

California Regional Water Quality Control Board  
North Coast Region

Administrative Civil Liability Order No. R1-2008-0004

For  
Discharges in Violation of the Water Quality Control Plan  
for the North Coast Region and  
State Water Resources Control Board Order No. 2006-0003-DWQ

In the Matter of  
City of Sebastopol  
Morris Street Pump Station  
WDID No. 1B76176OSON

Sonoma County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), having received from the City of Sebastopol (hereinafter Discharger) a waiver of the right to a hearing in the matter of civil penalties issued pursuant to Water Code section 13385, subdivisions (a)(2) and (a)(4) for discharges of untreated municipal wastewater in violation of the Water Quality Control Plan for the North Coast Region and in violation of Order No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (GWDRs), as a result of Sewer System Overflows (SSOs) and having received a request for the opportunity to implement a Project in lieu of paying a portion of the penalty prescribed, finds the following:

1. The Discharger owns and operates the Morris Street Pump Station (MSPS). The MSPS is located at 275 Morris Street, which is approximately 600 feet north of the Sebastopol Avenue and Morris Street intersection and about 500 feet westerly from the Laguna de Santa Rosa. The MSPS pumps the City's wastewater from the sanitary sewer collection system to the City of Santa Rosa's subregional wastewater treatment plant, which is regulated by Waste Discharge Requirements, NPDES Permit No. CA0022764. The pump station was put into service on September 18, 1978 when the City's wastewater treatment plant was abandoned.
2. Water Code section 13385, subdivision (a)(2) allows the Regional Water Board to assess administrative civil liability against a discharger for violation of any waste discharge requirements. The Discharger's wastewater collection and pumping system is regulated in part by the GWDRs adopted by the State Water Resources Control Board on May 2, 2006. The Discharger enrolled in the GWDRs on October 10, 2006. Order No. 2006-0003-DWQ prohibits the discharge of untreated or partially treated wastewater from sanitary sewer systems to waters of the United States.
3. Water Code section 13385, subdivision (a)(4) allows the Regional Water Board to assess administrative civil liability against a discharger if the discharger violates a discharge prohibition contained in a water quality control plan. The Water Quality Control Plan for the North Coast Region prohibits the discharge of municipal waste into the Russian River or its tributaries unless the waste is advanced treated

wastewater that meets effluent limitations contained in NPDES permits for each discharger.

4. On December 31, 2005, the Laguna de Santa Rosa overflowed its banks and flooded portions of eastern Sebastopol, including Morris Street and the area surrounding the MSPS to a depth of 3 to 4 feet. The MSPS malfunctioned and was flooded on January 2, 2006. The flooding resulted in a discharge of about 7 million gallons of a combination of floodwater and untreated municipal wastewater to the Laguna de Santa Rosa.
5. In a separate incident on April 21, 2007, an overflow occurred from manholes E00-009 and E00-013 near 400 Morris Street. Approximately 18,000 gallons of untreated municipal wastewater was discharged to the Laguna de Santa Rosa via street gutters and storm drains. The cause of the discharge was the result of operator error that occurred during routine cleaning of a solids pit associated with the MSPS.
6. On August 14, 2007, the Assistant Executive Officer issued Administrative Civil Liability Complaint No. R1-2007-0068 (ACLC) assessing a civil liability of \$50,000 for violations described in Findings 4 and 5 above. The Discharger waived its right to a public hearing and requested to pay the sum of \$17,500 to the State Water Pollution Cleanup and Abatement Account (CAA) and spend the remaining balance of \$32,500 on a Project. The Discharger paid \$17,500 into the CAA on September 19, 2007.
7. The proposed Project will upgrade the MSPS by the replacement of two existing 60 horsepower (hp) pumps with two 125 hp pumps and the installation of a third 125 hp pump as a standby unit in case of failure of a main pump. The pumps will include variable drive systems, which will improve the efficiency of the operation. The electrical system will be upgraded as necessary and the backup generator will be upgraded. A Supervisory Control and Data Acquisition (SCADA) system will be installed to allow careful monitoring of pump operations by the operators of the system.
8. Government Code section 11415.60, subdivision (a) states that an agency may formulate and issue a settlement on any terms the parties determine are appropriate. The Regional Water Board and the Discharger concur that the Discharger's proposal described in Findings 6 and 7 is a fair settlement of the ACLC and is in the interest of the public. The proposed settlement has been properly noticed for public review, and the Regional Water Board has considered all comments.
9. A duly noticed public hearing on this matter was held before the Regional Water Board on March 6, 2008 at the River Lodge Conference Center in Fortuna, California. The documents for the agenda item were provided to the Discharger and made available to the public prior to the hearing. The Discharger and the public were given the opportunity to testify and present evidence regarding the proposed settlement.

10. The issuance of this Order is an enforcement action to protect the environment, and is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, §§ 21000-21177) pursuant to title 14, California Code of Regulations, sections 15308 and 15321, subdivision (a)(2).
11. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board to review the action in accordance with section 13320 of the Water Code and title 23, California Code of Regulations, section 2050. The petition must be received by the State Water Resources Control Board within thirty days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED, pursuant to Water Code section 13385, that:

1. The Discharger shall be assessed a total civil liability of \$50,000. The Discharger has paid the sum of \$17,500 to the CAA. The Discharger shall spend the remaining sum of \$32,500 toward the completion of a Project to upgrade the pumping capacity of the MSPS. Upon the Executive Officer's determination that the Project, as described in Findings 6 and 7 of this Order, has been completed, the remaining \$32,500 liability will be suspended. If the final project cost is less than \$32,500 the remaining balance shall be paid to the CAA. The sum of the project, and the amount paid to the CAA shall at least equal the amount of the full penalty. All payments, including money not used for the project, must be payable to the CAA.
2. The Discharger shall submit progress reports describing the planning and construction of the Project and shall complete the Project according to the following time schedule:

TASK	DUE DATE
Prepare project specifications and bid documents	No later than March 15, 2008 and submit a report of compliance by March 31, 2008.
Advertise for bids and award a construction contract.	No later than June 30, 2008 and submit a report by July 15, 2008 describing completion of the task.
Commence construction.	No later than July 31, 2008 and submit a report by August 15, 2008 describing completion of the task.
Complete construction.	No later than October 31, 2008 and submit a compliance report by November 15, 2008. The report shall describe the completion of the Project and include an overall evaluation of the Project and its ability to meet the stated goal of increasing the pumping capacity of the MSPS and providing improved operational control.

3. If, given written justification from the Discharger, the Executive Officer determines that a delay in the Project's implementation schedule is beyond the reasonable

control of the Discharger, the Executive Officer may revise the implementation schedule as appropriate. Written justification must be received by the Executive Officer before the specific due date occurs, must describe circumstances causing the delay, and must state when each task of the Project will be completed.

4. Failure to meet the deadlines above, including completing the Project, will result in the Discharger being required to pay the remaining \$32,500 penalty.
5. Notwithstanding the issuance of this Order, the Regional Water Board shall retain continuing jurisdiction to determine compliance with the terms of the suspended penalty provisions above, as well as the authority to assess additional penalties for other violations of the Discharger's waste discharge requirements.

#### Certification

I, Robert R. Klamt, Interim Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region on March 6, 2008.

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Robert R. Klamt  
Interim Executive Officer