

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

**EXECUTIVE OFFICER SUMMARY REPORT**  
**MEETING DATE: June 10, 2015**

**ITEM:** 7

**SUBJECT:** **Sonoma Valley County Sanitation District, Sanitary Sewer Collection System, Sonoma County** – Adoption of Cease and Desist Order

**CHRONOLOGY:** June 2015 – Imposed \$732,300 penalty for 46 sanitary sewer overflows  
May 2014 – Reissued NPDES Permit  
July 2010 – Imposed \$348,400 penalty for 37 sanitary sewer overflows

**DISCUSSION:** Since 2010, the Board has imposed over \$1,000,000 in administrative civil liabilities against the District for more than 80 unauthorized discharges from its sanitary sewer collection system. The Revised Tentative Cease and Desist Order (CDO) (Appendix A) would require the District to undertake specific tasks to ensure adequate collection system capacity and financing. Specifically, these tasks include the following:

- Replace and upgrade approximately 3 miles of trunk sewer main by October 31, 2024.
- Update and implement plans for additional capacity-related capital improvement projects necessary to eliminate wet weather sanitary sewer overflows (SSOs) similar to those cited in the CDO.
- Assure adequate financing to complete the work required.
- Consider adoption of a private sewer lateral ordinance to require testing and replacement, if necessary, upon sale or major remodel.

If not addressed, the Board's Prosecution Team contends that future capacity-related SSOs are likely to occur during wet weather.

In March 2015, the Prosecution Team distributed a tentative CDO for public comment. The only comments received were from a resident who requested that the Board impose a moratorium on new sewer connections against the District. As indicated in the Prosecution Team's Response to Comments (Appendix C), the Prosecution Team disagrees that such a moratorium is warranted at this time because of the marginal impact a moratorium would have on reducing wet weather sewage flows. However, in response to the comments, the Prosecution Team has proposed clarifying revisions that are reflected in the Revised Tentative CDO.

The commenter has indicated that she will testify at the hearing. The District is not contesting the Revised Tentative CDO and intends to comply with it as proposed.

**RECOMMEND-  
DATION:**

I will have a recommendation at the close of the hearing.

**FILE:**

CW - 257754 and CW - 631036

**APPENDICES:**

- A. Revised Tentative CDO
- B. Comments Received
- C. Prosecution Team Response to Comments

**Appendix A:**  
**Revised Tentative CDO**

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

REVISED TENTATIVE CEASE AND DESIST ORDER No. R2-2015-XXXX  
REQUIRING THE

SONOMA VALLEY COUNTY SANITATION DISTRICT  
SANITARY SEWER COLLECTION SYSTEM  
IN SONOMA COUNTY

TO

CEASE AND DESIST DISCHARGING WASTE  
IN VIOLATION OF

REGIONAL WATER BOARD ORDER Nos. R2-2008-0090 AND R2-2014-0020,  
STATE WATER BOARD ORDER 2006-0003-DWQ,  
STATE WATER BOARD ORDER WQ 2013-0058-EXEC,  
CLEAN WATER ACT SECTION 301, AND  
CALIFORNIA WATER CODE SECTION 13376

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

1. The Sonoma Valley County Sanitation District (hereinafter Discharger) owns and operates a treatment plant and collection system. From the period of August 1, 2010, to June 30, 2014, the collection system was subject to Regional Water Board Order No. R2-2008-0090 (2008 NPDES Permit). From the period of July 1, 2014, to the present, the collection system is subject to Regional Water Board Order No. R2-2014-0020 (2014 NPDES Permit). Also, the collection system is subject to State Water Resources Control Board (State Water Board) Order 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems* (Sanitary Sewer Order), and State Water Board Order WQ 2013-0058-EXEC, *Adopting Amended Monitoring and Reporting Requirements for the Sanitary Sewer Order* (MRP).
2. The Discharger signed a notice of intent to comply with the Sanitary Sewer Order, and any subsequent amendments, on August 15, 2006.
3. The Discharger's collection system includes about 132 miles of gravity sewer pipe, 3 miles of force mains, and 2 pump stations. The Discharger's collection system collects and transports approximately 2.7 million gallons per day (MGD) of wastewater to its wastewater treatment plant (plant), and serves an approximate population of 36,000. The plant's design average dry weather flow is 3 MGD.

4. The 2008 and 2014 NPDES Permits, and the Sanitary Sewer Order all prohibit sanitary sewer overflows (SSOs) that result in a discharge of untreated or partially treated wastewater to waters of the United States (Discharge Prohibition III.E of the 2008 and 2014 NPDES Permits, and Prohibition C.1 of the Sanitary Sewer Order).
5. The Discharger violated Discharge Prohibition III.E of the 2008 and 2014 NPDES Permits, and Prohibition C.1 of the Sanitary Sewer Order. Between August 1, 2010, and January 31, 2015, the Discharger reported a total of 52 SSOs from the Discharger's collection system to the State's California Integrated Water Quality System (CIWQS). Of the total, 46 SSOs reached waters of the United States and are violations of Discharge Prohibition III.E of the 2008 and the 2014 NPDES Permits, and Prohibition C.1 of the Sanitary Sewer Order. Additionally, 39 of the 46 SSOs were caused by insufficient capacity of the Discharger's collection system resulting in approximately 425,000 gallons of untreated wastewater that discharged to waters of the United States. A detailed list of the 52 SSOs is contained in Attachment A, incorporated herein by reference.
6. The Sanitary Sewer Order specifies provisions for which enrollees must comply as operators of a collection system:
  - a. Enrollees must properly, manage, operate, and maintain all parts of the collection system (Provision D.8).
  - b. Enrollees must allocate adequate resources for the operation, maintenance, and repair of its collection system, by establishing a proper rate structure, accounting mechanisms, and auditing procedures to ensure adequate revenues and expenditures (Provision D.9).
  - c. Enrollees shall take all feasible steps to eliminate SSOs (Provision D.3).
  - d. Enrollees shall provide adequate capacity to convey base and peak flows (Provision D.10).
  - e. Enrollees shall develop and implement a written Sewer System Management Plan (SSMP) that contains mandatory elements, and comply with a completion time schedule and a schedule for developing the funds needed for a capital improvement plan (Provisions D.11, D.13 and D.15).
  - f. Enrollees shall prepare and implement a system evaluation and capacity assurance plan that will provide hydraulic capacity of key sanitary sewer system elements for dry weather peak flow conditions, as well as the appropriate design storm or wet weather event (Provision D.13(viii)).
7. The Discharger is currently in violation of, or is threatening to violate, Provisions D.8, D.9, and D.10 of the Sanitary Sewer Order by not allocating adequate resources for,

and thus failing to ensure for, the proper operation, maintenance, repair and adequate capacity of its collection system.

- a. Due to failure to provide for adequate funding and unavoidable construction and right-of-way hurdles, the Discharger is four or more years behind its November 2006 Capital Projects Plan (2006 CPP) in implementing priority sewer trunk main and collection system replacement/rehabilitation projects intended to eliminate SSOs related to inadequate capacity and structural deficiencies. The right-of-way hurdles involve procuring right-of-way from commercial, local and State agencies, and numerous private property owners through acquisitions such as agreements and eminent domain and will take nearly two years per project to complete depending upon the complexities of property title.
- b. The 2006 CPP included the Discharger's priority projects from its April 2002 wet weather overflow (WWO) prevention study,<sup>1</sup> which identified and prioritized capital improvement projects by combining upsizing and structural deficiency mitigation.
- c. The 2002 WWO prevention study identified approximately 9 miles of capacity improvement projects and approximately 63 miles of structural improvement projects. The 2002 WWO prevention study proposed a 20-year timeline to complete these projects at an estimated cost of \$45 million (M).
- d. Since 1994, the Discharger has completed approximately 9.7 miles of major capacity and structural improvement projects at a total cost of \$14.9 M. In addition, through routine collection system maintenance the Discharger has spot-repaired 197 pipe segments to address structural pipe deficiencies since 2005.
- e. The 2006 CPP had scheduled a trunk main (approximately 5 miles from Sonoma to Agua Caliente) capacity upsizing project to start construction in fiscal year 2010/2011 with completion by fiscal year 2012/2013 at an approximate cost of \$6.15 million (M). If completed as scheduled, this project would have eliminated or significantly reduced 39 of the 46 capacity-related SSOs referenced in finding 5 above.
- f. The 2006 CPP included a schedule to implement the Discharger's strategic plan to address the needs of its collection system, treatment plant, and reclamation system while also considering financial resources. With its available capital resources, the Discharger chose to obtain limited-availability grant funds to implement recycled water and water quality improvement projects including a recycled water storage reservoir (completed construction in 2012 at an approximate cost of \$2.3 M), the Napa Sonoma Salt Marsh reclaimed water pipeline (completed construction at an approximate cost of \$5.5M), and a

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<sup>1</sup> The Discharger completed the April 2002 WWO prevention study in accordance with a 1999 Regional Water Board notice of violation for SSOs. The Discharger based the WWO prevention study on its 2001 Sewer Capacity Study, which was based on its 1994 Collection System Master Plan.

biosolids handling facility upgrade (completed construction in 2014 at an approximate cost of \$4.3 M). Also, the Discharger proceeded with the design and right-of-way work for the trunk main projects at the same time that the recycled water and water improvement projects were constructed.

- g. The Discharger has initiated a Sewer Capacity Study to update its sewer system master plan and collection system modelling, and anticipates completing the sewer system master plan by December 31, 2015. The Sewer Capacity Study may identify projects necessary to reduce or eliminate the SSOs and develop a schedule to implement these projects.
8. The Discharger threatens to violate Discharge Prohibition III.E of the 2014 NPDES Permit, and Prohibition C.1 of the Sanitary Sewer Order, by failing to properly manage, operate, and maintain parts of its collection system.
    - a. As stated in finding 7.b, the Discharger's 2002 WWO prevention study identified and prioritized capital improvement projects, which included a total of approximately 9 miles of proposed sewer capacity and structural improvements. Currently, the Discharger has approximately 4.4 miles of capacity and structurally deficient trunk mains left to replace at an approximate cost of \$8.9 M, which are reliant on future not-yet-approved sewer rate increases. The \$8.9 M includes completion of three trunk main replacement projects. Two of the three projects totaling approximately 2.9 miles will adequately address the capacity-related SSOs included in this enforcement action at an approximate cost of \$6.15 M. If these capacity deficient trunk mains are not addressed, it is likely that SSOs would occur during wet weather.
    - b. The Discharger's WWO prevention study identified and prioritized several collection system service areas in need of rehabilitation to correct sewer pipe structural deficiencies. The collective length of the identified collection system pipe is approximately 7 miles at an approximate cost of \$5 M that is reliant on future not-yet-approved sewer rate increases.

## LEGAL AUTHORITY

9. Water Code section 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 or State Water Board.
10. Water Code section 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 Water Code.

11. This Order requires the Discharger to submit reports and technical information pursuant to Water Code section 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 evidence supporting this requirement is contained in the public file for this matter. 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 from them.
12. This Order is an enforcement action and, as such, is exempt from the provisions of the California Environmental Quality Act (CEQA) (Pub. Res. Code § 21000 *et seq.*) in accordance with Title 14, California Code of Regulations section 15321. Actions associated with implementing this Order may not be exempt from CEQA and may need to be evaluated by the appropriate lead CEQA agency.
13. 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.
14. 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.

**IT IS HEREBY ORDERED**, in accordance with Water Code section 13301 and section 13267, that effective immediately, the Discharger shall cease and desist from discharging and threatening to discharge wastes, in violation of the Sanitary Sewer Order and shall take appropriate remedial or preventative actions as follows:

**1. Complete Rehabilitation and Capital Improvement Projects**

The Discharger shall complete the capital improvement projects identified in the 2006 CPP in accordance with the schedule in Table 1 below.

**Table 1 Capital Improvement Projects**

Project	Project Description	Project Completion Date
1. Trunk Main Replacement MH 90-3 to MH 135-1 (Project 12 of 2006 CPP)	Replace 7,108 linear feet of 21-inch diameter reinforced concrete trunk main with 27-inch diameter trunk main; replace 31 manholes; and address structural deficiency and capacity restricted sections.	By October 31, 2022 <sup>1</sup>



2. Trunk Main Replacement MH 48-2 to MH 90-3 (Project 13 of 2006 CPP)	Replace 8,245 linear feet of 21-inch and 18-inch diameter reinforced concrete trunk main with appropriately larger sized force main; replace 35 manholes; and address structural deficiency and capacity restricted sections.	By October 31, 2024
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Note: 1) Project 1 consists of three phases. The first phase is currently being designed and is estimated to be under construction in 2017. The design of the second phase is anticipated to begin in 2018. Construction of Phase 2 is anticipated to begin in 2019. Design of Phase 3 is anticipated to begin in 2020. Construction of Phase 3 is anticipated to begin one year after the design is completed in 2021. The District has included one year for unforeseen problems. Overall, the District anticipates completing Project 1 by October 31, 2022.

## 2. Update Capacity Assessment and Implement Improvement Projects

- a. By August 1, 2016, the Discharger shall complete its Sewer Capacity Study to identify, prioritize, and develop a schedule for completing projects necessary to reduce or eliminate the recurring SSOs cited in this Order through an update of, or as a supplement to, the 2006 CPP.
- b. The Discharger shall implement the projects that are necessary to reduce or eliminate the recurring SSOs cited in this Order per the schedule in Provision 2.a above with consideration of any comments from the Executive Officer.

## 3. Report on Non-Compliance for Project Completion

If the Discharger fails to achieve compliance with any of the tasks in provisions 1 and 2 above, the Discharger shall submit a report no later than 30 days after the respective deadline that provides (1) sufficient information concerning the specific circumstances leading to noncompliance, (2) evidence for any pertinent affirmative defenses, and (3) a plan and time schedule to remedy the violation as soon as possible.

## 4. Set Adequate Financing to Ensure Compliance

- a. The Discharger shall submit a Rate/Funding Structure Report by August 1, 2016, describing the sewer rates or other financing it proposes to put in place to implement the tasks identified in this Order and the Sanitary Sewer Order, along with justification of the appropriateness and adequacy of those rates or other financing to ensure adequate funding for implementation of the tasks.
- b. The Discharger shall evaluate its revenues and make necessary adjustments by July 1, 2017, and annually thereafter, to its ensuing fiscal year sewer rates or other financing to ensure adequate funding to complete tasks by the deadlines required in this Order and the Sanitary Sewer Order.
- c. If the Discharger fails to achieve compliance with Provision 4.a or to ensure adequate funding as required by 4.b, then the Discharger shall submit a report no later than on August 1 following the required task that provides (1) sufficient

information concerning the specific circumstances leading to noncompliance, (2) provides evidence for any pertinent affirmative defenses, and (3) provides a plan and time schedule for remedying the violation as soon as possible.

#### **5. Consider Private Sewer Lateral Rehabilitation Program**

By July 1, 2016, the Discharger shall prepare and consider adopting an ordinance requiring (1) testing of private sewer laterals upon sale of property, and/or other appropriate triggers, which may include but are not limited to a remodel greater than \$75,000 or any remodel that adds a bathroom; reasonable exceptions such as a newer residence or a newer lateral system may be included in the ordinance; (2) repair or replacement of defective private sewer laterals as appropriate; and (3) evidence from property owner that the defective private sewer lateral has been repaired, rehabilitated, or replaced as condition to close of escrow, or the Discharger's sign-off on a building/plumbing permit.

#### **6. Submit Annual Status Reports**

By February 1, 2016, and annually thereafter for the duration of this Order, the Discharger shall submit a report providing the status of its rehabilitation and capital improvement projects required to be implemented in provisions 1 and 2. And starting with the annual status report due February 1, 2018, the Discharger shall include a summary of its efforts to evaluate and make necessary adjustments to sewer rates or other financing required by provision 4.b. For the improvement projects, the annual status reports shall include a table or list of all required projects along with a running tally of the progress of each project and a detailed summary of pipe repairs, replacements, and rehabilitations (locations and lengths) completed for each project during the prior calendar year.

**7. Consequences of Non-Compliance.** 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 or judicial civil liability pursuant to Water Code sections 13331, 13350, 13268, and/or 13385, 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.

**8. Reservation of Enforcement Authority and Discretion.** 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 violations of its 2008 NPDES Permit.

**9. Regulatory Changes.** 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 state-wide 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 \_\_\_\_\_.

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Bruce H. Wolfe, Executive Officer

Attachment A

Attachment A

Table of Sonoma Valley County Sanitation District reported SSOs in CIWQS from August 1, 2010, through January 31, 2015

Start Date	End Date	Spill Location	Gallons Discharged	Gallons Recovered	Gallons Reached Surface Water	Final Spill Destination	Impacted Surface Water	Cause <sup>1</sup>	Same SSO Location cited in 2011 ACLO <sup>2</sup>
12/15/2014	12/15/2014	Meadowbrook Trailer Park	200	0	200	Surface Water	Agua Caliente Creek	Rainfall Exceeded Design, I and I (Separate CS only)	Yes
12/11/2014	12/12/2014	4 <sup>th</sup> Street W./ Andrieux St.	3570	0	3570	Surface Water	Fryer Creek	Rainfall Exceeded Design, I and I (Separate CS only)	No
12/11/2014	12/12/2014	4 <sup>th</sup> Street W./ Bettencourt St.	3375	0	3375	Surface Water	Fryer Creek	Rainfall Exceeded Design, I and I (Separate CS only)	No
12/11/2014	12/11/2014	18055 River Rd.	2750	0	2750	Surface Water	Sonoma Creek	Rainfall Exceeded Design, I and I (Separate CS only)	No
12/11/2014	12/12/2014	4 <sup>th</sup> Street E./ E Spain St.	12825	0	12825	Surface Water	Nathanson Creek	Rainfall Exceeded Design, I and I (Separate CS only)	Yes
12/11/2014	12/11/2014	Vailletti/ Casabella	22375	0	22375	Surface Water	Sonoma Creek	Rainfall Exceeded Design, I and I (Separate CS only)	No
12/11/2014	12/12/2014	Rancho Mobile Homes	65055	0	65055	Surface Water	Sonoma Creek	Rainfall Exceeded Design, I and I (Separate CS only)	Yes
12/11/2014	12/12/2014	18715 Sonoma Hwy.	35910	0	35910	Surface Water	Agua Caliente Creek	Rainfall Exceeded Design, I and I (Separate CS only)	Yes
12/3/2014	12/3/2014	18880 Hwy 12	600	0	600	Surface Water	Agua Caliente Creek to Sonoma Creek	Flow Exceeded Capacity	Yes
<b>10/30/2014</b>	<b>10/30/2014</b>	<b>Bains Ave.</b>	<b>40</b>	<b>20</b>	<b>0</b>	<b>Unpaved Surface</b>	<b>NOT APPLICABLE<sup>2</sup></b>	<b>Root Intrusion</b>	<b>No</b>
<b>4/30/2014</b>	<b>4/30/2014</b>	<b>765 Donald St. Sonoma, CA</b>	<b>200</b>	<b>10</b>	<b>0</b>	<b>Unpaved surface</b>	<b>NOT APPLICABLE<sup>2</sup></b>	<b>Root Intrusion</b>	<b>No</b>
4/29/2014	4/29/2014	472 5th Street West	1500	500	1000	Separate Storm Drain	Fryer Creek	Grease Deposition (FOG)	No
2/9/2014	2/9/2014	Casabelle & Vailletti, Boyes Hot Springs, CA	1650	0	1650	Surface Water	Sonoma Creek	Flow Exceeded Capacity	No
2/9/2014	2/9/2014	Rancho Vista Mobile Home Park	7420	0	7420	Surface Water	Pequeno Creek to Sonoma Creek	Flow Exceeded Capacity	Yes
2/8/2014	2/9/2014	Rancho Vista Mobile Home Park	39400	0	39400	Surface Water	Pequeno Creek to Sonoma Creek	Flow Exceeded Capacity	Yes
2/8/2014	2/8/2014	E. Spain St. & 4th St. East	3000	0	3000	Surface Water	Nathanson Creek	Flow Exceeded Capacity	Yes
2/8/2014	2/9/2014	Cedar and Vailletti, Boyes Hot Springs, CA	13200	0	13200	Surface Water	Sonoma Creek	Flow Exceeded Capacity	No
2/8/2014	2/9/2014	Casabella & Vailletti Agua Caliente, CA	4400	0	4400	Surface Water	Sonoma Creek	Flow Exceeded Capacity	No
2/8/2014	2/10/2014	18715 Sonoma Highway, Sonoma, CA	56250	0	56250	Surface Water	Agua Caliente Creek	Flow Exceeded Capacity	No
<b>10/20/2013</b>	<b>10/20/2013</b>	<b>440 Baines Avenue</b>	<b>420</b>	<b>0</b>	<b>0</b>	<b>Unpaved surface</b>	<b>NOT APPLICABLE<sup>2</sup></b>	<b>Root Intrusion</b>	<b>No</b>
8/28/2013	8/28/2013	Moll Ct.	550	25	525	Separate storm drain; Street/curb and gutter; Surface water	Nathanson Creek	Pipe structural problem/failure	No
1/6/2013	1/6/2013	781 Martin St	200	0	200	Street/curb and gutter; Surface water	Sonoma Creek	Root intrusion	No
12/23/2012	12/23/2012	17324 Sonoma Hwy	18000	0	18000	Surface water	Sonoma Creek	Other – Severe storm causing flooding and I&I	Yes
12/23/2012	12/23/2012	18715 Sonoma Hwy	9000	0	9000	Surface water		Other - Severe storm causing flooding and I&I	No

Attachment A

Start Date	End Date	Spill Location	Gallons Discharged	Gallons Recovered	Gallons Reached Surface Water	Final Spill Destination	Impacted Surface Water	Cause <sup>1</sup>	Same SSO Location cited in 2011 ACLO
12/23/2012	12/23/2012	712 Oman Springs	88	0	88	Surface water	Sonoma Creek	Other – Severe storm causing flooding and I&I	No
12/23/2012	12/23/2012	1520 Burbank Dr.	8550	0	8550	Surface water	Sonoma creek	Other – Severe storm causing flooding and I&I	No
12/23/2012	12/23/2012	18881 Sonoma Hwy Meadowbrook	2275	0	2275	Surface water	Agua Caliente creek	Other – Severe storm causing flooding and I&I	No
12/23/2012	12/23/2012	17450 Vailletti Dr.	1650	0	1650	Surface water	Sonoma Creek	Other – Severe storm causing flooding and I&I	Yes
<b>12/16/2012</b>	<b>12/16/2012</b>	<b>18775 Gilman Dr</b>	<b>123</b>	<b>123</b>	<b>0</b>	<b>Unpaved surface; Overflow contained within berm that was put in place</b>	<b>NOT APPLICABLE<sup>2</sup></b>	<b>Other – Contractor hit main when new light pole was installed, Pipe full of gravel,</b>	<b>No</b>
12/13/2012	12/13/2012	18764 Gillman Dr.	80	0	80	Separate storm drain; Street/curb and gutter; Surface water	Verano Creek	Other – Contractor hit main when new light pole was installed, Pipe full of gravel, also signs of grease, rags	No
12/2/2012	12/2/2012	17324 Sonoma Hwy	12750	0	12750	Separate storm drain; Surface water	Sonoma Creek	Other – Due to flooding and I&I, system overwhelmed, exceeded flow capacity	Yes
12/2/2012	12/2/2012	17397 Vailletti	630	0	650	Separate storm drain; Surface water	Sonoma creek	Other – Due to flooding and I&I, system overwhelmed, exceeded flow capacity	No
11/30/2012	11/30/2012	Sonoma Hwy 17324	45075	0	45075	Separate storm drain; Surface water	Sonoma Creek	Other – Due to flooding and I&I, system overwhelmed, exceeded flow capacity	Yes
11/30/2012	11/30/2012	17397 Vailletti	9262	0	9262	Separate storm drain; Surface water	Sonoma Creek	Other – Due to flooding and I&I, system overwhelmed, exceeded flow capacity	No
6/11/2012	6/11/2012	300 Bettencourt Street	5	4	1	Separate storm drain	Fryer Creek	Debris-Rags	No
1/20/2012	1/20/2012	Meadowbrook-18881 Sonoma Hwy, Sonoma	30	0	30	Surface water	Agua Caliente creek	Flow exceeded capacity	No
12/10/2011	12/10/2011	692 Cherry Ave	1200	500	600	Other (specify below)	Winkle creek	Grease deposition (FOG)	No
<b>11/5/2011</b>	<b>11/5/2011</b>	<b>285 Napa Road</b>	<b>900</b>	<b>0</b>	<b>0</b>	<b>Street/curb and gutter; ditch</b>	<b>NOT APPLICABLE<sup>2</sup></b>	<b>Grease deposition (FOG)</b>	<b>No</b>
10/28/2011	10/28/2011	18878 Railroad Ave	220	0	220	Separate storm drain; Street/curb and gutter	Verano Creek	Grease deposition (FOG)	No
3/26/2011	3/26/2011	37 Meadowbrook	525	0	525	Street/curb and gutter; Surface water; Unpaved surface	Agua Caliente Creek	Other – Heavy rains causing flooding and I&I, overwhelming system	No
3/26/2011	3/26/2011	712 OMAN SPRINGS Ct	1800	0	1800	Street/curb and gutter; Surface water	Sonoma Creek	Rainfall exceeded design	No
3/24/2011	3/24/2011	712 Oman Springs Ct	805	0	805	Separate storm drain; Street/curb and gutter; Surface water	Sonoma Creek	Other – Heavy rains causing flooding and I&I, overwhelming system	No
3/20/2011	3/20/2011	21774 Splude Rd	2250	0	2250	Surface water; Unpaved surface	Nathanson Creek	Rainfall exceeded design	No
3/20/2011	3/20/2011	712 Oman Spring Ct	4575	0	4575	Separate storm drain; Street/curb and gutter; Surface water	Sonoma Creek	Flow exceeded capacity	No
<b>12/29/2010</b>	<b>12/29/2010</b>	<b>Arkay &amp; Solano Ave</b>	<b>50</b>	<b>0</b>	<b>0</b>	<b>Street/curb and gutter</b>	<b>NOT APPLICABLE<sup>2</sup></b>	<b>Other – Unknown</b>	<b>No</b>
12/29/2010	12/29/2010	21694 Splude Rd Easement	1000	0	1000	Surface water; Unpaved surface	Nathanson Creek (potentially)	Rainfall exceeded design	No

Attachment A

Start Date	End Date	Spill Location	Gallons Discharged	Gallons Recovered	Gallons Reached Surface Water	Final Spill Destination	Impacted Surface Water	Cause <sup>1</sup>	Same SSO Location cited in 2011 ACLO
12/29/2010	12/29/2010	598 Bokman	500	0	500	Separate storm drain; Street/curb and gutter; Surface water	Sonoma Creek	Rainfall exceeded design	Yes
12/29/2010	12/29/2010	17324 Sonoma Hwy	17875	0	17875	Separate storm drain; Street/curb and gutter; Surface water	Sonoma Creek	Rainfall exceeded design	Yes
12/29/2010	12/29/2010	18715 Sonoma Hwy	2248	0	2248	Street/curb and gutter; Surface water	Agua Caliente Creek	Rainfall exceeded design	No
12/28/2010	12/29/2010	100 Vailetti Dr.	5560	0	5560	Separate storm drain; Street/curb and gutter; Surface water	Sonoma Creek	Rainfall exceeded design	Yes
12/28/2010	12/29/2010	4th St East/ East Spain St.	3150	0	3150	Separate storm drain; Street/curb and gutter; Surface water	Nathanson Creek	Rainfall exceeded design	Yes
12/20/2010	12/20/2010	Meadowbrook Trailer Park	2400	0	2400	Surface water	Agua Caliente Creek	Other – Surcharged pipe caused backup into private lateral	No

Legend to Table

- 1 There are a total of 52 SSOs. The 39 capacity-related SSOs are those SSOs with a cause attributable to the following: Flow exceeded capacity; Other – Severe storm causing flooding and I&I; Other – Due to flooding and I&I, system overwhelmed; Other – Heavy rains causing flooding, overwhelming system; Rainfall exceeded design. Also, the 11 blockage-related SSOs are shaded in gray.
- 2 The six SSOs that did not discharge to surface water are **in bold print**.
- 3 Administrative Civil Liability Order No. R2-2011-0021

**Appendix B:**  
**Comments Received**

## **Chee, Michael@Waterboards**

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**From:** [REDACTED]  
**Sent:** Thursday, April 16, 2015 4:56 PM  
**To:** Chee, Michael@Waterboards  
**Cc:** Christian, Vince@Waterboards  
**Subject:** Anna Gomez Objection Letter to Settlement Agreement SVCSD

To Whom it may concern:

The Sonoma Valley County Sanitation District agreement does not include the 10 miles of collection system that need to be repaired or replaced per The Sonoma Valley Budget Plan 2012-2013, The Final Report County Of Sonoma Municipal Review 2004. It does not include the \$45 million dollars of repairs that were identified by the SF Waterboard in 2002 that have still not been repaired.

Sonoma Valley County Sanitation District continues to be in violation of their Discharge Permit and will continue to be until all repairs are made to the collection system. The original report of the deteriorating, leaking pipes were first documented in 1994. Every year the same cut and paste information is mentioned in the SVCSD Budget Plans and nothing is done to repair the collection system.

The investigation by the SF Waterboard is incomplete and this information was not included as part of the violation. It is of public record and is easily obtained online.

Sonoma Valley County Sanitation District Budget Report 2012-2013  
LAFCO Nov 2004 (considered current information per Richard Bottarini)  
Sonoma County Wast Agency Capital Projects 2017-2018

After reading these reports which blatantly admit to the leaking deteriorating collection system of SVCSD another agreement with stronger hand should be recommended. SVCSD is a repeat offender that will not repair their collection system.

Thank you,  
Anna Gomez



## Chee, Michael@Waterboards

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**From:** [REDACTED]  
**Sent:** Friday, April 17, 2015 12:57 PM  
**To:** Chee, Michael@Waterboards  
**Cc:** Christian, Vince@Waterboards  
**Subject:** Re: Anna Gomez Objection Letter to Settlement Agreement SVCSO

Mr Chee,

Thank you for returning my email. I would like to clarify your email to me. By saying "The Tentative Cease and Desist Order (CDO), which was emailed to you, addresses the repair and rehabilitation of the District's collection system."

The amount that is mentioned over and over in the reports I included in my email to you is \$45 million dollars to repair the collection system of SVCSO that consists of 10 miles of leaking, undersized and deteriorated pipes. The violations being covered in the CDO are from overflows from Aug 2010 - Jan 2015. The collection system was diagnosed as in need of repair and replaced in 1994 and it has yet to be repaired. This is in violation of SVCSO Discharge Permit. I opposed SVCSO being issued their Discharge Permit last year because of the broken collection system that they refuse to repair. At that time, I was told at the meeting in Oakland that the collection system was to be investigated and a solution would come forth. This is not a solution to the problem. The problem of the 10 miles of leaking pipes has not gone away and was not looked into by the investigator that was assigned to investigate the SVCSO collection system violations. I have waited almost a full year to see an investigation by the Waterboard into the SVCSO collection system that would generate a demand and enforcement of repairs.

Sincerely,

Anna Gomez

In a message dated 4/17/2015 11:44:10 A.M. Pacific Daylight Time, [Michael.Chee@waterboards.ca.gov](mailto:Michael.Chee@waterboards.ca.gov) writes:

Ms. Gomez,

Thank you for your interest in our enforcement against the Sonoma Valley County Sanitation District (District). The proposed Settlement Agreement (SA) addresses past violations of the District. However, your comments to the proposed SA concern the District's need to repair and rehabilitate its collection system. The Tentative Cease and Desist Order (CDO), which was emailed to you, addresses the repair and rehabilitation of the District's collection system. The comment deadline for the Tentative CDO is 5 pm on April 20, 2015.

The following is a link for your convenience to our webpage where you may access the Tentative CDO documents: [http://www.waterboards.ca.gov/sanfranciscobay/board\\_decisions/tentative\\_orders.shtml](http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/tentative_orders.shtml).

Thank you,

Michael T. Chee, PE

SSO Enforcement and Pretreatment Program

SF Bay RWQCB

1515 Clay Street, Suite 1400

Oakland, CA 94612

[mchee@waterboards.ca.gov](mailto:mchee@waterboards.ca.gov)

510-622-2333

Fax 510-622-2460

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**From:** [REDACTED]  
**Sent:** Thursday, April 16, 2015 4:56 PM  
**To:** Chee, Michael@Waterboards  
**Cc:** Christian, Vince@Waterboards  
**Subject:** Anna Gomez Objection Letter to Settlement Agreement SVCSD

To Whom it may concern:

The Sonoma Valley County Sanitation District agreement does not include the 10 miles of collection system that need to be repaired or replaced per The Sonoma Valley Budget Plan 2012-2013, The Final Report County Of Sonoma Municipal Review 2004. It does not include the \$45 million dollars of repairs that were identified by the SF Waterboard in 2002 that have still not been repaired.

Sonoma Valley County Sanitation District continues to be in violation of their Discharge Permit and will continue to be until all repairs are made to the collection system. The original report of the deteriorating, leaking pipes were first documented in 1994. Every year the same cut and paste information is mentioned in the SVCSD Budget Plans and nothing is done to repair the collection system.

The investigation by the SF Waterboard is incomplete and this information was not included as part of the violation. It is of public record and is easily obtained online.

Sonoma Valley County Sanitation District Budget Report 2012-2013

LAFCO Nov 2004 (considered current information per Richard Bottarini)

Sonoma County Waste Agency Capital Projects 2017-2018

After reading these reports which blatantly admit to the leaking deteriorating collection system of SVCSD another agreement with stronger hand should be recommended. SVCSD is a repeat offender that will not repair their collection system.

Thank you,

Anna Gomez

April 20 2015

To Whom it may concern:

The investigation into the Sonoma Valley County Sanitation District was a result of my complaint. The Settlement is unacceptable because the investigation was not properly carried out and is incomplete.

On May 14, 2014 the Discharge Permit for Sonoma Valley County Sanitation District (SVCSDD) was expired and need to be reissued. I opposed the issuing of that Discharge Permit sighting that SVCSDD was in violation of the current Discharge Permit and would be in violation upon signing a current Discharge Permit. It states very clearly on the permit that the discharger may not release sewage from their collection system:

" Duty to Comply

1. The Discharger must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. (40 C.F.R. § 122.41(a).)

Definitions:

15. Waste, waste discharge, discharge of waste, and discharge are used interchangeably in the permit. The requirements of the permit apply to the entire volume of water, and the material therein, that is disposed of to surface and ground waters of the State of California.

69B69BA. Discharge Prohibitions

1. Prohibitions in this Order

a. Discharge Prohibition III.A (No discharge other than as described in this Order): This prohibition is based on 40 C.F.R. section 122.21(a) and Water Code section 13260, which require filing an application and Report of Waste Discharge before a discharge can occur. Discharges not described in the application and Report of Waste Discharge, and subsequently in this Order, are prohibited.

c. Discharge Prohibition III.C (No bypass of untreated wastewater): This prohibition is based on 40 C.F.R. section 122.41(m). See Federal Standard Provisions, Attachment D, section G.

e. Discharge Prohibition III.E (No sewer overflows): This prohibition is based on Basin Plan Prohibition 15 (Table 4-1) and the CWA, which prohibits the discharge of wastewater to surface waters except as authorized under an NPDES permit. Publicly owned treatment works must achieve secondary treatment at a minimum and any more stringent limitations necessary to meet water quality standards (33 U.S.C. § 1311[b][1][B and C]).

A sanitary sewer overflow that results in the discharge of raw sewage or wastewater not meeting this Order's effluent limitations to surface waters is therefore prohibited under the CWA and the Basin Plan.

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1. Neither the treatment nor the discharge of pollutants shall create pollution, contamination, or nuisance as defined by California Water Code Section 13050.
2. Collection, treatment, storage, and disposal systems shall be operated in a manner that precludes public contact with wastewater, except in cases where excluding the public is infeasible, such as private property.

Definitions:

15. Waste, waste discharge, discharge of waste, and discharge are used interchangeably in the permit. The requirements of the permit apply to the entire volume of water, and the material therein, that is disposed of to surface and ground waters of the State of California."

I submitted my complaint and attended the May 14 2014 meeting in Oakland Ca. I stood before the SF Water Board and stated my case sighting all of the numerous dry weather overflows as well as numerous different budget reports from 1994 forward that explained the state of the leaking collection systems. I will state them again below. It was decided to issue the Discharge Permit but to launch an investigation into the violations that I had brought to light.

The investigation done by the SF Water Board does not include any of the violations I mentioned in my comments or that I raised at the meeting when I stood before the board.

SVCS D has been rolling the same "In 1994 (/1997) a study was done of the collection system that showed 10 of the 120 miles of district pipeline needs to be repaired or replaced due to deterioration or insufficient capacity" from 1994 to the current 2018 budget reports. SVCS D is never going to make those repairs unless you as the SF Water Board, who's job it is to protect the waters of the United States as well as the ground water, make them do it.

The settlement in question only looks at a very small window of wet weather overflows (from Aug 2010 - Jan 2015) and a creek rehabilitation. The trunk lines that the SF Water Board is suggesting be voluntarily repaired by the private land owners has nothing to do with the "45 million dollars" needed to repair the system. It has been 21 years of leaking sewage into the ground. You have knowledge that these violations are occurring and it is unacceptable. Your job is to protect water so I brought the situation to your attention of the state of the collection system of SVCS D and the leaks that have been ongoing for the last 21 years. Your investigation was not thorough and not one bit of the information that I brought forth was looked into at all.

Please see quotes from the sighted budgets and reports below:

SONOMA COUNTY WATER AGENCY CAPITAL PROJECTS 2013- 2018

"IN 2002 SVCSO COMPLETED A STUDY TO COMPLY WITH 1999 NOTICE OF VIOLATION THAT IDENTIFIED AREAS IN THE COLLECTION SYSTEM WHERE REPLACEMENT OR REPAIRS ARE NEEDED MOST. THE STUDY IDENTIFIED 45 MILLION DOLLARS OF TRUNK MAIN AND COLLECTION SYSTEM REPAIRS."

SONOMA VALLEY COUNTY SANITATION BUDGET SUMMARY 2012 - 2013

"IN 1994 A STUDY OF THE COLLECTION SYSTEM SHOWED THAT 10 OR THE 120 MILES OF DISTRICT PIPELINE NEEDS TO BE REPAIRED OR REPLACED DUE TO DETERIORATION OR INSUFFICIENT CAPACITY. IN 1999 THE DISTRICT COMPLETED A WET WEATHER STUDY THAT IDENTIFIED AREAS IN THE COLLECTION SYSTEM WHERE REPAIRS AND OR REPLACEMENT PROJECTS ARE MOST NEEDED. IT IS ESTIMATED THAT REQUIRE IN THE ORDER OF 3 MILLION DOLLARS PER YEAR."

SONOMA VALLEY COUNTY SANITATION DIST 2007 - REVISED 2012

"IN 1994 A STUDY OF THE COLLECTION SYSTEM SHOWED THAT 10 OR THE 120 MILES OF DISTRICT PIPELINE NEEDS TO BE REPAIRED OR REPLACED DUE TO DETERIORATION OR INSUFFICIENT CAPACITY. IN 1999 THE DISTRICT COMPLETED A WET WEATHER STUDY THAT IDENTIFIED AREAS IN THE COLLECTION SYSTEM WHERE REPAIRS AND OR REPLACEMENT PROJECTS ARE MOST NEEDED. DISTRICT CAPITAL EXPENDITURES ARE EXPECTED TO TOTAL OVER 20 MILLION OVER THE NEXT 5 YEARS."

COUNTY OF SONOMA MUNICIPAL SERVICE REVIEW 2004

"THE COLLECTION SYSTEM NEEDS OVER 40 MILLION DOLLARS OF WORK IN THE FUTURE. PROJECTS IN THE COUNTY'S CIP PLANNED FOR THE NEXT 5 YEARS INCLUDE THE MAIN SEWER TRUNK REPLACEMENT AND WILL LIKELY TOTAL OVER 5 MILLION DOLLARS."

SONOMA VALLEY COUNTY SANITATION DISTRICT HAS BEEN DEFERRING REPAIRS TO THE COLLECTION SYSTEM SINCE 1999 AND EVERY 5 YEARS THEY SIGN A DISCHARGE PERMIT THAT STATES THAT THE COLLECTION SYSTEM MUST BE MAINTAINED AND REPAIRED AND THAT RELEASING UNTREATED SEWAGE FROM THE COLLECTION SYSTEM IS PROHIBITED.

The investigation into Sonoma Valley County Sanitation District was instigated as a result of my complaint. The investigation was short sided and not complete therefore the settlement is incomplete and does not encompass the full scope of the repairs that need to be completed by SVCSO so that they are in compliance.

Thank you,

Anna Gomez



**Appendix C:**  
**Prosecution Team Response to Comments**

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

**PROSECUTION TEAM RESPONSE TO COMMENTS**

on a tentative Cease and Desist Order to  
Sonoma Valley County Sanitation District

The Regional Water Board Prosecution Team (Prosecution Team) received comments on a tentative cease and desist order (CDO) distributed in March 2015 for public comment from the following:

1. Anna Gomez – e-mail dated April 17, 2015, and letter dated April 20, 2015
2. Anna Gomez – verbal comments provided on May 15, 2015

The Prosecution Team has summarized the comments shown below in *italics* (paraphrased for brevity) and followed each comment with the Prosecution Team’s response. For the full content and context of the comments, refer to the email and comment letter.

All revisions to the tentative CDO are shown with underline text for additions.

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**1. Anna Gomez – e-mail dated April 17, 2015, and letter dated April 20, 2015**

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**Anna Gomez Comment 1.a**

*Ms. Gomez states that the Settlement is unacceptable because the investigation was not properly carried out and is incomplete. Ms. Gomez expected to see an investigation that generated a demand and enforcement of repairs.*

**Response to Anna Gomez Comment 1.a**

We disagree. The proposed settlement for \$732,300 is appropriate and consistent with State Water Board Enforcement Policy. The District’s delay of previously identified necessary capital projects was a factor in increasing the amount of the proposed penalty. As part of the penalty investigation, Prosecution staff investigated the circumstances of the violations and corrective actions necessary to prevent future violations. We published for public comment, within days of the proposed settlement, a tentative cease and desist order that would require the District to complete the necessary repairs and corrective actions.

**Anna Gomez Comment 1.b**

*Ms. Gomez states that the District collection system was “diagnosed as in need of repair... in 1994 and it has yet to be repaired.” Ms. Gomez states that since 1994 the District has issued numerous budget reports that indicated its collection system needed repair and rehabilitation due to deterioration or insufficient capacity. She comments that every year the District budget reports repeat a 1994 District collection system study finding that 10 of its 120 miles of sewer pipe need repair. She also notes that a 2002 District study identified \$45 million of trunk main and collection system repairs, which have yet to be completed. Further, Ms. Gomez states that the District will never complete the identified repairs unless the Regional Water Board requires them to do so.*



### **Response to Anna Gomez Comment 1.b**

We agree in part, which is the reason the Prosecution Team is proposing that the Board impose a cease and desist order to require the District to complete necessary repairs to eliminate future SSOs caused by insufficient wet weather capacity. That said, the District has completed some of the repairs identified in 1994 and in its 2002 wet weather overflow (WWO) prevention study. As summarized in Table A below, the District has repaired approximately 9.7 miles of collection system (at a reported cost of approximately \$14.9 million) through the completion of six major capital improvement projects (CIPs). These CIPs addressed both insufficient capacity (5.9 miles) and structurally-deficient (3.8 miles) trunk mains.

The 1994 study referenced by Ms. Gomez provided the basis for the District's 1994 Collection System Master Plan<sup>1</sup>. This Master Plan was the basis for a 2001 Sewer Capacity Study, which in turn formed the basis for the 2002 WWO prevention study. Each iteration of study identified additional and/or slightly different priorities for pipe segments that needed capacity or structural upgrades. This is because both the pipe size and its structural integrity (and the integrity of upstream pipe segments) factor into how capacity upgrades are prioritized.

Sorting through each study, there remains 2.9 miles of pipe that were identified in the 2002 WWO prevention study that when upgraded will eliminate the recurring wet weather capacity-related sanitary sewer overflows (SSOs). It is the elimination of these SSOs that is the primary focus of the tentative CDO. Provision 1 would require completion, by October 31, 2024, of these 2.9 miles of needed capacity-related repairs. (The District estimated this cost to be about \$6.15 million.)

Additionally, the tentative CDO Provision 2 would require the District to identify and implement any additional projects that are necessary to eliminate capacity-related SSOs in recurring areas. This will be through update and implementation of the District's 2006 Capital Projects Plan. This 2006 Capital Projects Plan includes the \$45 million in priority projects referenced by Ms. Gomez that were identified by the 2002 WWO prevention study. However, not all projects that were identified in the 2006 Capital Projects Plan are related to capacity problems. Many address structural problems and general collection system upkeep.

To more fully describe the current status and circumstances of the District's collection system repairs, we added to the tentative CDO new Findings 7.c and d, updated footnote 1 of 7.b, and revised 8.a as follows:

7. The Discharger is currently in violation of, or is threatening to violate, Provisions D.8, D.9, and D.10 of the Sanitary Sewer Order by not allocating adequate resources for, and thus failing to ensure for, the proper operation, maintenance, repair and adequate capacity of its collection system.
- ...
- b. The 2006 CPP included the Discharger's priority projects from its April 2002 wet weather overflow (WWO) prevention study<sup>1</sup>, which identified and prioritized capital improvement projects by combining upsizing and structural deficiency mitigation.

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<sup>1</sup> Our investigation determined that the District in 1994 had identified more than 10 out of its 120 miles needing repair. The 1994 Collection System Master Plan identified 11.3 miles of sewer pipe as capacity deficient.

- c. The 2002 WWO prevention study had identified approximately 9 miles of capacity improvement projects and approximately 63 miles of structural improvement projects. The 2002 WWO prevention study proposed a 20-year timeline to complete these projects with an estimated cost of \$45 million (M).
- d. Since 1994, the Discharger has completed approximately 9.7 miles of major capacity and structural improvement projects at a total cost of \$14.9 M. In addition, through routine collection system maintenance the Discharger has spot-repaired 197 pipe segments to address structural pipe deficiencies since 2005.

...

<sup>1</sup> The Discharger completed the April 2002 WWO prevention study in accordance with a 1999 Regional Water Board notice of violation for SSOs. The Discharger based the WWO prevention study on its 2001 Sewer Capacity Study, which was based on its 1994 Collection System Master Plan.

...

8. The Discharger threatens to violate Discharge Prohibition III.E of the 2014 NPDES Permit, and Prohibition C.1 of the Sanitary Sewer Order, by failing to properly manage, operate, and maintain parts of its collection system.
- a. As stated in finding 7.b, the Discharger's 2002 WWO prevention study identified and prioritized capital improvement projects, which included a total of approximately 9 miles of proposed sewer capacity and structural improvements. Currently, the Discharger has approximately 4.4 miles of capacity and structurally deficient trunk mains left to replace at an approximate cost of \$8.9 M, which are reliant on future not-yet-approved sewer rate increases. The \$8.9 M includes completion of three trunk main replacement projects. Two of the three projects totaling approximately 2.9 miles will adequately address the capacity-related SSOs included in this enforcement action at an approximate cost of \$6.15 M. If these capacity deficient trunk mains are not addressed, it is likely that SSOs would occur during wet weather.

<b>TABLE A: SUMMARY OF MAJOR COLLECTION SYSTEM CAPITAL IMPROVEMENT PROJECT REPAIRS</b>				
<b>Year</b>	<b>Project</b>	<b>Pipe Length in linear feet (miles)</b>	<b>Project Cost (millions)</b>	<b>Type of Repair / Description</b>
<b>1998</b>	Riverside Dr	7,500 (1.4)	\$1.5	Capacity upgrade: Installed PVC pipe ranging in size from 18-inch diameter to 6-inch diameter and 81 four-inch diameter and 2 six-inch diameter PCV lateral service connections and cleanouts; removed or abandoned existing manholes and installed 33 new manholes.
<b>1998</b>	Eight St East	3,800 (0.7) capacity 335 (0.1) structural	\$0.65	Capacity and structural upgrades: Installed 3,800 linear feet (LF) of 12-inch sewer main, 285 LF of 8-inch sewer main and 50 LF of 10-inch sewer main and related facilities including 13 manholes and five bore and jack installations of 240 LF of

				16-inch and 60 LF of 18-inch diameter steel casings under existing Railroad right-of-way to carry the 8- and 10-inch sewers.
2000	France St and Solano Ave	17,870 (3.4)	\$0.95	Structural upgrade: Rehabilitated existing sewage collection system by lining the sewer main, cleanouts, and leaking precast manholes, and other associated work.
2005	Fifth St West	9,150 (1.7)	\$4.1	Capacity upgrade: Installed a gravity sewer trunk system parallel to an existing sewer pipe outside and within the Sonoma city-limits.
2007	Watmaugh Road East to Broadway	5,500 (1.0) capacity 1,400 (0.3) structural	\$3.8	Capacity and structural upgrades: Installed approximately 5,500 LF of 30-inch sewer main and 1,400 LF of 8-inch sewer main and appurtenances.
2011	Watmaugh Road East to Treatment Plant	5,800 (1.1)	\$3.9	Capacity upgrade: Replaced existing sewer truck main and appurtenances with new PVC sewer pipe ranging in size from 30- to 42-inch diameter and installed a 60-inch steel cylinder encasement under Schell Creek.
	<b>Total capacity and structural upgrades</b>	51,355 (9.7)	\$14.9	

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## 2. Anna Gomez –May 15, 2015, verbal comments<sup>2</sup>

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### **Anna Gomez Comment 2.a**

*Ms. Gomez is concerned that the Discharger will not be subject to further enforcement if it fails to complete Provisions 1 and 2 tasks. Ms. Gomez stated that Provision 3 allows the Discharger to justify any non-compliance by merely submitting a plan to remedy the violation without facing any repercussions. Ms. Gomez requested that we add language to Provision 3 to clearly state consequences of non-compliance.*

### **Response to Anna Gomez Comment 2.b**

We disagree. Provision 7 of the tentative CDO states clearly the consequences of non-compliance with any provision of the CDO. This includes the imposition of civil liability and referral to the Attorney General. The purpose of Provision 3 is simply to require the District to provide the circumstances and reasons for each violation, if any, so as to inform future Board enforcement action.

### **Anna Gomez Comment 2.c**

*Ms. Gomez requested that we revise the tentative CDO to require the Discharger to impose a moratorium on new sewer connections within its service area. The moratorium would allow the Discharger to repair its collection system without accepting increased sewage flows that could further overload the collection system and result in additional capacity-related SSOs.*

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<sup>2</sup> Ms. Gomez provided additional verbal comments on the tentative CDO during a telephone conversation with the Prosecution Team. Although these comments were received after the formal deadline for written comments, the Prosecution Team is including the comment and a response for Board consideration.

**Response to Anna Gomez Comment 2.c**

We disagree. Completion of the capacity-deficient trunk mains as required by the tentative CDO will eliminate future wet weather capacity-related SSOs. A moratorium on new sewer connections is not warranted at this time because of the marginal impact it would have on wet weather sewage flows. The District's SSO problem occurs as a result of excess wet weather infiltration and inflow through leaky sewer pipes. The solution is to fix the leaky pipes and/or increase the size of pipes so that larger pipes can carry more peak wet weather flow. Sewage flows from new connections, if any, would add only marginally to the base sewage flows and not to peak wet weather flows that are many times higher than base flows. Peak wet weather flows come from old defective pipes, not new pipes. That said, if the District fails to eliminate wet weather capacity-related SSOs, the Board has the option to consider a connection ban in the future to remedy the problem.