

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

EXECUTIVE OFFICER SUMMARY REPORT
MEETING DATE: April 8, 2009

ITEM: 6

SUBJECT: **Sewerage Agency of Southern Marin, Mill Valley, Marin County –**
Hearing to Consider Adoption of Order Imposing Administrative
Liability for Discharge of Untreated and Partially Treated Wastewater
into Waters of the State

CHRONOLOGY: August 2008 – Prosecution Staff issues ACL Complaint

DISCUSSION: The Revised Tentative Order (Appendix A) was circulated for public
comment in reference to an adjudicative proceeding initiated by the
Assistant Executive Officer's issuance of Administrative Civil Liability
(ACL) Complaint No. R2-2008-0070 last August.

On January 25, 2008, the Agency discharged 2.45 million gallons of
untreated sewage to Richardson Bay. On January 31, 2008, the Agency
discharged 962,000 gallons of treated but undisinfected wastewater to
Pickleweed Inlet, which is a tributary to Richardson Bay.

The Board's Prosecution Staff has negotiated a proposed settlement of the
claims alleged in Complaint No. R2-2008-0070 with the Agency. The
proposed settlement is set forth in the Settlement Agreement (Attachment 1
of the Order) and represents a mutually agreed-upon resolution of the
Prosecution Staff's claims through the payment of ACL penalties. As
outlined in the Settlement Agreement, the Agency will pay ACL penalties of
\$1,600,000 to the State Board's Cleanup and Abatement Account. The
Agency's obligation to pay \$800,000 of that amount will be suspended
provided the Agency satisfactorily completes two supplemental
environmental projects (SEPs) as set forth in the Order's Attachment 2 and
described below.

1) SEP for Private Lateral Replacement Project

The Agency will initiate a five-year \$600,000 Private Lateral Replacement
Project. This project is designed to reduce inflow and infiltration in the
collection systems that feed wastewater to the Agency's wastewater
treatment plant.

The Agency does not own the lateral lines that connect private properties to
its member agencies' collection systems so this SEP will not directly benefit

the Agency. The program will consist of a monetary grant program for low income property owners and a low interest loan program to offset the cost of inspection and replacement of defective laterals. The measures of success for the project include inspection of 400 and replacement of 200 laterals, 25% reduction in peak weather flows for target areas, educational materials to 500 households, and posting of the material on the Agency 's website.

2) SEP for the Aramburu Island Clean Up, Restoration and Enhancement Project

Aramburu Island is an island made out of dredge spoils, excavation waste and construction debris in Richardson Bay. The Richardson Bay Audubon Sanctuary has developed the Aramburu Island Clean Up, Restoration and Enhancement Project, whose goal is to improve habitat for resident and migratory birds and marine mammals such as the harbor seal. The Project will replace artificial and steep, rubble-dominated shorelines with gradually sloping sand beaches, sand flats, and gravel/shell/sand berms. This will support native vegetation and enhance and expand habitat and roosting areas for birds and wildlife.

\$200,000 from the SEP will fund Phase I of the Project. This phase will take about two years to complete. Phase I includes project planning, design, permitting, and initiation of bay beach and sand flat enhancement activities. Funding of Phase II of the Project is the subject of Item 9 in this month's Board agenda.

The original tentative order, including the Settlement Agreement, was circulated for public comment for 30 days. During that time, ten comments (Appendix B) were received, nine that supported the inclusion of the Aramburu Island Clean Up, Restoration and Enhancement Project as part of the settlement and one that questioned the amount of the ACL penalty. The Prosecution Team made no changes to the original tentative order before forwarding it to me. I have revised the original order to be consistent in form to previous ACL orders for sewage spills, but have not changed any conditions of the original order.

RECOMMEN- DATION:

Consistent with the Board's delegation to me the authority to issue ACL orders where no hearing is required, I intend to issue the Tentative Order prior to the April 8, 2009, Board meeting.

CIWQS Place ID: 630900

APPENDICES: A. Revised Tentative Order
B. Comments