

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

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

CITY OF PACIFICA
CALERA CREEK WATER RECYCLING PLANT AND COLLECTION SYSTEM
in SAN MATEO COUNTY

TO CEASE AND DESIST DISCHARGING WASTE
IN VIOLATION OF REQUIREMENTS IN
REGIONAL WATER BOARD ORDER NO. R2-2006-0067
(NPDES PERMIT NO. CA 0038776)
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 Pacifica (hereinafter Discharger) operates a domestic wastewater treatment plant called the Calera Creek Water Recycling Plant (WWTP) located at 700 Coast Highway, Pacifica. The WWTP and associated upstream sanitary sewer wastewater collection system operates under Order No. R2-2006-0067 (NPDES No. CA0038776) and was previously subject to Order No. 99-066 from September 15, 1999, until October 31, 2006, as amended by Order No. R2-2002-0088 on September 18, 2002. 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) and State Water Board Order No. WQ-2008-0002-EXEC, *Adopting Amended Monitoring and Reporting Requirements for the Sanitary Sewer Order* (SSO MRP Amendment).
2. The WWTP serves a population of approximately 39,000, with 82 miles of gravity sewers, 50 miles of lower laterals that the Discharger is responsible for, and 4.2 miles of force mains. There are five sewage pump stations with a total pumping capacity of 34,000 gallons per minute (49 mgd).
3. On October 23, 2009, the Regional Water Board issued Administrative Civil Liability Complaint (Complaint) No. R2-2009-0075 to the Discharger, seeking \$2,300,000 in liability. The Complaint was issued to address alleged violations of the California Water Code (CWC) that include numerous sanitary sewer overflows (SSOs) and bypass violations reported by the Discharger from its collection system and

WWTP for the period of December 2004 through June 2009, including substantial discharge events in January 2008, as well as numerous smaller collection system spills and one larger spill in 2004 that are detailed in Table A of the Complaint.

4. The alleged SSOs and bypass violations occurred as a result of the Discharger's failure to adequately identify and address collection system problems. Specifically, the Discharger could have undertaken detection and elimination of excessive collection system inflow and infiltration (I&I). I&I corrective measures could have avoided: (1) the collection system surcharging and the resultant spills; and (2) the WWTP process bypass.
5. On January 25, 2008, more than 100,000 gallons of raw sewage was discharged from various points in the WWTP collection system. On January 25 and 26, 2008, the Discharger bypassed approximately 6,900,000 gallons of partially treated sewage to surface waters. These discharge events occurred during heavy rains in January 2008 when high stormwater I&I into the collection system resulted in flows exceeding the Discharger's collection system design capacity and WWTP process capacity. The remaining SSOs were primarily caused by blockages due to roots and debris.
6. 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.
7. Similarly, Order No. R2-2008-0067 (NPDES Permit No. CA0038776), prohibits, in Section III.D, "[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 G, *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."
8. The SSO MRP Amendment establishes monitoring, record keeping, reporting and public notification requirements for the Sanitary Sewer Order.
9. The Discharger's efforts to identify and eliminate I&I from its collection system have been inadequate. The sources of I&I (building and roof drains, illicitly connected stormwater drainage systems, poorly sealed

manholes, leaky pipe joints and cracked, leaking or broken pipes) are most commonly detected by doing a comprehensive sewer system evaluation survey. This may involve smoke testing, TV inspections of sewer lines, in-line flow measurements during dry and wet rainy seasons, visual inspection of manholes, mainlines and lower laterals, and system computer modeling to adequately characterize and identify I&I sources. The Discharger has not conducted such a comprehensive sewer system evaluation survey since the early 1980s.

10. The Discharger has failed to develop and implement an adequate collection system rehabilitation and replacement program to identify and prioritize system deficiencies and implement rehabilitation actions to address deficiencies. Failure to identify and eliminate I&I into the collection system threatens to cause future SSOs, including discharges of untreated/partially treated sewage into surface waters in violation of the Water Code, the Discharger's NPDES Permit, and the Sanitary Sewer Order.
11. 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 20.6 and 10.3, respectively. 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.
12. The Discharger's efforts to eliminate the high number of SSOs due to root blockages from its collection system have been inadequate. The Discharger has failed to implement an effective root control program. 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.
13. 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.
14. 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.
15. 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.

16. 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.
17. 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.
18. 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.
19. The requirements in the Order are intended to meet or exceed requirements contained in the Sanitary Sewer Order and the SSO MRP Amendment. To the extent that this Order conflicts with the Sanitary Sewer Order and the SSO MRP Amendment, 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 and the SSO MRP Amendment 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 June 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 associated 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 June 30, 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 and may also 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 and in Section VIII of this Order.

2. SSO Record Keeping. The Discharger shall meet the record keeping requirements outlined in the SSO MRP Amendment, including but not limited to the following:

- a) Maintain individual SSO records for a minimum of five years from the date of the SSO (SSO MRP Amendment Provision B.1);
- b) Make all records available for review upon State or Regional Water Board staff's request (SSO MRP Amendment Provision B.3); and
- c) Retain records of all SSOs, such as, but not limited to: service call records and complaint logs of calls received by the Discharger, SSO calls, SSO records, steps that have been taken and will be taken to prevent the SSO from recurring and a schedule to implement those steps, work orders, work completed, and a list and description of complaints from customers or others from the previous 5 years (SSO MRP Amendment Provision B.5).

The Discharger's SSO records may be audited by the Regional Water Board to determine if the Discharger is in compliance with SSO Performance Standards contained in Section VI of this Order.

3. Computerized Maintenance Management System. By June 1, 2011, the Discharger shall purchase a Computerized Maintenance Management System (CMMS). The CMMS shall be used in conjunction with the Discharger's GIS database to track and make readily available to relevant Discharger employees and contractors information concerning SSO history, sewer line cleaning, and other information necessary to plan system operation and maintenance and capital improvements. By September 1, 2011, the Discharger shall begin full use of the CMMS for SSO-related activities, including logging and tracking incoming SSO complaints, generating SSO-related work orders, and scheduling gravity, force main and pump station maintenance activities.

The Discharger's CMMS data records may be audited by the Regional Water

Board to determine if the Discharger is in compliance with SSO Performance Standards contained in Section VI of this Order.

4. System-Wide Cleaning Program. By July 30, 2011, the Discharger shall develop and implement an enhanced system-wide cleaning program for the collection system and its ancillary equipment that details all cleaning activities scheduled for gravity, pump stations and ancillary equipment as deemed necessary to 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, pump stations and ancillary equipment 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 including visual and CCTV inspections to be scheduled and tracked via the CMMS by the Discharger.

5. Root Control Program. By October 30, 2011, the Discharger shall develop and implement an enhanced root control program. 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.

6. Illicit Discharges Elimination Program. The Discharger shall develop and implement a program to detect and eliminate illicit discharges. By December 31, 2011, the Discharger shall complete and document results of smoke testing of the portions of its collection system identified in the System Evaluation and Capacity Assurance Plan (discussed in greater detail below in Paragraph 8) as having the most significant I&I and as being most appropriate for smoke testing. The Discharger shall require private property owners to eliminate illegal drainage connections or defective laterals and shall eliminate any inappropriate cross-connections in Discharger-owned facilities identified during smoke testing.

By November 15, 2011, the Discharger shall adopt an ordinance, or amend existing ordinances, to provide the Discharger with the requisite authority to eliminate illicit discharges and shall take reasonable enforcement efforts under said ordinance(s) to eliminate identified illicit discharges. The Discharger shall take reasonable enforcement actions against any violators and maintain records to document any such enforcement actions.

7. Condition Assessment. By March 1, 2013, the Discharger shall complete a condition assessment of 100% of its collection system including forced mains. The condition assessment shall be based on closed circuit television (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 and forced main sewer lines based on the condition of such lines.

II. System Evaluation and Capacity Assurance Plan

8. By October 15, 2011, the Discharger shall complete a 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 which 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, increases and redundancy in pumping capacity, and additional storage facilities 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 shall be reviewed and approved by a professional engineer registered in the State of California.

III. Capital Improvement Plan

9. The Discharger shall prepare and implement a Capital Improvement Plan (CIP) based to the extent possible on the results of the condition assessment conducted pursuant to Paragraph 7 of this Order and the SECAP, required above

in Paragraph 8. 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 October 15, 2011, the Discharger shall complete an initial CIP (“Initial 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 in those portions of the collection system for which the Discharger has conducted a condition assessment. The Initial CIP shall be included in the SECAP and shall include a schedule for implementing the projects contained in the Initial CIP.
- b) The Discharger shall implement the Initial CIP in accordance with the schedule contained therein.
- c) By January 31, 2014, the Discharger shall complete an updated CIP (Updated CIP) and schedule. The Updated CIP shall include any additional repair, rehabilitation or replacement projects identified to address collection system deficiencies in those portions of the collection system for which a condition assessment had not been completed as of the date of the Initial CIP.
- d) The Discharger shall implement the Updated CIP in accordance with the schedule contained therein.
- e) The Discharger shall update the schedules in the Initial CIP and Updated 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 Reduction Action Plan required in Paragraph 11 below.
- f) The Discharger shall annually prepare a report tracking implementation of the CIP to be submitted with the SSO Annual report. This CIP tracking report shall indicate the status of all projects listed in the Initial CIP and Updated CIP.

IV. Financial Plan

10. By November 1, 2011, the Discharger shall develop a 10-year Financial Plan and, by November 1, 2014, a 20-year Financial Plan. Each shall 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. The Discharger shall provide periodic updates and/or amendments

to these financial plans as necessary to achieve the tasks required by the Sanitary Sewer Order and this Order.

V. Private Sewer Service Lateral Program

11. The Discharger shall develop and implement a private service lateral replacement program to reduce the addition of I&I from defective private service laterals. By November 15, 2011, the Discharger shall present to its city council for adoption an ordinance requiring (a) testing of private sewer service 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 fixture; (b) replacement of defective private sewer service laterals by a specified deadline; and (c) evidence from the private property owner that the defective private sewer service lateral has been repaired, rehabilitated, or replaced as condition to closing or the Discharger's sign-off on a permit.

VI. SSO Performance Standards

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

13. To minimize the volume of SSOs, the Discharger shall maintain a response time of no greater than 30 minutes during business hours, and a response time of no greater than 60 minutes during non-business hours from the time the Discharger becomes aware of an SSO to the time it has response crews arrive on scene to begin appropriate response actions to protect public health and the environment (e.g., containment, cessation, cleanup, recovery, notification and reporting).

14. By January 1, 2019, the Discharger shall have no insufficient capacity-caused SSOs. 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 documents¹, (3) asserts and provides supporting

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 a discharge to waters of the U.S. and consideration of those circumstances to excuse those discharges, either through the exercise of enforcement discretion or

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	15
2012	14
2013	13
2014	12
2015	10
2016	9
2017	8
2018	7
2019	6
2020	See Provision VI. 14 above

VII. Training

15. By October 30, 2011, the Discharger shall complete an assessment of the competency of its collection system staff and develop a plan to provide training to collection system operation and maintenance (O&M) personnel. The training assessment and program shall include but not be limited to the following:

- a) The Discharger shall assess all collection system O&M personnel (from line staff through supervisor) to determine current abilities and compare against the actual technical skill sets needed to competently perform collection system O&M duties. The assessment shall be based on the personnel's current needs as compared to what the personnel can actually do and is expected to do per the job description.
- b) Based on the results of the assessment, the Discharger shall identify deficiencies and make the appropriate adjustments to job descriptions and/or training plan for each collection system O&M personnel.

through establishment of an affirmative defense. (Federal Register (June 1, 2010) Vol. 75, No. 104.) In determining compliance with Paragraph 14, 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.

- c) No later than November 1, 2011, the Discharger shall commence implementation of the training plan developed for each O&M personnel.
- d) Training provided to O&M personnel shall include but not be limited to classroom, drills/practice of SSO response events including procedures for properly notifying, documenting and reporting all SSOs to comply with the Sanitary Sewer Order and SSO MRP Amendment, including but not limited to training to ensure proper documentation and reporting of SSO start time, ongoing SSO spill rate, SSO end time, estimation of SSO volume and amount recovered, and completion of proper documentation of all work activities related to SSO response and corrective action taken, workshops, online courses and self-paced courses.
- e) The Discharger shall report on the progress of its training program in the Annual SSO Reports required by Paragraph 22 of this Order for calendar years 2012 through 2015, at a minimum.

VIII. SSMP Certification, Communication and Audit

16. Within 30 days of the effective date of this Order, a copy of the Discharger's current SSMP must be made publicly available in the Discharger's office and posted on the Discharger's internet website.

17. Beginning July 1, 2011, the Discharger shall communicate on an annual basis with the public by placing information on the Discharger's website about the development, implementation 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 developed and implemented. The Discharger shall document its communication program in its SSMP.

18. By October 15, 2011, the Discharger shall revise and re-certify the SECAP element of the SSMP in CIWQS.

19. By September 1, 2012, the Discharger shall revise and re-certify the Operation and Maintenance Program element of the SSMP in CIWQS.

20. By December 31, 2012, the Discharger shall present the final revised SSMP to its City Council for approval at one or more public meetings. Within thirty (30) days after the Discharger's City Council approves the final revised SSMP, the SSMP must be made publicly available in the Discharger's office and posted on the Discharger's internet website.

21. By January 1, 2017, and every five years thereafter, the Discharger shall review, and update as necessary, its SSMP in accordance with Provision D.14 of the Sanitary Sewer Order. Each update shall be so noted in the SSO Annual Report for that calendar year.

22. By March 15, 2014, and every March 15 of each year thereafter, the Discharger shall conduct an annual audit of its SSMP covering the previous calendar year and electronically submit an SSMP Audit Report via the Regional Water Board's online SSO reporting system at www.wbers.net. During the Audit, the Discharger shall, at a minimum, review the following information:

- a) Collection System Technical Information (SSO "hot spots," number of SSOs, number of preventable SSOs);
- b) Financial Information to ensure the collection system has the financial resources to properly carry-out all SSMP elements;
- c) Sewer Maintenance Procedures; and
- d) Measurable Performance Measures.

The Discharger shall initiate/direct corrective actions to be taken whenever deficiencies are noted and SSMP improvements are needed. If/when significant changes are made to the SSMP, the Discharger shall update the SSMP in accordance with Provision D.14 of the Sanitary Sewer Order.

23. By March 15 of each year, the Discharger shall submit to the Regional Water Board an Annual SSO Report covering the previous calendar year. As currently required by the Regional Water Board's 13267 letter dated November 15, 2004, the Annual SSO Report shall: (1) summarize number, volume, general location and causes of SSOs during the reporting period, (2) summarize sewer system cleaning statistics for the entire system and for hot spots (i.e., number of miles cleaned per year and cleaning frequency), (3) perform a trend analysis showing a comparison of data for the current reporting period with previous years, and (4) provide a status of SSMP development. In addition, starting March 15, 2012, the Annual SSO Report shall include additional information so the Regional Water Board can evaluate ongoing compliance with this CDO. The additional information shall: (5) based on the trend analysis conducted, identify areas of concern in the collection system, (6) provide a list of actions to be taken over the next calendar year to address areas needing improvement, including a list of needed capital improvement projects if applicable, (7) provide a list of any capital improvement projects completed during the reporting period to address areas of concern previously identified, (8) summarize actions taken over the previous calendar year and actions planned over the next calendar year to meet the SSO Performance Standards in Section VI of this Order, and (9) document all training received by Discharger employees during that reporting period in accordance with the Discharger's Training Program.

IX. Consequences of Non-Compliance

24. 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.

X. Reservation of Enforcement Authority and Discretion

25. 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 or bypass event regardless of the Discharger's compliance with the Spill Performance Standards in Section VI herein.

XI. Regulatory Changes

26. 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 waste discharge 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.

Bruce H. Wolfe
Executive Officer