

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

TENTATIVE ORDER

ADMINISTRATIVE CIVIL LIABILITY FOR:

**CRYSTAL SPRINGS COUNTY SANITATION DISTRICT
SAN MATEO COUNTY**

This Order is issued in reference to an adjudicative proceeding initiated by the issuance of Administrative Civil Liability Complaint No. R2-2008-0065. The parties to the proceeding are the California Regional Water Quality Control Board, San Francisco Bay Region's ("Regional Water Board's") Prosecution Team, and the Crystal Springs County Sanitation District ("Discharger").

The Regional Water Board has been presented with a proposed settlement of the claims alleged in the Complaint (Attachment 1). The proposed settlement is set forth in a Settlement Agreement (Attachment 2) that represents a mutually agreed-upon resolution of the Prosecution Team's claims through the payment of an administrative civil liability in the amount of \$23,375 to the State Water Board's Waste Permit Discharge Fund.

Having provided public notice of the proposed settlement and an opportunity for comment, the Water Board finds that:

1. The Discharger owns and operates a sanitary sewer collection system (collection system) consisting of approximately 19 miles of sewer pipes and serves an approximate population of 5,600. Sewage from the Discharger's collection system flows through the Town of Hillsborough's and the City of San Mateo's collection systems and is treated at the City of San Mateo's wastewater treatment plant.
2. From December 1, 2004, through July 6, 2008, the Discharger had 22 sanitary sewer overflows (SSOs) of untreated sewage.
3. SSOs, or any portion of an SSO, that reach groundwater or surface waters of the Basin violate the Water Quality Control Plan for the San Francisco Bay Area (Basin Plan) Discharge Prohibition 15. All SSOs, regardless of ultimate destination, which occur after the effective date of the Statewide General Waste Discharge Requirements, Order No. 2006-0003 (General WDRs) Prohibitions C.1 and C.2 are violations of the General WDRs.
4. 11 of the SSOs occurred after the effective date of the General WDRs. All these 11 SSOs violated the General WDRs. The other 11 SSOs occurred before the effective date of the General WDRs and thus violated the Basin Plan. Of these 11 SSOs, 4 reached groundwater because they discharged to "yard/land" so a portion of each would have seeped through the soil to groundwater; 7 discharged to unspecified locations and were not recovered so a

portion of each SSO likely seeped into the soil and eventually to groundwater. The attached Table 1 summarizes the details of all 22 SSOs.

5. The Executive Officer has considered the exhibits and information in the record and comments provided by the Parties and the public and finds that the Discharger is subject to civil penalties. In determining the amount of civil liability to be assessed against the Discharger, the Executive Officer has taken into consideration the factors described in California Water Code (“CWC”) Section 13327.
6. The Executive Officer finds that the penalty amount agreed to by the Parties is reasonable based on the factors in CWC Section 13327.
7. The Executive Officer makes no findings on ability to pay because the Discharger has agreed to pay the proposed liability.
8. This issuance of this Complaint is an enforcement action and is, therefore, exempt from the California Environmental Quality Act, pursuant to Title 14, California Code of Regulations, Section 15321.

IT IS HEREBY ORDERED that:

1. The Settlement is approved;
2. The Discharger shall pay the sum agreed to under the Settlement Agreement in accordance with its terms;
3. Fulfillment of the Discharger’s obligations under the Settlement Agreement constitutes full and final satisfaction of any and all liability for each claim in the Complaints in accordance with the terms of the Settlement Agreement.

Date: _____

Bruce H. Wolfe
Executive Officer

Attachments:

1. Table 1
2. Settlement Agreement