

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

**INVESTIGATIVE ORDER NO. R9-2007-0195  
FOR  
SANTA MARGARITA WATER DISTRICT  
DISCHARGES OF UNTREATED SEWAGE  
TO CRISTIANITOS CREEK  
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 Discharger) owns and operates a 16-inch diameter force sewer main located near Cristianitos Road and Avenida Pico, City of San Clemente, California. The 16-inch diameter force sewer main is located downstream of the Talega Lift Station and upstream of the Chiquita Wastewater Reclamation Plant.
2. The Discharger's sanitary sewer system is regulated by Regional Board WDRs Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*. Order No. 2007-0005 prohibits the discharge of waste to land, except as authorized by waste discharge requirements or the terms described in California Water Code Section 13264.
3. On August 20, 2007, approximately 20,700 gallons of untreated sewage was discharged, from the 16-inch diameter force sewer main, into Cristianitos Creek (a dry creek bed at the time of the discharge), in violation of Order No. R9-2007-0005.
4. On September 14, 2007, approximately 10,000 gallons of untreated sewage was discharged, from the 16-inch diameter force sewer main, into Cristianitos Creek (a dry creek bed at the time of the discharge), in violation of Order No. R9-2007-0005.
5. According to Draft NCCP/HCP Planning Guidelines (dated April 2003), the Arroyo Toad has been identified as being present in Cristianitos Creek. The Arroyo Toad was listed as an endangered species under the federal Endangered Species Act by the United States Fish and Wildlife Services and as a "Species of Special Concern" by the State of California under the state Endangered Species Act.
6. Untreated 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. Pollutants have also been identified as one of the four major causes in amphibian malformations.

7. 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.
8. 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.
9. The discharges of raw sewage, described in Finding Nos. 1 through 4 of this Order, are a violation of Order No. 2007-0005. The size and location of the raw sewage discharges 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 discharges of sewage to Cristianitos Creek.
10. The costs associated with providing the information, including sampling, analysis, and reporting, are reasonable for assessing the circumstances of an illicit discharge of sewage of the magnitude of these incidents to the Cristianitos Creek.
11. 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 for both the August 20 and September 14, 2007 discharges, and shall be submitted **no later than November 9, 2007**.

*Cause and Circumstances of the Discharges*

1. A complete, detailed explanation of how and when the sewage discharges from the 16-inch diameter force sewer main were discovered, including tabular and graphical summaries of the daily total influent flows to the Chiquita Wastewater Reclamation Plant and flow data from the Talega Lift Station on August 20, 2007 and September 14, 2007.

2. A detailed chronological description of all actions taken by the Discharger to terminate the discharges and mitigate their impacts. The narrative must include an evaluation of the results of these actions.
3. A detailed description of the causes of the pipeline's structural problems/failures.
4. A detailed report of the total volumes of sewage discharged, including the assumptions and methods used in making the determinations.

#### Pollution Prevention Measures

5. The date the 16-inch diameter 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 diameter force sewer main.
7. Identification of the procedures and standards for inspecting and testing the installation of the 16-inch diameter force sewer main.
8. A copy of the Sanitary Sewer Overflow Prevention and Response Plan (Plan), if the plan has been updated since last submittal. Please describe how the Plan was implemented before and during the overflows 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 spills that occurred on August 20 and September 14, 2007.

#### Nature and Impact of the Discharges

9. An assessment of the impacts to any sensitive fauna and/or flora species in the discharge locations and paths, if any; the overall ecosystem of the areas and of Cristianitos Creek; and any short and long-term effects resulting from the discharges, including, but not limited to, impacts on public health and the environment. The assessment must include supporting rationale for all conclusions, and discussions of what steps were taken, or will be taken, to mitigate these impacts.
10. Detailed map(s) of the discharge locations, path of the discharges, location of sampling points, and location of the Arroyo Toad habitat in relation to the spills.
11. Any other pertinent information that will assist the Regional Board in evaluating the nature, circumstances, extent, and gravity of the sewage discharges.

12. 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.”*

13. 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



MICHAEL P. McCANN  
Assistant Executive Officer (Acting)

9/25/07  
Date

MPM:jro:jlc