CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

COMPLAINT NO. R2-2010-0093

ADMINISTRATIVE CIVIL LIABILITY
IN THE MATTER OF
SANITARY SEWER OVERFLOWS
SONOMA VALLEY COUNTY SANITATION DISTRICT
SONOMA COUNTY

The Assistant Executive Officer of the California Regional Water Quality Control Board, San Francisco Bay Region (Regional Water Board) hereby gives notice that:

1. The SONOMA VALLEY COUNTY SANITATION DISTRICT (the Discharger) is alleged to have violated California Water Code (CWC) section 13385(a)(2) for which the Regional Water Board may impose civil liability pursuant to CWC sections 13323 and 13385(c) for each of 37 untreated wastewater discharges to surface waters of the United States. These sanitary sewer overflows (SSOs) that occurred between January 31, 2007, and January 31, 2010, totaling 930,077 gallons reaching surface water, were unauthorized and caused by the Discharger's failure to maintain and operate its sanitary sewer collection system (collection system) as required in the corresponding National Pollutant Discharge Elimination System (NPDES) Permits. This Complaint seeks $348,400 in administrative civil liability.

2. The Discharger owns a collection system that serves the City of Sonoma and numerous unincorporated areas in the Sonoma Valley area, California. A separate entity, the SONOMA COUNTY WATER AGENCY, operates the wastewater treatment plant and associated collection system that provides secondary treatment for domestic and commercial wastewater. The collection system consists of approximately 135 miles of sewer pipe and two pump stations, and serves an approximate population of 16,452 equivalent single-family dwelling units.

3. Section 301 of the Federal Water Pollution Control Act (33 U.S.C. § 1311) (Clean Water Act) and CWC section 13376 prohibit the discharge of pollutants to surface water except in compliance with an NPDES permit. For the period of December 1, 2004, to December 1, 2008, the Discharger was subject to Regional Water Board Order No. R2-2002-0046 (NPDES Permit No. CA0037800 or 2002 NPDES Permit), incorporating the Standard Provisions and Reporting Requirements for NPDES Surface Water Discharge Permits, August 1993, by reference and attachment. From December 1, 2008, to the present, the Discharger is subject to Order No. R2-2008-0090 (NPDES Permit No. CA0037800 or 2008 NPDES Permit), incorporating the federal Standard Provisions (Version 2007-1) by reference and attachment.

    a. Standard Provisions and Reporting Requirements for NPDES Surface Water Discharge Permits, August 1993, Discharge Prohibition A.3. prohibits the overflow of untreated wastewater to waters of the state from the collection system.

b. Federal Standard Provisions (Version 2007-1) Discharge Prohibition III.E. prohibits SSOs that result in a discharge of untreated wastewater to waters of the United States.

4. On or about and between January 31, 2007, and November 30, 2008, the Discharger had 24 SSOs of untreated wastewater that discharged to waters of the state and the United States, violating Standard Provisions and Reporting Requirements for NPDES Surface Water Discharge Permits, August 1993, Discharge Prohibition A.3., incorporated into the 2002 NPDES Permit.

    a. These 24 violations totaled 871,940 gallons discharged, 871,770 gallons of which were not recovered or cleaned up.

    b. The statutory maximum liability on a per gallon and per day basis is $8,898,300 for these 24 SSOs.

5. On or about and between December 1, 2008, and January 31, 2010, the Discharger had 13 SSOs of untreated wastewater that discharged to waters of the United States, violating Federal Standard Provisions (Version 2007-1) Discharge Prohibition III.E, incorporated in the 2008 NPDES Permit.

    a. These 13 violations totaled 58,697 gallons discharged, 58,307 gallons of which were not recovered or cleaned up.

    b. The statutory maximum liability on a per gallon and per day basis is $652,000 for these 13 SSOs.

6. The Staff Report for Enforcement of Sanitary Sewer Overflows Occurring in Sonoma Valley County Sanitation District dated July 7, 2010, is attached and incorporated herein.

7. Tables 1 and 2, attached and incorporated herein, include each of these 37 SSOs in which the untreated wastewater was discharged to surface water that entered into waters of the United States covering three years. The additional entries on the tables include 1) all unauthorized SSOs older than January 2007, 2) unauthorized SSOs in which the discharges went to other surfaces than directly to waters of the United States, and 3) the differences between capacity-related and blockage-related SSOs. The total amount of untreated wastewater released in unpermitted discharges between December 8, 2004, and January 31, 2010, is 1,961,132 gallons.

8. Based on the considerations of the factors listed in CWC section 13385(e) and the liability methodology contained in the State Water Resources Control Board's Water Quality Enforcement Policy (amended November 2009), the proposed administrative civil liability is $348,400 for 37 violations of CWC section 13385(a)(2).

9. This issuance of this Complaint is an enforcement action and is, therefore, exempt from the California Environmental Quality Act, pursuant to Title 14, California Code of Regulations, Section 15321.

July 15, 2010

Thomas E. Mumley
Assistant Executive Officer

Date

Attachments: Staff Report for Enforcement of Sanitary Sewer Overflows Occurring in Sonoma Valley County Sanitation District dated July 7, 2010

Table 1: Sonoma Valley County Sanitation District reported SSOs in CIWQS from May 2, 2007, through January 31, 2010

Table 2: Sonoma Valley County Sanitation District SSOs reported to Regional Water Board eReporting Program from December 1, 2004, through May 2, 2007