

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

EXECUTIVE OFFICER SUMMARY REPORT
MEETING DATE: March 11, 2009

ITEM: 7

SUBJECT: **Town of Hillsborough, San Mateo County** – Hearing to Consider Adoption of Order Imposing Administrative Liability for Discharge of Untreated Wastewater into Waters of the State

CHRONOLOGY: September 2008 – Prosecution Staff issues ACL Complaint

DISCUSSION: The Tentative Order (Appendix A) was circulated for public comment in reference to an adjudicative proceeding initiated by the Board's Prosecution Staff's investigation of sanitary sewer overflows (SSOs) in the Town of Hillsborough (Town) and surrounding areas and the Assistant Executive Officer's issuance of Administrative Civil Liability (ACL) Complaint No. R2-2008-0066 last September.

From January 1, 2003, through January 15, 2009, the Town reported 89 sanitary sewer overflows (SSOs) from its collection system. Notably, 88 of the 89 SSOs, representing approximately 3 million gallons of raw sewage, discharged to surface waters. The Order's Tables 1A and 1B summarize the details of all 89 SSOs.

The Prosecution Staff has negotiated a proposed settlement of the claims alleged in Complaint No. R2-2008-0066 with the Town. 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 Town will pay a total penalty of \$405,000 as follows:

For the January 25, 2008, spill, the Town will pay ACL penalties of \$120,000 to the State Board's Cleanup and Abatement Account.

For the other spills from January 1, 2003, to January 15, 2009, the Order requires the Town to pay ACL penalties of \$285,000 to the State Board's Waste Discharge Permit Fund. The Town's obligation to pay \$225,000 of that amount will be suspended provided the Town satisfactorily completes a supplemental environmental project (SEP) as set forth in the Order's Attachment 2.

The Tentative Order, including the Settlement Agreement and the SEP, were circulated for public comment for 30 days. During that time, the only comment received was the Town's letter in support of the Settlement Agreement (Appendix B). As such, the Prosecution Staff made no changes to the Tentative Order before forwarding it to me.

SEP Summary

The Town will initiate a five-year Private Lateral Inspection and Reimbursement Project (Project). The Project is designed to reduce the amount of inflow and infiltration (I & I) in the Town's sanitary sewer system. The Project will create incentives to encourage and fund the replacement of privately owned sewer laterals. Studies have shown that as much as half of I & I can be attributed to private laterals.

The Town does not own the lateral lines that connect private properties to its sanitary sewer system, so this SEP will not directly benefit the Town. In addition to funds directed at replacing, or assisting in the replacement, of private laterals, there will be educational materials created and disseminated about the links between private laterals and the Town's sanitary sewer system, and the problems that arise from defects in either. The Project will consist of a program to provide free video inspection of laterals and a monetary grant to offset the cost of replacing a lateral from a residential structure to the Town's system. The measures of success of this project include video inspections of 430 laterals, the replacement or rehabilitation of 110 defective private sewer laterals, mailers of educational material on the Project to 100% of homeowners on annual basis, and posting of educational materials on the Town's www.hillsborough.net website.

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 March 11, 2009, Board meeting.

CIWQS Place ID: 630900

Appendices: A. Tentative Order
B. Comments