



Central Coast Regional Water Quality Control Board

December 17, 2024

Barbara Buikema
General Manager
Carmel Area Wastewater District
3945 Rio Road
Carmel, CA 93922
Email: buikema@cawd.org

**Via Electronic Mail and Certified Mail
7020 1810 0002 0768 8048**

Dear Barbara Buikema:

**ENFORCEMENT PROGRAM: CARMEL AREA WASTEWATER DISTRICT,
SANITARY SEWER SYSTEM, MONTEREY COUNTY, WDID 3SSO10244 - NOTICE
OF VIOLATION REGARDING AUGUST 5, 2024 SANITARY SEWER OVERFLOW AT
CARMEL MEADOWS**

Central Coast Regional Water Quality Control Board (Central Coast Water Board) staff received notice of a sanitary sewer overflow that occurred from August 5, 2024 to August 9, 2024, from the Carmel Area Wastewater District (District) Sanitary Sewer System. Based on information presented by the District, it is Central Coast Water Board staff's understanding that a sag in one of the District's gravity pipelines, caused by natural ground shifting, resulted in a build-up of debris such as grit, rags, wipes, and fats, oils and grease, which caused a blockage in the pipeline. The blockage caused an overflow of untreated domestic or municipal wastewater (sewage) from three manholes in the District's Sanitary Sewer System near 2815 Ribera Road, Carmel-by-the-Sea that discharged to the surrounding vegetated area but not into the nearby Carmel River. This notice of violation describes alleged violations associated with the District's August 2024 Sanitary Sewer System overflow, summarizes potential monetary administrative civil liability, requires corrective actions, and requires submittal of a report by **January 31, 2025**, that confirms in detail the correction of the administrative and structural conditions that caused the violation or identifies a date by which those violation causes will be corrected to prevent future overflows of similar cause.

Background

The District reported the Sanitary Sewer System overflow via California Office of Emergency Services Spill Report Control Number 24-4502 and the California Integrated Water Quality System (CIWQS). As certified on August 16, 2024, CIWQS Spill Event 895985 indicates an estimated total spill volume of 22,681 gallons, none of which discharged to the nearby Carmel River. The total spill volume discharged to land without recovery. The spill event is reported to have occurred for an estimated 92 hours and 12

JANE GRAY, CHAIR | RYAN E. LODGE, EXECUTIVE OFFICER

minutes over four calendar days beginning at 3:42 PM on August 5, 2024, and ending at 11:54 AM on August 9, 2024. The District estimated the volume of the spill using upstream inline flow meter data to determine a three-month average flow rate and downstream inline monitoring data to determine the duration of the spill.¹ The spill did not result in the posting of public health warnings or beach closures.

In addition to the above report, the District also uploaded to CIWQS the following documentation:

- Photographs
- Video
- Inline flow data (from manhole Smart Covers)
- Spill volume estimate worksheet, and
- Maps

The District reported the corrective actions of adjusting the schedule and/or method of preventive maintenance, and the planned rehabilitation or replacement of the pipeline.

In the Central Coast Water Board's letter dated February 8, 2023 (enclosed), Central Coast Water Board staff responded to the District's request to review the proposed Carmel Meadows Sewer Main project. Table 1 of the February 8, 2023 letter includes a summary of the 13 sewage spills reported over the past 21 years from the sewer line related to the Carmel Meadows Sewer Main project. The August 2024 sewage spill adds another spill to that list. Moreover, the reported volume of that spill is more than 400 percent larger than the combined volume of sewage spilled during the previous 13 spills. The number, frequency, and worsening scale of these sewage spills clearly indicates that the District must take effective corrective action to structurally remedy the long-standing and continued threat to water quality from this compromised section of sewer line.

The February 8, 2023 Central Coast Water Board letter also acknowledges the District's awareness of the sewage line's serious deficiencies as documented in three technical reports and studies prepared on behalf of the District by its engineering consultants in 2003, 2013, and 2019. All three documents conclude that the sewer line in question requires replacement. In addition, the District's Sanitary Sewer Management Plan, January 2020, Supplement IV-2, *CAWD Sewer Capital Improvement Program*, ranks the Carmel Meadows Pipeline project third out of 15 projects and allocated \$2,464,000 over fiscal years 2020 and 2021. However, the District has failed to take effective corrective action to construct a project sufficient to prevent sewage spills from the Carmel Meadows sewage line as demonstrated by the August 2024 spill.

The California Water Code requires that any formal enforcement action brought against the District must consider the District's culpability in the alleged violation. The degree of

¹ The District submitted its original California Office of Emergency Services report on August 9, 2024. On August 27, 2024, the District submitted an update to that report that revised the estimated spill volume from 26,001 gallons to 22,681 gallons in accordance with the certified report in CIWQS.

culpability relates to a discharger's misconduct or negligence contributing to the cause of the violations. According to the State Water Resources Control Board Water Quality Enforcement Policy (Enforcement Policy),² a discharger that has been made aware of a violation by the Water Boards, through either a formal or informal enforcement action, should receive a higher culpability assessment if the violation continues or if a subsequent, related violation occurs. Given the above circumstances and the District's thorough awareness of the problematic sewer line, that consideration would likely increase the applicable liability substantially.

Alleged Violations

The Central Coast Water Board regulates the Carmel Area Wastewater District Sanitary Sewer System with Water Quality Order 2022-0103-DWQ, *Statewide Waste Discharge Requirements General Order for Sanitary Sewer Systems* (General Order).³ General Order Prohibition 4.1 prohibits any discharge from a sanitary sewer system that has the potential to discharge to surface waters of the State unless the discharge is promptly cleaned up and reported as required in the General Order. The spill had the potential to discharge to the Carmel River, a water of the State, and was not cleaned up due to the steep and heavily vegetated location of the spill. Central Coast Water Board staff alleges that the August 2024 spill event violated General Order Prohibition 4.1.

General Order Specification 5.2 requires the District to develop *and implement* its Sewer System Management Plan (SSMP). The Carmel Meadows Pipeline project prioritization, technical documentation, and budgeting discussed above demonstrate the District's SSMP development. However, Central Coast Water Board staff alleges that the District's failure to effectively implement its SSMP by completing the project resulted in the August 2024 sewage spill and violated General Order Specification 5.2.

General Order Provision 6.1.1 states that noncompliance with General Order requirements constitutes a violation of the California Water Code and is grounds for an enforcement action by the Central Coast Water Board or the State Water Board. Pursuant to Water Code section 13350, discharging waste not in compliance with the requirements of the General Order may subject the District to administrative civil liabilities of up to \$5,000 per day per violation or up to \$10 per gallon of waste discharged, or referral to the Attorney General for judicial civil enforcement with higher maximum liability amounts.

For example, if the Central Coast Water Board were to impose administrative civil liability for the August 2024 sewage spill according to the above citation, the maximum liability applicable would be \$10 per gallon for 22,681 gallons discharged (\$226,810). In

² State Water Board, 2024 Water Quality Enforcement Policy, effective November 7, 2024, https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf

³ Water Quality Order 2022-0103-DWQ, *Statewide Waste Discharge Requirements General Order for Sanitary Sewer Systems* (General Order), https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo_2022-0103-dwq.pdf

addition, the District would still need to invest the necessary resources to implement effective solutions to eliminate the causes of the spills to prevent future spills.

The District's receipt of this notice of violation does not preclude the Central Coast Water Board from taking further enforcement action for the violations cited herein. The Central Coast Water Board reserves the right to take any enforcement action authorized by law.

Requirement

The District must submit a certified, written response **no later than January 31, 2025**, that either confirms in detail the correction of the administrative and structural conditions that caused the alleged violation or identifies a date by which those alleged violation causes will be corrected. Failure to comply with the requirement to submit the certified, written response may subject the District to enforcement action by the Central Coast Water Board, including issuance of an order under Water Code section 13267 and/or 13304, and potential administrative civil liabilities.

Central Coast Water Board staff strongly encourage the District to take immediate corrective action to effectively remedy the known sewer line deficiencies to protect water quality, public health, and the community's financial resources.

If you have questions regarding this letter, please contact Sarah Crable at sarah.crable@waterboards.ca.gov or (805) 549-3706, or Tamara Anderson at tamara.anderson@waterboards.ca.gov or (805) 549-3334.

Sincerely,

Thea S. Tryon  Digitally signed by Thea S. Tryon
Date: 2024.12.17 09:22:23 -08'00'

Thea S. Tryon
Assistant Executive Officer

Enclosure: Central Coast Water Board letter dated February 8, 2023

cc via email:

Carmel Area Wastewater District:

Ken White, President
Bob Siegfried, Director, President Pro Tem
Michael Rachel, Director
Kevin Urquhart, Director
Suzanne Cole, Director
Barbara Buikema, General Manager
Rachel Lather, Principal Engineer

The District's website lists this collective email address for the above members:

downstream@cawd.org

Central Coast Water Board:

Thea Tryon
Tamara Anderson
Harvey Packard
Arwen Wyatt Mair
Sarah Crable
Jesse Woodard
Todd Stanley

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