

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

STAFF SUMMARY REPORT: Samuel Plummer  
MEETING DATE: November 10, 2021

**ITEM: 5**

**City and County of San Francisco** – Hearing to consider stipulated Cleanup and Abatement Order

**DISCUSSION:**

This Tentative Cleanup and Abatement Order (CAO) (Appendix A) would require the City and County of San Francisco to undertake specific actions to abate sewer overflows from its combined sewer systems in three low-lying areas of the city. These overflows threaten to create conditions of groundwater pollution and pose public health risks.

San Francisco agrees to accept the terms of this Tentative CAO subject to conditions set forth in a Stipulation (Appendix B). If the Board adopts the Tentative CAO, San Francisco agrees to comply with it without objection, even though it disagrees with some of its factual and legal basis. In return, staff agrees to consider the adopted CAO a resolution of all enforcement claims associated with sewer overflows in the three low-lying areas known prior to the CAO's effective date.

San Francisco operates combined sewer systems that collect and convey both sewage and stormwater for treatment prior to discharge to San Francisco Bay and the Pacific Ocean. When rainfall exceeds sewer system conveyance capacity, sewage and stormwater overflows onto surrounding public rights-of-way and private properties, including the backyards, basements, and garages of at-grade and below-grade homes and businesses. Due to San Francisco's topography, three particularly low-lying areas present the greatest risk of flooding: (1) the West Portal neighborhood near 15th Avenue and Wawona Street (Wawona area), (2) the Mission District neighborhood near 17th Street and Folsom Street (Folsom area), and (3) the Bernal Heights neighborhood along Alemany Boulevard, north of the Interstate 280 Highway and west of U.S. Highway 101 (Lower Alemany area).

The Tentative CAO would require San Francisco to reduce and mitigate sewer overflows from its combined sewer systems in the three low-lying areas by completing three Overflow Reduction Projects and provides San Francisco with flexibility to determine how best to craft these projects. For the Folsom and Lower Alemany projects, in particular, San Francisco may choose any combination of gray and green infrastructure that best achieves a specific design objective set forth in the Tentative CAO.

While San Francisco undertakes the Overflow Reduction Projects, the Tentative CAO would require it to develop and implement a Sewer Overflow Response Plan that addresses (a) staff resources, (b) preparative measures (e.g., public outreach, backflow prevention, and grants to keep combined sewage and stormwater out of private property), (c) initial sewer overflow response measures, (d) follow-up sewer overflow response measures, and (e) recordkeeping. The Tentative CAO would also require San Francisco to install water level sensing devices (e.g., smart manhole covers) within the three low-lying areas to continuously monitor water levels at key locations and facilitate prompt responses to possible sewer overflows.

We received comments (Appendix C) regarding the Tentative CAO and prepared responses to the comments (Appendix D). Most comments support the Tentative CAO but urge the Water Board and San Francisco to do more, particularly to address other parts of San Francisco that have experienced sewer-related flooding. We agree that more work may be needed, but this is an important first step that commits San Francisco to completing this necessary work on a specific schedule through an official mutual agreement between the Water Board and the City and County of San Francisco. Consistent with the Stipulation, adoption of the Tentative CAO would not preclude the Water Board from requiring San Francisco to implement additional projects in other areas, nor would it prohibit future enforcement.

We anticipate the considerable public interest in this matter to continue.

**APPENDICES:**

- A. Tentative Cleanup and Abatement Order
- B. Stipulation
- C. Comments
- D. Response to Comments

Appendix A  
Tentative Cleanup and Abatement Order

# Appendix B

## Stipulation

# Appendix C

## Comments

In accordance with Section 11546.7 of the California Government Code, an electronic version of the comment received has not been posted online as it does not meet specified accessibility standards. For an electronic copy of the comment, please see the contact information provided in Fact Sheet section 8.7 of the Revised Tentative Order.

Appendix D  
Response to Comments