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MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Diego Regional Water Quality Control Board

February 10, 2016

Ms. Agnes Generoso
Deputy Director
Wastewater Collection Division
Public Utilities Department
City of San Diego
9150 Topaz Way
San Diego, CA 92123

Certified Mail – Return Receipt Requested
Article Number: 7011 0470 0002 8952 9841

In reply refer to / attn:
631631:dquach

**Subject: Request for Technical Information and Notice of Violation No. R9-2016-0049
Related to Violations of Order No. 2006-003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems* and Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region***

Ms. Generoso:

The City of San Diego (City) is hereby requested to provide additional information regarding alleged violations of Order No. 2006-003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems* (Statewide General Order)¹ and Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region* (Regional General Order)².

NOTICE OF VIOLATION

The City reported that a sanitary sewer overflow (SSO) discharged untreated sewage to Tecolote Creek, tributary to Mission Bay, from January 5, 2016 to January 10, 2016. The City reported that 6,750,734 gallons of sewage spilled from a section of 15-inch pipe which was broken off due to flooding and erosion as a consequence of a recent storm. The City terminated the SSO on January 10, 2016. Of the 6,750,734 total gallons of sewage discharged, the City reported that 188,640 gallons were recovered. This SSO discharge constitutes a violation of Prohibition C.1 of the Statewide General Order, and Prohibition B.1 of the Regional General Order.

SUMMARY OF POTENTIAL ENFORCEMENT ACTIONS

The violations may potentially subject the City to additional enforcement by the San Diego

¹ The Statewide General Order can be accessed on the State Water Resources Control Board website at http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2006/wqo/wqo2006_0003.pdf

² The Regional General Order can be accessed on the San Diego Regional Water Quality Control Board website at http://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2007/2007_0005.pdf

Regional Water Quality Control Board (San Diego Water Board) or State Water Resources Control Board, including a civil liability assessment of up to \$10,000 per day of violation and \$10 per gallon for each gallon discharged but not cleaned up (Water Code section 13385) as well as any of the following enforcement actions:

Other Potential Enforcement Action Options	Applicable Water Code Section(s)
Technical or Investigative Order	Sections 13267 and 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Section 13301-13303
Time Schedule Order	Section 13000 and 13308

In addition, the San Diego Water Board may consider revising or rescinding applicable waste discharge requirements, referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

REQUEST FOR TECHNICAL INFORMATION UNDER WATER CODE SECTIONS 13267 AND 13383

Under the terms of Reporting Requirement C.5 of Water Quality Order No. WQ 2013-0058-EXEC³, the statewide monitoring and reporting program for SSO discharges, the City must submit a SSO Technical Report in the online CIWQS database within 45 calendar days of the Tecolote Creek SSO end date. The due date for the SSO Technical Report will fall on or about February 24, 2016. In order to provide the San Diego Water Board with a further assessment of the cause, nature, and impact of the Tecolote Creek SSO, the City is also directed, pursuant to California Water Code sections 13267 and 13383, to provide the following technical information, no later than **April 1, 2016**, and under penalty of perjury. To avoid any duplication of effort, the City may reference specific sections of the SSO Technical Report as appropriate in providing a full and complete response to this request.

- 1) The date(s), time(s), and location(s) of the SSO;
- 2) A detailed explanation of the cause(s) or likely cause(s) of the SSO;
- 3) A detailed chronological description of all actions taken by the City to control or limit the volume of the SSO, terminate the SSO, recover as much of the SSO wastewater discharged as possible for proper disposal, and mitigate the impacts of the SSO discharge, including an evaluation of the effectiveness of these actions;
- 4) A detailed discussion of the total SSO volume, including calculations and flow modeling, and assumptions made for each;
- 5) A detailed discussion of the volume of the SSO recovered and/or recaptured, including the following:

³ Order No. WQ 2013-0058- EXEC can be accessed on the State Water Resources Control Board website at http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2013/wqo2013_0058exec.pdf

- a) Calculations and flow modeling;
 - b) The periods that the Tecolote Creek Storm Water Interceptor (Interceptor) was in operation between December 29, 2015 and January 17, 2016, including the pumping capacity, cycle period, and cycling frequency of the interceptor pumps;
 - c) Rainfall data for the same time period;
 - d) The total volume of the flow captured by the Interceptor, indicating the portion that was untreated sewage and the portion that was storm water/urban runoff;
 - e) The total volume of flow pumped back into the sanitary sewer collection system from the creek as reported in the SSO Report dated January 22, 2016; and
 - f) A detailed description of when and by what protocols the City verified proper operations of the Interceptor during January 2016;
- 6) Copies of all photographs and/or videos of the SSO, the sewage collection system (in the vicinity of the SSO), Tecolote Creek, and Mission Bay taken during and after the SSO, including appropriate identifying information (i.e., date taken, name of photographer/videographer, textual summary of information being presented, and relevance);
 - 7) A description of all actions undertaken or planned to comply with Provision D.7 of the Statewide General Order.
 - 8) A description of all water quality monitoring and sampling activities pertaining to the SSO conducted in Tecolote Creek and Mission Bay including sampling points and an evaluation, interpretation and tabulation of the analytical results;
 - 9) A detailed discussion of the closure of Tecolote Creek, Mission Bay and adjacent beaches resulting from the SSO, including the exact time of the closure(s), the number of days of closure, the length and location of shoreline posted, the type and number of signs posted, and a map showing all areas of shoreline posted to prevent public contact;
 - 10) A discussion of impacts on aquatic life, aquatic dependent wildlife, and plant communities and the overall ecosystem in Tecolote Creek and Mission Bay resulting from the SSO, the results of all biological monitoring conducted, and the City's actions to contain and mitigate the impacts;
 - 11) A discussion of all other short-term and long-term effects resulting from the SSO, including but not limited to, impacts on public health and the environment, including possible public health effects resulting from contact with Tecolote Creek and Mission Bay, an explanation of how these conclusions were determined, and what steps the City has taken or planned to mitigate these impacts;
 - 12) The date and extent of the last preventive maintenance and/or inspection performed (i.e., sewer line cleaning, closed-circuit television inspection, etc.) in the vicinity of the SSO discharge(s);

- 13) Any measures the City could have taken to prevent the SSO discharge but did not take prior to the discharge, and any measures the City has taken or planned to reduce and prevent recurrence of another SSO discharge at the same location, or of a similar nature at another location. Please include estimated costs and implementation schedules for any such measures, where available; and
- 14) Any other relevant facts or information that might assist the San Diego Water Board in evaluating the SSO discharge.

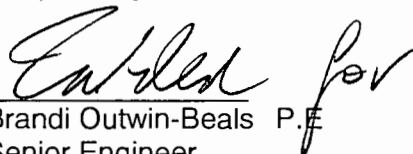
All information provided in response to this Request for Technical Information must include the following signed certification statement:


"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."

This requested information is essential to evaluate the impacts of the SSO discharge to waters of the United States and/or State and the beneficial uses thereof. Therefore, the burden of preparing the requested report bears a reasonable relationship to the need for the report and the benefit to be obtained from the report. The San Diego Water Board recognizes and supports the City's continuing efforts to reduce, eliminate, and prevent the recurrence of SSO discharges.

Please submit this report in electronic format to the San Diego Water Board via e-mail to SanDiego@waterboards.ca.gov.⁴ In the subject line of any response, please include the reference number 631631:dquach. If you have any questions regarding this notice, please contact Dat Quach by phone at (619) 521-5899, or by email at Dat.Quach@waterboards.ca.gov.

Respectfully,


Brandi Outwin-Beals P.E.
Senior Engineer
Source Control Unit
San Diego Water Board


David T. Barker, P.E.
Supervising Engineer
Surface Water Protection Branch
San Diego Water Board

DTB:cc:bno:dtq

⁴ Electronic documents must be less than 50 megabytes submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted.

cc: Chiara Clemente, San Diego Water Board, cclemente@waterboards.ca.gov
Joann Lim, San Diego Water Board, Jlim@waterboards.ca.gov

Tech Staff Info & Use

Order No.	2006-003-DWQ and R9-2007-0005
CIWQS Place ID	631631 (San Diego City CS)
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