CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

REVISED TENTATIVE CEASE AND DESIST ORDER NO. R2-2011-XXX
REQUIRING THE

CITY OF SAN BRUNO
SANITARY SEWER COLLECTION SYSTEM
in SAN MATEO COUNTY

TO CEASE AND DESIST DISCHARGING WASTE
IN VIOLATION OF REQUIREMENTS IN
REGIONAL WATER BOARD ORDER NO. R2-2008-0094
(NPDES PERMIT NO. CA 0038130)
AND
STATE WATER BOARD ORDER NO. 2006-0003-DWQ

WHEREAS the California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter Regional Water Board), finds that:

1. The City of San Bruno (hereinafter "Discharger") and the City of South San Francisco own and operate a wastewater treatment plant (WWTP), located at 195 Belle Air Road, South San Francisco, San Mateo County. The WWTP and appurtenant collection system operates under Order No. R2-2008-0094, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0038130, and was previously subject to Order No. R2-2003-0010 (NPDES Permit No. CA0038130) from April 1, 2003, to December 31, 2008. The collection system is also subject to State Water Resources Control Board (State Water Board) Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems* (Sanitary Sewer Order).

2. The Discharger's collection system appurtenant to the WWTP includes about 77 miles of gravity sewers and force mains, 83 miles of laterals and 6 pump stations. Of the 83 miles of laterals, the Discharger is responsible for approximately 20 miles (lower laterals only). The Discharger's collection system serves an approximate population of 43,444 consisting primarily of residential customers and some commercial and industrial customers. The Discharger's service area covers about 5.5 square miles.

3. On February 16, 2010, the Regional Water Board issued Administrative Civil Liability Complaint (Complaint) No. R2-2010-0004 to the Discharger, seeking $633,600 in liability for alleged violations of the California Water Code (CWC) associated with 148 sanitary sewer overflows (SSOs) that occurred from the Discharger's collection system at various locations between December 1, 2004, and December 31, 2009. The total volume discharged and not recovered due to these events is 1,953,225 gallons.

4. Seven of the 148 SSOs occurred during heavy rains in January 2008 and resulted in the discharge of 1.6 million gallons of raw sewage diluted with storm water. These SSO events occurred when inflow and infiltration of storm water into the collection system resulted in flows exceeding the Discharger's collection system design capacity. The remaining SSOs were primarily caused by blockages due to roots, debris, and fats, oils, and grease (FOG).

5. Provisions C.1 and C.2 of the Sanitary Sewer Order prohibit any SSO that results in a discharge of untreated or partially treated wastewater to waters of the United States, or creates a nuisance as defined in CWC § 13050(m). In addition, Provisions D.3 and D.8 of the Sanitary Sewer Order require the Discharger to take all feasible steps to eliminate SSOs and to properly manage, operate, and maintain all parts of the collection system.

6. Similarly, Order No. R2-2008-0094 (NPDES Permit No. CA0038130), prohibits, in Section III.E, "[a]ny sanitary sewer overflow that results in a discharge of untreated or partially treated wastewater to waters of the United States…" and requires the Discharger, in Attachment D, *Federal Standard Provisions*, to "at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Order."

7. The Discharger has failed to take all feasible steps to prevent and reduce SSOs and has failed to properly manage, operate, and maintain all parts of the collection system. Specifically, the Discharger has failed to implement a collection system rehabilitation and replacement program and cleaning and inspection program that prevents SSOs. As a result, there is a continuing threat of future SSOs to surface waters in violation of the Water Code, the Discharger's NPDES Permit and the Sanitary Sewer Order.

8. The number of SSOs due to Fats, Oils and Grease (FOG) blockages from the Discharger's collection system per 100 miles of pipeline (FOG SSO Rate) is very high. In 2008 and 2009, the Discharger's FOG SSO Rate was 15.3 and 11, respectively. This rate is above the median FOG SSO Rate of 1.4 and 0.9 for all San Francisco Bay Region collection systems with greater than 100 miles of pipeline in 2008 and 2009, respectively. All SSO rates and comparative metrics stated above are dynamic and based solely on certified SSO data entered by dischargers into CIWQS.

9. The number of SSOs due to root blockages from the Discharger's collection system per 100 miles of pipeline (Root SSO Rate) is high. In 2008 and 2009, the Discharger's Root SSO Rate was 5.1 for each year.

This rate is above the median Root SSO Rate of 2.0 and 3.0 for all San Francisco Bay Region collection systems with greater than 100 miles of pipeline in 2008 and 2009, respectively. All SSO rates and comparative metrics stated above are dynamic and based solely on certified SSO data entered by dischargers into CIWQS.

10. The Discharger's efforts to eliminate the high number of SSOs due to FOG and root blockages from its collection system have been inadequate. The Discharger's failure to implement effective Root and FOG control programs threatens future SSOs to surface waters in violation of the Water Code, the Discharger's NPDES Permit, and the Sanitary Sewer Order.

11. CWC §13301 authorizes the Regional Water Board to issue a Cease and Desist Order when it finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the Regional Water Board or State Water Board.

12. CWC §13267 authorizes the Regional Water Board to require any person who discharged, discharges, or is suspected of having discharged or discharging, within its region, to furnish technical or monitoring program reports in connection with any action relating to any requirement authorized by Division 7 of the CWC.

13. This Cease and Desist Order (Order) requires the Discharger to submit reports and technical information pursuant to CWC §13267. The reports and technical information required herein are necessary to assess system management and implementation of necessary corrective measures to reduce and eliminate SSOs and associated violations and to ensure compliance with this Order. The burden, including costs, of the reports required by this Order bear a reasonable relationship to the need for the reports and the benefits obtained therefrom.

14. This Order is an enforcement action and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code § 21000 et seq.) in accordance with California Code of Regulations § 15321.

15. The Regional Water Board notified the Discharger and interested persons of its intent to consider adoption of this Order, and provided an opportunity to submit written comments and appear at a public hearing. The Regional Water Board, in a public hearing, heard and considered all comments.

16. Any person adversely affected by this action of the Regional Water Board may petition the State Water Board to review the action. The petition must be received by the State Water Board Office of Chief Counsel, P.O. Box

100, Sacramento, CA 95812-0100, within 30 days of the date which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided upon request.

17. The requirements in the Order are intended to meet or exceed requirements contained in the Sanitary Sewer Order. To the extent that this Order conflicts with the Sanitary Sewer Order, this Order supersedes and controls (See Sanitary Sewer Order Provision D. 2.(iv)). This Order does not, however, relieve the Discharger of any of its obligations to comply with the Sanitary Sewer Order in situations where that requirement is not in conflict with or controlled by a more specific requirement in this Order.

IT IS HEREBY ORDERED, in accordance with Water Code §§13301 and 13267, that the Discharger shall cease and desist from discharging and threatening to discharge wastes, in violation of State and Regional Water Board orders and shall comply with the following provisions of this Order:

I. Operations and Maintenance (O&M) Program

1. SSO Reduction Plan. By August 1, 2011, the Discharger shall prepare an SSO Reduction Plan. The SSO Reduction Plan shall include (i) an analysis of historical SSOs (location, cause, maintenance history, and available closed circuit television (CCTV) data), (ii) review of existing maintenance activities and practices, and (iii) recommendations for changes to sewer cleaning methods, tools, and schedules to reduce the frequency of SSOs to, at a minimum, the SSO Performance Standards specified in Section VI of this Order. By December 31, 2011, the Discharger shall implement the recommendations in the SSO Reduction Plan, and shall periodically review and revise the strategy implemented as appropriate and necessary to achieve, at a minimum, the SSO Performance Standards specified in Section VI of this Order. Such review and revision shall be reported in the SSO Annual Reports required by the Regional Water Board's November 15, 2004, Water Code §13267 Requirement, and may be taken in conjunction and coordination with review and revision of the Discharger's Sanitary Sewer Management Plan (SSMP) that is required in the Sanitary Sewer Order.

2. System-Wide Cleaning Program. By December 31, 2011, the Discharger shall develop and implement an enhanced system-wide cleaning program for the gravity sewers in its collection system that details all cleaning activities deemed necessary to reduce or prevent future SSOs. The cleaning program shall include (i) preventive cleaning of problem gravity sewer segments (SSO hot spots) including "lower laterals" maintained by the Discharger, to prevent recurring SSOs, (ii) an initial system-wide proactive cleaning of all gravity sewers within the next 3 years, (iii) condition-based proactive cleaning of all gravity sewers with a cleaning

cycle not to exceed 10 years for any specific gravity sewer, and (iv) cleaning activities to be scheduled and tracked by the Discharger.

3. Root Control Program. By December 31, 2011, the Discharger shall identify and initiate measures to improve the effectiveness of its root control program. The improvements shall be sufficient to reduce or prevent root-related SSOs within the timeframes provided in SSO Performance Standards, Table A, below. The root control program shall utilize cleaning results and CCTV inspection data to identify gravity sewers with significant root intrusion and shall control root intrusion in those gravity sewers with significant levels of root intrusion using mechanical root removal and/or chemical root control.

4. FOG Control Program. By December 31, 2011, the Discharger shall identify and initiate measures to improve the effectiveness of its Fats, Oil and Grease (FOG) Blockage Control Program. The improvements shall be sufficient to reduce and eliminate FOG-related SSOs within the timeframes provided in SSO Performance Standards, Table A, below. The FOG Control Program may use a combination of sewer cleaning, source control, and/or public education/outreach.

5. Condition Assessment. By June 30, 2012, the Discharger shall complete a condition assessment of all gravity sewers in its collection system. The condition assessment shall be based on CCTV inspection and employ a system for ranking the condition of sewer pipes that meets National Association of Sewer Service Companies (NASCO), or other industry-accepted standards. The Discharger shall use the results of the CCTV inspection and condition assessment to identify and prioritize collection system deficiencies requiring repair, rehabilitation or replacement and shall incorporate identified sewer repair, rehabilitation and replacement projects into the CIP (defined below) based on the ranking and resulting prioritization. The Discharger shall develop and implement a schedule for reinspection of all gravity sewers lines based on the condition of such lines.

   Completion of the condition assessment by June 30, 2012, requires that the Discharger attempt CCTV inspection and ranking of every segment of the collection system. For segments where full segment inspection is precluded, the Discharger shall develop a plan and schedule to repair or replace and fully reinspect each blocked segment and shall implement the plan in accordance with the time frames set forth in the schedule.

II. System Evaluation and Capacity Assurance Plan

6. By September 30, 2013, the Discharger shall complete an updated System Evaluation and Capacity Assurance Plan (SECAP). The SECAP shall be developed in accordance with Provision D.13 (viii) of the Sanitary Sewer Order and comply with the following requirements:

(a) The SECAP shall evaluate the performance of the Discharger's collection system under existing and future dry weather and wet weather flows.

(b) The SECAP shall identify basins within the Discharger's collection system with the most extensive I&I.

(c) The SECAP shall identify any bottlenecks in the collection system that lack sufficient capacity to convey sewage flows through the collection system and to the WWTP during peak wet weather conditions. The SECAP shall identify any areas where increases in pipeline size, I&I reduction programs, and increases and redundancy in pumping capacity are needed using commercially available hydraulic computer modeling designed specifically to evaluate collection system hydraulic flow and capacity.

(d) The SECAP shall include a hydraulic analysis that includes calculation for all sewer lines and all pump stations of estimated dry weather wastewater flow and estimated peak wet weather wastewater flow. Findings of the hydraulic analysis shall be presented on a GIS system map or other database.

(e) The SECAP shall identify projects to eliminate any identified capacity deficiencies and to reduce I&I.

(f) The SECAP must be reviewed and approved by a Professional Engineer registered in the State of California.

III. Capital Improvement Plan

7. The Discharger shall prepare and implement an updated Capital Improvement Plan (CIP) based to the extent possible on the results of the condition assessment conducted pursuant to Paragraph 5 of this Order and the SECAP, required above in Paragraph 6. The CIP shall be developed in accordance with Provisions D.13(iv)(c) and D.13(viii)(c) of the Sanitary Sewer Order.

   a) By December 31, 2013, the Discharger shall complete a CIP that includes (i) projects identified in the SECAP to address capacity deficiencies, (ii) projects identified in the SECAP to reduce I&I, and (iii) repair, rehabilitation or replacement projects identified to address collection system deficiencies detected during collection system condition assessment. The CIP shall include a schedule for implementing the projects contained in the CIP.

   b) The Discharger shall implement the CIP in accordance with the schedule contained therein.

c) The Discharger shall update the schedules in the CIP as project implementation occurs and priorities change to meet established goals and to ensure proper management of infrastructure assets. The Discharger shall provide such updates as appropriate in its annual SSO Report.

(f) The Discharger shall annually post on its website a CIP tracking report that indicates the status of all projects listed in the CIP.

IV. Financial Plan

8. By June 30, 2012, and annually thereafter, the Discharger shall update its 10-year Financial Plan to evaluate (i) the costs of implementing the tasks required by the Sanitary Sewer Order and this Order; (ii) current and projected future financial resources available to implement such tasks; and (iii) whether the Discharger's current wastewater rates need to be increased to ensure adequate financial resources to implement such tasks.

V. Private Sewer Service Lateral Program

9. If the SECAP concludes that the Discharger's collection system does not have adequate capacity and identifies repair or replacement of private laterals as a cost-effective measure for addressing capacity-related problems, the Discharger shall develop and implement a private sewer lateral replacement program to reduce the addition of I&I from defective private sewer laterals. By February 15, 2014, the Discharger shall present to its city council for adoption an ordinance requiring (a) testing of private sewer laterals (portion of a lateral from the building foundation to the property line, or in some cases extending to the sewer main line that the private property owner is responsible for maintaining) upon sale of property, a major remodel (>$75,000), and any remodel that adds a bathroom or significant plumbing fixtures; (b) replacement of defective private sewer laterals by a specified deadline; and (c) evidence from landowner that defective private sewer lateral has been repaired, rehabilitated, or replaced as condition to closing or the Discharger's sign-off on a permit.

VI. SSO Performance Standards

10. The Discharger shall achieve at a minimum the SSO Performance Standards outlined in Table A below.

11. To minimize the volume of SSOs, the Discharger shall maintain an average annual response time of no greater than 60 minutes from the time the Discharger becomes aware of an SSO to the time the first responder arrives on scene to begin appropriate response actions to protect public

health and the environment (e.g., containment, cessation, cleanup, recovery, notification and reporting).

12. By January 1, 2019, the Discharger shall have no capacity-caused SSOs.

13. By January 1, 2020, the Discharger shall achieve full compliance with Prohibitions C.1 and C.2 of the Sanitary Sewer Order, which prohibit any SSO that results in a discharge of untreated or partially treated wastewater to waters of the United States, or creates a nuisance as defined in CWC § 13050(m). Should the Discharger fail to achieve full compliance with these requirements, then the Discharger shall submit an SSO Compliance Report no later than the 30 days after the above deadline that (1) addresses why compliance was not achieved, (2) provides sufficient information concerning the specific circumstances of the SSO event/s for the Regional Water Board to consider excusing those discharges in accordance with any applicable regulations or guidance documents[1], (3) asserts and provides supporting evidence for any pertinent affirmative defenses and (4) provides a plan and time schedule for achieving compliance as soon as possible.

Table A. SSO Performance Standards

Calendar Year	Maximum Number of SSOs Annually
2011	41
2012	35
2013	29
2014	24
2015	19
2016	14
2017	10
2018	10
2019	8
2020	Full compliance as described in Provision VI. 13 above

VII. SSMP Communication

[1] At the time this CDO is being issued, the United States EPA is considering developing a standard permit condition that would provide a framework for evaluating the specific circumstances of overflows from a municipal sanitary sewer collection system that result in discharges to waters of the U.S. and consideration of those circumstances to excuse those discharges, either through the exercise of enforcement discretion or through establishment of an affirmative defense. (Federal Register (June 1, 2010) Vol. 75, No. 104.) In determining compliance with Paragraph 13, the Regional Water Board will consider any exceptional circumstances or affirmative defenses raised by the Discharger within the context of applicable guidance, rules, regulations, and statutes prior to exercising its enforcement discretion under this provision.

14. By September 30, 2011, a copy of the Discharger's revised SSMP and any future revisions to the SSMP must be publicly available in the Discharger's office and posted on the Discharger's internet website.

15. Beginning January 1, 2012, the Discharger shall communicate at a minimum on an annual basis with the public by placing information on the City's website about the development, implementation and performance, and costs of its SSMP. The communication must provide the public the opportunity to provide input and comments to the Discharger as the SSMP is revised and implemented. The Discharger shall document its communication program in its SSMP.

VIII. Consequences of Non-Compliance

16. If the Discharger fails to comply with the provisions of this Order the Regional Water Board can take additional enforcement action, which may include the imposition of administrative civil liability pursuant to CWC sections 13331, 13350 and/or 13268, or referral to the Attorney General. The Executive Officer is authorized herein to refer violations of this Order to the Attorney General to take such legal action as he or she may deem appropriate.

IX. Reservation of Enforcement Authority and Discretion

17. Nothing in this Order is intended to or shall be construed to limit or preclude the Regional Water Board from exercising its authority under any statute, regulation, ordinance, or other law, including but not limited to, the authority to bring enforcement against the Discharger in response to any SSO event regardless of Discharger's compliance with the SSO Performance Standards in Section VI herein.

X. Regulatory Changes

18. Nothing in this Order shall excuse the Discharger from meeting any more stringent requirements that may be imposed hereafter by changes in applicable and legally-binding legislation, regulations, or generally applicable statewide or regional requirements.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is full, true, and correct copy of an order adopted by the Regional Water Board, on _____ __, 2011.

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Bruce H. Wolfe, Executive Officer