California Regional Water Quality Control Board
San Francisco Bay Region

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Governor

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February 8, 2008
File No. 2159.5015 (ADF)

Sewerage Agency of Southern Marin
26 Corte Madera Aveneue
Mill Valley, CA 94941

Attention: Stephen J. Danehy
General Manager

SUBJECT: Transmittal of Cleanup and Abatement Order No. R2-2008-0010

Dear Mr. Danehy:

Attached is a copy of Cleanup and Abatement Order No. R2-2008-0010. This Order requires The Sewerage Agency to cleanup and abate the effects of the sewage overflows of January 25 and 31, 2008, and also requires the submission of a technical report fully describing the circumstances and responses to those overflows. Please note that this report is to be received by us no later than February 22, 2008. It further requires the Agency to perform an audit of its operation and maintenance. A work plan for this audit is due April 7, 2008. Failure to submit these reports, or submitting an incomplete or inadequate report, may subject the Agency to the imposition of administrative civil liabilities.

If you should have any questions about this Order, please feel free to contact Alan Friedman of my staff at (510) 622-2347, or by e-mail at afriedman@waterboards.ca.gov.

Sincerely,

Dyan Whyte
Assistant Executive Officer

Cc: Reed Sato, OE, SWRCB
Boris Trgovich, OE, SWRCB
Robert Nichols, Marin County District Attorney's Office
Ken Greenberg, US EPA

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

CLEANUP AND ABATEMENT ORDER NO. R2-2008-0010

THE SEWERAGE AGENCY OF SOUTHERN MARIN
MARIN COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (Water Board), finds that:

1) In violation of its permit, the Sewerage Agency of Southern Marin (hereinafter SASM or Discharger) discharged an estimated 5.15 million gallons of partially treated sewage waste into Richardson Bay on January 25, 2008, and January 31, 2008.

2) The Discharger owns and operates a wastewater treatment plant for domestic wastewater from Mill Valley and surrounding communities. The Discharger is subject to Water Board Order No. R2-2007-0056 (National Pollutant Discharge Elimination System (NPDES) Permit No. CA0037711), which allows for the discharge of secondary treated wastewater through a submerged diffuser to Raccoon Strait, in Central San Francisco Bay. In addition to the Discharger-owned collection system, wastewater is conveyed to the Discharger's system from six satellite collection systems, operated by other entities.

3) The treatment plant has an average dry weather capacity of 3.6 million gallons per day (MGD) and can treat up to 24.7 MGD during wet weather with flows in excess of this being diverted to equalization basins where they can be treated at a later time.

4) Prohibition III.D. of the Discharger's NPDES permit prohibits the bypass of partially treated wastewater to waters of the United States. Prohibition III.E. of the Discharger's permit prohibits any sanitary sewer overflow that results in a discharge of partially treated waste to waters of the United States.

5) On January 25, 2008, during heavy rain, the Discharger reported influent to the treatment plant was 44 MGD, which exceeded the design capacity of the plant. For about a six-hour period, an estimated 2.45 million gallons of screened wastewater bypassed the plant and discharged to Richardson Bay from the equalization ponds.

6) Under Water Code Section 13271, the Discharger was required to immediately notify the Office of Emergency Services (OES) of the January 25, 2008, spill. When OES gets such notifications, OES in turn notifies the Water Board and the local health officer and the administrator of environmental health of the discharge.

This notification allows the local health officer and administrator to determine if public notification is required to safeguard public health and safety. The Discharger did not immediately notify OES about the January 25, 2008, spill. On January 26, 2008, the Discharger did send to a Water Board staff member an e-mail indicating a spill had occurred but did not give any indication of its magnitude. The e-mail also erroneously stated that spill occurred on January 15, 2008.

7) Less than a week later, on January 31, 2008, the Discharger discharged 2.7 million gallons of partially treated wastewater into waters of the State. Specifically, partially treated wastewater overflowed from the effluent pump well into a stormdrain tributary to a creek that drains to Richardson Bay. The overflow resulted from insufficient pumping capacity for the high flows entering into the treatment plant during a rain storm. This was because the Discharger turned on just two of the available six pumps that pump the wastewater to disinfection facilities prior to discharge to the permitted discharge point in Raccoon Strait. The Discharger also reported that a plant alarm indicated the insufficient pumping rate, and the Discharger's contract security firm received this alarm, but the security firm failed to properly contact treatment plant staff to correct the problem.

8) The January 31, 2008, spill was reported to the OES and the Water Board later that same day.

9) Partially treated sewage is a waste under the Water Code. Partially treated sewage is domestic wastewater that has not received full secondary treatment in a wastewater treatment plant. Such sewage affects beneficial uses of waters of the State by allowing the discharge of pathogens, oxygen-demanding pollutants, suspended and settleable solids, nutrients, toxics and floatable material in excess of that allowed in the Discharger's permit. Furthermore, such discharges can also pose risks to human health, and the excessive discharge of solids and attendant odors in partially treated sewage discharges create nuisance conditions.

10) Based on the above findings, the Water Board finds the Discharger, in violation of its permit has caused or permitted, and threatens to cause or permit, waste to be discharged or deposited where it is, or probably will be, discharged into waters of the State and created, or threatens to create, a condition of pollution or nuisance. As such, pursuant to California Water Code Section 13304, this Order requires the Discharger to undertake corrective action to cleanup the waste it discharged and abate its effects and take other remedial action.

11) Given the two separate incidents of discharges of partially treated wastewater within one week and the lapses in timely notification to the appropriate entities, the Water Board is investigating the spills. Pursuant to Water Code Section 13267, this Order therefore also requires the Discharger to submit a technical

report to enable the Water Board to understand the cause, extent, scope, character and circumstances associated with the unauthorized discharges.

12) This is an action to enforce the Water Code and as such is exempt from the California Environmental Quality Act, pursuant to Section 15321(a)(2) of Title 14, California Code of Regulations.

13) Pursuant to Section 13304 of the Water Code, the Discharger is hereby notified that the Water Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Water Board to investigate unauthorized discharge of waste and to oversee cleanup of such waste, abatement of the effect thereof, or other remedial action, as required by this Order.

IT IS HEREBY ORDERED, pursuant to Section 13267 and 13304, of Division 7 of the California Water Code, that the Discharger, shall cleanup the waste discharges, abate its effects, and take other remedial actions and submit the required technical report as follows:

1) The Discharger shall cleanup and abate the effects of the partially treated sewage discharged into Richardson Bay and take other necessary remedial action to prevent threatened conditions of pollution or nuisance. The Discharger shall advise the Water Board weekly of these efforts until such time as the Water Board determines further cleanup, abatement, and remedial actions are not necessary.

2) Immediately implement corrective and preventative actions to bring the Discharger's discharge into full compliance with the prohibitions contained in Water Board Order No. R2-2007-0056.

3) Prepare and submit an adequate technical report, pursuant to Water Code Section 13267, no later than February 22, 2008, which includes the following information:

   a) A chronology of the events surrounding the January 25, 2008, sewage spill.

   b) An explanation of the hydraulic and treatment capacity of each unit process of the treatment plant.

   c) A treatment plant schematic indicating the overflow points for both the January 25 and the January 31, 2008, spills.

   d) A map indicating the location of any stormdrains or other conveyances that led sewage overflows to surface waters during both January 25 and 31, 2008, spills.

   e) A record of the daily average and maximum treatment plant influent flows for the last three years.

f) Hourly flow records since January 1, 2008, for both the treatment plant influent and effluent.

g) A copy of the January 2008 self-monitoring report for the treatment plant.

h) Records of the plant influent and effluent flow meter calibrations.

i) An organization chart including both the names and grades of the operators and maintenance staff.

j) The maintenance records for the effluent pumps.

k) The maintenance records for the wastewater alarm system for the last two years.

l) A copy of the Redwood Security alarm and phone logs for both the January 25 and January 31, 2008, spills.

m) A copy of the treatment plant's alarm printouts for both the January 25 and January 31, 2008, spills.

n) Lab results of any receiving water sampling conducted after the January 25 and January 31, 2008, spills.

o) The chain of custody sheets for the above sampling events.

p) A copy of the treatment plant's lab certification.

q) A copy of the lab analyst certifications for all individuals who produce lab data that is reported to Water Board and the U.S. EPA.

r) A copy of the lab QA/QC program.

s) A copy of the treatment plant logbook for the month of January 2008.

t) A copy of the December 31, 2005, spill report.

u) The names and phone numbers of all plant staff that were on duty the day prior to each spill, were on call on either day, that responded to either spill, and were involved in the clean-up and sampling after each spill.

v) The calculations of the overflow volume for each spill, including the relevant assumptions.

w) A copy of the spill and/or emergency standard operating procedures for the treatment plant.

x) A copy of the treatment plant's contract with Redwood Security.

y) The on-call operator schedules.

z) The shift schedules for January 2008.

aa) Copies of any correspondence, including the e-mails between SASM and the regulatory agencies, regarding both spills.

bb) A list of all spills during the last three years, including their dates, locations and estimated volumes.

cc) The numbers and capacities of the chlorine and sulfur dioxide delivery systems.

dd) A record of the hypochlorite and sulfur dioxide use for the last three months.

ee) A copy of the latest inflow/infiltration studies for the SASM collection system and for the associated satellite collection systems.

ff) A copy of the operating budget for both the treatment and collection systems, to include the satellite collection systems, for the past three years.

gg) A copy of the Joint Power Agreement for SASM.

hh) A copy of the operation procedures for the equalization basins.

ii) A copy of the influent and effluent pump-run hour records.

jj) An explanation of the operation of the treatment plant influent and effluent pumps.

4) Prepare a work plan for an external audit to demonstrate that the ongoing threat of discharge of wastes into waters of the State and the threat to create a condition of pollution and nuisance have been abated by verifying the Discharger's effectiveness in complying with Order No. R2-2007-0056, Attachment D, Section I.D, Federal Standard Provisions for Proper Operation and Maintenance. An external auditor shall prepare the work plan. The external auditor shall be a qualified contractor, consultant, industry group, or trade association with experience in assessing the type of alarm systems used by the Discharger, and backup power generating and switching systems. The work plan shall be submitted to the Water Board by April 7, 2008. The work plan must be approved by the Water Board Executive Officer prior to commencement of work. A technical report detailing the results of the audit shall be provided to the Water

Board no later than 60 days subsequent to approval of the work plan by the Water Board Executive Officer.

5) This Order is not intended to permit or allow the Discharger to cease any work required by any other order issued by the Water Board, nor shall it be used as a reason to stop or redirect any investigation or cleanup or remediation programs ordered by the Water Board or any other agency. Furthermore, this Order does not exempt the Discharger from compliance with any other laws, regulations, or ordinances that may be applicable and it leaves unaffected any further restrictions that may be contained in other statutes or required by other agencies.

6) Pursuant to Water Code Section 13267, the Discharger shall submit the required technical reports no later than the dates specified above. Furthermore, pursuant to California Water Code Section 13268(b)(1), failure to submit the required report may result in the imposition of civil liability penalties by the Water Board of up to $1,000 per day for each day the report is not received after the due date. Failure to comply with this Order to cleanup, abate, and remediate the partially treated wastewater may result in the imposition of civil liability by the Water Board of up to $5,000 for each day of violation.

7) The technical report required by this Order shall be true, correct, adequate and complete, as determined by the Water Board Executive Officer.

8) If the Discharger is delayed, interrupted or prevented from meeting the submittal date specified in this Order, the Discharger shall promptly notify the Water Board Executive Officer in writing with a recommended revised report submittal date. Any extensions of the time deadlines specified in this Order must be approved in writing by the Water Board Executive Officer. The Water Board Executive Officer may consider revisions to this Order.

9) As described above, upon receipt of a billing statement for costs incurred pursuant to CWC section 13304, the Discharger shall reimburse the Water Board.

10) If the Discharger fails to comply with the provisions of this Order, the Water Board may also consider requesting the Attorney General to take appropriate enforcement actions against the Discharger, including injunctive and judicial civil liabilities.

11) This Order does not precluded or otherwise limit in any way the Water Board's ability to take appropriate enforcement action for the Discharger's violations of applicable laws, including, but not limited to, discharging partially treated sewage in violation of its permit

Dyan Whyte
Assistant Executive Officer

2/8/08
Date