CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

In the matter of: **City of Redwood City** **Redwood Shores Sanitary Sewer Overflow** **SSO Event ID: 756498**	**COMPLAINT NO. R2-2011-0006** **FOR** **ADMINISTRATIVE CIVIL LIABILITY** **Violations of the Clean Water Act Section 301 and Order No. 2006-0003-DWQ Statewide General Waste Discharger Requirements for Sanitary Sewer Systems**

THE CITY OF REDWOOD CITY IS HEREBY GIVEN NOTICE THAT:

1. The City of Redwood City (City) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Francisco Bay Region (Regional Water Board) may impose civil liability pursuant to section 13385 of the California Water Code (Water Code).

2. This Administrative Civil Liability Complaint is issued under authority of Water Code section 13323.

WASTE DISCHARGE REQUIREMENTS

3. Section 301 of the Clean Water Act (33 U.S.C. § 1311) and Water Code section 13376 prohibit the discharge of pollutants to surface waters except in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. Section 301 of the Clean Water Act prohibits any person from discharging any pollutant into waters of the United States unless that person has complied with all permitting requirements under the Clean Water Act.

4. The City owns and operates a sanitary sewer collection system (collection system) consisting of approximately 197 miles of gravity sewer pipeline, 12 miles of force main, and 31 pump/lift stations. Wastewater collected by the City's collection system is conveyed to the South Bayside System Authority for treatment and disposal.

5. The City is required to operate and maintain its collection system in compliance with State Water Resources Control Board Order No. 2006-

0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (the Sanitary Sewer Order).

6. Prohibition C.1 of the Sanitary Sewer Order prohibits sanitary sewer overflows (SSOs) that result in a discharge of untreated wastewater to waters of the United States.

VIOLATIONS SUBJECT TO THIS COMPLAINT

7. The City violated the Clean Water Act, Section 301, and is thereby subject to civil liability under Water Code Chapter 5.5 sections 13385(a)(1) and (a)(5)) for discharging 57,107 gallons of raw sewage to waters of the United States without a permit.

8. The City violated Prohibition C.1 of the Sanitary Sewer Order by discharging 57,107 gallons of untreated sewage to Redwood Shores Lagoon, a water of the United States. The City estimates 94,900 gallons of untreated sewage escaped from its force main, but that it recovered and returned 35,800 of those gallons to its collection system. The City further estimated that approximately 2,000 gallons of the escaped, untreated sewage was lost to percolation and/or evaporation before it reached Redwood Shores Lagoon.

9. The details of these violations are set forth in full in the accompanying Technical Analysis, which is incorporated herein by this reference as if set forth in full.

MAXIMUM LIABILITY

10. Water Code section 13385(c) provides that any person who violates section 301 of the Clean Water Act is subject to administrative liabilities of up to $10,000 per day of violation, and up to $10 per gallon of pollutants for each gallon spilled, but not cleaned up, over 1,000 gallons. The SSO took place over a two-day period. Accordingly, the maximum potential civil liability for the City's August 25, 2010, SSO is $20,000 for the two days of violation, plus $561,070 for the 57,107 gallons spilled, but not cleaned up, less the 1,000 gallon statutory credit, for a total maximum potential administrative civil liability of $581,070.

MINIMUM LIABILITY

11. The Water Code requires, at a minimum, that an administrative civil liability be imposed that will capture the economic benefit to the violator from the violation. In this case, the City realized an economic benefit of approximately $28,350 in the form of cost savings for not replacing a defective variable frequency drive (VFD) over a period of 4 years. The

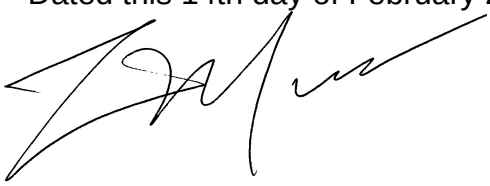
Water Quality Enforcement Policy instructs the Regional Water Boards to assess liability at least 10 percent higher than the economic benefit amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations. Accordingly, the minimum administrative civil liability for the City's SSO is $31,185.

PROPOSED LIABILITY

12. The amount of discretionary assessment proposed is based upon consideration of factors contained in Water Code section 13327. Section 13327 specifies the factors that the Regional Water Board shall consider in establishing the amount of discretionary liability for the alleged violations, which include: the nature, circumstance, extent, and gravity of the violations, the ability to pay, the effect on ability to continue in business, prior history of violation, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.

13. Based on the penalty calculation methodology set forth in section VI of the Water Quality Enforcement Policy, the Regional Water Board should impose administrative civil liability against the City in the amount of $95,600 for the discharge of untreated sewage to Redwood Shores Lagoon on August 25, 2010.

Dated this 14th day of February 2011



Thomas E. Mumley
Assistant Executive Officer

Signed pursuant to the authority delegated by the Executive Officer to the Assistant Executive Officer.

Attachment: Technical Analysis

CIWQS: Reg Measure ID: 377307
Place ID: 630966
Party ID: 37027
Violation IDs: 880176