

San Diego Regional Water Quality Control Board

February 22, 2023

Sent by Email Only

In reply refer to:
631631:F0sibodu

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Subject: Investigative Order No. R9-2023-0053 Related to a Sanitary Sewer Overflow from the City of San Diego's Sewage Collection System

Michael Rosenberg:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is issuing Investigative Order No. R9-2023-0053 (Investigative Order) directing the City of San Diego (City or Discharger) to submit technical information regarding a reported unauthorized discharge of untreated sewage from the City's sewage collection system on January 16, 2023. The City is directed to submit the technical information pursuant to the requirements of section 13383 of the California Water Code (Water Code).

Background Information

The City reported a Sanitary Sewer Overflow (SSO) that occurred on January 16, 2023, which resulted in the discharge of about 11.3 million gallons of untreated sewage, with about 11.1 million gallons of sewage being discharged to San Diego Bay and possibly other surface waters. The SSO was reportedly caused by a programmable logic controller (PLC) programming error at the City's pump station #2 which caused pumps to shut down resulting in releases of sewage from several manholes and buildings located in the downtown and midway areas of the City of San Diego. The SSO resulted in the release of about 11.1 million gallons of sewage to San Diego Bay and possibly other surface waters; and also resulted in sewage backing up into commercial and residential buildings.

The City is required to maintain and operate its sewage collection system in compliance with requirements contained in the following permits:

- Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region* (Regional General Order); and
- Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems* (Statewide General Order).

- Order No. R9-2017-0007, NPDES No. CA0107409, *Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for the City of San Diego E.W. Blom Point Loma Wastewater Treatment Plant Discharge to the Pacific Ocean through the Point Loma Ocean Outfall* (NPDES Order);

As stated in Order No. R9-2023-0052, *a Notice of Violation Related to a Sanitary Sewer Overflow from the City of San Diego's Sewage Collection System*, the SSO violated section B.1 of the Regional Order, section C.1 of the Statewide General Order, section C.2 of the Statewide General Order, section III.A of the NPDES Order, and section III.C of the NPDES Order.

Basis for and Requirements of the Investigative Order

Water Code section 13383 authorizes the San Diego Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements, as authorized by Water Code sections 13160, 13376, or 13377 or by subdivisions (b) and (c) of Water Code section 13383, for any person who discharges, or proposes to discharge, to navigable waters, any person who introduces pollutants into a publicly owned treatment works, any person who owns or operates, or proposes to own or operate, a publicly owned treatment works or other treatment works treating domestic sewage.

The City owns and operates the E.W Blom Point Loma Wastewater Treatment Plant which is a publicly owned treatment works treating domestic sewage, and which discharges treated wastewater to the Pacific Ocean through the Point Loma Ocean Outfall. Thus, the San Diego Water Board is issuing this Investigative Order under the authority of Water Code section 13383. The Investigative Order requires the City to investigate the SSO and provide technical details related to the cause, description, and actions taken by the City in response to the SSO.

This Investigative Order hereby directs the City to submit the information set forth below by 5:00 pm on **April 23, 2023**:

1. A complete and detailed explanation of how and when the SSO was discovered, including exact dates and times.
2. A map showing the SSO failure points, appearance points, spill flow path, and final destinations.
3. A detailed description of the methodology employed and data used to calculate the volume of the SSO and the volume of sewage that reached San Diego Bay and other surface waters.
4. A detailed description of the cause(s) of the SSO.
5. Copies of original field crew records used to document the SSO.
6. A chronological narrative description of all actions taken by the City to terminate the SSO.
7. Explanation of how the City's Sanitary Sewer Management Plan Overflow Emergency Response Plan was implemented to respond to and mitigate the SSO.

8. A description of the corrective actions taken or planned to address the SSO.
9. A description of changes made or changes proposed to PLC programming/codes for pump station #2 as a result of the SSO.
10. Inspection and maintenance records for the last 12 months for the PLC and/or related units/systems for pump station #2.
11. Discussion of any system modifications and/or operation and maintenance program modifications taken or planned to prevent repeated spill occurrences, and extra precautionary measures taken or planned to prevent or intercept SSOs from portions of the collection system in close proximity to surface waters.
12. A description of modifications to the Emergency Spill Response Plan to incorporate lessons learned in responding to and mitigating the spill.
13. An analysis of whether similar PLC programming errors have the potential to occur at other pump stations that are part of the City's sewage collection system.
14. An estimate of the costs incurred to correct the noted deficiency(ies).
15. An assessment of impacts to the use of San Diego Bay or downstream beaches for contact recreation (such as swimming, wading, etc) and non-contact recreation (such as boating, fishing, etc) as a result of the SSO.
16. A biological assessment of the impacts or potential impacts from the SSO on habitat and aquatic species related beneficial uses of San Diego Bay or any other surface waters affected by the SSO.
17. Results of any water quality monitoring data collected to assess the impacts of the SSO to the beneficial uses of San Diego Bay or any affected area(s), and an evaluation of the results.
18. A detailed map illustrating all water quality or other sampling points.
19. A description of any notification and public health protection measures that are currently implemented by the City in the event an SSO results in a release of sewage to a bay or beach (such as but not limited to posting warning signs, conducting water quality monitoring, notifying public health agencies or other government agencies, etc); and a discussion on whether or not these measures were implemented during the SSO.

All information provided in response to this Investigative Order must include the following signed certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are

significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The San Diego Water Board recognizes that costs associated with preparing the required report and conducting investigations could be a significant burden to the Discharger. The San Diego Water Board estimates that the burden and cost of compliance with this Investigative Order will range from \$60,000 to \$70,000. The information requested under the Investigative Order is essential to evaluate the impacts of the SSO discharge to waters of the United States and/or State and the beneficial uses thereof, and the steps taken or planned to cleanup and abate the discharge. Therefore, the burden of preparing the requested report bears a reasonable relationship to the need for the report and the benefit to be obtained from the report.

Please submit this report in electronic format to the San Diego Water Board by email to SanDiego@waterboards.ca.gov with "631631:FOsibodu" included in the subject heading. Each electronic document must be submitted as a single file, in Portable Document Format (PDF), and converted to text searchable format using Optical Character Recognition (OCR).

Notifications

1. **Enforcement Discretion:** The San Diego Water Board reserves its right to take any enforcement action authorized by law for violations of the terms and conditions of this Order.
2. **Enforcement Notification:** Water Code section 13385 provides that any person failing or refusing to furnish technical or monitoring report information required pursuant to Water Code section 13383 may be liable civilly for an administered imposed liability in an amount not to exceed the sum of the of both of the following:
 - a. Ten thousand (\$10,000) per day for each day the violation occurs.
 - b. Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.
3. **Requesting Administrative Review by the State Water Board:** Any person affected by this action of the San Diego Water Board may petition the State Water Board to review the action in accordance with section 13320 of the Water Code and CCR Title 23 section 2050. The petition must be received by the SWRCB (Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812) within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. For instructions on how to file a petition for review, see:

https://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml

In the subject line of any response, please include the following: 631631:FOsibodu. For questions or concerns regarding this letter, please contact Fisayo Osibodu by phone at 619-521-8036 or by email at Fisayo.Osibodu@waterboards.ca.gov.

Respectfully,

Kelly Dorsey P.G.
Assistant Executive Officer

cc by email:

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Tech Staff Info & Use	
Order Nos.	R9-2007-0005 (Regional General Order), 2006-0003-DWQ (Statewide General Order), R9-2017-0007(NPDES Order), R9-2023-0053 (IO)
Party ID	8700 (City of San Diego)
WDID	9 000000759
Reg. Measure IDs	332840 (R9-2007-0005), 414988, (R9-2017-0007), 450870 (IO)
PIN	631631
Violation ID	1112306
SSO Event ID	885537