

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

CLEANUP AND ABATEMENT ORDER NO. R2-2009-0010

**THE SAUSALITO-MARIN CITY SANITARY DISTRICT
SAUSALITO, MARIN COUNTY**

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

- 1) In violation of its permit, the Sausalito-Marín City Sanitary District (hereinafter Discharger) discharged an estimated 720,000 gallons of partially treated sewage waste into San Francisco Bay. It was discovered around 1:00 pm on February 17, 2009, and continued through February 20, 2009. Because the first day of the spill is unknown, the total discharge volume (720,000 gallons) is likely an underestimation.
- 2) The Discharger owns and operates a wastewater treatment plant (Plant), located at #1 Fort Baker Road, Sausalito, Marin County, California. The Plant provides secondary treatment for domestic wastewater from Marin City, the City of Sausalito, Tamalpais Community Services District, and Golden Gate National Recreation Area. The Discharger is subject to Water Board Order No. R2-2003-0109 (National Pollutant Discharge Elimination System (NPDES) Permit No. CA0038067), which allows for the discharge of secondary treated wastewater through a submerged diffuser to Central San Francisco Bay.

The Discharger's collection system includes about 10 miles of sanitary sewer lines and seven pump stations. About 70 miles of sanitary sewer lines are owned and operated by the City of Sausalito, Tamalpais Community Services District, and Golden Gate National Recreation Area.

- 3) The Plant has an average dry weather capacity of 1.3 million gallons per day (MGD) and can treat up to 6.0 MGD during wet weather with flows in excess of this being diverted from the biological treatment units directly to the secondary clarifiers.
- 4) Prohibition III.C. of the Discharger's NPDES permit prohibits the bypass of partially treated wastewater to waters of the United States.
- 5) On February 17, 2009, at 1:00 pm, the Discharger discovered a spill from a ruptured pipeline at the Plant. The pipeline is used to bypass the primary clarifier during maintenance of the clarifier. The bypass pipeline, which is located in the tidal zone, received overflow effluent from the clarifier for unknown reasons. For about a 72-hour period, an estimated 720,000 gallons of partially treated

wastewater from the primary clarifier back flowed into the bypass pipeline, which had a break due to corrosion, and discharged directly to central San Francisco Bay.

- 6) 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.
- 7) The Discharger is 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.
- 8) The Water Board is currently investigating the cause and water quality impact of the spill. 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 discharge.
- 9) 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.
- 10) 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 San Francisco Bay and take other necessary remedial action to prevent threatened conditions of pollution or nuisance. The Discharger shall immediately, and no later than February 27, 2009, advise the Water Board of the

feasibility to cleanup the waste discharge and abate its effects. If determined to be warranted by the Water Board Assistant Executive Officer, the Discharger shall report weekly on cleanup, abatement, and remedial actions until such time as the Water Board determines further 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. R2-2003-0109.
- 3) Prepare and submit a technical report, acceptable to the Assistant Executive Officer, pursuant to Water Code Section 13267, no later than March 19, 2009, which includes the following information:
 - a) A chronology of the events surrounding the sewage spill discovered on February 17, 2009.
 - b) The Plant's process flow schematic indicating the origin (i.e., bypass pipeline) of the spill.
 - c) An explanation of the operation and maintenance (O&M) procedures for the bypass pipeline, with a copy of the relevant pages from the O&M manual.
 - d) The maintenance records for the bypass pipeline for the current year and the last three full calendar years.
 - e) An explanation of the function of the bypass pipeline including how and why the effluent from the clarifier backflows into the bypass pipeline.
 - f) Identify and provide documentation of any revisions to the Discharger's current spill response procedures in light of the February 17th spill.
 - g) The calculations of the overflow volume for the February 17th spill, including the relevant assumptions.
 - h) Treatment plant influent and effluent average daily flow data for the current year and last full calendar year.
 - i) Lab results of any receiving water sampling conducted after the February 17th spill was discovered, and any wastewater samples collected in relation to the spill.
 - j) A list of all Plant spills for the current year and last three full calendar years, including their dates, locations, estimated volumes, total volume recovered, spill causes and final spill destinations.

- k) A copy of the operating budget for both the treatment and collection systems for the current year and past three fiscal years.
 - l) Sources of funding for treatment and collection system O&M and capital improvement projects (i.e. sewer fees, general fund, bonds).
 - m) Average residential sewer fee (\$/month) and basis of sewer rate fee.
- 4) By April 24, 2009, the Discharger shall submit a technical report, acceptable to the Assistant Executive Officer, to assess the Discharger's treatment and collection system facilities in order 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. The report shall: (1) assess other treatment and collection system facilities (including components in the intertidal zone or under water) that pose a threat of discharge of wastes into waters of the State and a threat to create a condition of pollution and nuisance, (2) identify preventive and corrective measures the Discharger can implement in the short-term and long-term to abate these threats, and (3) develop a time schedule to implement short-term and long-term preventive and corrective measures identified.
 - 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, 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 Assistant Executive Officer.
 - 8) If the Discharger is delayed, interrupted or prevented from meeting the submittal dates specified in this Order, the Discharger shall promptly notify the Water Board's Assistant Executive Officer in writing with a recommended revised report submittal date. Any extensions of the time deadlines specified in 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 preclude 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

February 23, 2009
Date