

State of California
Regional Water Quality Control Board
San Diego Region

ENFORCEMENT SUMMARY REPORT
December 10, 2008

ITEM: 13

SUBJECT: Public Hearing: Administrative Assessment of Civil Liability, Santa Margarita Water District, Sewage Collection System: The Regional Board will consider adoption of a tentative Order that would impose \$133,190 in civil liability recommended in Complaint No. R9-2008-0057 for violations of Regional Board Order No. R9-2007-0005, Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region. The Regional Board may approve, raise, lower, or reject assessment of the recommended penalty. (Tentative Order No. R9-2008-0159) (Joann Cofrancesco)

PURPOSE: The Regional Board will consider whether to approve, raise, lower, or reject assessment of the recommended liability in Tentative Order No. R9-2008-0159 (Supporting Document 2).

PUBLIC NOTICE: On October 10, 2008, Administrative Civil Liability (ACL) Complaint No. R9-2008-0057 was posted on the Regional Board's website and made available at the Regional Board's office for review. On November 7, 2008, the Regional Board published notice of this item in the Orange County Register.

DISCUSSION: The Santa Margarita Water District (Discharger) is required to operate and maintain its sewage collection systems to prevent sanitary sewer overflows and spills in compliance with requirements of State Board Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*, and Regional Board Order No. R9-2007-0005. Prohibition B.1 of Order No. R9-2007-0005 states that the discharge of sewage from a sanitary sewer system at any point upstream of a sewage treatment plant is prohibited.

On September 22, 2008, ACL Complaint No. R9-2008-0057 was issued to the Discharger for the following violations of Prohibition B.1 of Order No. R9-2007-0005 (Supporting Document 3).

1. 392,000 gallons of sewage from April 5-8, 2007 from the 16-inch diameter Ortega Force Main located on Ortega Highway, in unincorporated Orange County; and
2. 495,934 gallons of sewage from July 3 to July 4, 2007 from the 16-inch diameter Talega Force Main located within Rancho Mission Viejo Land Conservancy in unincorporated Orange County.

Supporting Document 1 contains a vicinity map of the sewage spills.

In a letter dated October 31, 2008, the Discharger responded to ACL Complaint No. R9-2008-0057 and contested the recommended liability (Supporting Document 4). The Prosecution Team has reviewed the response and determined the response does not support changing the recommended penalty (Supporting Document 5). An additional correspondence from the U.S. Fish and Wildlife Services, dated November 20, 2008, regarding the effects to the endangered arroyo toad is provided in Supporting Document 6.

**SUPPORTING
DOCUMENTS:**

- 1) Vicinity Map of Sewage Spills
- 2) Tentative Order No. R9-2008-0159
- 3) ACL Complaint No. R9-2008-0057
- 4) Discharger's Response to ACL Complaint No. R9-2008-0057
- 5) Recommendation Memo from Prosecution Staff to Assistant Executive Officer
- 6) Email from U.S. Fish and Wildlife Services, dated November 20, 2008

RECOMMENDATION:

The approval of Tentative Order No. R9-2008-0159 is recommended.