

State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Executive Office

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Arnold Schwarzenegger
Governor

July 20, 2010

Thomas Bolich
Santa Cruz CSA #20
701 Ocean St
Santa Cruz, CA 95060



WDID#: 3SSO10325

SUBJECT: NOTICE OF VIOLATION AND CALIFORNIA WATER CODE SECTION 13267 ORDER TO SUBMIT TECHNICAL REPORTS FOR SANTA CRUZ CSA #20, SANTA CRUZ, CA

This letter is issued pursuant to Statewide General Waste Discharge Requirements for Sanitary Sewer Systems – Water Quality Order No. 2006-0003-DWQ (Sanitary Sewer Systems WDR)¹²³, its related Monitoring and Reporting Program Order No. 2008-0002-EXEC¹²⁴, and California Water Code (CWC) sections 13260, 13263, and 13267. This letter identifies Sanitary Sewer Systems WDR violations related to your sanitary sewer collection system and requires you to submit technical information to the State Water Resources Control Board (State Water Board) to address the violations.

The Sanitary Sewer Systems WDR requires all public agencies that own or operate a sanitary sewer system comprised of more than one mile of pipes that convey wastewater to a publicly owned treatment facility to apply for coverage under the Sanitary Sewer Systems WDR. These public agencies are required to file a Notice of Intent to Comply with the Terms of the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (NOI) for each individual sanitary sewer collection system owned or operated by the public agency. The deadline for enrollment was November 2, 2006. Our records indicate that your agency, the Santa Cruz CSA #20, filed an NOI with the State Water Board and enrolled the following sanitary sewer collection system in the Sanitary Sewer Systems WDR: Santa Cruz County Csa # 20 CS, 3SSO10325.

All enrollees must use the online California Integrated Water Quality System (CIWQS) database to enter facility and organizational information. Enrollees must also enter details of all sanitary sewer overflows (SSOs). For any calendar month(s) without SSOs, enrollees must enter “No-Spill” certifications. The CIWQS database, a users guide, and additional information is located at: http://www.waterboards.ca.gov/water_issues/programs/ciwqs/. The CIWQS help center

¹²³ Available at: <http://www.waterboards.ca.gov/sso/index.html>

¹²⁴ Available at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2008/wqo/wqo2008_0002_exec.pdf

contact information for the SSO Reduction Program can be obtained at:
http://www.waterboards.ca.gov/water_issues/programs/ciwqs/chc_sso.shtml.

NOTICE OF VIOLATION

The State Water Board has determined that the Santa Cruz CSA #20 violated the Sanitary Sewer Systems WDR for Santa Cruz County Csa # 20 CS, 3SSO10325 by:

1. Failing to timely certify any of the required Sewer System Management Plan (SSMP) elements in CIWQS (See Sanitary Sewer Systems WDR page 15, section D, provisions 14 and 15). Your agency failed to certify that their governing board approved at a public meeting their SSMP and program to implement the SSMP.
2. Failing to complete and annually update the "Collection System Questionnaire" (See Sanitary Sewer Systems WDR page 18, section G, provision 3)
3. Failing to provide any of the elements required under the Sanitary Sewer Systems WDR, Monitoring and Reporting Program (MRP), No. 2008-0002-EXEC (See Sanitary Sewer Systems WDR page 18, section G). Your agency failed to report monthly "No-Spill" certifications or enter SSO spill reports and certify them via the online CIWQS database.

CWC SECTION 13267 ORDER FOR TECHNICAL INFORMATION

Pursuant to CWC section 13267, you are required to submit the technical reports described below. State Water Board staff needs this information to address any discharges from your sanitary sewer collection system facilities and assess the environmental impacts of any past discharges into waters of the State. Based on the nature and possible consequences of the discharge(s), we have determined that the burden, including the cost, of submitting this information bears a reasonable relationship to the need for the information and the benefits to be obtained.

1) Compliance Plan

Compliance Date: 8/19/2010

You are required to provide a written Compliance Plan to the State Water Board describing how your agency has resolved or will resolve the above violations alleged in this NOV and Order to Submit Technical Reports for *Santa Cruz County Csa # 20 CS, 3SSO10325* owned and/or operated by your agency.

2) Update and Maintain CIWQS Reports

Compliance Date: 9/20/2010

The Sanitary Sewer Systems WDR and this Order to Submit Technical Reports require you to submit the following information into the CIWQS database for Santa Cruz County Csa # 20 CS, 3SSO10325:

- 1) Historic SSO reports dating back to 1/2/2007;

- 2) Historic "No Spill Certifications" for months when your collection system did not have any SSOs dating back to 1/2/2007;
- 3) Complete the "Collection System Questionnaire" and update it at least every 12 months;
- 4) Complete certification of all required Sewer System Management Plan (SSMP) elements.

3) Return to Compliance

Compliance Date: 10/21/2010

You are required to provide a written letter to the State Water Board when you have returned to compliance.

The State Water Board staff and Executive Director will review and approve or reject your Compliance Plan and CIWQS reports to determine if you are taking appropriate measures to address these violations and will assess the need for further enforcement action. The Compliance Plan and any written correspondence pertaining to this matter shall be directed to the following address:

State Water Resources Control Board, Division of Water Quality
Attention: SSO Reduction Program Staff
1001 I Street, 15th Floor, Sacramento, CA 95814

Failure to comply with this Order to Submit Technical Reports or with the Sanitary Sewer Systems WDR may subject you to civil liability. If you violate any waste discharge requirements, or monitoring requirements provided for in the Sanitary Sewer Systems WDR, you may be liable to pay up to \$5,000 a day or \$10 per gallon of discharge not cleaned up over 1,000 gallons. (CWC section 13350.) If the violation is associated with a discharge to a water of the United States, your potential liability will increase to \$10,000 a day and \$10 per gallon of discharge not cleaned up over 1,000 gallons. (CWC section 13385.) In addition, if you violate this Order to Submit Technical Reports, you will be liable for an additional \$1,000 per day of violation. (CWC section 13268.) The State Water Board may refer the matter to the Attorney General or District Attorney for other civil and/or criminal liabilities.

The State Water Board staff has determined pursuant to CWC section 13267(f) that this enforcement action will not duplicate the efforts of the Regional Water Board.

Any person affected by this action of the State Water Board may request reconsideration before the State Water Board. The Executive Director may elect to hold an informal hearing or a "paper hearing" in lieu of scheduling a hearing before the State Water Board itself. Please consider the following carefully:

- a. The State Water Board must receive your request within **30 calendar days** of the date of this Order.

- b. Your request must include all comments, technical analysis, documents, reports, and other evidence that you wish to submit for reconsideration of this Order. However, please note that the administrative record will include all materials the State Water Board has previously received regarding this matter. You are not required to submit documents that are already in the record.
- c. The Executive Director or State Water Board may deny your request for reconsideration after reviewing the administrative record.
- d. If you do not make a request for reconsideration, the State Water Board may prevent you from submitting new evidence to support a reconsideration of this Order.
- e. Your request for reconsideration, if you submit one, does not stay the effective date of the Order, whether or not a hearing is scheduled.

For Sanitary Sewer Systems WDR questions or to request reconsideration of this Order, please contact V. Lopez at (916) 323-5511 (vlopez@waterboards.ca.gov).

Sincerely,

Dorothy Rice

Dorothy Rice
Executive Director

cc: Roger W. Briggs, RB Executive Officer
895 Aerovista Place, Suite 101
San Luis Obispo, CA. 93401-7906

RB SSO Program Contacts:

David LaCaro
Environmental Scientist
895 Aerovista Place, Suite 101
San Luis Obispo, CA. 93401-7906

Reed Sato
Director, Office of Enforcement
State Water Resources Control Board
1001 "I" Street
P.O. Box 100
Sacramento, California 95812

	ROUTE DATA	COPY	ATT.
1	DIRECTOR	<input checked="" type="checkbox"/>	
	ASST. DIR. SPEC. SVCS.	<input checked="" type="checkbox"/>	
	RECYCLING/SOLID WASTE		
	LANDFILL OPERATIONS		
	WATER CON/FLOOD CONT.		
3	STORM WATER MANG.		
	CONSTRUCT. ENG.		
	SANITATION ENG.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	WATER & WASTEWATER		
	ASST. DIR. TRANSPORT.		
4	ROAD OPS. ENG.		
	PERMITS / ENCROACH.		
	DRAINAGE OPERATIONS		
	RD. MAINT. OPERATIONS		
	RDA ENG.		
	ROAD DESIGN ENG.		
	SURVEY / DEVELOP M T.		
	TRANSP / RD. PLANNING		
	ASST. DIR. ADMIN. SVCS.	<input checked="" type="checkbox"/>	
	REAL PROPERTY/FLEET		
CSA / PRGM ADMIN.			
SAFETY OFFICER/LIVE OAK P.			
PERSONNEL / MIS			