

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

EXECUTIVE OFFICER SUMMARY REPORT
MEETING DATE: March 11, 2009

ITEM: 8

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

CHRONOLOGY: September 2008 – Prosecution Staff issues ACL Complaint

DISCUSSION: The Revised Tentative Order (Appendix A) was initially 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 City of San Mateo (City) and surrounding areas and the Assistant Executive Officer's issuance of Administrative Civil Liability (ACL) Complaint No. R2-2008-0067 last September.

From December 1, 2004, through July 14, 2008, the City reported 87 SSOs from its collection system. Notably, 84 of the 87 SSOs, representing over 3.5 million gallons of raw sewage, discharged to surface waters. The Order's Attachment B summarizes the details of all 87 SSOs.

In response to the ACL Complaint, the City waived its right to a hearing before the Board, agreed to pay the \$950,000 in penalties the ACL Complaint assessed, and proposed a supplemental environmental project (SEP) as part of its agreement to pay the penalties. The Prosecution Team has reviewed and agreed to the SEP, prepared the initial tentative order, and circulated both the SEP and the tentative order for public comment for 30 days. In response to comments from the City (Appendix B), the Prosecution Team has prepared the Revised Tentative Order.

The Revised Tentative Order requires the City to pay a penalty of \$950,000 to the State Board's Waste Discharge Permit Fund. However, the City's obligation to pay \$760,000 of that amount will be suspended provided the City satisfactorily completes the SEP described below and as set forth in the Order's Attachment A.

SEP Summary

The City will initiate a five-year Private Lateral Replacement Project (Project). The Project is designed to reduce the amount of inflow and infiltration (I & I) in the City's sanitary sewer system. The Project will

benefit the public and water quality in the watershed by reducing SSOs and wet weather discharges to San Francisco Bay through incentivizing the replacement of privately owned sewer laterals. Studies have shown that as much as half of I & I can be attributed to private laterals. Excessive I & I has led to high wet weather flows at the City's wastewater treatment plant and likely contributes to SSOs.

The City does not own the lateral lines that connect private properties to its sanitary sewer system, so the SEP will not directly benefit the City. The Project will consist of two programs: a grant program for lower income property owners and a low interest loan program. The Project's measures of success includes: replacing or rehabilitating 230 defective private sewer laterals, targeting areas expected to have the most I & I from private sewer laterals, developing a user-friendly website for program content, and demonstrating a reduction of I & I by tracking the length of private sewer laterals replaced by the Project.

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 Revised Tentative Order prior to the March 11, 2009, Board meeting.

CIWQS Place ID: 631006

Appendices: A. Revised Tentative Order
B. Comments