

CALIFORNIA REGIONAL WATER CONTROL BOARD  
SAN DIEGO REGION  
9174 Sky Park Court, Suite 100  
San Diego, Ca 92123

SAN DIEGO REGIONAL  
WATER QUALITY  
CONTROL BOARD

2008 AUG 25 A 8:40

Re: Comment on Proposed Settlement of Buena Vista Lagoon Sewage Spill  
Complaint No. R9-2007-0099

**Item No. 9 Doc. No. 13**

Dear Members of the Regional Water Control Board,

It is a difficult task to stand up to affluent powerful municipalities and advise them that they have failed to meet the safety and environmental requirements the law mandates they follow. But that is exactly what the Water Control Board engineering Staff did in their 9/28/2007 report on this 7.3 Million gallon raw sewage spill. It is now up to you to show the communities affected that you will make the Cities of Vista and Carlsbad adopt the measures your engineers have outlined in their report that could have prevented or at least greatly mitigated this environmental and public health disaster to protect them against a future similar spill.

The settlement is lacking because it does not incorporate the recommendations of the Water Quality Control Board's own staff report. That report concludes at page 10, paragraph 2. **"The Dischargers failed to implement EFFECTIVE MONITORING MEASURES AND /OR INSPECTIONS of the force sewer main that could have either prevented or greatly reduced the volume of the untreated sewer discharge"**. The report points out that, in spite of their knowledge of a 1.7 million gallon spill into the same lagoon in 2000 caused by a similar condition of corrosion they had done nothing preventative. **"Even though the Dischargers were fully aware of potential risks to the force sewer main, the Dischargers chose not to implement adequate preventative measures, such as, REPLACING OR RELINING THE PIPE, INSTALLING A BACKUP SYSTEM, OR AT A MINIMUM INSTALLING MONITORS AND ALARMS THAT COULD HAVE REDUCED THE VOLUME OF SEWAGE IF NOT ELIMINATE THE DISCHARGE FROM OCCURRING"** (PAGE SIX (6) LAST SENTENCE OF Staff Report 9/28/2007).

It is now one and one half years since the sewage spill occurred. Have the cities involved **Replaced or Relined the pipe???** Particularly the pipe that is exposed to the same corrosive environment that the failed pipe was in?? Have they installed **cathodic protection** to protect against further corrosion as is recommended by your staff engineer Mr. Becker in his report? Have they constructed a **backup system**? Have they installed a **Comprehensive flow monitoring system with alarms**?

It is obvious from the Board's Staff report done to educate this board that this is a slam dunk case against these municipalities who did not even know where the broken sewer pipe was located.

The responsibility of this board for the public's safety is paramount in all settlements. When municipalities fail to institute the corrective measures your engineers' state in their report are required for the safety of the public and the environment, it is your job to mandate corrective measures that will bring this sewer system into compliance with

the law. You have the power to assess a \$73 million dollar fine. Clearly the cities can prioritize this matter and do the corrective measures called for much less than this sum.

I strongly encourage you to follow the recommendations of your own engineer's staff report and include within the four corners of the settlement agreement the corrective measures which Mr. Becker states could PREVENT or at the least greatly minimize the damage that could be caused by the next pipe failure.

Obviously the legislature and the governor were concerned when they created code section 13350 that callous indifference by municipalities could lead to 7 million 300 thousand gallons of raw sewage dumping into a lagoon. That is why they decided to make the potential fine large enough to serve as a deterrent. To reduce the fine from \$73 million to basically \$200,000 is to render it meaningless unless the offending cities are spending some serious money to take preventive measures to make sure this does not reoccur. First and foremost the settlement should include the preventative measures your own engineer states is needed.

Your own report states that the Dischargers have a history of other significant discharges of untreated sewage and that their failures to implement the preventative measures, such as relining the sewer pipe, installing a backup system, and having flow meters with alarms could have reduced if not eliminated this spill. Please do not approve this settlement. Please let the Dischargers know they have to take preventative measures immediately if they want you to waive the fine.

Respectfully Submitted,



Steven R. Walder  
Resident of San Diego County