

State of California
Regional Water Quality Control Board
San Diego Region

ENFORCEMENT SUMMARY REPORT
November 18, 2009

ITEM: 6

SUBJECT: Administrative Civil Liability against the City of Laguna Beach, Bluebird SOCWA Lift Station Sanitary Sewer Overflow to the Pacific Ocean. The Regional Board will consider adoption of a tentative Order that would impose liability in the amount of \$70,680 recommended in Complaint R9-2009-0040 for a 591,000 gallon sanitary sewer overflow in violation of State Board Order No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Section 301 of the Clean Water Act and California Water Code Section 13376. (Tentative Order R9-2009-0168) (Rebecca Stewart)

PURPOSE: The Regional Board may approve, modify, or reject assessment of the recommended penalty. The City of Laguna Beach has waived its right to a public hearing. If the Regional Board rejects the tentative Order, the matter may be rescheduled to a future public hearing at which time the Regional Board will receive evidence and testimony and consider assessment of liability.

PUBLIC NOTICE: On September 11, 2009 a notice was published in the Laguna Beach Coastline Pilot and on the Regional Board website soliciting public input on the City of Laguna Beach's waiver of the public hearing and payment of the proposed liability.

DISCUSSION: On October 29, 2008 the City of Laguna Beach reported that approximately 591,000 gallons of untreated sewage discharged to the Pacific Ocean from the failure of a gate valve at the Bluebird SOCWA Lift Station. The City was notified of the sanitary sewer overflow (SSO) by its electronic SCADA system at 1:07 AM. The City notified the Regional Board at 3:15 AM and stopped the spill at approximately 10:00 AM.

Due to the proximity of the lift station to the Pacific Ocean, only an estimated 1,000 gallons of sewage was recovered, and the SSO resulted in the closure of beaches in the vicinity of the discharge for six days.

The City reported that approximately \$210,000 was spent on the spill cleanup and repairs to the lift station which includes the installation of a new gate valve.

In 2003 the City began implementation of sewage collection system improvements to reduce the number of spill incidents. In 2003 the City reported 22 SSOs and six beach closures. In 2008, there were four SSOs and two beach closures. The City's rapid response to the spill, its improved record of SSOs, and its commitment to collection system improvements contributed to the determination that \$0.12 per gallon of sewage discharged was an appropriate assessment for this incident.

On September 17, 2009 the City of Laguna Beach paid the \$70,680 liability and waived its right to a public hearing.

If the Regional Board does not adopt the tentative Order accepting the waiver and payment, a public hearing will be scheduled for a future Regional Board meeting.

LEGAL CONCERNS: None.

SUPPORTING
DOCUMENTS:

- (1) Location Map
- (2) Tentative ACL Order No. R9-2009-0168
- (3) Complaint No. R9-2009-0040
- (4) Staff Report for Proposed Administrative Civil Liability Contained in Complaint No. R9-2009-0040
- (5) August 22, 2009 letter from Clean Water Now! Coalition