | 20 | Unpaved surface | SB SSO No. 709328 |
| 12/11/2007 | Bernard Street @ Lovell Ave | | 30 | Storm drain | SB SSO No. 709013 |
| 12/9/2007 | 360 W. Blithedale Ave | | 900 | Unpaved surface | SB SSO No. 709482 |
| 12/5/2007 | 120 Shelley Drive | | 10 | Street/curb and gutter | SB SSO No. 708800 |
| 11/28/2007 | 58 Florence Ave | | 180 | Unpaved surface | SB SSO No. 708399 |
| 11/28/2007 | 19 Sunrise Avenue | | 1 | Street/curb and gutter | SB SSO No. 708394 |
| 11/28/2007 | 403 Vista Linda Dr | | 100 | Unpaved surface | SB SSO No. 708395 |
| 11/25/2007 | Bernard Stairs | | 1000 | Unpaved surface | SB SSO No. 708248 |
| 11/23/2007 | 26 Corte Madera Ave | | 225 | Storm drain | SB SSO No. 708245 |
| 11/22/2007 | 11 Sheridan Court | | 5 | Street/curb and gutter | SB SSO No. 708239 |

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|---|---|---|---|---|
| 11/21/2007 | 11 Sunrise Aveue | 10 | Unpaved surface | SB SSO No. 708244 |
| 11/19/2007 | 401 Summit Ave | 50 | Unpaved surface | SB SSO No. 707961 |
| 11/18/2007 | 12 Oak Lane | 500 | Unpaved surface | SB SSO No. 708234 |
| 11/16/2007 | 2 Shelley Drive | 25 | Storm drain | SB SSO No. 707959 |
| 11/6/2007 | 2 Shelley Drive | 100 | Unpaved surface | SB SSO No. 707472 |
| 11/5/2007 | 85 Shelley Drive | 25 | Unpaved surface | SB SSO No. 707210 |
| 10/31/2007 | 389 Ethel Ave | 55 | Unpaved surface | SB SSO No. 707183 |
| 10/26/2007 | 460 Summit Ave | 100 | Unpaved surface | SB SSO No. 706695 |
| 9/28/2007 | Vista Linda Drive | 300 | Unpaved surface | SB SSO No. 704429 |
| 9/27/2007 | Vista Linda Dr @ Sheridan Ct | 30 | Street/curb and gutter | SB SSO No. 658174 |
| 9/14/2007 | 125 Shelley Drive | 20 | Unpaved surface | SB SSO No. 657579 |
| 9/5/2007 | 107 Wildomar St | 50 | Unpaved surface | SB SSO No. 656840 |
| 9/4/2007 | 4 Marsh Drive | 25 | Street/curb and gutter | SB SSO No. 656802 |
| 8/30/2007 | 67 Molino Ave | 5 | Unpaved surface | SB SSO No. 656780 |
| 8/28/2007 | 52 Longfellow Rd | 10 | Unpaved surface | SB SSO No. 656753 |
| 8/28/2007 | 108 Miller Ave | 15 | Street/curb and gutter | SB SSO No. 656796 |
| 8/26/2007 | 21 Monte Vista Ave | 5 | Other: dirt channel | SB SSO No. 656761 |
| 8/25/2007 | Molino Ave at Cascade Dr | 225 | Street/curb and gutter | SB SSO No. 656758 |
| 8/25/2007 | 50 Shelley Dr | 50 | Unpaved surface | SB SSO No. 656759 |
| 8/25/2007 | 117 Tamalpais Avenue | 2 | Unpaved surface | SB SSO No. 656757 |
| 8/24/2007 | 701 Miller Ave | 360 | Street/curb and gutter | SB SSO No. 656754 |
| 8/20/2007 | E. Blithedale Ave | 300 | Unpaved surface | SB SSO No. 656756 |
| 8/2/2007 | 225 Tamalpais Ave | 20 | Street/curb and gutter | SB SSO No. 658055 |
| 7/31/2007 | 352 W. Blithedale Ave | 50 | Street/curb and gutter | SB SSO No. 658059 |
| 7/21/2007 | 2 Overhill | 3000 | Surface water | SB SSO No. 655722 |
| 7/6/2007 | Ethel Avenue | 100 | Other: Dirt channel | SB SSO No. 653847 |
| 6/25/2007 | across from 403 Vista Linda Dr | 2 | Unpaved surface | SB SSO No. 652811 |
| 6/20/2007 | 16 Vasco Drive | 5 | Unpaved surface | SB SSO No. 652671 |
| 6/7/2007 | 151 Monte Vista | 30 | Unpaved surface | SB SSO No. 651602 |
| 6/7/2007 | 18 Stanton Way | 4 | Unpaved surface | SB SSO No. 651600 |
| 5/31/2007 | Lovell Ave @ Elma Street | 25 | Storm drain | SB SSO No. 651214 |
| 5/29/2007 | 66 Molino | 90 | Unpaved surface | SB SSO No. 651215 |
| 5/23/2007 | 335 Molino Ave | 5 | Unpaved surface | SB SSO No. 651471 |

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|---|---|---|---|---|---|
| 5/7/2007 | 24 Longfellow Rd | | 15 | Unpaved surface | SB SSO No. 650446 |
| 4/30/2007 | 400 Vista Linda Dr | | 200 | Yard/Land | RB SSO Track No. 5186 |
| 4/30/2007 | 166 Shelley Dr | | 20 | Yard/Land | RB SSO Track No. 5184 |
| 4/28/2007 | Bernard Street @ Lovell Ave | | 195 | Street/curb and gutter | SB SSO No. 652594 |
| 4/28/2007 | 35 Bernard & Bayview Stairs | | 195 | Street/curb and gutter | RB SSO Track No. 5182 |
| 4/28/2007 | 333 Summit Avenue | | 180 | Street/curb and gutter | RB SSO Track No. 5180 |
| 4/27/2007 | 409 Summit Avenue | | 150 | Street/curb and gutter | RB SSO Track No. 5178 |
| 4/25/2007 | 427 Summit Ave | | 50 | Ground Water Impacted | RB SSO Track No. 5143 |
| 4/19/2007 | 14 Eton Way | | 40 | Storm Drain | RB SSO Track No. 5084 |
| 4/12/2007 | 11 Locust Ave | | 20 | Storm Drain | RB SSO Track No. 5080 |
| 4/12/2007 | 583 Throckmorton | | 20 | Street/curb and gutter | RB SSO Track No. 5078 |
| 4/9/2007 | 371 Cascade Drive | | 300 | Surface Water Impact | RB SSO Track No. 5076 |
| 3/3/2007 | 424 W. Blithedale Ave. | | 120 | Street/curb and gutter | RB SSO Track No. 4862 |
| 2/22/2007 | 18 Buena Vista | | 50 | Storm Drain | RB SSO Track No. 4795 |
| 2/12/2007 | 57 Longfellow | | 550 | Yard/Land | RB SSO Track No. 4747 |
| 2/12/2007 | 77 Cascade Dr | | 30 | Street/curb and gutter | RB SSO Track No. 4741 |
| 1/10/2007 | Bernard Ave Stairs<br><br>cross street - Bayview | | 35 | Street/curb and gutter | RB SSO Track No. 4495 |
| 1/6/2007 | 12 Montford Ave | | 300 | Storm Drain | RB SSO Track No. 4463 |
| 1/5/2007 | Summit Ave @ Tamalpais Ave | | 375 | Street/Curb & Gutter | RB SSO Track No. 4461 |
| 1/4/2007 | 31 Millside Lane | | 65 | Storm Drain | RB SSO Track No. 4456 |
| 1/4/2007 | 410 Summit | | 75 | Storm Drain | RB SSO Track No. 4452 |
| 2006 | In the District | 2 | 10 - 99 | Not Waters of the State | Annual Report 1/2006-12/2006 |
| 12/20/2006 | 389 Ethel Ave | | 30 | Storm Drain | RB SSO Track No. 4374 |
| 12/12/2006 | Manor Dr @ Alvarado | | 80 | Storm Drain | RB SSO Track No. 4297 |
| 11/20/2006 | 120 Shelley Drive | | 10 | Yard/Land | RB SSO Track No. 4139 |
| 11/14/2006 | 67 Molino Avenue | | 200 | Yard/Land | RB SSO Track No. 4115 |
| 11/13/2006 | 524 Miller Avenue | | 450 | Storm Drain | RB SSO Track No. 4110 |
| 10/21/2006 | 49 Cascade Drive | | 360 | Street/Curb & Gutter | RB SSO Track No. 4019 |

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|---|---|---|---|---|---|
| 10/17/2006 | 21 Monte Vista | | 200 | Storm Drain | RB SSO Track No. 4000 |
| 10/17/2006 | 5 Monte Vista | | 420 | Storm Drain | RB SSO Track No. 4002 |
| 10/17/2006 | 352 W. Blithedale | | 80 | Storm Drain | RB SSO Track No. 4004 |
| 10/5/2006 | 10 Dorset Lane | | 110 | Street/Curb & Gutter | RB SSO Track No. 3968 |
| 9/25/2006 | 106 Miller Avenue | | 35 | Street/Curb & Gutter | RB SSO Track No. 3919 |
| 9/16/2006 | 86 Molino Avenue | | 675 | Street/Curb & Gutter | RB SSO Track No. 3892 |
| 9/15/2006 | 21 Monte Vista | | 350 | Storm Drain | RB SSO Track No. 3884 |
| 9/4/2006 | 14 Glen Drive | | 30 | Storm Drain | RB SSO Track No. 3831 |
| 8/14/2006 | 80 Cypress Ave | | 120 | Street/Curb & Gutter | RB SSO Track No. 3751 |
| 8/6/2006 | 115 Marion Avenue | | 180 | Street/Curb & Gutter | RB SSO Track No. 3749 |
| 6/29/2006 | 30 Shelley Drive | | 720 | Yard/Land | RB SSO Track No. 3614 |
| 6/29/2006 | 30 Shelley Drive | | 6000 | Yard/Land | RB SSO Track No. 3619 |
| 6/17/2006 | Cascade Way & Dipsea Stairs | | 60 | Street/Curb & Gutter | RB SSO Track No. 3541 |
| 4/25/2006 | 52 Longfellow Drive | | 90 | Yard/Land | RB SSO Track No. 3543 |
| 4/25/2006 | 362 Edgewood Ave | | 120 | Yard/Land | RB SSO Track No. 3545 |
| 1/14/2006 | 517 Throckmorton Cross Street Cornwall | | 10 | Yard/Land | RB SSO Track No. 2963 |
| 2005 | In the District | 1 | 10 - 99 | 200 gal Contained & Returned; 750 gal to Waters of the State; 20 gal to Not Waters of the State | Annual Report 12/2004-12/2005 |
| 12/16/2005 | Safeway 1 Camino Alto cross street Miller | | 0 | Unknown | RB SSO Track No. 2971 |
| 12/13/2005 | 144 Corte Madera Avenue cross street Eldridge | | 10 | Unknown | RB SSO Track No. 2973 |
| 12/10/2005 | 13 Lyon Place cross street Corte Madera Avenue | | 200 | Yard/Land | RB SSO Track No. 2965 |
| 11/20/2005 | 40 Bay View cross street Bernard | | 250 | Street/Curb & Gutter | RB SSO Track No. 2967 |
| 3/26/2005 | Marion Ave @ Florence Ave | | 500 | Surface Water Impact | RB SSO Track No. 1225 |
| ***Richardson Bay Sanitary District*** | | | | | |
| 2/11/2008 | 24 East Strawberry Drive | | 25 | Street/Curb & Gutter | SB SSO No. 712808 |
| 2/11/2008 | 6 Southridge East | | 75 | Storm drain;Street/curb and gutter | SB SSO No. 712804 |

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|---|---|---|---|---|---|
| 1/4/2008 | 60 Bayview Terrace | | 200 | Street/curb and gutter | SB SSO No. 711047 |
| 2007 | In the District | 7 | 10 - 99 | 5 gal Contained & Returned; 1,755 gal to Not Waters of the State | Annual Report 1/2007-12/2007 |
| 12/9/2007 | 385 Cecilia Way | | 200 | Unpaved surface | SB SSO No. 709184 |
| 12/7/2007 | 604 Seminary Drive | | 10 | Street/curb and gutter | SB SSO No. 709177 |
| 12/7/2007 | 38 Claire Way | | 30 | Other paved surface;Storm drain | SB SSO No. 709165 |
| 9/21/2007 | 100 Reed Blvd | | 20 | Street/curb and gutter | SB SSO No. 658080 |
| 9/6/2007 | 14 Southridge East | | 20 | Street/curb and gutter | SB SSO No. 657028 |
| 8/30/2007 | 11 Benton Court | | 40 | Street/curb and gutter | SB SSO No. 656770 |
| 7/24/2007 | Bay Vista Court | | 50 | Other paved surface | SB SSO No. 654747 |
| 6/18/2007 | 56 Reed Ranch Road | | 75 | Street/curb and gutter | SB SSO No. 652452 |
| 5/19/2007 | 4 Felipa Court | | 300 | Unpaved surface | SB SSO No. 650801 |
| 4/22/2007 | 26 Sutter Court | | 250 | Yard/Land | RB SSO Track No. 5126 |
| 4/16/2007 | 32 Great Circle Drive | | 500 | Yard/Land | RB SSO Track No. 5088 |
| 4/15/2007 | 24 Great Circle Way | | 800 | Unpaved Surface | SB SSO No. 714122 |
| 2006 | In the District | 9 | 10 - 99 | 75 gal Contained & Returned; 3,300 gal to Not Waters of the State | Annual Report 1/2006-12/2006 |
| 12/12/2006 | 125 Stewart Drive | | 400 | Street/Curb & Gutter | RB SSO Track No. 4306 |
| 9/26/2006 | 594 Virginia Drive | | 500 | Yard/Land | RB SSO Track No. 3935 |
| 8/30/2006 | 305 Trestle Glen Blvd. | | 300 | Yard/Land | RB SSO Track No. 3812 |
| 6/28/2006 | 2 and 3 Warren Ct. MH BG 225.01 map page F3 | | 500 | Yard/Land | RB SSO Track No. 3591 |
| 4/3/2006 | 15 Rowley Circle | | 500 | Yard/Land | RB SSO Track No. 3120 |
| 2/19/2006 | 26 Sutter Ct. | | 225 | Yard/Land | RB SSO Track No. 2852 |
| 1/11/2006 | MH SW 100.11 in front of 213 E. Strawberry Drive | | 500 | Storm Drain | RB SSO Track No. 2603 |
| 2005 | In the District | 4 | 10 - 99 | 100 gal Contained & Returned; 2,000 gal to Not Waters of the State | Annual Report 12/2004-12/2005 |

| | | | | | |
|---|---|---|---|---|---|
| 2005 | In the District | 1 | <10 | 100 gal Contained & Returned; 2,000 gal to Not Waters of the State | Annual Report 12/2004-12/2005 |
| 12/31/2005 | 3 Mercury Avenue | | 500 | Street/Curb & Gutter | RB SSO Track No. 2563 |
| 11/17/2005 | MH RR 260.15, MH on easement located at 104 Tiburon Blvd., Tiburon, CA 94941. | | 750 | Storm Drain | RB SSO Track No. 2137 |
| 6/27/2005 | MH HP220.03 located in back of 32 Great Cirle Way | | 500 | Yard/Land | RB SSO Track No. 1564 |
| 1/17/2005 | Rod Hole R-103 Map pg. F-5 in easement between 400 & 402 Hillary Drive | | 850 | Yard/Land | RB SSO Track No. 872 |
| 12/6/2004 | MH SW 424.09 - Map page C3. Easement in back of Blackfield Drive. | | 200 | Street/Curb & Gutter | RB SSO Track No. 415 |

| | | | |
|---|---|---|---|
| ***Tamalpais*** | | | |
| 9/4/2005 | 1045 Erica Rd. | 100 | YARD/LAND |
| 10/12/2005 | 296 Morning Sun Ave | 30 | STREET/CURB & GUTTER |
| 11/22/2005 | 203 Marin ave | 3600 | SURFACE WATER IMPACT |
| 12/2/2005 | 309 carrera | 25 | STORM DRAIN |
| 12/2/2005 | W Calif & Shoreline Hwy | 0 | NO WATER INVOLVED |
| 12/2/2005 | 388 Carrera | 200 | YARD/LAND |
| 12/2/2005 | Shoreline Hwy & Tenn Ave | 100 | STORM DRAIN |
| 1/17/2006 | 295 morning sun | 100 | STREET/CURB & GUTTER |

| | | | |
|---|---|---|---|
| 1/23/2006 | 315 carrera dr | 200 | YARD/LAND |
| 2/22/2006 | chamberlain ct | 600 | STREET/CURB & GUTTER |
| 8/13/2006 | 301 enterprise concour. | 30 | YARD/LAND |
| 8/14/2006 | 360 jean st | 100 | STORM DRAIN |
| 8/19/2006 | 335 jean st | 450 | STORM DRAIN |
| 11/20/2006 | 247 shoreline hwy | 0 | NO WATER INVOLVED |
| 12/2/2006 | 335 s morning sun | 40 | GROUND WATER IMPACTED |
| 2006 | | >100 | Unknown |
| 2/6/2007 | Intersection of Ross St and Linda St. | 3,300 | SURFACE WATER IMPACT |
| 2/6/2007 | Shoreline Highway (State Route 1) between Tennessee Valley Road and Redwood Highway (U.S. Route 101) | 1,600 | SURFACE WATER IMPACT |
| 2/15/2007 | 410 maple st | 30 | YARD/LAND |
| 2/18/2007 | 558 fairview | 100 | STREET/CURB & GUTTER |
| 3/23/2007 | 806 smith rd | 100 | STREET/CURB & GUTTER |
| 4/20/2007 | Shore Line Hwy | 120 | YARD/LAND |
| 4/24/2007 | 1031 Erica Rd | 50 | YARD/LAND |
| 4/26/2007 | 532 Pine Crest | 50 | BUILDING/STRUCTURE |

| | | | |
|---|---|---|---|
| 8/16/2007 | 541 Midvale | 100 | CREEK |
| 8/19/2007 | 541 Midvale | 100 | BEACH; BUILDING OR STRUCTURE; OTHER PAVED SURFACE |
| 11/29/2007 | 309 Bristol Place | 25 | BEACH; BUILDING OR STRUCTURE; OTHER PAVED SURFACE |
| 12/10/2007 | 371 County View | 100 | BEACH; BUILDING OR STRUCTURE; OTHER PAVED SURFACE |

**ATTACHMENT 2: Finding of Violation and Order Docket No. CWA-309(a)-08-030**

**Sewerage Agency of Southern Marin and its Member Agencies**

**Timetable of Order Requirements**

**October 15, 2008**

| | |
|---|---|
| II.A. | Submit Spill Response Plan |
| III.A.2. | Submit Progress Report on Cleaning and Root Control Plan |
| III.B.3. | Submit Progress Report on MMS Implementation |
| III.D. | Submit FOG Program Report |
| IV.A.2 | Submit Initial Assessment Report |
| IV.B.1. | Install flow meters |
| V.A. | Submit and Implement Short-Term Contingency Plan |
| VII.B. | Submit Progress Report on Implementation Study Report |

**April 15, 2009**

| | |
|---|---|
| III.A.1. | Submit Cleaning and Root Control Plan |
| III.B.1. | Obtain and Implement MMS |
| III.B.2. | Link MMS to GIS map |
| III.C.1. | Submit Pump Station Report |
| III.C.2. | Submit Pump Station Certification |
| III.C.3. | Submit Pump Station Upgrade Plan |
| IV.A.1. | Submit Inspection and Assessment Plan |
| VII. | Submit Implementation Study Report |

**October 15, 2009**

| | |
|---|---|
| IV.A.3. | Submit Condition Assessment Progress Report |

**October 15, 2010**

| | |
|---|---|
| IV.A.4. | Submit Final Condition Assessment Report |
| IV.B.3. | Submit Capacity Assessment Report |
| V.B.1. | Submit Capacity Assurance Plan |
| VI.A. | Submit Rehabilitation and Replacement Plan |

**October 15, 2013**

| | |
|---|---|
| V.B.2. | Complete Short-Term Improvements |

**Quarterly Spill Reports Due Each January 15, April 15, July 15, and October 15, beginning July 15, 2008:**

| | |
|---|---|
| IX.A. | Quarterly Spill Reports |

**Annual Reports Due Each October 15, beginning 2008:**

III.C.4. Pump Station Reliability
IV.B.2. Flow Monitoring Reports
VI.B. Infrastructure Renewal Program

**Annual Reports Due Each October 15, beginning 2009:**

III.A.3. Cleaning and Root Control Program

* Plan subject to review and approval by EPA pursuant to paragraph VIII of this Order.