APPDENDIX B
Investigative Order No. R9-2007-060

Linda S. Adams
Secretary for Environmental Protection

California Regional Water Quality Control Board

San Diego Region

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April 6, 2007

In reply refer to:
NCRU:01-0743.02 & 01-0764.02:ebecker

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Dear Ms. Geldert and Mr. Stone:

INVESTIGATIVE ORDER NO. R9-2007-0060, DISCHARGE OF UNTREATED SEWAGE INTO BUENA VISTA LAGOON, WITHIN THE CITY OF CARLSBAD, SAN DIEGO COUNTY

Enclosed is Investigative Order No. R9-2007-0060 (Order) of the California Regional Water Quality Control Board, San Diego Region (Regional Board) concerning the discharge of over 5 million gallons of untreated sewage into Buena Vista Lagoon from a force sewer main jointly owned and operated by the City of Vista and the Carlsbad Municipal Water District. The Order is issued pursuant to California Water Code (CWC) sections 13267 and directs you to submit a technical report **by April 23, 2007** that provides information on the sanitary sewage overflow.

Please note the requirements contained within the Order. Specifically, all technical reports submitted to the Regional Board shall be accompanied by the certification, under penalty of law, that the information is true, accurate, and complete.

Failure to meet the requirements may subject you to further enforcement action by the Regional Board, including administrative civil liability pursuant to CWC sections 13268 and 13385.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Respectfully,

for JOHN H. ROBERTUS
Executive Officer

JHR:dtb:tla

Enclosure

cc:

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

INVESTIGATIVE ORDER NO. R9-2007-0060
FOR
CITY OF VISTA
CARLSBAD MUNICIPAL WATER DISTRICT
VIOLATION OF WASTE DISCHARGE REQUIREMENTS NO. R9-2007-0005
FOR THE
DISCHARGE OF UNTREATED SEWAGE INTO THE BUENA VISTA LAGOON
WITHIN THE CITY OF CARLSBAD
SAN DIEGO COUNTY

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

1. The City of Vista and Carlsbad Municipal Water District, hereinafter Dischargers, jointly own and operate a 24-inch force sewer main located south of Buena Vista Lagoon near Jefferson Street in the City of Carlsbad. The Dischargers' sanitary sewer systems, including this sewer main are regulated by WDRs Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*.

2. On or before April 1, 2007 through April 3, 2007, the Dischargers spilled over 5 million gallons of untreated sewage from the sewer main and an adjacent pump station into Buena Vista Lagoon in violation of Prohibition B.1 of Order No. R9-2007-0005. Prohibition B.1 of Order No. R9-2007-0005 prohibits the discharge of sewage from the sanitary sewer system at any point upstream of a sewage treatment plant.

3. Pursuant California Water Code Sections 13267, the Regional Board, in reviewing Waste Discharge Requirements (WDRs), may investigate the quality of waters of the state by requiring dischargers to submit technical or monitoring reports. The burden, including costs, of these reports shall bear a reasonable relationship to the need. The Regional Board must also provide an explanation for the need for the report and evidence supporting requiring the report from the discharger.

4. Due to the Dischargers' violation of Order No. R9-2007-0005, the Regional Board requires additional information to evaluate the actions taken to prevent the sewage discharge, to repair the failed pipeline, and to investigate the impacts to water quality from the sewage discharges.

5. The costs associated with providing the information are minimal and reasonable compared to the volume of the sewage spill and the impacts to water quality and beneficial uses of the Buena Vista Lagoon.

IT IS HEREBY ORDERED, that pursuant to section 13267 of the California Water Code, the City of Vista and Carlsbad Municipal Water District, shall conduct a technical investigation, and prepare and submit a technical report to the Regional Board **no later than April 23, 2007**. The technical report shall contain, but is not limited to, the following information:

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 Encina Water Pollution Control Facility (EWPCF) and flow data from the Buena Vista Pump Station from March 6, 2007 through April 6, 2007.

2. A detailed report of the cause and/or causes of the overflow, including any testing or technical evaluation of the condition of the sewer main. The report should also include the rational for the original selection of the iron pipe and an evaluation of the appropriateness of installing this type of pipe in the lagoon.

3. A detailed chronological description of all actions taken by the Dischargers to terminate the overflow, repair the failed pipeline, and mitigate its impacts. Also include an evaluation of the results of these actions.

4. A detailed report of the total overflow volume including how the Dischargers calculated the volume.

5. The volume of water pumped back into the sanitary sewer system from the Buena Vista Lagoon.

6. Since 1994, the date and extent of preventive maintenance and/or inspection (e.g., line cleaning, closed-circuit television inspection) that was performed on the sewer line and other structures involved in the sewer overflow. Also report on any other problems experienced with the relevant force main in the past and what actions, if any, that have been taken to correct such problems.

7. Copies of any photographs and/or video taken during or after the sanitary sewer overflow. Photographs and/or video shall include appropriate identifying information, such as date taken, name of photographer/videographer, and textual summary of information being presented, as well as its relevance.

8. A copy of the Dischargers' current sanitary sewer overflow response plan.

9. Measures the Dischargers have taken, or will take, to prevent and mitigate the impacts of future overflows from force mains or other sewer lines, particularly in ecologically sensitive areas. This could include such tasks as monitoring of force

main flows, increased monitoring frequency of sewer lines in sensitive areas, use of additional equipment to recover sewage overflows, etc.

10. All water quality data collected as part of monitoring of the Buena Vista Lagoon after the overflow. Identify sampling locations, methods and circumstances. If historical data is available, provide this data as well.

11. An assessment of the impacts on fish, other species, and the overall ecosystem in the Buena Vista Lagoon resulting from this overflow. Identify all species that have been affected and describe all biological monitoring conducted.

12. A report on all other short and long term effects resulting from the overflow including, but not limited to, impacts on public health and the environment. Explain how these conclusions were reached and what steps the Dischargers have taken, or will take, to mitigate these impacts.

13. Any other pertinent information that will assist my staff in evaluating 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

Date

JHR:rwm:esb