

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

COMPLAINT NO. R2-2010-0102

ADMINISTRATIVE CIVIL LIABILITY
IN THE MATTER OF
SANITARY SEWER OVERFLOWS
NOVATO SANITARY DISTRICT
MARIN COUNTY

The Assistant Executive Officer of the California Regional Water Quality Control Board, San Francisco Bay Region (Regional Water Board) hereby gives notice that:

1. The NOVATO SANITARY DISTRICT (the Discharger) is alleged to have violated California Water Code (CWC) section 13385(a)(2) for which the Regional Water Board may impose civil liability pursuant to CWC sections 13323 and 13385(c) for each of 22 untreated wastewater discharges to surface waters of the United States. These sanitary sewer overflows (SSOs) that occurred between September 24, 2007, and February 28, 2010, totaling 453,025 gallons reaching surface water, were unauthorized and caused by the Discharger's failure to maintain and operate its sanitary sewer collection system (collection system) as required in the corresponding National Pollutant Discharge Elimination System (NPDES) Permits. This Complaint seeks \$287,500 in administrative civil liability.
2. The Discharger owns and operates a wastewater collection system, two municipal wastewater treatment facilities (the Novato and Ignacio plants), and one combined effluent discharge outfall to the inter-tidal mud flats of San Pablo Bay. The Novato and Ignacio plants collect sanitary waste from a primarily residential service area for the City of Novato and adjacent areas. The collection system consists of over 200 miles of sewer pipe and 35 wastewater pump stations, and serves an approximate population of 60,000. The Discharger discharges an average dry weather flow of 5.4 million gallons per day from the two wastewater plants into San Pablo Bay.
3. Section 301 of the Federal Water Pollution Control Act (33 U.S.C. § 1311) (Clean Water Act) and CWC section 13376 prohibit the discharge of pollutants to surface water except in compliance with an NPDES permit. For the period February 1, 2005, to July 1, 2010, the Discharger was subject to Regional Water Board Order No. R2-2004-0093 (NPDES Permit No. CA0037958), incorporating the Standard Provisions and Reporting Requirements for NPDES Surface Water Discharge Permits, August 1993, by reference.
4. Order No. R2-2004-0093 Discharge Prohibition A.5. prohibits the discharge of untreated or partially treated wastewater from the collection system or any pump stations to any surface water stream, natural or man-made, or to any drainage system intended to convey storm water runoff to surface waters.

On or about and between September 24, 2007, and February 28, 2010, the Discharger had 22 SSOs of untreated or partially treated wastewater that discharged to waters of the state and the United States, violating Order No. R2-2004-0093 Discharge Prohibition A.5.

- a. These 22 violations totaled 453,025 gallons discharged, 441,575 gallons of which were not recovered or cleaned up.
 - b. The statutory maximum liability on a per gallon and per day basis is \$4,590,250 for these 22 SSOs.
5. The Proposed Administrative Civil Liability for Novato Sanitary District regarding Sanitary Sewer Overflows: Preliminary Staff Report and Consideration of Factors under 13385 dated July 26, 2010, including Attachment 1: Summary of Novato Sanitary District SSOs from May 2007-May 2010, is attached and incorporated herein.
 6. Based on the considerations of the factors listed in CWC section 13385(e) and the liability methodology contained in the State Water Resources Control Board's Water Quality Enforcement Policy (amended November 2009), the proposed administrative civil liability is \$287,500 for 22 violations of CWC section 13385(a)(2).
 7. 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.

Thomas E. Mumley
Assistant Executive Officer

September 15, 2010

Date

Attachment: Proposed Administrative Civil Liability for Novato Sanitary District regarding Sanitary Sewer Overflows: Preliminary Staff Report and Consideration of Factors under 13385 dated July 26, 2010