

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

TENTATIVE

ORDER NO. R9-2008-0159

**ADMINISTRATIVE ASSESSMENT CIVIL LIABILITY
AGAINST
SANTA MARGARITA WATER DISTRICT
SEWAGE COLLECTION SYSTEM
FOR
VIOLATIONS OF ORDER NO. R9-2007-0005**

The California Regional Water Quality Control Board, San Diego Region (Regional Board), having held a public hearing on December 10, 2008, to hear evidence and comments on the allegations contained in Complaint No. R9-2008-0057, dated September 22, 2008, and deliberating on the evidence presented at the public hearing and in the record, after determining the allegations contained in the Complaint to be true, having provided public notice thereof and not less than thirty (30) days for public comment and on the recommendation for administrative assessment of Civil Liability in the amount of \$133,190 finds as follows:

1. 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, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*.
2. 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.
3. 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
 - a. The Discharger violated Prohibition B.1 of Order No. R9-2007-0005 by discharging a total of 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, California. The discharge entered San Juan Creek, waters of the State.

Order R9-2008-0159
Santa Margarita Water District
Sewage Collection System

2

- b. The Discharger violated Prohibition B.1 of Order No. R9-2007-0005 by discharging a total of 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, California. The discharge went to Cristianitos Creek, waters of the State.
4. Issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) pursuant to section 15321(a)(2), Chapter 3, Title 14 of the California Code of Regulations. This action is also exempt from the provisions of CEQA in accordance with section 15061(b)(3) of Chapter 3, Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
5. Consideration of the factors prescribed in CWC Section 13327 based upon information available to the Regional Board prior to the hearing and described in greater detail in the technical report for Complaint No. R9-2008-0057 supports the assessment of civil liability in the amount of \$133,190.
6. The Regional Board incurred costs of \$20,500 to prosecute the enforcement action; the costs include investigation, preparation of enforcement documents, communicating with the Discharger and preparation of materials for public review and hearing.

IT IS HEREBY ORDERED, pursuant to California Water Code Section 13350, that civil liability assessment is imposed upon the Santa Margarita Water District (Discharger) in the amount of \$133,190.

1. The Discharger shall submit a check to the Regional Board in the amount of \$133,190 payable to the "State Water Resources Control Board" within 30 days of adoption of this Order.
2. Fulfillment of the Discharger's obligations under this Order constitutes full and final satisfaction of any and all liability for each allegation in Complaint No. R9-2008-0057.
3. The Executive Officer is authorized to refer this matter to the Office of the Attorney General for collection or other enforcement if the Discharger fails to comply with paragraph 1.

Order R9-2008-0159
Santa Margarita Water District
Sewage Collection System

3

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on December 10, 2008.

Tentative

JOHN H. ROBERTUS
Executive Officer