

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

**INVESTIGATIVE ORDER NO. R9-2007-0108
FOR
SANTA MARGARITA WATER DISTRICT
DISCHARGE OF UNTREATED SEWAGE
WITHIN IN THE CITY OF SAN CLEMENTE
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 within the Rancho Mission Viejo Ecological Reserve, near Christianitos Road, City of San Clemente, 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 July 3, 2007 and continuing through July 4, 2007, approximately 600,000 gallons of untreated sewage from the 16-inch force sewer main was discharged within Rancho Mission Viejo Ecological Reserve into the Christianitos Creek in violation of Order No. 2006-0003-DWQ.
3. The arroyo toad has been identified in the Christianitos Creek in the area of the sewage discharge. The arroyo toad was listed as an endangered species under the federal Endangered Species Act by United States Fish and Wildlife Services and as a "Species of Special Concern" by the State of California under the state Endangered Species Act.
4. Raw sewage contains a mixture of pollutants. Pollutants have been identified as stressors that have contributed to direct mortality of amphibians as well as the decline of amphibian populations. Contaminants have also been identified as one of the four major causes in amphibian malformations.
5. Sewage-polluted water contains viruses and bacteria that are a potential vehicle for transmission of disease to ecological receptors. Following a major sewage spill event, high concentrations of fecal indicator bacteria are persistent in the sediment and remain in the sediment for several weeks. Amphibians are known to be susceptible to infection from bacteria, including those that potentially could be found in human sewage.

6. 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.
7. The Discharge of raw sewage, described in Finding No. 1 of this Order, is a violation of Order No. 2006-0003-DWQ. The size and location of the raw sewage discharge potentially impacted sensitive fauna and flora species, including the Arroyo Toad. The Discharger must submit additional technical information for the Regional Board to effectively evaluate the nature, circumstances, extent, and gravity of the illicit discharge of sewage within Rancho Mission Viejo Ecological Reserve to the Christianitos Creek.
8. 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.
9. 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 Code of Regulations.

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 August 17, 2007**.

Cause and Circumstances of the Discharge

1. A complete, detailed explanation of how and when the overflow from the force sewer main was discovered, including tabular and graphical summaries of the daily total influent flows to the Chiquita Wastewater Reclamation Plant and flow data from the Telega Lift Station from July 3, 2007 through July 4, 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. The narrative must include an evaluation of the results of these actions.
3. A detailed description of the cause of the pipe structural problem/failure.
4. A detailed report of the total volume of sewage discharged, including the assumptions and methods used in making the determination.

Pollution Prevention Measures

5. The date the 16-inch force sewer main was installed.
6. Identification of the design and construction standards and specifications that were applied for the installation of the 16-inch force sewer main.
7. Identification of the procedures and standards for inspecting and testing the installation of the 16-inch force sewer main.
8. Copy of the "Operation and Maintenance Program and Overflow Emergency Response Plan" (the Plan) prepared in accordance with Order No. 2006-003-DWQ, if the plan has been updated since last submittal. Please describe how the Plan was implemented before and during the overflow from the sewer main. Your response should include a description of any changes/improvements that will be made in the Plan as a result of experiences gained from responding to the spill that occurred between July 3 and 4, 2007.

Nature and Impact of the Discharge

9. Detailed map of the discharge location, path of the discharge, and location of sampling points.
10. An assessment of the impacts upon the arroyo toad population, sensitive fauna, flora species, and other species; the overall ecosystem in Rancho Mission Viejo Ecological Reserve, and the Christianitos Creek; and any short and long-term effects resulting from the discharge, including, but not limited to, impacts on public health and the environment. Your assessment must include supporting rationale for your conclusions, discuss what steps were taken, or will be taken, to mitigate these impacts.
11. Any other pertinent information that will assist the Regional Board in evaluating the nature, circumstances, extent, and gravity of the sewage discharge.


14. All reports and information submitted to the Regional Board shall be signed and certified as follows:
- a. Use of Registered Professionals - The Discharger shall provide documentation that plans and reports required under this Order are prepared under the direction of appropriately qualified professionals. California Business and Professions Code Sections 6735, 7835, and 7835.1 require that engineering and geologic evaluations and judgments be performed by or under the direction of registered professionals. A statement of qualifications and registration numbers of the responsible lead professional shall be included in all plans and reports submitted by the Discharger. The lead professional shall sign and affix their registration stamp to the report, plan or document.
 - b. Use of qualified technical professionals. The Discharger shall ensure that plans and reports, required under this Order, are prepared under the direction of technical professionals who are appropriately qualified to evaluate short and long-term impacts to ecological receptors.
 - c. Signatory Requirements – All reports required under this Order shall be signed and certified by either a principal executive officer or ranking elected official or the person with overall responsibility for environmental matters for that municipality.
 - (i) **Certification Statement** – Any person signing a document under this provision shall make the following 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."

14. Reporting to the Regional Board

All monitoring and technical reports shall be submitted to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340
Attn: Supervisor Northern Core Regulatory Unit



JOHN H. ROBERTUS
Executive Officer

20 July 2007
Date

JHR:jro:jlc