



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

April 29, 2013

Certified - Return Receipt Requested
7011 0470 0002 8961 8453

In reply, refer to: 631608:cmeans

Dennis Sperino
Deputy Director of Utilities/Wastewater
City of Escondido - HARRF
1521 South Hale Avenue
Escondido, CA 92029

SUBJECT: NOTICE OF VIOLATION NO. R9-2013-0081 FOR UNAUTHORIZED DISCHARGE OF UNTREATED SEWAGE TO WATERS OF THE UNITED STATES; REQUIREMENT TO SUBMIT TECHNICAL REPORT PURSUANT TO SECTION 13267 OF THE CALIFORNIA WATER CODE

Dear Mr. Sperino:

The City of Escondido (City) is hereby issued a Notice of Violation (NOV) for the reported unauthorized discharge of untreated sewage into waters of the United States during calendar year 2011. Pursuant to the requirements of section 13267 of the California Water Code (CWC), the City is directed to submit a technical report addressing the subject violation no later than **June 7, 2013**.

The City's sewage collection system is regulated by the State Water Resources Control Board (State Water Board) Order No. 2006-0003-DWQ (Sanitary Sewer System Waste Discharge Requirements, hereafter SSS WDRs) and San Diego Regional Water Quality Control Board (hereafter, San Diego Water Board) Order No. R9-2007-0005 (hereafter SDWB WDR). The SSS WDRs require enrollees to have a proactive system-wide, operation, maintenance, and management plan in place to reduce and prevent Sanitary Sewer Overflows (SSOs). In addition, the Sewer System Management Plans (SSMP) must contain a spill response plan to minimize any SSOs that do occur.

Prohibition C.1 of the SSS WDRs and Prohibition 7 of the SDWB WDR prohibit any SSO that results in a discharge of untreated or partially treated wastewater to waters of the United States. The City violated these requirements with one large Sanitary Sewer Overflow event (hereafter, SSO event) on August 28, 2011. This resulted in an illegal discharge of untreated sewage to waters of the United States, summarized below:

SSO Date	City Reported Discharge Volume (CIWQS)	Discharged From	Discharged To
08/28/2011	249,840 gallons	<p>One manhole located immediately upstream of Hale Avenue Resource Recovery Facility (HARRF) influent pump station on HARRF property; and</p> <p>One manhole located upstream of HARRF influent pump station at intersection of Pineapple Street and Cherry Tree Lane</p>	Pacific Ocean, San Elijo Lagoon and Escondido Creek through a storm drain inlet located adjacent to HARRF

The City reported the SSO event into the California Integrated Water Quality System (CIWQS), the State Water Board's SSO Online Database.¹ The City initially submitted a report about this SSO event to the San Diego Water Board on August 29, 2011, and then voluntarily provided a follow-up report to the San Diego Water Board on November 4, 2011.

CALIFORNIA WATER CODE SECTION 13267 ORDER

The State Water Board's Special Investigation Unit of the Office of Enforcement is assisting the San Diego Water Board in its inspection of the subject discharge. Both the State and San Diego Water Board staff (hereafter, Water Board staff) have reviewed and determined that the City's November 4, 2011 Technical Report is insufficient to fully determine the nature, circumstances, extent, and gravity of the unauthorized discharge of untreated sewage. This CWC section 13267 Order (hereafter, Order) is issued to address those factors and assess the City's compliance with requirements to prevent and respond to the SSO event. As part of this evaluation, the Water Board staff will conduct a compliance audit of the City's sanitary sewer collection system program to evaluate compliance with the SSS and SDWB WDRs. The compliance audit will include a review of the City's SSMP, SSMP implementation, sewer maintenance, operations, and management strategies being implemented by the City to reduce SSOs. The financial burden of providing the required report bears a reasonable relationship to the need for the report and the benefits to be obtained from the report.

The City is hereby required to submit the following information:

1. Nature, Causes and Circumstances of the Illegal Discharge of Untreated Sewage on August 28, 2011:
 - a. A complete, detailed explanation of how and when the discharge of untreated sewage from the City's sewer collection system was discovered. This discussion shall include cause(s) of the SSO event that led to the SSO discharge, including, but not limited to: equipment failure(s), human/operator error(s), administrative control failure(s), maintenance and repair failure(s).

¹ Available at: <http://www.waterboards.ca.gov/ciwqs/publicreports.shtml#sso>

- b. A diagram showing all location(s) of the actual sewage overflows, including, but not limited to: discharge location(s) from sewer lines, laterals, connections, cleanouts, sewer relief valves, or other assets owned by the City, and discharge location(s) from all known assets not owned or operated by the City. Also include the locations of equipment that failed and the location of impacted waters, including impacted beaches.
 - c. A detailed report of the total volume of untreated sewage discharged, including the engineering method(s), diagram(s), model(s), reference(s), calculation(s), record(s), and assumption(s) used in estimating the total volume of untreated sewage discharged. This should include, at a minimum, tabular and graphical summaries of the daily total influent flows of untreated sewage received by the treatment plant one week before and one week after the subject SSO event. Additionally, please submit electronic (in Microsoft Excel format) total daily influent and effluent flows monitored at the HARRF for calendar years 2011 and 2012.
 - d. Indicate the date and time period(s) of sewer overflow discharge (e.g., number of hours or days of continuous and/or intermittent sewer overflow) and include all associated records and data relied upon including Supervisory Control And Data Acquisition (SCADA) records for determining the overflow periods and volume estimates. This shall include all detailed test data used by the City for determining the actual influent flow rates and wet well level/capacity determination as outlined in the City's November 4, 2011 Technical Report.
2. City's Response to the Illegal Discharge of Untreated Sewage on August 28, 2011:
- a. A detailed chronological description of all actions taken by the City to terminate the illegal discharge of untreated sewage, divert sewage flows from the headworks including any bypass, and mitigate the impacts from the discharge. The narrative description must include an evaluation of the results of selected actions.
 - b. Evidence of the City's approval of the Sewer System Management Plan (SSMP), prepared in accordance with the SSS WDRs. Please describe how the procedures detailed in the City's Overflow Emergency Response Plan were implemented during the mitigation and response activities associated with the SSO event, including any suggested changes planned to improve the plan as a result of the SSO event.
 - c. A detailed description of the final corrective action(s), including an update of the status of the final equipment repair/replacement, documentation of associated costs involved in implementing corrective action(s), sources of funding for the project, and standard operating procedures (SOPs) implemented to ensure proper operation and maintenance of installed equipment.
 - d. Copies of any field response documents during and/or after the SSO event, including site photos, interview notes and information related to sewer backups into private structures, if applicable.
3. Additional Information
- a. Completion of the attached **Collection System Questionnaire** (A Microsoft Word version of the document is provided via email for your use.)

- b. Copies of collection system service call records for any potential SSO(s) including logs of complaints received from City service area customers and field maintenance crew records documenting City cleaning, maintenance, repairs, and SSO response activities over the past 12 months, including any records for work conducted by outside contractors for collection system maintenance or repairs.
- c. Any other pertinent information that will assist the Water Board staff in evaluating the nature, circumstances, extent, and gravity of the SSO event on August 28, 2011.

PROVISIONS

1. Use of Registered Professionals: The City shall provide documentation that its Technical Report was prepared under the direction of appropriately qualified professionals. In preparing the Technical Report required by this Order, any engineering or geologic evaluations and judgments must be performed by or under the direction of registered professionals. A statement of qualifications and registration numbers of the responsible lead professional shall be included in the report submitted by the City. The lead professional shall sign and affix his/her registration stamp to the report.
2. Use of Qualified Technical Professionals: The City shall ensure that plans and reports required under this Order are prepared under the direction of technical professionals who are appropriately qualified to evaluate short and long term impacts to ecological receptors.
3. Signatory Requirements: The Technical Report shall be signed and certified by either a principal executive officer, ranking elected official, or the person with overall responsibility for environmental matters for that agency. Additional reports submitted in support of the Technical Report must be signed by the principal author.
4. Certification Statement: Any person signing a document under this provision shall make the following certification:

"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."

- 5. Electronic Report Submittal: Paper submission of the Technical Report is not required if the electronic submission contains a copy of the signed certification statement and the e-mail affirms the certification statement therein.

The report required under this Order shall be submitted electronically to:

Leo Sarmiento, Water Resource Control Engineer
 Office of Enforcement, Special Investigations Unit
 California State Water Resources Control Board
lsarmiento@waterboards.ca.gov

With an electronic copy to the San Diego Water Board, specifically to:


Christopher Means, Environmental Scientist
 Compliance Assurance Unit, San Diego Regional Water Board
cmeans@waterboards.ca.gov

Water Code section 13268 (a)(1) provides that any person failing or refusing to furnish technical or monitoring report information as required by Water Code section 13267(b), or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly for an administered imposed liability of up to \$1,000 per day for each day compliance is not achieved with an Order issued in accordance with subdivision 13268(b).

If you have any questions, please contact Leo Sarmiento, Water Resource Control Engineer, State Water Resources Control Board, Office of Enforcement, at (916) 327-8043 or email him at lsarmiento@waterboards.ca.gov.

PLEASE INCLUDE "631608:cmeans" IN THE SUBJECT LINE OF FUTURE CORRESPONDENCE.

Respectfully,

for 

JAMES G. SMITH
 Assistant Executive Officer

Enclosure: Collection System Questionnaire

cc via email:

Dennis Sperino, Deputy Director of Utilities/Wastewater, City of Escondido
 Clay Phillips, City Manager, City of Escondido
 Christopher McKinney, Utilities Director, City of Escondido
 Leo Sarmiento, Water Resource Control Engineer, State Water Board Office of Enforcement
 Dr. Matthew Buffleben, PE, Chief, Special Investigations Unit, State Water Board, Office of Enforcement

Tech Staff Info & Use	
Order No.	R9-2013-0081
Party ID	14960
Place ID	631608
Violation ID.	907161
Reg. Measure ID	389928