



San Diego Regional Water Quality Control Board

June 22, 2023

Sent by Email Only

William Morgan
Deputy Director
San Diego County Sanitation District
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In reply refer to:
631623: F0sibodu

Subject: Investigative Order No. R9-2023-0099 Related to Sanitary Sewer Overflows from the San Diego County Sanitation District's Sanitary Sewer System

William Morgan:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is issuing Investigative Order No. R9-2023-0099 (Investigative Order) directing the San Diego County Sanitation District (County or Discharger) to submit technical information regarding reported unauthorized discharges of untreated sewage from the County's sanitary sewer system on January 16, 2023. The County is directed to submit the technical information pursuant to the requirements of section 13383 of the California Water Code (Water Code).

Background Information

The County reported two Sanitary Sewer Overflows (SSOs) that occurred on January 16, 2023 from its sanitary sewer system. The SSOs resulted in the combined release of approximately 58,600 gallons of sewage through two manholes located on Sweetwater Road in San Diego County. The first SSO occurred near 573 Sweetwater Road, Spring Valley, and resulted in sewage entering the roadway drainage system and eventually being discharged through the Municipal Separate Storm Sewer System to the Sweetwater River. The second SSO occurred adjacent to 5686 Sweetwater Road, Bonita, and resulted in sewage flowing overland for approximately 100 feet before being discharged directly into the Sweetwater River.

Both SSOs were caused by high flowrates and excessive inflow and infiltration to the sewer system during a wet weather event which caused flows to exceed the carrying capacity of the sewer system causing sewage to surcharge and spill from the manholes.

The County is required to maintain and operate its sanitary sewer system in compliance with requirements contained in Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region* (Regional General Order). The County was also required to maintain and operate its sanitary sewer system in compliance with requirements contained in Order No. 2006-0003-

DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems* (Statewide General Order)¹.

The SSOs violated section B.1 of the Regional Order and sections C.1 and C.2 of the Statewide General Order (stated in Notice of Violation No. R9-2023-0097, *Related to Sanitary Sewer Overflows from the San Diego County Sanitation District's Sanitary Sewer System*).

The County submitted an SSO technical report on March 2, 2023, within 45 days of the end date of the SSOs pursuant to Order No. WQ 2013-0058-EXEC, *Amending Monitoring and Reporting Program for Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*.

Basis for and Requirements of the Investigative Order

Water Code section 13383 authorizes the San Diego Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements as authorized by Water Code sections 13160, 13376, or 13377 or by subdivisions (b) and (c) of Water Code section 13383, for any person who discharges, or proposes to discharge, to navigable waters, any person who introduces pollutants into a publicly owned treatment works, any person who owns or operates, or proposes to own or operate, a publicly owned treatment works or other treatment works treating domestic sewage.

The County owns and operates a sanitary sewer system which conveys sewage to and introduces pollutants to a publicly owned treatment works. Thus, the San Diego Water Board is issuing this Investigative Order under the authority of Water Code section 13383. The Investigative Order requires the County to investigate the SSO and provide technical details related to the cause, description, and actions taken by the County in response to the SSOs.

This Investigative Order hereby directs the County to submit the information set forth below by 5:00 pm on **August 21, 2023**:

1. An explanation on how it was determined that the SSOs did not reach the Sweetwater Reservoir.
2. A description of any actions proposed to prevent future SSOs from excessive inflow and infiltration from higher intensity storm events.
3. Discussion of any system modifications and operation and maintenance program modifications taken or planned to prevent repeated spill occurrences, and extra precautionary measures taken or planned to prevent or intercept SSOs from portions of the sanitary sewer system in close proximity to surface waters.

¹ Order No. 2006-0003-DWQ was still in effect when the January 16, 2023 SSOs occurred. Order WQ 2022-0103-DWQ, *Statewide Waste Discharge Requirements, General Order for Sanitary Sewer Systems*, was adopted on December 6, 2022, and became effective on June 5, 2023. Order WQ 2022-0103-DWQ supersedes Order No. 2006-0003-DWQ and Order No. WQ 2013-0058-EXEC except for enforcement purposes.

4. Necessary modifications to the Emergency Spill Response Plan to incorporate lessons learned in responding to and mitigating the SSOs.
5. An assessment of the immediate and future impacts from the SSOs on the beneficial uses of the Sweetwater River and any other surface waters impacted.
6. A biological assessment of the impacts or potential impacts from the SSOs on habitat and aquatic species related beneficial uses of the Sweetwater River or any other surface waters affected by the SSOs.
7. A description of any notification and public health protection measures that are currently implemented by the County in the event an SSO occurs within 1,000 feet of a drinking water reservoir (such as but not limited to posting warning signs, notifying public health agencies, coordination with the reservoir operators, etc).

All information provided in response to this Investigative Order 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."

The San Diego Water Board has estimated the cost of complying with investigative orders of a larger scope to be about \$50,000-\$70,000. The information requested under the Investigative Order is essential to evaluate the impacts of the SSOs to waters of the United States and/or State and the beneficial uses thereof, and the steps taken or planned to cleanup and abate the discharge. 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.

Please submit this report in electronic format to the San Diego Water Board by email to SanDiego@waterboards.ca.gov with "631623:FOsibodu" included in the subject heading. Each electronic document must be submitted as a single file, in Portable Document Format (PDF), and converted to text searchable format using Optical Character Recognition (OCR).

Notifications

1. **Enforcement Discretion:** The San Diego Water Board reserves its right to take any enforcement action authorized by law for violations of the terms and conditions of this Order.
2. **Enforcement Notification:** Water Code section 13385 provides that any person failing or refusing to furnish technical or monitoring report information required pursuant to Water Code section 13383 may be liable civilly for an administered

imposed liability in an amount not to exceed the sum of the of both of the following:

- a. Ten thousand (\$10,000) per day for each day the violation occurs.
 - b. Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.
3. **Requesting Administrative Review by the State Water Board:** Any person affected by this action of the San Diego Water Board may petition the State Water Board to review the action in accordance with section 13320 of the Water Code and CCR Title 23 section 2050. The petition must be received by the SWRCB (Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812) within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. For instructions on how to file a petition for review, see:

https://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml

In the subject line of any response, please include the following: 631623:FOsibodu. For questions or concerns regarding this letter, please contact Fisayo Osibodu by phone at 619-521-8036 or by email at Fisayo.Osibodu@waterboards.ca.gov.

Respectfully,

Kelly Dorsey, P.G
Assistant Executive Officer

cc by email:

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Scott Tally, San Diego County Sanitation District, Scott.Tally@sdcounty.ca.gov

Tech Staff Info & Use	
Order Nos.	R9-2007-0005 (Regional General Order), 2006-0003-DWQ (Statewide General Order), R9-2023-0099 (IO)
Party ID	603363
WDID	9000000762
Reg. Measure IDs	213946 (Enrollee R9-2007-0005), 300520 (Enrollee 2006-0003-DWQ), 452112 (IO)
PIN	631623
Violation ID	1112311
SSO Event ID	885544