

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**INVESTIGATIVE ORDER NO. R9-2007-0069
FOR
SANTA MARGARITA WATER DISTRICT
DISCHARGE OF UNTREATED SEWAGE
WITHIN IN THE CITY OF SAN JUAN CAPISTRANO
ORANGE COUNTY**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board) finds that:

1. Santa Margarita Water District (hereinafter the Discharger) owns and operates a 16-inch force sewer main located northwest of the intersection of Ortega Highway (public road) and Ortega Highway (private road, entrance to Rancho Mission Viejo) in the City of San Juan Capistrano, California. The Discharger's sanitary sewer system is regulated by State Board WDRs Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*. Order No. 2006-0003-DWQ prohibits the discharge of untreated or partially treated wastewater to waters of the United States, or that creates a nuisance as defined in California Water Code Section 13050 (m).
2. On April 5, 2007 and continuing through April 8, 2007, approximately 392,000 gallons of untreated sewage from the 16-inch force sewer main was discharged into the San Juan Creek in violation of Order No. 2006-0003-DWQ.
3. Pursuant to California Water Code Sections 13267, this Regional Board may investigate the quality of waters of the state by requiring dischargers to submit technical or monitoring reports.
4. Due to the Discharger's violation of Order No. 2006-0003-DWQ, submittal of technical information is necessary to determine the nature, circumstances, extent and gravity of the illicit discharge of sewage to the San Juan Creek.
5. The costs associated with providing the information, including sampling, analysis, and reporting is reasonable for assessing the circumstances of an illicit discharge of sewage of the magnitude of this incident to waters of the U.S.
6. This action is for information gathering purposes and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 2100 Et seq.) in accordance with Section 15306, Chapter 3, Title 14, California Administration Code.

IT IS HEREBY ORDERED, that pursuant to section 13267 of the California Water Code, the Discharger shall conduct a technical investigation, and prepare and submit the following technical report to the Regional Board:

The technical report shall contain, but is not limited to, the following information, and shall be submitted **no later than May 11, 2007**.

Cause and Circumstances of the Discharge

1. A complete, detailed explanation of how and when the overflow from the sewer main was discovered, including the tabular and graphical summaries of the daily total influent flows to the Chiquita Wastewater Reclamation Plant and flow data from the Ortega Lift Station from April 5, 2007 through April 8, 2007.
2. A detailed chronological description of all actions taken by the Discharger to terminate the discharge, repair the force sewer main, and mitigate its impacts. Please include an evaluation of the results of these actions.
3. A detailed report of the total volume discharged, including the assumptions and methods used in making the determination.

Pollution Prevention Measures

4. Identification of the design and construction standards and specifications that were applied for the installation of the 16-inch force sewer main.
5. Identification of the procedures and standards for inspecting and testing the installation of the 16-inch force sewer main.
6. Copy of the Operation and Maintenance Program and Overflow Emergency Response Plan prepared in accordance with Order No. 2006-003-DWQ. Please describe how the Operation and Maintenance Program and Overflow Emergency Response Plan was implemented before and during the overflow from the sewer main. As a result of the overflow, please describe any changes, if any, that will be made in the Operation and Maintenance Program and Overflow Emergency Response Plan.

Nature and Impact of the Discharge

7. Any water quality monitoring data for the following areas: in receiving water both upstream and downstream from where the discharged water merges with the San Juan Creek.

8. An assessment of the impacts on arroyo toad, other species, and the overall ecosystem in the San Juan Creek, and any short and long term effects resulting from the discharge including, but not limited to, impacts on public health and the environment. Please provide supporting rationale for any conclusions, discuss what steps were taken, or will be taken, to mitigate these impacts.
9. Any other pertinent information that will assist in evaluation of the nature, circumstances, extent, and gravity of the discharges.

All information provided to the Regional Board shall include the following signed certification:

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, 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.



JOHN H. ROBERTUS
Executive Officer

4/18/07

Date

JHR:rwm:jlc