

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

In the matter of:

**Sewer Authority Mid-Coastside
Granada Force Main Sanitary Sewer
Overflow, Half Moon Bay, San Mateo
County**

**COMPLAINT R2-2017-1024
FOR
ADMINISTRATIVE CIVIL
LIABILITY**

**Violation of Waste Discharge
Requirements
Order No. R2-2012-0061 (NPDES No.
CA0038598)**

SSO Event ID: 833531

**THE SEWER AUTHORITY MID-COASTSIDE IS HEREBY GIVEN NOTICE
THAT:**

1. The Sewer Authority Mid-Coastside (Discharger) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Francisco Bay Region (Regional Water Board), may impose civil liability pursuant to section 13385, subdivision (c) of the California Water Code (Water Code).
2. This Administrative Civil Liability Complaint is issued under authority of Water Code section 13323.

WASTE DISCHARGE REQUIREMENTS

3. The Discharger owns and operates a sanitary sewer collection system (collection system) consisting of approximately 1.9 miles of gravity sewer pipeline, 5.8 miles of force main, and 3 pump stations. Wastewater collected by the Discharger's collection system is conveyed to its treatment plant for disposal. Treated wastewater is discharged west of Pilarcitos Creek to the Pacific Ocean, a water of the United States.
4. The Discharger is required to operate and maintain its collection system in compliance with Order No. R2-2012-0061, National Pollutant Discharge Elimination System (NPDES) No. CA0038598 (SAM Permit), an individual NPDES permit issued August 8, 2012, and effective October 1, 2012, through September 20, 2017. The SAM Permit was issued pursuant to Clean Water Act section 402 and Water Code Chapter 5.5, Division 7 (commencing with section 13370). It serves as an NPDES permit for point source discharges to surface waters.

5. Discharge Prohibition III.E of the SAM Permit prohibits any sanitary sewer overflow that results in a discharge of untreated or partially-treated wastewater to waters of the United States.
6. On February 28, 2017, through March 3, 2017, due to a failure of the Granada force main, approximately 357,000 gallons of untreated sewage discharged from the Discharger's collection system as a sanitary sewer overflow (SSO) into an unnamed creek located in the City of Half Moon Bay, and ultimately to the Pacific Ocean. The Discharger recovered approximately 13,000 gallons of the untreated sewage and returned it to its collection system. The Granada force main failure was likely caused by internal cavitation, with the sewer pipe's age and abrasive wear due to grit contributing to the failure.
7. Water Code section 13385, subdivision (a)(2) provides that a person who violates a waste discharge requirement permit issued pursuant to Chapter 5.5 or any water quality certification issued pursuant to section 13160 shall be liable civilly in accordance with section 13385.

VIOLATIONS SUBJECT TO THIS COMPLAINT

8. On or about February 28, 2017, through March 3, 2017, and for four days, the Discharger violated SAM Permit Discharge Prohibition III.E by discharging approximately 344,000 gallons of untreated sewage to waters of the United States, and is thereby subject to civil liability under Water Code section 13385, subdivision (a)(2).
9. The details of this violation are set forth in full in the accompanying Administrative Civil Liability Factors (Attachment A), which is incorporated herein by this reference as if set forth in full.

MAXIMUM LIABILITY

10. Water Code section 13385, subdivision (c) provides that any person who violates a waste discharge requirement issued pursuant to Water Code Chapter 5.5 is subject to administrative liabilities of up to \$10,000 per day of violation, and up to \$10 per gallon for each gallon discharged but not cleaned up over 1,000 gallons. The SSO took place over a four-day period. Accordingly, the maximum potential civil liability for the Discharger's February 28, 2017 through March 3, 2017, SSO is \$40,000 for the four days of violation, plus \$3,430,000 for the 344,000 gallons discharged, but not cleaned up, less the 1,000 gallon as required by statute, for a total maximum administrative civil liability of \$3,470,000.

MINIMUM LIABILITY

11. Water Code section 13385, subdivision (e) requires, at a minimum, that an administrative civil liability be imposed that will capture the economic benefit to the violator from the violation. In this case, the Discharger realized an economic benefit of approximately \$179,000 in the form of cost savings for delaying the construction and replacement of the failed force main for nine years. The State Water Resources Control Board's Water Quality Enforcement Policy (Enforcement Policy) recommends the Regional Water Board assess liability at least 10 percent higher than the economic benefit so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations. Accordingly, the minimum administrative civil liability for the Discharger's SSO is \$196,469. See Attachment A for the full economic benefit analysis.

PROPOSED LIABILITY

12. The amount of administrative civil liability proposed is based on consideration of factors contained in Water Code section 13385, subdivision (e) and the Enforcement Policy, which specifies the factors that the Regional Water Board shall take into account in establishing the amount of discretionary liability for the alleged violations. These factors include the nature, circumstance, extent, and gravity of the violations; the Discharger's ability to pay, ability to continue in business, prior history of violation, degree of culpability, and economic benefit or savings, if any, resulting from the violations; and other matters as justice may require.
13. Based on the penalty calculation methodology set forth in section VI of the Enforcement Policy, the Regional Water Board Prosecution Team recommends that the Regional Water Board should impose administrative civil liability against the Discharger in the amount of \$522,700 for the discharge of untreated sewage to the Pacific Ocean on February 28 through March 3, 2017.

Dated this August 21, 2017

Dyan C. Whyte
Assistant Executive Officer

Signed pursuant to the authority delegated
by the Executive Officer to the Assistant
Executive Officer.

Attachment A: Administrative Civil Liability Factors

CIWQS: Reg Measure ID: 414947
Place ID: 630982
Party ID: 40516
Violation ID: 1021832