

## SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release (“Agreement”), effective as of the last date of execution below (“Effective Date”), is made by and between California River Watch, a California nonprofit corporation (“CRW”), and the City of San Jose (“City”), a California public agency. CRW and the City are sometimes hereinafter each referred to as “Party” or collectively as the “Parties.”

### RECITALS

A. CRW represents that it is an Internal Revenue Code 501(c)(3) nonprofit, public benefit corporation organized under the laws of the State of California, dedicated to protecting, enhancing, and helping to restore the surface and ground waters of California including coastal areas, rivers, creeks, streams, wetlands, vernal pools, aquifers and associated environs, biota, flora and fauna, and to educating the public concerning environmental issues associated with these environs.

B. The City and the City of Santa Clara own San Jose-Santa Clara Water Pollution Control Plant (Plant).

C. The Plant consists of wastewater collection systems for the purpose of collecting, conveying, and treating wastewater from residential and commercial sources and operates consistent with numerous regulatory requirements including, but not limited to, NPDES No. CA0037842.

D. On or about March 11, 2024, CRW, through its counsel, sent the City a Notice of Violations and Intent to File Suit under the Clean Water Act, and on or about May 7, 2024, through its counsel, sent a Supplemental Notice of Violations and Intent to File Suit under the Clean Water Act (together the “CWA Notices”) alleging violations of the Clean Water Act (“CWA”), 33 U.S.C. § 1365, a copy of the CWA Notices is attached to this Agreement as **Exhibit A**.

E. The City denies any and all of CRW’s allegations and claims as set forth in the CWA Notices. The City asserts that the operation and management of its wastewater collection system currently meets all CWA requirements, all California, and all Regional Water Quality Control Board Requirements. The actions by the City, described below in Section 3 of this Agreement, are not intended as an admission of the claims alleged in the CWA Notices and are the City’s best efforts to resolve all disputed issues by and between the City and CRW to avoid the costs and uncertainties of litigation.

F. The Parties, through their authorized representatives, and without admission by the City of any alleged violation or other wrongdoing, have chosen to resolve and settle all disputes, obligations, and purported or actual claims or causes of action, which may exist by and between CRW and the City, including without limitation any disputes, obligations, claims and/or causes of action that were or could have been asserted in or pursuant to the CWA Notices.

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G. The Parties agree that it is in their mutual interest to enter into this Agreement setting forth the terms and conditions appropriate to resolve CRW's allegations as set forth in the CWA Notices, including, without limitation, any disputes, obligations, claims and/or causes of action that were or could have been asserted in or pursuant to the CWA Notices.

NOW, THEREFORE, in consideration of the execution of this Agreement and the releases, satisfactions and promises made herein, it is hereby agreed upon by the Parties as follows:

## **TERMS AND CONDITIONS**

### **1. PARTIES BOUND BY THIS AGREEMENT**

This Agreement, and each of its provisions, including all representations, warranties, and promises contained herein, binds and inures to the benefit of CRW and the City, and each of their respective assigns, present and future affiliates, parents, subsidiaries, predecessors and successors in interest whether by merger, consolidation, or otherwise, as well as their respective representatives, agents, and administrators, past, present, and future.

### **2. DEFINITIONS**

2.1. Collection System - A system that is designed to convey sewage, including but not limited to, pipes, manholes, pump stations, siphons, wet wells, diversion structures and/or other pertinent infrastructure, upstream of a wastewater treatment plant headworks, located within the City's boundary used to collect and convey wastewater to the San Jose-Santa Clara Water Pollution Control Plant.

2.2. Sanitary Sewer Overflow or SSO - A discharge of sewage from any portion of the Collection System due to a sanitary sewer system overflow, operational failure, and/or infrastructure failure.

2.3. Condition Assessment - A report that summarizes the results of the inspection, rating, and evaluation of the existing condition of the Collection System. For sewer lines, inspection is based upon closed circuit television ("CCTV") inspection for structural defects. Pipe conditions are assigned a grade such as the Pipeline Assessment and Certification Program ("PACP") rating system developed by the National Association of Sewer Service Companies ("NASSCO") or similar scoring system developed by the City. For force mains, the Condition Assessment may include a desktop study, leak detection, and/or gas pocket detection using acoustic sensing technologies or similarly accepted industrial detection methods. For pump stations, the Condition Assessment may include a desktop study and/or visual inspections to ensure that all pumps, motors, control panel, floats and valves are working properly.

2.4. High Risk Pipe - A sewer line is considered to be a High Risk Pipe if it meets all of

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the following criteria: (1) Sewer Line Segments that are constructed of vitrified clay or reinforced concrete; (2) Sewer Line Segments that cross above MS4 pipes or are above and within ten (10) feet horizontally of MS4 pipes; (3) Sewer Line Segments fifty years or older, with a condition assessment that identifies that the Sewer Segment Line has a medium to severe crack, offset joint, or some other structural defect of grade five (5) based on the PACP rating system, or a structural grade of four (4) if in the City's professional judgment it will produce SSOs because of its observed defective condition; and (4) Sewer Line Segments that are above the water table.

2.5. Risk Basis - A system of responding to an SSO which, in the judgment of the City, would pose an imminent and substantial endangerment to human health or the environment, and shall be prioritized over responses to other SSOs.

2.6. Infectious Vector - Any organism or virus capable of causing disease in humans.

2.7. Chemical Root Control - The application of any chemical agent to kill or abate plant roots which invade the Collection System.

### **3. REMEDIAL MEASURES**

In exchange for the delivery, execution, and performance of this Agreement and of the Release by CRW as provided herein, the City shall perform the requirements described in this Section 3 for a period of four (4) years following the Effective Date of this Agreement ("Term"). CRW acknowledges the City has already implemented or is in the process of implementing some of the remedial measures provided for below. Existing data may be used in partial or full satisfaction of any requirement in this Agreement. The City reserves the right, in its sole discretion, to determine: (i) which persons shall perform any work described herein, including contractors; and (ii) the scope and technical details of, and the manner in which to implement, such work subject to review and approval by the San Francisco Regional Water Quality Control Board (or such other regulatory agency as may, from time to time, exercise jurisdiction with respect to environmental matters). Any agreement by the City to perform any activity should not be interpreted as an admission that the City is not already performing that activity.

3.1. Collection System Repair -- The City shall repair, rehabilitate, or replace six and one half (6.5) miles of High Risk Pipes for the next two years.

3.2. Force Main and Lift Station Condition Assessment – The City shall, within the term of this Agreement, perform a Condition Assessment of its force mains and lift stations.

3.3. SSO Response - The City shall, during the Term of this Agreement:

3.3.a. Respond to all identified SSOs on a Risk Basis. City staff shall be trained on how to respond to SSOs;

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3.3.b. Ensure water quality sampling and testing on SSOs is completed in accordance with the *Statewide General Requirements for Sanitary Sewer Systems, Waste Discharge Requirements Order* No. 2022-0103-DWQ (“Statewide WDR”); and

3.3.c. Place, post, and maintain appropriate public notification signs and barricades if necessary based upon the site of the SSO to keep vehicle and pedestrian traffic away from contact with spilled sewage during SSO response and cleanup.

3.4. Updating of Sewer System Management Plan – The City shall update its current Sewer System Management Plan (“SSMP”) and Overflow Emergency Response Plan (“OERP”) according to the terms of the Statewide WDR. The City’s SSMP shall be kept current and properly certified. These documents shall be posted on the City’s website.

3.5. Training – The City shall maintain during the Term of this Agreement a training program for City personnel to assure that all SSOs from City owned facilities are reported to CIWQS and that the volume and fate of the discharge is accurately detailed in the CIWQS reports.

3.6. Chemical Root Control Procedures – The City’s use of Chemical Root Control shall include only those chemicals specifically approved and listed by the federal Environmental Protection Agency or the San Francisco Regional Water Quality Control Board. Applications of chemicals shall comply with the recommendations of the manufacturer of the chemical and as required by Cal-OSHA. Within one (1) year after the Effective Date of this Agreement, the City shall develop methods for the safe and effective application of root control agents. These methods shall include:

3.6.a. Using root control agents that have a half-life of sixty (60) days or less, with breakdown products that are non-toxic to aquatic plants or animals;

3.6.b. Maintaining records identifying the section of the Collection System being treated and the chemical(s) used, the MSDS sheets, and the amount of chemicals applied, and posting a map on-line identifying locations where treatment occurred for no less than three (3) business days; and

3.6.c. Monitoring areas where Chemical Root Control has been used and a pattern of vegetation die off has been reported that suggests root control chemicals have escaped from the Collection System and caused plant mortality. If such vegetation die-off is observed, the City shall take action to avoid recurrence.

3.7. Effluent Exceedance(s) – The City shall, within sixty (60) days after identifying any exceedance of an effluent limitation set forth in the NPDES permit regulating the San Jose-

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Santa Clara Water Pollution Control Plant, inform the public of the “Violation” on the CIWQS “Facility At-A-Glance Report.”

3.8. Waterway Trash Generation Areas –The City shall identify, based on its own determination, areas that are most impacted with encampments in waterways. Progress reports will be posted on the City’s website at the end of Fiscal Year 2025 and 2026. To the extent practicable, the progress report will include the following:

- The estimated number of people experiencing unsheltered homelessness in the City;
- The estimated number of people experiencing unsheltered homelessness living within waterways;
- The estimated portion of those populations provided housing;
- The estimated portion of those populations served with the services;
- The number and scope of sanitation controls and services provided to homeless encampments;
- The number and scope of trash controls and services provided to homeless encampments; and
- The number and scope of sanitary cleanouts and other services provided to RVs.

Each of these reporting elements shall be accompanied by a narrative description. The City, at its discretion, will prioritize removing trash in the areas most impacted by homeless in waterways and at least annually provide River Watch with a map detailing the trash response.

#### **4. ATTORNEYS’ COSTS AND FEES**

As soon as practicable, but no more than thirty (30) calendar days after the Effective Date of this Agreement, the City shall pay CRW the sum of sixty thousand dollars (\$60,000.00) as a negotiated settlement which shall not be precedential for CRW’s investigative and attorneys’ fees and costs. Payment shall be made to CRW in the form of a single check payable to “California River Watch” and mailed to the Law Office of Jack Silver, 708 Gravenstein Highway North, #407, Sebastopol, CA 95472. Said payment shall constitute full and complete satisfaction of all costs and attorneys’ fees incurred by CRW that have been or could have been claimed in connection with this matter up to and including the Effective Date of the Agreement, and for CRW’s expert and attorneys’ fees and costs for monitoring and enforcing the City’s compliance with the ongoing obligations under this Agreement up to and including the Termination Date of this Agreement.

#### **5. RELEASE**

5.1. Release by CRW. It is the intent of the Parties that the execution and delivery of this Agreement constitutes a full and complete satisfaction of all rights, claims and demands by CRW against the City and the City of Santa Clara (Cities) with respect to any and all allegations or claims made in the CWA Notices or any CWA violation or alleged violation, if any, that occurred on or before the Effective Date of this Agreement, with regard to the Cities, or any claim

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related to any action or inaction by the Cities including, but not limited to, those related to its Collection System, the Plant, discharges, SSOs, and any requirements that may be imposed by permit or any applicable law, and any and all alleged violations or alleged or actual noncompliance of any sort. CRW on behalf of itself and any and all of its agents, representatives, successors, members, and assigns, except as otherwise provided for herein, does hereby absolutely, fully and forever release, relieve, remise and discharge the Cities, and their past and present employees, officers, directors, attorneys, and the predecessors, successors, and assigns of any of them, from all causes of action, claims, damages, penalties, demands, actions, attorneys' fees, costs of suit, and liabilities of every kind or nature whatsoever, arising exclusively out of the specific claims asserted in the CWA Notices or that otherwise occurred on or before the Effective Date concerning the operation and ownership of the Cities' Collection System ("Claims"). The release provided for herein shall be valid and effective whether the Claims hereby released (i) were known or unknown, suspected, or unsuspected, (ii) were based in contract, tort, statute, or otherwise, or (iii) arise at law or in equity. The release shall survive the termination of this Agreement, whether by satisfaction of the terms and conditions hereof or by operation of law. Notwithstanding the foregoing, this Agreement does not release the City of Santa Clara for overflows that occur in the collection system before entering the Plant and for which Santa Clara has exclusive responsibility and control.

#### 5.2. Waiver of Civil Code Section 1542

The release contained in this Section 5 is intended to be complete and final as to the City and to cover (1) known Claims asserted in the CWA Notices, and also (2) unknown Claims not asserted in the CWA Notices, which, if known by CRW at the time of executing this Agreement, might have affected its actions. Accordingly, CRW expressly waives the benefit of the provisions of section 1542 of the California Civil Code with respect to the released Claims only, which section provides:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.

The Parties acknowledge that each has specifically reviewed with its attorney the meaning and effect of the release set forth herein, the language of California Civil Code Section 1542, and the waiver contained herein. The Parties acknowledge that their attorneys have fully explained the impact of these provisions, and the Parties knowingly accept the risks associated with these provisions.

## 6. **DELAYS IN SCHEDULE IMPLEMENTATION**

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In the event implementation by the City of the remedial measures set forth in Section 3 of this Agreement does not occur by the agreed to dates, despite the timely good faith efforts of the City to acquire any necessary approvals and/or permits, or due to factors unforeseen at the time the Parties entered into this Agreement, the City agrees to notify CRW in writing as soon as practicable after the anticipated delay becomes apparent, and in any case except in a case of force majeure as described below, not less than ten (10) days prior to any deadline set forth in Section 3, and shall describe the reasons for the anticipated delay.

## **7. COVENANT NOT TO SUE**

For a period of five (5) years after the date Effective Date of this Agreement, CRW agrees that neither CRW, its officers, executive staff, members of its governing board, nor any organization under the control of CRW, its officers, executive staff, members of its governing board, will serve any Notice of Violations and Intent to File Suit or file any lawsuit against the City seeking relief for alleged violations of the CWA with regard to the City's Collection System, nor will CRW initiate, support, or assist in any such lawsuit against the City brought by other groups or individuals by providing financial assistance, personnel time, or any other affirmative actions. This Agreement may be pleaded as a full and complete defense to, and may be used as the basis for, an injunction against any dispute, suit, or other proceeding that may be instituted, prosecuted, or attempted in breach of the releases contained herein. This Agreement is intended to provide a defense to any other citizen suit filed by any other person to the extent allowed by law.

## **8. DISPUTE RESOLUTION**

CRW and the City shall make good faith efforts to resolve informally any alleged breach of this Agreement. Disputes between CRW and the City concerning any alleged breach of this Agreement shall be subject to the following dispute resolution procedures. Failure to satisfy the payment condition set forth in Section 4 is a substantial breach of this Agreement and relieves CRW of its obligations under this Agreement.

8.1. Good Faith Negotiations - CRW and the City shall make good faith efforts to resolve informally any alleged breach of the Agreement. If informal efforts to resolve the alleged breach are unsuccessful, the Party claiming a breach shall provide written notice of the alleged breach and that Party's intent to initiate the dispute resolution procedure of this Section 8. The notice shall include a recitation of all facts and circumstances giving rise to the dispute, including the particular provisions of this Agreement alleged to have been breached.

8.2. Mediation - If the dispute is not resolved by the Parties within thirty (30) days after such notice is given, such dispute shall be submitted to mediation before a mutually agreeable neutral mediator. The Parties shall each bear their own costs and attorneys' fees incurred in connection with such mediation.

8.3. If CRW asserts that the City is in violation of this Agreement, and the City corrects

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the action or inaction within sixty (60) days after written notice from CRW describing the asserted violations, no further enforcement action under the terms of this Agreement, including the dispute resolution process described in Section 8, shall be taken by either party.

## **9. FORCE MAJEURE**

The City shall not be deemed in default or breach of this Agreement by reason of any event which constitutes a force majeure. For purposes of this Agreement, a force majeure is defined as any event arising from causes beyond the reasonable control of the City or its contractors that delays or prevents performance, including, without limitation, acts of God, acts of war, acts of terrorism, fire, explosion, extraordinary weather events, restraint by court order or public authority, or other causes beyond the City's reasonable control.

## **10. GENERAL PROVISIONS**

A. Construction - The language in all parts of this Agreement shall be construed according to its plain and ordinary meaning, except as to those terms defined by law, in the CWA, or specifically herein.

B. Interpretation and Applicable Law - This Agreement shall be governed, construed, and interpreted in accordance with the laws of the United States and the State of California without regard to principles of conflicts of law. This Agreement shall be interpreted and construed as a whole, according to its fair meaning and not strictly for or against any Party, and without regard to which Party drafted the Agreement or any section thereof.

C. Severability - The invalidity or unenforceability of any provision of this Agreement shall in no way affect the validity or enforceability of any other provision. If, in any action before any court or other tribunal of competent jurisdiction, any term, restriction, covenant, or promise is held to be unenforceable for any reason, then such term, restriction, covenant, or promise shall be deemed modified to the extent necessary to make it enforceable by such court or other tribunal and, if it cannot be so modified, then this Agreement shall be deemed amended to delete such provision or portion adjudicated to be invalid or unenforceable, and the remainder of this Agreement shall be deemed to be in full force and effect as so modified.

D. No Admission - This Agreement is the direct result of a compromise of disputed allegations and claims. As such, this Agreement shall not, for any purpose, be considered as an admission of liability by the City, nor shall the payment of any sum of money in consideration for the execution of this Agreement constitute or be construed as an admission of any liability by the City, which expressly denies any such liability or wrongdoing.

E. Notices - All notices, consents, approvals, requests, demands and other communications (collectively, "Notice") which the Parties are required to, or desire to serve upon or deliver to the other Party shall be by electronic mail only, if possible, or by certified mail, return receipt

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requested, addressed as set forth below:

If to CRW: California River Watch  
290 South Main St. # 817  
Sebastopol, CA 95472  
Email: [US@criverwatch.org](mailto:US@criverwatch.org)

Copy to: Jack Silver, Esq.  
Law Office of Jack Silver  
708 Gravenstein Highway North, #407  
Sebastopol, CA 95472  
Tel: (707) 528-8175  
Email: [lh28843@sbcglobal.net](mailto:lh28843@sbcglobal.net)

If to the City: Director of Public Works  
Director of Environmental Services  
City of San Jose  
200 E. Santa Clara Street, 10<sup>th</sup> Fl  
San Jose, CA 95113

Copy to: Nora Frimann, City Attorney  
City of San Jose  
City Attorney's Office  
200 E. Santa Clara Street, 16<sup>th</sup> Floor  
San Jose, CA 95113  
[Nora.Frimann@sanjoseca.gov](mailto:Nora.Frimann@sanjoseca.gov)

The foregoing addresses may be changed by Notice given in accordance with this Section. Any Notice sent by electronic mail shall be deemed received upon electronic transmission thereof provided the sender does not receive electronic notice of non-delivery. If the date of receipt of any Notice to be given hereunder falls on a weekend or legal holiday, then such date of receipt shall automatically be deemed extended to the next business day immediately following such weekend or holiday for purposes of calculating time periods commencing upon the date of service.

F. Counterparts - This Agreement may be executed in multiple counterparts, all of which together shall evidence one and the same document.

G. No Assignment - Each Party to this Agreement represents and warrants that it has not assigned, transferred, hypothecated, or sold to any third person or entity, any of the rights or obligations released by or entered into under this Agreement.

H. Attorneys' Fees - Other than the payment to CRW under Section 4 of this Agreement, each

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Party shall bear its own past and future attorneys' fees and costs relating to the subject matter of this Agreement.

I. No Third-Party Beneficiaries - This Agreement is not intended to confer any rights or obligations on any third party or parties, and no third party or parties shall have any right of action under this Agreement for any cause whatsoever.

J. Parties' Acknowledgment of Terms - This Agreement has been carefully and fully read and reviewed by CRW and the City, which hereby represent that the contents of this Agreement are understood and agree that this Agreement is binding on each Party or its respective predecessors, successors, and assigns and as described above.

K. Headings - The headings used in this Agreement are for convenience of reference and shall not be used to define any provision.

L. Entire Agreement in Writing - This Agreement constitutes the entire agreement between the Parties hereto with respect to the subject matter set forth herein and supersedes all previous or contemporaneous negotiations, commitments (oral or written), and writings with respect to the subject matter set forth herein.

M. Modification or Amendment - This Agreement, including any of its provisions, may be modified or amended only by written agreement executed by all Parties to this Agreement.

N. Representations and Warranties - This Agreement is given voluntarily, free of undue influence, coercion, duress, menace, or fraud of any kind. No Party, nor any officer, agent, employee, representative, or attorney of or for any Party, has made any statement or representation to any other Party regarding any fact relied upon in entering into this Agreement, and no Party is relying upon any statement, representation, or promise of any other Party, nor of any officer, agent, employee, representative, or attorney of or for any Party, in executing this Agreement or in making the settlement provided herein, except as expressly stated in this Agreement.

O. Authority - Each of the persons signing this Agreement on behalf of an entity represents and warrants that he or she has actual authority and capacity to execute the Agreement on behalf of the entity and to bind it to all of the terms of this Agreement.

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IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed by their duly authorized representatives.

**CITY OF SAN JOSE**

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
Nora Frimann, City Attorney

Approved as to form:

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
Colleen Winchester, Sr. Deputy City Attorney

**CALIFORNIA RIVER WATCH**

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
Larry Hanson, Board President

Approved as to form:

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
Jack Silver, Attorney

Approved as to form:

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
David Weinsoff, Attorney

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# Settlement Agreement and Release between California River Watch and the City of San Jose

## EXHIBIT “A”



# Law Office of Jack Silver

708 Cravenstein Hwy North, Suite 407 Sebastopol, CA 95472-2808  
Phone 707-528-8175 Email JSilverEnvironmental@gmail.com



***Via Certified Mail –  
Return Receipt Requested***

March 11, 2024

Jennifer Maguire, City Manager  
Members of the City Council  
City of San José  
200 East Santa Clara St.  
San José, CA 95113-1905

Kerrie Romanow, Director  
Head of Agency  
Environmental Services Dept.  
San José-Santa Clara Water Pollution Control Plant  
Administrative Offices  
700 Los Esteros Road  
San José, CA 95134-1001

## **Re: Notice of Violations and Intent to File Suit Under the Clean Water Act**

Dear Ms. Maguire, Ms. Romanow, Head of Agency, and City Council Members:

### **STATUTORY NOTICE**

This Notice is provided on behalf of California River Watch ("River Watch") with regard to violations of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. § 1251 *et seq.*, that River Watch alleges are occurring through the ownership and operation of the San José-Santa Clara Water Pollution Control Plant ("Facility") and associated sewer collection system.

River Watch hereby places the City of San José ("City"), as owner and operator of the Facility and associated sewer collection system, on notice that following the expiration of sixty (60) days from the date of this Notice, River Watch will be entitled under CWA § 505(a), 33 U.S.C. § 1365(a), to bring suit in the U.S. District Court against the City for continuing violations of an effluent standard or limitation pursuant to CWA § 301(a), 33 U.S.C. § 1311(a), and the San Francisco Bay Regional Water Quality Control Board ("RWQCB-SF"), Water Quality Control Plan ("Basin Plan"), as the result of violations of the City's National Pollution Discharge Elimination System ("NPDES") Permit.

The CWA regulates the discharge of pollutants into navigable waters. The statute is structured in such a way that all discharges of pollutants are prohibited with the exception of enumerated statutory provisions. One such exception authorizes the City, which has been issued

a permit pursuant to CWA § 402, 33 U.S.C. § 1342, to discharge designated pollutants at certain levels subject to certain conditions. The effluent discharge standards or limitations specified in an NPDES permit define the scope of the authorized exception to the CWA § 301(a), 33 U.S.C. § 1311(a) prohibition such that violation of a permit limit places a discharger in violation of the CWA. River Watch alleges the City is in violation of the CWA by violating the terms of its NPDES permit.

The CWA provides that authority to administer the NPDES permitting system in any given state or region can be delegated by the Environmental Protection Agency (“EPA”) to a state or to a regional regulatory agency provided that the applicable state or regional regulatory scheme under which the local agency operates satisfies certain criteria (*see* 33 U.S.C. § 1342(b)). In California, the EPA has granted authorization to a state regulatory apparatus comprised of the State Water Resources Control Board (“SWRCB”) and several subsidiary regional water quality control boards to issue NPDES permits. The entity responsible for issuing NPDES permits and otherwise regulating the City’s operations in the region at issue in this Notice is the RWQCB-SF.

While delegating authority to administer the NPDES permitting system, the CWA provides that enforcement of the statute’s permitting requirements relating to effluent standards or limitations imposed by the Regional Boards can be ensured by private parties acting under the citizen suit provision of the statute (*see* CWA § 505, 33 U.S.C. § 1365). River Watch is exercising such citizen enforcement to enforce the City’s compliance with the CWA.

## **NOTICE REQUIREMENTS**

The CWA requires that any Notice regarding an alleged violation of an effluent standard or limitation, or of an order with respect thereto, shall include sufficient information to permit the recipient to identify the following:

### **1. Standard, Limitation, or Order Alleged to Have Been Violated**

The order which is the subject of this Notice is NPDES No. CA0038776 (“NPDES Permit”). River Watch has identified specific violations of the NPDES Permit including violations of receiving water limitations and raw sewage discharges in addition to failure by the City to either comply with or provide evidence that it has complied with all the terms of its NPDES Permit.

### **2. Activity Alleged to Constitute a Violation**

River Watch contends the City has violated the Act as described in this Notice. River Watch contends these violations are continuing or have a likelihood of occurring in the future.

#### **A. Violations of Receiving Water Limitations and Impacts to Beneficial Uses**

The City, in exceeding the Receiving Water Limitations specified in NPDES Permit Section V, caused prohibited pollution by unreasonably affecting the beneficial uses of these waters. In order to protect these beneficial uses, the City is required by its NPDES Permit to ensure that discharges shall not cause the listed limitations to be exceeded. River Watch finds insufficient information in the public record demonstrating the City has monitored for and complied with these receiving water standards.

B. Sanitary Sewer Overflows, Inadequate Reporting of Discharges, Failure to Warn, Failure to Mitigate Impacts, Sewer Collection System Subsurface Discharges

River Watch is understandably concerned as to the effects of both surface and underground Sanitary Sewer Overflows on critical habitat in and around the diverse and sensitive ecosystem of the Facility. The NPDES Permit lists the beneficial uses of Artesian Slough, a water of the United States, to include preservation of rare and endangered species, warm freshwater habitat, wildlife habitat, water contact recreation and non-contact water recreation.

1. Sanitary Sewer Overflows (“SSOs”)

SSOs, in which untreated sewage is discharged above ground from the sewer collection system prior to reaching the Facility, are alleged to have occurred both on the dates identified in California Integrated Water Quality System (“CIWQS”) Interactive Public SSO Reports and on the dates when no reports were submitted to CIWQS by the City, all in violation of the CWA.

Numerous causes for SSOs include storm water inflow and/or groundwater infiltration (I/I), defects in sewer lines, root intrusion, and blockages due to grease and rags. Currently, the City’s sewer collection system has insufficient capacity to handle peak wet weather flows. During heavy storms, the system becomes surcharged and untreated sewage overflows at various locations eventually draining to Lower Silver Creek, Upper Silver Creek, Guadalupe River, Calabazas Creek, Sierra Creek, South Babb Creek, Berryessa Creek, Thompson Creek, San Thomas Aquino Creek, Golf Creek, Alamitos Creek, Greystone Creek, Miguelita Creek, Los Gatos Creek, Coyote Creek, Ross Creek, and Penitencia Creek – all waters of the United States. These SSOs impact the water quality and beneficial uses of these waters. Possible adverse effects on water quality and beneficial uses as a result of SSOs include the following:

- a. Adverse impacts to fish and aquatic biota caused by bio-solids deposition, oil and grease, and toxic pollutants common in sewage (such as heavy metals, pesticides, personal care products, and pharmaceuticals).
- b. Creation of a localized toxic environment in the water column as the result of the discharge of oxygen-demanding pollutants that lower dissolved oxygen, and elevated ammonia concentration which is a fish toxicant.
- c. Impairment of water contact recreation and non-contact water recreation and harm to fish and wildlife as a result of elevated bacteria levels including pathogens.

A review of the City’s CIWQS Spill Public Report – Summary Page (Attachment A) identifies 1,745 SSOs, resulting in 1,866,426 gallons of raw sewage discharged into the environment. Of the total volume, the City acknowledges at least 1,019,450 gallons, or 54% of the total, reached a surface water. A review of the City’s records indicates an even greater percentage of SSOs reached a drainage to a surface water or a surface water itself. Of the 1,866,426 gallons of sewage spilled, the City reported only 804,179 gallons as recovered, allowing the remaining sewage to be discharged into the environment posing both a nuisance pursuant to Calif. Water Code § 13050(m), and an imminent and substantial endangerment to public health and the environment.

The City's CIWQS SSO Spill Public Report – Spill Event ID(s) Page (Attachment B) specifically identifies at least **78%** of recent SSOs reported as having reached a water of the United States. Of significant concern is the spill volume in a number of the most recent reported events:

- January 13, 2024 - (Event ID# 892159) – an SSO estimated at 22,823 gallons occurred at 3398 Mt. Madonna Drive in San José (Coordinates 37.349678 -121.802127). The spill cause is listed as ‘blockage in the downstream mainline pipe.’ Of the total 22,823 gallons, 22,465 gallons are reported as having reached Lower Silver Creek.
- October 18, 2023 - (Event ID# 890930) – an SSO estimated at 6,473 gallons occurred at Flanders Drive and Piedmont Road in San José (Coordinates 37.39363693 -121.845773). The cause of the spill was reported as ‘Fats, Oil and Grease (FOG).’ Of the total 6,473 gallons, 3,949 gallons were reported as reaching Sierra Creek.
- March 03, 2023 – (Event ID# 886989) – an SSO estimated at 34,427 gallons occurred at 1395 Saratoga Avenue in San José (Coordinates 37.2987121 -121.9845365.) The cause of the spill was reported as ‘Root Intrusion.’ Of the total 34,427 gallons, 32,760 gallons were reported as having reached San Thomas Aquino Creek.

## 2. Inadequate Reporting of Discharges

Full and complete reporting of SSOs is essential to gauging their impact on public health and the environment.<sup>1</sup> The City's SSO Reports, which should reveal critical details about each SSO, lack responses to specific questions that would identify the causes and the potential repairs ensuring these violations would not recur. In addition, River Watch's expert believes many of the SSOs reported by the City as partially reaching a surface water did so in greater volume than stated. River Watch's expert also believes that a careful reading of the time when the City received notification of an SSO, the time of its response, and the time at which the SSO ended, too often appear as unlikely estimations. For example:

- January 26, 2022 (Event ID# 879423) – The estimated spill start time is reported as 12:00 a.m. The agency notification time is reported as 8:00 a.m. The operator arrival time reported as just half an hour later, at 8:30 a.m. The spill end time is reported as 12:00 p.m. The total estimated spill volume of the spill was 46,426 gallons, 44,270 gallons of which reached Coyote Creek.
- November 23, 2021 – (Event ID # 879345) – The estimated spill start is reported as 12:00 a.m. The agency notification time and operator arrival are both reported as 9:05 a.m. The estimated spill end time is 9:34 a.m. The estimated spill volume is reported as 336,410 gallons, 336,386 gallons of which reached Guadalupe River.

Given the unlikely accuracy of the times and intervals provided in these reports, it is difficult to consider the stated volumes as accurate. With inaccuracies in reporting the notification time, operator arrival, and the spill end time, there is a risk that the duration and volume of a spill will be underestimated.

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<sup>1</sup> The City appears to have discontinued posting SSOs to the CIWQS online database as of December 31, 2022.

### 3. Failure to Warn

River Watch contends the City is understating the significance of the impacts of its SSOs by failing to post health warning signs for discharges reaching a surface water. For example, despite the obvious risk to health, no warnings signs were posted to alert the public of the spills detailed in the following spill events: Event ID#s: 892159, 891324, 890930, 890215, 888705, 888200, 887076, 886160, 885589, 885584, 885393, 885050, 884463, 884302, 883910, 882615, 880098, 879371, 878759, 878295, 878115, 878027, 877221, 876308, 874464, 872784, 872117, 872067, 871504, 870308, 868063, 867790, 866842, 865731, 864658, 864048, 862871, 861765, 860661, 859272, 857082, 856931, 856929.

### 4. Failure to Mitigate Impacts

NPDES Permit, Attachment D. Standard Provisions, Section 1, Standard Provisions - Permit Compliance, Sub-section 1.3, Duty to Mitigate, states: *"The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. (40 C.F.R. § 122.41(d).)"*

River Watch contends the City is failing to adequately mitigate the impacts of its SSOs. In addition to compliance with the requirements of its NPDES Permit, the City is subject to the requirements of the *General Requirements for Sanitary Sewer Systems, Statewide Waste Discharge Requirements*, Order WQ 2022-0103-DWQ ("Statewide WDR"), governing the operation of sanitary sewer systems. The Statewide WDR requires the City to take all feasible steps, and perform necessary remedial actions, following the occurrence of an SSO including limiting the volume of waste discharged, terminating the discharge, and recovering as much of the wastewater as possible. Further remedial actions include intercepting and re-routing of wastewater flows, vacuum truck recovery of the SSO, cleanup of debris at the site, and modification of the collection system to prevent further SSOs at the site.

A critical remedial measure is the performance of adequate sampling to determine the nature and the impact of the release. As the City is underestimating SSOs which reach surface waters, River Watch contends the sampling on most SSOs is inadequate. For example, no samples were taken on the SSOs identified in the following Event ID#s: 892159, 891324, 890930, 890215, 888705, 888200, 887076, 886989, 886160, 885589, 885584, 885393, 885050, 884463, 884302, 883910, 882615, 879423, 879371, 879345, 878759, 878295, 878115, 878027, 877221, 876308, 875771, 874464, 872117, 872067, 871504, 870308, 868063, 868015, 867790, 866842, 865731, 864658, 864048, 862871, 861765, 859272, 857082, 856931, 856929.

The EPA's *Report to Congress on the Impacts and Control of CSOs and SSOs* (EPA 833-R-04-001) identifies SSOs as a major source of microbial pathogens and oxygen depleting substances. River Watch finds no record indicating the City has performed any analysis of the impact of its SSOs on aquatic or wildlife habitat, nor any evaluation of the measures needed to restore water bodies designated as habitat from the impacts of SSOs.

## **5. Sewer Collection System Subsurface Discharges**

It is a well-established fact that exfiltration caused by pipeline cracks and other structural defects in a sewer collection system result in discharges to adjacent surface waters via underground hydrological connections.

River Watch is concerned by the absence in the public record of reports by the City confirming that no untreated sewage is discharged from cracks, displaced joints, eroded segments, etc., in the City's sewer collection system into Lower Silver Creek, Upper Silver Creek, Guadalupe River, Calabazas Creek, Sierra Creek, South Babb Creek, Berryessa Creek, Thompson Creek, San Thomas Aquino Creek, Golf Creek, Alamitos Creek, Greystone Creek, Miguelita Creek, Los Gatos Creek, Coyote Creek, Ross Creek, and Penitencia Creek, all waters of the United States.

Surface waters become contaminated with pollutants including human pathogens. Chronic failures in the sewer collection system pose a substantial threat to public health. Studies tracing human markers specific to the human digestive system in surface waters adjacent to defective sewer lines in other systems have verified the contamination of the adjacent waters with untreated sewage.

Evidence of exfiltration can also be supported by reviewing mass balance data, I/I data, video inspection, as well as tests of waterways adjacent to sewer lines for nutrients, human pathogens, and other human markers such as caffeine. Any exfiltration found is a violation of the NPDES Permit and therefore a violation of the CWA.

## **3. The Person or Persons Responsible for the Alleged Violation**

The entity responsible for the alleged violations identified in this Notice is the City of San José and those of its employees responsible for compliance with the CWA and with any applicable state and federal regulations and permits.

## **4. The Location of the Alleged Violation**

The locations of the various violations alleged in this Notice are identified in records created and/or maintained by or for the City which relate to the Facility and associated sewer collection system, as further described in this Notice.

## **5. Range of Dates During Which the Alleged Activity Occurred**

The range of dates covered by this Notice is March 11, 2019, to the present. This Notice also includes all violations of the CWA by the City which occur after the range of dates covered by this Notice up to and including the time of trial. Some violations are continuous, and therefore each day constitutes a violation.

## **6. Name, Address, and Telephone Number of the Person Giving Notice**

The entity giving notice is California River Watch, referred to throughout this notice as "River Watch," an Internal Revenue Code § 501(c)(3) nonprofit, public benefit corporation duly organized under the laws of the State of California. Its headquarters and main office are located

in Sebastopol. Its mailing address is 290 South Main Street, #817, Sebastopol, CA 95472. River Watch is dedicated to protecting, enhancing, and helping to restore surface waters and ground waters of California including coastal waters, rivers, creeks, streams, wetlands, vernal pools, aquifers and associated environs, biota, flora and fauna, and educating the public concerning environmental issues associated with these environs.

River Watch may be contacted via email at [US@criverwatch.org](mailto:US@criverwatch.org), or through its attorneys. River Watch has retained legal counsel with respect to the issues raised in this Notice. All communications should be directed to the following counsel:

Jack Silver, Esq.  
Law Office of Jack Silver  
708 Gravenstein Hwy. North, #407  
Sebastopol, CA 95472  
Tel. (707) 528-8175  
Email: [jsilverenvironmental@gmail.com](mailto:jsilverenvironmental@gmail.com)

David Weinsoff, Esq.  
Law Office of David J. Weinsoff  
138 Ridgeway Avenue  
Fairfax, CA 94930  
Tel. (415) 460-9760  
Email: [david@weinsofflaw.com](mailto:david@weinsofflaw.com)

## **RECOMMENDED REMEDIAL MEASURES**

River Watch looks forward to meeting with the City's staff to tailor remedial measures to the specific operation of the Facility and associated sewer collection system. In advance of that conversation, River Watch identifies the following general remedial categories that will advance compliance with the CWA and the Basin Plan, and help economize the time and effort the parties need to resolve their concerns:

1. A full condition assessment of the sewer collection system including setting timelines for repairing or replacing significantly defective assets such as sewer lines, maintenance holes and pump/lift stations.
2. Mitigating the effects of SSOs.
3. Adequate public and worker safety, including protocols to minimize exposure to infectious vectors.
4. Elimination of the use of chemical root control.
5. Consideration of a Supplemental Environmental Project in lieu of penalties.
6. Consistent with Article X, Section 2 of the California Constitution and California Water Code Section 100 which prevents the waste or unreasonable use of water, implementation of programs and projects providing for the recycling and /or reuse of treated wastewater discharged from the Facility.

## **CONCLUSION**

The violations set forth in this Notice affect the health and enjoyment of members of River Watch who reside and recreate in the affected community and may use the affected watershed for recreation, fishing, hiking, photography or nature walks. Their health, use and enjoyment of this natural resource is specifically impaired by the alleged violations of the CWA

as set forth in this Notice.

CWA §§ 505(a)(1) and 505(f) provide for citizen enforcement actions against any “person,” including a governmental instrumentality or agency, for violations of NPDES permit requirements and for un-permitted discharges of pollutants. 33 U.S.C. §§ 1365(a)(1) and (f), 33 U.S.C. § 1362(5). An action for injunctive relief under the CWA is authorized by 33 U.S.C. § 1365(a). Violators of the Act are also subject to an assessment of civil penalties of up to \$66,712.00 per day/per violation for all violations pursuant to Sections 309(d) and 505 of the Act, 33 U.S.C. §§ 1319(d), 1365. See also 40 C.F.R. §§ 19.1 – 19.4. River Watch believes this Notice sufficiently states grounds for filing suit in federal court under the “citizen suit” provisions of CWA to obtain the relief provided for under the law.

The CWA specifically provides a **60-day** notice period to promote resolution of disputes. River Watch strongly encourages the City to contact counsel for River Watch within **20 days** after receipt of this Notice to initiate a discussion regarding the allegations detailed herein. In the absence of productive discussions to resolve this dispute, River Watch will have cause to file a citizen's suit under CWA § 505(a) when the 60-day notice period ends.

Very truly yours,



Jack Silver

JS

Attachments

#### **Service List**

Michael Regan – Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Mail Code 1101A  
Washington, DC 20460

Martha Guzman – Regional Administrator  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne St.  
San Francisco, CA 94105

Eileen Sobek – Executive Director  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

✓ Nora Frimann – City Attorney  
Office of the City Attorney  
200 E. Santa Clara St. 16<sup>th</sup> Fl.  
San Jose, CA 95113-1905



# ATTACHMENT A



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**STATE WATER RESOURCES CONTROL BOARD**

California Integrated Water Quality System Project (CIWQS)

## Spill Public Report – Summary Page

The information on this summary page is the result of your search. These results correspond to the following search criteria:

**SEARCH CRITERIA:** [\[REFINE SEARCH\]](#)

- Agency (San Jose)
- Region (2)
- Spill Type (Category 1; Category 2; Category 3)

The information in this table does not include Category 4 spills, as defined in the Statewide Sanitary Sewer Systems General Order 2022-0103-DWQ ([https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2022/wqo\\_2022-0103-dwq.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo_2022-0103-dwq.pdf)).

More information about the Spill Public Report is found at the bottom of this page.

[\[VIEW PRINTER FRIENDLY VERSION\]](#)[\[EXPORT THIS REPORT TO EXCEL\]](#)

Region	Responsible Agency	Sanitary Sewer System	WDID	Total Number of Spills	Total Volume of Spills (gal)	Total Volume Recovered (gal)	Total Volume Reached Surface Water (gal)	Percent Recovered (%)	Percent Reached Surface Water (%)	Miles of Pressure Sewer	Miles of Gravity Sewer	Miles of Laterals	Number of Pump Stations
2	San Jose City	<u>San Jose City CS</u>	2SSO10179	<u>1745</u>	1,866,426	804,179	1,019,450	43	54	11.0	2,029.0	1.0	17
				1,745	1,866,426	804,179	1,019,450			11.0	2,029.0	1.0	17.0

When assessing the performance of sanitary sewer systems regulated under the Statewide Sanitary Sewer Systems General Order, it is important to review spill reports in detail. There may be multiple individual spill event IDs that share the same location.

The search results on this summary page present summary data from individual spill reports submitted in the online CIWQS Sanitary Sewer System Database, meeting the search criteria selected. To determine if spill reports relate to a common failure point within the sanitary sewer system, the spill reports should be reviewed in detail by selecting a number under the "Total Number of Spills" column, corresponding to a specific sanitary sewer system.

The "Responsible Agency", or Enrollee, listed on a spill report is responsible for the spill described and should be contacted directly for questions related to that incident.

The current report was generated with real-time data entered by Enrollees.

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**ATTACHMENT B**

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**STATE WATER RESOURCES CONTROL BOARD**

California Integrated Water Quality System Project (CIWQS)

**Spill Public Report – Spill Event ID(s) Page**

Here is the detail page of your Sanitary Sewer System Spill Report search for selected Regional Board, county, responsible agency, or sanitary sewer system. These results correspond to the following search criteria:

**SEARCH CRITERIA:** [\[REFINE SEARCH\]](#)

- Region (2)
- Spill Type (Category 1; Category 2; Category 3)
- Agency (Petaluma City PWD)
- Agency (Petaluma City PWD)
- Agency (CCSF - San Francisco Airport)
- Agency (CCSF - San Francisco Airport)
- Agency (Berkeley City of Public Works)
- Agency (Berkeley City of Public Works)
- Agency (Berkeley City of Public Works)
- Agency (West County Wastewater District)
- Agency (West Bay Sd)
- Agency (West Bay Sd)
- Agency (San Jose City)
- Agency (San Jose City)
- Agency (San Jose City)
- Agency (San Jose City)
- Agency (San Jose City)

The table below presents important details from Enrollee-submitted certified spill events, as submitted through individual spill reports, which meet the search criteria selected on the Sanitary Sewer System (SSS) Spill Report Form. If data is not shown for a particular field, it means the Enrollee did not provide the information and was not required to do so. To view the entire spill report, select the corresponding "Spill Event ID".

**DRILLDOWN HISTORY:** [\[GO BACK TO SUMMARY PAGE\]](#)

REGION: 2

[\[VIEW PRINTER FRIENDLY VERSION\]](#)[\[EXPORT THIS REPORT TO EXCEL\]](#)

Event ID	Region	Responsible Agency	Sewer System	WDID	Spill Category	Spill Start Date	Spill Vol (gal)	Spill Vol Recovered (gal)	Spill Vol Reached Surface Water (gal)	System Failure Location	Spill Appearance Point
<a href="#">862978</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2019-10-08 19:45	660	660	0	Gravity Mainline	Manhole
<a href="#">862981</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2019-10-10 06:45	74	74	0	Gravity Mainline	Manhole
<a href="#">863322</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2019-11-16 13:15	300	173	0	Gravity Mainline	Manhole
<a href="#">863621</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2019-12-08 20:15	228	228	0	Gravity Mainline	Manhole
<a href="#">864048</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2020-01-05 13:10	5,680	1,250	4,430	Gravity Mainline	Manhole
<a href="#">864141</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2020-01-07 14:30	4,797	4,797	0	Gravity Mainline	Inside Building or Structure; Lateral Clean Out (Private)
<a href="#">864211</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2019-12-21 13:45	41	33	0	Gravity Mainline	Lateral Clean Out (Private); Manhole
<a href="#">864212</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2019-12-24 09:45	9	9	0	Gravity Mainline	Lateral Clean Out (Private)
<a href="#">864298</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-01-08 13:45	350	350	0	Gravity Mainline	Manhole

<u>864658</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2020-02-02 11:46	333	85	248	Gravity Mainline	Manhole
<u>864856</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-01-24 08:15	84	84	0	Gravity Mainline	Manhole
<u>864875</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-02-13 07:08	950	950	0	Gravity Mainline	Manhole
<u>865609</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-03-05 17:15	19	11	0	Gravity Mainline	Lateral Clean Out (Public)
<u>865612</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-03-04 19:30	115	115	0	Gravity Mainline	Lateral Clean Out (Private)
<u>865731</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2020-03-17 15:00	1,300	0	1,300	Gravity Mainline	Manhole
<u>865940</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-03-19 22:00	450	450	0	Gravity Mainline	Manhole
<u>866547</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-04-11 09:45	22	22	0	Gravity Mainline	Manhole
<u>866840</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-05-01 18:30	1	1	0	Gravity Mainline	Inside Building or Structure
<u>866842</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2020-05-14 16:33	535	482	53	Gravity Mainline	Manhole
<u>867790</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2020-07-01 11:45	750	34	716	Gravity Mainline	Manhole
<u>867842</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-06-25 10:45	265	265	0	Gravity Mainline	Manhole
<u>867843</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-06-28 12:50	110	110	0	Gravity Mainline	Manhole
<u>868015</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2020-07-16 12:00	72,000	44,400	27,600	Gravity Mainline	Gravity Mainline
<u>868063</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2020-07-20 07:45	6,060	5,702	358	Gravity Mainline	Inside Building or Structure; Upper Lateral (Private)
<u>868485</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-07-22 17:00	33	33	0	Gravity Mainline	Gravity Mainline
<u>868486</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-07-29 18:50	18	18	0	Gravity Mainline	Inside Building or Structure
<u>869109</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-08-28 20:15	303	303	0	Gravity Mainline	Lateral Clean Out (Private)
<u>869546</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-09-09 15:55	18	15	0	Gravity Mainline	Lateral Clean Out (Private)
<u>869547</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-09-19 21:48	37	37	0	Gravity Mainline	Lateral Clean Out (Private)
<u>869548</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-09-19 17:15	6	6	0	Gravity Mainline	Lateral Clean Out (Private)
<u>869549</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-09-30 14:30	68	68	0	Gravity Mainline	Manhole
<u>870100</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-09-30 14:30	68	68	0	Siphon	Manhole
<u>870308</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2020-10-21 06:00	3,635	3,245	390	Gravity Mainline	Manhole
<u>870436</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-10-06 18:35	46	46	0	Gravity Mainline	Manhole
<u>870852</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-11-11 15:50	315	38	0	Gravity Mainline	Manhole

<u>870895</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2020-12-06 18:59	5,507	5,507	0	Gravity Mainline	Lateral Clean Out (Private);Manhole
<u>871119</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-11-14 18:01	150	150	0	Gravity Mainline	Manhole
<u>871121</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-11-30 10:45	93	93	0	Gravity Mainline	Manhole
<u>871409</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-12-27 08:00	196	196	0	Gravity Mainline	Manhole
<u>871504</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2021-01-07 19:26	2,400	499	1,901	Gravity Mainline	Manhole
<u>871664</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2020-12-28 11:45	290	274	0	Gravity Mainline	Lower Lateral (Private)
<u>872067</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2021-01-27 09:30	36,000	4,489	31,511	Gravity Mainline	Lateral Clean Out (Private);Manhole
<u>872117</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2021-02-01 07:28	675	60	615	Gravity Mainline	Manhole
<u>872578</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-01-15 18:25	459	459	0	Gravity Mainline	Manhole
<u>872589</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-01-25 14:00	653	653	0	Gravity Mainline	Lateral Clean Out (Private);Other sewer system structure
<u>872784</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2021-03-06 11:19	1,420	90	1,330	Gravity Mainline	Manhole
<u>872810</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-03-01 16:15	227	227	0	Gravity Mainline	Manhole
<u>873048</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-03-04 11:55	73	73	0	Gravity Mainline	Lateral Clean Out (Private)
<u>873447</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-03-29 19:19	840	840	0	Gravity Mainline	Manhole
<u>873541</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-03-28 15:00	23	0	0	Siphon	Manhole
<u>874058</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-04-22 07:42	569	569	0	Gravity Mainline	Lateral Clean Out (Private)
<u>874464</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2021-06-01 09:00	4,597	4,146	451	Gravity Mainline	Inside Building or Structure;Lateral Clean Out (Private)
<u>874539</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-05-29 18:05	237	237	0	Gravity Mainline	Manhole
<u>874818</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2021-06-17 07:11	2,220	2,220	0	Gravity Mainline	Manhole
<u>875049</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-06-06 10:47	45	45	0	Gravity Mainline	Manhole
<u>875065</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-06-14 06:00	90	5	0	Gravity Mainline	Manhole
<u>875066</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-06-16 14:30	84	84	0	Gravity Mainline	Manhole
<u>875390</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2021-07-20 12:00	6,103	6,103	0	Gravity Mainline	Inside Building or Structure;Lateral Clean Out (Private)
<u>875626</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-07-17 10:00	152	0	0	Gravity Mainline	Manhole
<u>875771</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2021-08-03 08:00	64,920	18,112	46,808	Holding water entered storm line through a void and a break in the storm line	Lower Lateral (Private)
<u>876308</u>	2	San Jose City	San Jose	2SSO10179	Category 1	2021-09-08	1,217	1,053	725	Gravity Mainline	Lateral Clean Out (Private)

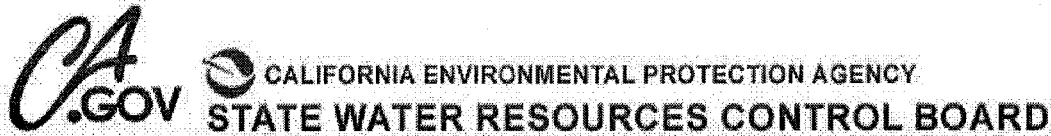
			City CS		09:00						
<u>876425</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-08-24 07:00	421	421	0	Gravity Mainline	Lateral Clean Out (Private);Manhole
<u>877221</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2021-10-25 13:00	1,250	144	1,106	Gravity Mainline	Manhole
<u>877634</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-10-28 17:45	495	495	0	Gravity Mainline	Manhole
<u>877967</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-11-10 12:30	258	243	0	Gravity Mainline	Inside Building or Structure
<u>878027</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2021-12-06 08:00	6,360	4,615	1,745	Gravity Mainline	Manhole
<u>878115</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2021-12-11 11:45	175	85	90	Gravity Mainline	Manhole
<u>878295</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2021-12-22 22:56	1,386	0	1,386	Gravity Mainline	Manhole
<u>878757</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2022-01-09 14:50	1,675	1,675	0	Gravity Mainline	Manhole
<u>878759</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2022-01-09 19:50	4,900	1,350	3,550	Gravity Mainline	Manhole
<u>879268</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-01-08 15:50	228	228	0	Gravity Mainline	Manhole
<u>879345</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2021-11-23 00:00	336,410	0	336,386	Siphon	Gravity Mainline
<u>879371</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2022-02-07 17:30	1,260	231	1,029	Gravity Mainline	Manhole
<u>879405</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2022-02-10 19:20	1,294	1,294	0	Gravity Mainline	Manhole
<u>879423</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2022-01-26 00:00	46,426	2,339	44,270	Gravity Mainline	Gravity Mainline
<u>879529</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-01-23 19:00	333	333	0	Gravity Mainline	Manhole
<u>879913</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-02-18 09:00	996	996	0	Gravity Mainline	Manhole
<u>879916</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-02-17 15:00	119	119	0	Gravity Mainline	Manhole
<u>879984</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-02-20 09:45	71	71	0	Gravity Mainline	Manhole
<u>880098</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2022-03-19 09:30	14,700	446	14,254	Gravity Mainline	Manhole
<u>880422</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-02-02 03:50	10	10	0	Gravity Mainline	Inside Building or Structure;Lateral Clean Out (Private)
<u>880550</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-03-07 19:00	2	0	0	Gravity Mainline	Lateral Clean Out (Private)
<u>880784</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-03-29 20:00	1	1	0	Gravity Mainline	Lateral Clean Out (Private)
<u>881066</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-04-13 20:05	275	275	0	Gravity Mainline	Manhole
<u>881068</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-04-10 15:34	928	928	0	Gravity Mainline	Manhole
<u>881247</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-04-25 05:15	512	512	0	Gravity Mainline	Lateral Clean Out (Public);Manhole
<u>881385</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-05-06 15:30	300	300	0	Gravity Mainline	Manhole

<u>881781</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-06-06 19:44	550	550	0	Gravity Mainline	Manhole
<u>881880</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-06-04 13:15	127	127	0	Gravity Mainline	Manhole
<u>881940</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2022-06-21 09:00	5,550	5,550	0	Gravity Mainline	Lateral Clean Out (Private)
<u>882152</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2022-07-03 17:04	1,180	1,180	0	Gravity Mainline	Manhole
<u>882247</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-06-13 09:22	920	54	0	Gravity Mainline	Manhole
<u>882272</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-06-25 12:05	47	47	0	Gravity Mainline	Lateral Clean Out (Private)
<u>882615</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2022-07-30 04:00	24,314	6,971	17,343	Gravity Mainline	Inside Building or Structure; Manhole
<u>882900</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-07-30 13:30	22	22	0	Gravity Mainline	Manhole
<u>882901</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-07-04 16:53	21	21	0	Gravity Mainline	Manhole
<u>883180</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2022-09-07 08:32	1,700	1,700	0	Gravity Mainline	Manhole
<u>883249</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-08-27 09:00	408	408	0	Gravity Mainline	Manhole
<u>883250</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-08-28 08:00	109	109	0	Gravity Mainline	Manhole
<u>883329</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-09-01 12:28	1	1	0	Gravity Mainline	Lateral Clean Out (Public)

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## California Integrated Water Quality System Project (CIWQS)

## Spill Public Report – Spill Event ID(s) Page

Here is the detail page of your Sanitary Sewer System Spill Report search for selected Regional Board, county, responsible agency, or sanitary sewer system. These results correspond to the following search criteria:

SEARCH CRITERIA: [\[REFINE SEARCH\]](#)

- Region (2)
- Spill Type (Category 1; Category 2; Category 3)
- Agency (Petaluma City PWD)
- Agency (Petaluma City PWD)
- Agency (CCSF - San Francisco Airport)
- Agency (CCSF - San Francisco Airport)
- Agency (Berkeley City of Public Works)
- Agency (Berkeley City of Public Works)
- Agency (Berkeley City of Public Works)
- Agency (West County Wastewater District)
- Agency (West Bay Sd)
- Agency (West Bay Sd)
- Agency (San Jose City)
- Agency (San Jose City)
- Agency (San Jose City)
- Agency (San Jose City)

The table below presents important details from Enrollee-submitted certified spill events, as submitted through individual spill reports, which meet the search criteria selected on the Sanitary Sewer System (SSS) Spill Report Form. If data is not shown for a particular field, it means the Enrollee did not provide the information and was not required to do so. To view the entire spill report, select the corresponding "Spill Event ID".

DRILLDOWN HISTORY: [\[GO BACK TO SUMMARY PAGE\]](#)

REGION: 2

[\[VIEW PRINTER FRIENDLY VERSION\]](#)[\[EXPORT THIS REPORT TO EXCEL\]](#)

Event ID	Region	Responsible Agency	Sewer System	WDID	Spill Category	Spill Start Date	Spill Vol (gal)	Spill Vol Recovered (gal)	Spill Vol Reached Surface Water (gal)	System Failure Location	Spill Appearance Point
<a href="#">883709</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-09-13 06:00	53	53	0	Gravity Mainline	Other sewer system structure
<a href="#">883910</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2022-10-20 17:41	520	159	361	Gravity Mainline	Manhole
<a href="#">884085</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-10-30 09:30	793	793	0	Gravity Mainline	Other sewer system structure
<a href="#">884302</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2022-11-12 11:00	725	31	694	Gravity Mainline	Lateral Clean Out (Private)
<a href="#">884304</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-10-26 16:00	808	808	0	Gravity Mainline	Manhole
<a href="#">884305</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-10-22 12:28	40	40	0	Gravity Mainline	Manhole
<a href="#">884463</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2022-11-23 10:00	8,150	4,737	3,413	Gravity Mainline	Manhole
<a href="#">884796</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-11-11 09:00	430	430	0	Gravity Mainline	Manhole
<a href="#">884802</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-11-19 08:00	21	21	0	Gravity Mainline	Manhole

<u>884803</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-11-18 12:51	35	35	0	Gravity Mainline	Lateral Clean Out (Public)
<u>885050</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2022-12-27 07:00	32,248	5,219	27,029	Gravity Mainline	Lateral Clean Out (Private);Manhole
<u>885314</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-12-07 10:07	313	313	0	Gravity Mainline	Manhole
<u>885393</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2023-01-08 06:30	1,170	23	1,147	Gravity Mainline	Manhole
<u>885396</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-12-16 16:00	18	18	0	Gravity Mainline	Manhole
<u>885397</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-12-17 14:00	540	540	0	Gravity Mainline	Manhole
<u>885584</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2023-01-14 09:00	38,025	0	38,025	Gravity Mainline	Manhole
<u>885589</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2023-01-14 09:00	5,800	0	5,800	Gravity Mainline	Manhole
<u>885992</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2023-02-06 08:45	1,878	1,878	0	Gravity Mainline	Manhole
<u>886160</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2023-02-11 09:32	4,950	367	4,583	Gravity Mainline	Manhole
<u>886965</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2023-03-03 18:15	1,797	1,797	0	Gravity Mainline	Manhole
<u>886989</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2023-03-03 18:00	34,427	1,667	32,760	Gravity Mainline	Inside Building or Structure;Lateral Clean Out (Private)
<u>887076</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2023-03-10 09:00	2,475	47	2,428	Gravity Mainline	Manhole
<u>887414</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2023-03-23 18:00	12,960	10	0	Gravity Mainline	Manhole
<u>887747</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2023-03-07 12:06	89	89	0	Gravity Mainline	Manhole
<u>887748</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2023-03-20 08:00	118	118	0	Gravity Mainline	Manhole
<u>887752</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2023-02-07 15:50	39	39	0	Gravity Mainline	Manhole
<u>888200</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2023-05-05 07:27	2,619	180	2,439	Gravity Mainline	Manhole
<u>888509</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2023-04-10 07:44	58	58	0	Gravity Mainline	Lateral Clean Out (Private)
<u>888510</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2023-04-03 07:00	119	119	0	Gravity Mainline	Manhole
<u>888511</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2023-04-03 07:00	119	119	0	Gravity Mainline	Manhole
<u>888705</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1 Spill	2023-06-05 20:35	240	187	53	Gravity Mainline	Lateral Clean Out (Private)
<u>889162</u>	2	San Jose City	San Jose City CS	2SSO10179	Monthly Category 3 Spill	2023-06-07 20:00	95	95		Gravity Mainline	Manhole
<u>889411</u>	2	San Jose City	San Jose City CS	2SSO10179	Monthly Category 3 Spill	2023-05-04 15:00	97	97		Gravity Mainline	Lower Lateral (Private)
<u>890102</u>	2	San Jose City	San Jose City CS	2SSO10179	Monthly Category 3 Spill	2023-07-19 07:30	62	62		Gravity Mainline	Manhole
<u>890215</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1 Spill	2023-09-02 11:00	4,750	23	4,727	Manhole	Manhole



<u>890301</u>	2	San Jose City	San Jose City CS	2SSO10179	Monthly Category 3 Spill	2023-08-07 06:00	916	916		Gravity Mainline	Other (specify below)
<u>890926</u>	2	San Jose City	San Jose City CS	2SSO10179	Monthly Category 3 Spill	2023-09-28 22:00	81	81		Gravity Mainline	Lateral Clean Out (Private)
<u>890930</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1 Spill	2023-10-18 06:00	6,473	2,524	3,949	Gravity Mainline	Manhole
<u>891098</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 2 Spill	2023-09-10 19:30	2,618	1,621		Gravity Mainline	Lateral Clean Out (Private)
<u>891324</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1 Spill	2023-11-19 12:00	1,725	0	1,750	Force Main	Force Main
<u>891332</u>	2	San Jose City	San Jose City CS	2SSO10179	Monthly Category 3 Spill	2023-10-20 14:00	68	68		Portable pump damaged hose	Other Sewer System Structure
<u>891494</u>	2	San Jose City	San Jose City CS	2SSO10179	Monthly Category 3 Spill	2023-11-18 23:00	117	0		Gravity Mainline	Other (specify below)
<u>891690</u>	2	San Jose City	San Jose City CS	2SSO10179	Monthly Category 3 Spill	2023-11-14 11:29	195	195		Gravity Mainline	Manhole
<u>891691</u>	2	San Jose City	San Jose City CS	2SSO10179	Monthly Category 3 Spill	2023-11-25 11:45	71	71		Siphon	Lateral Clean Out (Private), Manhole
<u>892159</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1 Spill	2024-01-13 17:00	22,823	358	22,465	Gravity Mainline	Manhole

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**Retail**



95113

**RDC 99**

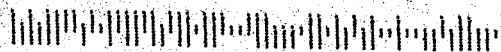
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MAR 11, 2024

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Nora Frimann – City Attorney  
Office of the City Attorney  
200 E. Santa Clara St. 16<sup>th</sup> Fl.  
San Jose, CA 95113-1905



Law Office of Jack Silver  
708 Gravenstein Hwy No. #407  
Sebastopol, CA 95472-2808

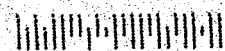
**Retail**



**RDC 99**

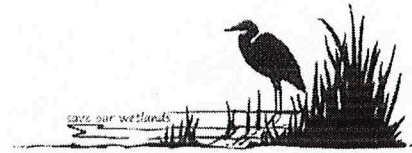
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Nora Frimann – City Attorney  
Office of the City Attorney  
200 E. Santa Clara St. 16<sup>th</sup> Fl.  
San Jose, CA 95113-1905



# Law Office of Jack Silver

708 Gravenstein Hwy. North, # 407, Sebastopol, CA 95472-2808  
Phone 707-528-8175 Email: JSilverEnvironmental@gmail.com



***Via Certified Mail –  
Return Receipt Requested***

May 7, 2024

Jennifer Maguire, City Manager  
Members of the City Council  
City of San José  
200 East Santa Clara St.  
San José, CA 95113-1905

Kerrie Romanow, Director  
Head of Agency  
Environmental Services Dept.  
San José-Santa Clara Water Pollution Control Plant  
Administrative Offices  
700 Los Esteros Road  
San José, CA 95134-1001

**Re: Supplemental Notice of Violations and Intent to File Suit Under the Federal Water Pollution Control Act (Clean Water Act)**

Dear Ms. Maguire, Ms. Romanow, Head of Agency, and City Council Members:

## **STATUTORY NOTICE**

This Supplemental Notice is provided on behalf of California River Watch ("River Watch") with regard to violations of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. § 1251 *et seq.*, that River Watch alleges are occurring through the ownership and operation of the San José-Santa Clara Water Pollution Control Plant ("Facility") and associated sewer collection system. California River Watch provided an initial Notice to the City of San José ("City") on March 11, 2024.

River Watch hereby places the City, as owner and operator of the Facility and associated sewer collection system, on notice that following the expiration of sixty (60) days from the date of this Supplemental Notice, River Watch will be entitled under CWA § 505(a), 33 U.S.C. § 1365(a), to bring suit in the U.S. District Court against the City for continuing violations of an effluent standard or limitation pursuant to CWA § 301(a), 33 U.S.C. § 1311(a), and the San Francisco Bay Regional Water Quality Control Board ("RWQCB-SF"), Water Quality Control Plan ("Basin Plan"), as the result of violations of the City's National Pollution Discharge Elimination System ("NPDES") Permit.



The CWA regulates the discharge of pollutants into navigable waters. The statute is structured in such a way that all discharges of pollutants are prohibited with the exception of enumerated statutory provisions. One such exception authorizes the City, which has been issued a permit pursuant to CWA § 402, 33 U.S.C. § 1342, to discharge designated pollutants at certain levels subject to certain conditions. The effluent discharge standards or limitations specified in an NPDES permit define the scope of the authorized exception to the CWA § 301(a), 33 U.S.C. § 1311(a) prohibition such that violation of a permit limit places a discharger in violation of the CWA. River Watch alleges the City is in violation of the CWA by violating the terms of its NPDES permit.

The CWA provides that authority to administer the NPDES permitting system in any given state or region can be delegated by the Environmental Protection Agency (“EPA”) to a state or to a regional regulatory agency provided that the applicable state or regional regulatory scheme under which the local agency operates satisfies certain criteria (*see* 33 U.S.C. § 1342(b)). In California, the EPA has granted authorization to a state regulatory apparatus comprised of the State Water Resources Control Board (“SWRCB”) and several subsidiary regional water quality control boards to issue NPDES permits. The entity responsible for issuing NPDES permits and otherwise regulating the City’s operations in the region at issue in this Supplemental Notice is the RWQCB-SF.

While delegating authority to administer the NPDES permitting system, the CWA provides that enforcement of the statute’s permitting requirements relating to effluent standards or limitations imposed by the Regional Boards can be ensured by private parties acting under the citizen suit provision of the statute (*see* CWA § 505, 33 U.S.C. § 1365). River Watch is exercising such citizen enforcement to enforce the City’s compliance with the CWA.

## **NOTICE REQUIREMENTS**

The CWA requires that any Notice regarding an alleged violation of an effluent standard or limitation, or of an order with respect thereto, shall include sufficient information to permit the recipient to identify the following:

### **1. Standard, Limitation, or Order Alleged to Have Been Violated**

The order which is the subject of this Supplemental Notice is NPDES No. CA0037842 (“NPDES Permit”). River Watch has identified specific violations of the NPDES Permit including violations of receiving water limitations and raw sewage discharges in addition to failure by the City to either comply with or provide evidence that it has complied with all the terms of its NPDES Permit.

### **2. Activity Alleged to Constitute a Violation**

River Watch contends the City has violated the Act as described in this Supplemental Notice. River Watch contends these violations are continuing or have a likelihood of occurring in the future.

#### A. Violations of Receiving Water Limitations and Impacts to Beneficial Uses

The City, in exceeding the Receiving Water Limitations specified in NPDES Permit Section V, caused prohibited pollution by unreasonably affecting the beneficial uses of these waters. In order to protect these beneficial uses, the City is required by its NPDES Permit to ensure that discharges shall not cause the listed limitations to be exceeded. River Watch finds insufficient information in the public record demonstrating the City has monitored for and complied with these receiving water standards.

#### B. Sanitary Sewer Overflows, Inadequate Reporting of Discharges, Failure to Warn, Failure to Mitigate Impacts, Sewer Collection System Subsurface Discharges

River Watch is understandably concerned as to the effects of both surface and underground Sanitary Sewer Overflows on critical habitat in and around the diverse and sensitive ecosystem of the Facility. The NPDES Permit lists the beneficial uses of Artesian Slough, a water of the United States, to include preservation of rare and endangered species, warm freshwater habitat, wildlife habitat, water contact recreation and non-contact water recreation.

##### 1. Sanitary Sewer Overflows (“SSOs”)

SSOs, in which untreated sewage is discharged above ground from the sewer collection system prior to reaching the Facility, are alleged to have occurred both on the dates identified in California Integrated Water Quality System (“CIWQS”) Interactive Public SSO Reports and on the dates when no reports were submitted to CIWQS by the City, all in violation of the CWA.

Numerous causes for SSOs include storm water inflow and/or groundwater infiltration (I/I), defects in sewer lines, root intrusion, and blockages due to grease and rags. Currently, the City’s sewer collection system has insufficient capacity to handle peak wet weather flows. During heavy storms, the system becomes surcharged and untreated sewage overflows at various locations eventually draining to Lower Silver Creek, Upper Silver Creek, Guadalupe River, Calabazas Creek, Sierra Creek, South Babb Creek, Berryessa Creek, Thompson Creek, San Thomas Aquino Creek, Golf Creek, Alamitos Creek, Greystone Creek, Miguelita Creek, Los Gatos Creek, Coyote Creek, Ross Creek, and Penitencia Creek – all waters of the United States. These SSOs impact the water quality and beneficial uses of these waters. Possible adverse effects on water quality and beneficial uses as a result of SSOs include the following:

- a. Adverse impacts to fish and aquatic biota caused by bio-solids deposition, oil and grease, and toxic pollutants common in sewage (such as heavy metals, pesticides, personal care products, and pharmaceuticals).
- b. Creation of a localized toxic environment in the water column as the result of the discharge of oxygen-demanding pollutants that lower dissolved oxygen, and elevated ammonia concentration which is a fish toxicant.
- c. Impairment of water contact recreation and non-contact water recreation and harm to fish and wildlife as a result of elevated bacteria levels including pathogens.



A review of the City's CIWQS Spill Public Report – Summary Page (Attachment A) identifies **1,752 SSOs**, resulting in **1,902,146** gallons of raw sewage discharged into the environment. Of the total volume, the City acknowledges at least **1,053,667** gallons, or **55%** of the total, reached a surface water. Of the 1,902,146 gallons of sewage spilled, the City reported only 805,628 gallons as recovered, allowing the remaining sewage to be discharged into the environment posing both a nuisance pursuant to Calif. Water Code § 13050(m), and an imminent and substantial endangerment to public health and the environment.

The City's CIWQS SSO Spill Public Report – Spill Event ID(s) Page (Attachment B) specifically identifies recent SSOs reported as having reached a water of the United States. Of significant concern is the spill volume in a number of the most recent reported events:

- January 13, 2024 - (Event ID# 892159) – an SSO estimated at 22,823 gallons occurred at 3398 Mt. Madonna Drive in San José (Coordinates 37.349678 -121.802127). The spill cause is listed as 'blockage in the downstream mainline pipe.' Of the total 22,823 gallons, 22,465 gallons are reported as having reached Lower Silver Creek.
- October 18, 2023 - (Event ID# 890930) – an SSO estimated at 6,473 gallons occurred at Flanders Drive and Piedmont Road in San José (Coordinates 37.39363693 -121.845773). The cause of the spill was reported as 'Fats, Oil and Grease (FOG).' Of the total 6,473 gallons, 3,949 gallons were reported as reaching Sierra Creek.
- March 03, 2023 – (Event ID# 886989) – an SSO estimated at 34,427 gallons occurred at 1395 Saratoga Avenue in San José (Coordinates 37.2987121 -121.9845365.) The cause of the spill was reported as 'Root Intrusion.' Of the total 34,427 gallons, 32,760 gallons were reported as having reached San Thomas Aquino Creek.

## 2. Inadequate Reporting of Discharges

Full and complete reporting of SSOs is essential to gauging their impact on public health and the environment. The City's SSO Reports, which should reveal critical details about each SSO, lack responses to specific questions that would identify the causes and the potential repairs ensuring these violations would not recur. In addition, River Watch's expert believes many of the SSOs reported by the City as partially reaching a surface water did so in greater volume than stated. River Watch's expert also believes that a careful reading of the time when the City received notification of an SSO, the time of its response, and the time at which the SSO ended, too often appear as unlikely estimations. For example:

- January 26, 2022 (Event ID# 879423) – The estimated spill start time is reported as 12:00 a.m. The agency notification time is reported as 8:00 a.m. The operator arrival time reported as just half an hour later, at 8:30 a.m. The spill end time is reported as 12:00 p.m. The total estimated spill volume of the spill was 46,426 gallons, 44,270 gallons of which reached Coyote Creek.
- November 23, 2021 – (Event ID # 879345) – The estimated spill start is reported as 12:00 a.m. The agency notification time and operator arrival are both reported as 9:05 a.m. The estimated spill end time is 9:34 a.m. The estimated spill volume is reported as 336,410 gallons, 336,386 gallons of which reached Guadalupe River.

Given the unlikely accuracy of the times and intervals provided in these reports, it is difficult to consider the stated volumes as accurate. With inaccuracies in reporting the notification time, operator arrival, and the spill end time, there is a risk that the duration and volume of a spill will be underestimated.

### 3. Failure to Warn

River Watch contends the City is understating the significance of the impacts of its SSOs by failing to post health warning signs for discharges reaching a surface water. For example, despite the obvious risk to health, no warnings signs were posted to alert the public of the spills detailed in the following spill events: Event ID#s: 892159, 891324, 890930, 890215, 888705, 888200, 887076, 886160, 885589, 885584, 885393, 885050, 884463, 884302, 883910, 882615, 880098, 879371, 878759, 878295, 878115, 878027, 877221, 876308, 874464, 872784, 872117, 872067, 871504, 870308, 868063, 867790, 866842, 865731, 864658, 864048, 862871, 861765, 860661, 859272, 857082, 856931, 856929.

### 4. Failure to Mitigate Impacts

NPDES Permit, Attachment D. Standard Provisions, Section 1, Standard Provisions - Permit Compliance, Sub-section 1.C., Duty to Mitigate, states: “*The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. (40 C.F.R. § 122.41(d).)*” River Watch contends the City is failing to adequately mitigate the impacts of its SSOs. In addition to compliance with the requirements of its NPDES Permit, the City is subject to the requirements of the *General Requirements for Sanitary Sewer Systems, Statewide Waste Discharge Requirements*, Order WQ 2022-0103-DWQ (“Statewide WDR”), governing the operation of sanitary sewer systems. The Statewide WDR requires the City to take all feasible steps, and perform necessary remedial actions, following the occurrence of an SSO including limiting the volume of waste discharged, terminating the discharge, and recovering as much of the wastewater as possible. Further remedial actions include intercepting and re-routing of wastewater flows, vacuum truck recovery of the SSO, cleanup of debris at the site, and modification of the collection system to prevent further SSOs at the site.

A critical remedial measure is the performance of adequate sampling to determine the nature and the impact of the release. As the City is underestimating SSOs which reach surface waters, River Watch contends the sampling on most SSOs is inadequate. For example, no samples were taken on the SSOs identified in the following Event ID#s: 892159, 891324, 890930, 890215, 888705, 888200, 887076, 886989, 886160, 885589, 885584, 885393, 885050, 884463, 884302, 883910, 882615, 879423, 879371, 879345, 878759, 878295, 878115, 878027, 877221, 876308, 875771, 874464, 872117, 872067, 871504, 870308, 868063, 868015, 867790, 866842, 865731, 864658, 864048, 862871, 861765, 859272, 857082, 856931, 856929.

The EPA’s *Report to Congress on the Impacts and Control of CSOs and SSOs* (EPA 833-R-04-001) identifies SSOs as a major source of microbial pathogens and oxygen depleting substances. River Watch finds no record indicating the City has performed any analysis of the impact of its SSOs on aquatic or wildlife habitat, nor any evaluation of the measures needed to restore water bodies designated as habitat from the impacts of SSOs.



## **5. Sewer Collection System Subsurface Discharges**

It is a well-established fact that exfiltration caused by pipeline cracks and other structural defects in a sewer collection system result in discharges to adjacent surface waters via underground hydrological connections.

River Watch is concerned by the absence in the public record of reports by the City confirming that no untreated sewage is discharged from cracks, displaced joints, eroded segments, etc., in the City's sewer collection system into Lower Silver Creek, Upper Silver Creek, Guadalupe River, Calabazas Creek, Sierra Creek, South Babb Creek, Berryessa Creek, Thompson Creek, San Thomas Aquino Creek, Golf Creek, Alamitos Creek, Greystone Creek, Miguelita Creek, Los Gatos Creek, Coyote Creek, Ross Creek, and Penitencia Creek, all waters of the United States.

Surface waters become contaminated with pollutants including human pathogens. Chronic failures in the sewer collection system pose a substantial threat to public health. Studies tracing human markers specific to the human digestive system in surface waters adjacent to defective sewer lines in other systems have verified the contamination of the adjacent waters with untreated sewage.

Evidence of exfiltration can also be supported by reviewing mass balance data, I/I data, video inspection, as well as tests of waterways adjacent to sewer lines for nutrients, human pathogens, and other human markers such as caffeine. Any exfiltration found is a violation of the NPDES Permit and therefore a violation of the CWA.

## **3. The Person or Persons Responsible for the Alleged Violation**

The entity responsible for the alleged violations identified in this Supplemental Notice is the City of San José and those of its employees responsible for compliance with the CWA and with any applicable state and federal regulations and permits.

## **4. The Location of the Alleged Violation**

The locations of the various violations alleged in this Supplemental Notice are identified in records created and/or maintained by or for the City which relate to the Facility and associated sewer collection system, as further described in this Supplemental Notice.

## **5. Range of Dates During Which the Alleged Activity Occurred**

The range of dates covered by this Supplemental Notice is March 11, 2019, to the present. This Supplemental Notice also includes all violations of the CWA by the City which occur after the range of dates covered by this Supplemental d up to and including the time of trial. Some violations are continuous, and therefore each day constitutes a violation.

## **6. Name, Address, and Telephone Number of the Person Giving Notice**

The entity giving notice is California River Watch, referred to throughout this notice as "River Watch," an Internal Revenue Code § 501(c)(3) nonprofit, public benefit corporation duly organized under the laws of the State of California. Its headquarters and main office are located

in Sebastopol. Its mailing address is 290 South Main Street, #817, Sebastopol, CA 95472. River Watch is dedicated to protecting, enhancing, and helping to restore surface waters and ground waters of California including coastal waters, rivers, creeks, streams, wetlands, vernal pools, aquifers and associated environs, biota, flora and fauna, and educating the public concerning environmental issues associated with these environs.

River Watch may be contacted via email at [US@criverwatch.org](mailto:US@criverwatch.org), or through its attorneys. River Watch has retained legal counsel with respect to the issues raised in this Supplemental Notice. All communications should be directed to the following counsel:

Jack Silver, Esq.  
Law Office of Jack Silver  
708 Gravenstein Hwy. North, #407  
Sebastopol, CA 95472  
Tel. (707) 528-8175  
Email: [jsilverenvironmental@gmail.com](mailto:jsilverenvironmental@gmail.com)

David Weinsoff, Esq.  
Law Office of David J. Weinsoff  
138 Ridgeway Avenue  
Fairfax, CA 94930  
Tel. (415) 460-9760  
Email: [david@weinsofflaw.com](mailto:david@weinsofflaw.com)

## **RECOMMENDED REMEDIAL MEASURES**

River Watch looks forward to meeting with the City's staff to tailor remedial measures to the specific operation of the Facility and associated sewer collection system. In advance of that conversation, River Watch identifies the following general remedial categories that will advance compliance with the CWA and the Basin Plan, and help economize the time and effort the parties need to resolve their concerns:

1. A full condition assessment of the sewer collection system including setting timelines for repairing or replacing significantly defective assets such as sewer lines, maintenance holes and pump/lift stations.
2. Mitigating the effects of SSOs.
3. Adequate public and worker safety, including protocols to minimize exposure to infectious vectors.
4. Elimination of the use of chemical root control.
5. Consideration of a Supplemental Environmental Project in lieu of penalties.
6. Consistent with Article X, Section 2 of the California Constitution and California Water Code Section 100 which prevents the waste or unreasonable use of water, implementation of programs and projects providing for the recycling and /or reuse of treated wastewater discharged from the Facility.

## **CONCLUSION**

The violations set forth in this Supplemental Notice affect the health and enjoyment of members of River Watch who reside and recreate in the affected community and may use the affected watershed for recreation, fishing, hiking, photography or nature walks. Their health, use and enjoyment of this natural resource is specifically impaired by the alleged violations of the



CWA as set forth in this Supplemental Notice.

CWA §§ 505(a)(1) and 505(f) provide for citizen enforcement actions against any “person,” including a governmental instrumentality or agency, for violations of NPDES permit requirements and for un-permitted discharges of pollutants. 33 U.S.C. §§ 1365(a)(1) and (f), 33 U.S.C. § 1362(5). An action for injunctive relief under the CWA is authorized by 33 U.S.C. § 1365(a). Violators of the Act are also subject to an assessment of civil penalties of up to \$66,712.00 per day/per violation for all violations pursuant to Sections 309(d) and 505 of the Act, 33 U.S.C. §§ 1319(d), 1365. See also 40 C.F.R. §§ 19.1 – 19.4. River Watch believes this Supplemental Notice sufficiently states grounds for filing suit in federal court under the “citizen suit” provisions of CWA to obtain the relief provided for under the law.

The CWA specifically provides a **60-day** notice period to promote resolution of disputes. River Watch strongly encourages the City to contact counsel for River Watch within **20 days** after receipt of this Supplemental Notice to initiate a discussion regarding the allegations detailed herein. In the absence of productive discussions to resolve this dispute, River Watch will have cause to file a citizen's suit under CWA § 505(a) when the 60-day notice period ends.

Very truly yours,



Jack Silver

JS

Attachments

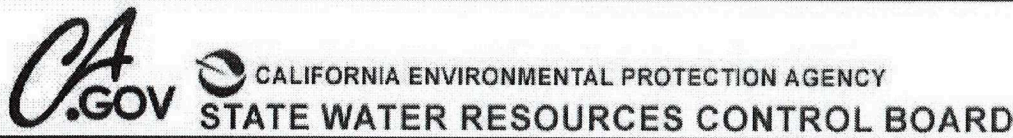
#### Service List

Michael Regan – Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Mail Code 1101A  
Washington, DC 20460

Martha Guzman – Regional Administrator  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne St.  
San Francisco, CA 94105

Eileen Sobek – Executive Director  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

✓ Colleen Winchester – Sr. Deputy City Attorney  
Office of the City Attorney  
200 E. Santa Clara St. 16<sup>th</sup> Fl.  
San José, CA 95113-1905



California Integrated Water Quality System Project (CIWQS)

Spill Public Report – Summary Page

The information on this summary page is the result of your search. These results correspond to the following search criteria:

SEARCH CRITERIA: [\[REFINE SEARCH\]](#)

- Agency (san jose)
- Spill Type (Category 1; Category 2; Category 3)

The information in this table does not include Category 4 spills, as defined in the Statewide Sanitary Sewer Systems General Order 2022-0103-DWQ ( [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2022/wqo\\_2022-0103-dwq.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo_2022-0103-dwq.pdf) ).

More information about the Spill Public Report is found at the bottom of this page.

[\[VIEW PRINTER FRIENDLY VERSION\]](#)

[\[EXPORT THIS REPORT TO EXCEL\]](#)

Region	Responsible Agency	Sanitary Sewer System	WDID	Total Number of Spills	Total Volume of Spills (gal)	Total Volume Recovered (gal)	Total Volume Reached Surface Water (gal)	Percent Recovered (%)	Percent Reached Surface Water (%)	Miles of Pressure Sewer	Miles of Gravity Sewer	Miles of Laterals	Number of Pump Stations
2	San Jose City	San Jose City CS	2SSO10179	<u>1752</u>	1,902,146	805,628	1,053,667	42	55	11.0	2,029.0	1.0	17
				<b>1,752</b>	<b>1,902,146</b>	<b>805,628</b>	<b>1,053,667</b>			<b>11.0</b>	<b>2,029.0</b>	<b>1.0</b>	<b>17.0</b>

When assessing the performance of sanitary sewer systems regulated under the Statewide Sanitary Sewer Systems General Order, it is important to review spill reports in detail. There may be multiple individual spill event IDs that share the same location.

The search results on this summary page present summary data from individual spill reports submitted in the online CIWQS Sanitary Sewer System Database, meeting the search criteria selected. To determine if spill reports relate to a common failure point within the sanitary sewer system, the spill reports should be reviewed in detail by selecting a number under the "Total Number of Spills" column, corresponding to a specific sanitary sewer system.

The "Responsible Agency", or Enrollee, listed on a spill report is responsible for the spill described and should be contacted directly for questions related to that incident.

The current report was generated with real-time data entered by Enrollees.

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## ATTACHMENT B

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

## California Integrated Water Quality System Project (CIWQS)

## Spill Public Report – Spill Event ID(s) Page

Here is the detail page of your Sanitary Sewer System Spill Report search for selected Regional Board, county, responsible agency, or sanitary sewer system. These results correspond to the following search criteria:

SEARCH CRITERIA: [\[REFINE SEARCH\]](#)

- Agency (san jose)
- Spill Type (Category 1; Category 2; Category 3)
- Agency (San Jose City)
- Agency (San Jose City)
- Agency (San Jose City)
- Agency (San Jose City)
- Agency (San Jose City)
- Agency (San Jose City)
- Agency (San Jose City)

The table below presents important details from Enrollee-submitted certified spill events, as submitted through individual spill reports, which meet the search criteria selected on the Sanitary Sewer System (SSS) Spill Report Form. If data is not shown for a particular field, it means the Enrollee did not provide the information and was not required to do so. To view the entire spill report, select the corresponding "Spill Event ID".

DRILLDOWN HISTORY: [\[GO BACK TO SUMMARY PAGE\]](#)

REGION: 2

[\[VIEW PRINTER FRIENDLY VERSION\]](#)[\[EXPORT THIS REPORT TO EXCEL\]](#)

Event ID	Region	Responsible Agency	Sewer System	WDID	Spill Category	Spill Start Date	Spill Vol (gal)	Spill Vol Recovered (gal)	Spill Vol Reached Surface Water (gal)	System Failure Location	Spill Appearance Point
<a href="#">874058</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-04-22 07:42	569	569	0	Gravity Mainline	Lateral Clean Out (Private)
<a href="#">874464</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2021-06-01 09:00	4,597	4,146	451	Gravity Mainline	Inside Building or Structure; Lateral Clean Out (Private)
<a href="#">874539</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-05-29 18:05	237	237	0	Gravity Mainline	Manhole
<a href="#">874818</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2021-06-17 07:11	2,220	2,220	0	Gravity Mainline	Manhole
<a href="#">875049</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-06-06 10:47	45	45	0	Gravity Mainline	Manhole
<a href="#">875065</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-06-14 06:00	90	5	0	Gravity Mainline	Manhole
<a href="#">875066</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-06-16 14:30	84	84	0	Gravity Mainline	Manhole
<a href="#">875390</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2021-07-20 12:00	6,103	6,103	0	Gravity Mainline	Inside Building or Structure; Lateral Clean Out (Private)
<a href="#">875626</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-07-17 10:00	152	0	0	Gravity Mainline	Manhole
<a href="#">875771</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2021-08-03 08:00	64,920	18,112	46,808	Holding water entered storm line through a void and a break in the storm line	Lower Lateral (Private)



<u>876308</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2021-09-08 09:00	1,217	1,053	725	Gravity Mainline	Lateral Clean Out (Private)
<u>876425</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-08-24 07:00	421	421	0	Gravity Mainline	Lateral Clean Out (Private);Manhole
<u>877221</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2021-10-25 13:00	1,250	144	1,106	Gravity Mainline	Manhole
<u>877634</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-10-28 17:45	495	495	0	Gravity Mainline	Manhole
<u>877967</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2021-11-10 12:30	258	243	0	Gravity Mainline	Inside Building or Structure
<u>878027</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2021-12-06 08:00	6,360	4,615	1,745	Gravity Mainline	Manhole
<u>878115</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2021-12-11 11:45	175	85	90	Gravity Mainline	Manhole
<u>878295</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2021-12-22 22:56	1,386	0	1,386	Gravity Mainline	Manhole
<u>878757</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2022-01-09 14:50	1,675	1,675	0	Gravity Mainline	Manhole
<u>878759</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2022-01-09 19:50	4,900	1,350	3,550	Gravity Mainline	Manhole
<u>879268</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-01-08 15:50	228	228	0	Gravity Mainline	Manhole
<u>879345</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2021-11-23 00:00	336,410	0	336,386	Siphon	Gravity Mainline
<u>879371</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2022-02-07 17:30	1,260	231	1,029	Gravity Mainline	Manhole
<u>879405</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2022-02-10 19:20	1,294	1,294	0	Gravity Mainline	Manhole
<u>879423</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2022-01-26 00:00	46,426	2,339	44,270	Gravity Mainline	Gravity Mainline
<u>879529</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-01-23 19:00	333	333	0	Gravity Mainline	Manhole
<u>879913</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-02-18 09:00	996	996	0	Gravity Mainline	Manhole
<u>879916</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-02-17 15:00	119	119	0	Gravity Mainline	Manhole
<u>879984</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-02-20 09:45	71	71	0	Gravity Mainline	Manhole
<u>880098</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2022-03-19 09:30	14,700	446	14,254	Gravity Mainline	Manhole
<u>880422</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-02-02 03:50	10	10	0	Gravity Mainline	Inside Building or Structure;Lateral Clean Out (Private)
<u>880550</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-03-07 19:00	2	0	0	Gravity Mainline	Lateral Clean Out (Private)
<u>880784</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-03-29 20:00	1	1	0	Gravity Mainline	Lateral Clean Out (Private)
<u>881066</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-04-13 20:05	275	275	0	Gravity Mainline	Manhole
<u>881068</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-04-10 15:34	928	928	0	Gravity Mainline	Manhole
<u>881247</u>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-04-25 05:15	512	512	0	Gravity Mainline	Lateral Clean Out (Public);Manhole

<a href="#">881385</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-05-06 15:30	300	300	0	Gravity Mainline	Manhole
<a href="#">881781</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-06-06 19:44	550	550	0	Gravity Mainline	Manhole
<a href="#">881880</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-06-04 13:15	127	127	0	Gravity Mainline	Manhole
<a href="#">881940</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2022-06-21 09:00	5,550	5,550	0	Gravity Mainline	Lateral Clean Out (Private)
<a href="#">882152</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2022-07-03 17:04	1,180	1,180	0	Gravity Mainline	Manhole
<a href="#">882247</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-06-13 09:22	920	54	0	Gravity Mainline	Manhole
<a href="#">882272</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-06-25 12:05	47	47	0	Gravity Mainline	Lateral Clean Out (Private)
<a href="#">882615</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2022-07-30 04:00	24,314	6,971	17,343	Gravity Mainline	Inside Building or Structure;Manhole
<a href="#">882900</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-07-30 13:30	22	22	0	Gravity Mainline	Manhole
<a href="#">882901</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-07-04 16:53	21	21	0	Gravity Mainline	Manhole
<a href="#">883180</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2022-09-07 08:32	1,700	1,700	0	Gravity Mainline	Manhole
<a href="#">883249</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-08-27 09:00	408	408	0	Gravity Mainline	Manhole
<a href="#">883250</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-08-28 08:00	109	109	0	Gravity Mainline	Manhole
<a href="#">883329</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-09-01 12:28	1	1	0	Gravity Mainline	Lateral Clean Out (Public)
<a href="#">883709</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-09-13 06:00	53	53	0	Gravity Mainline	Other sewer system structure
<a href="#">883910</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2022-10-20 17:41	520	159	361	Gravity Mainline	Manhole
<a href="#">884085</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-10-30 09:30	793	793	0	Gravity Mainline	Other sewer system structure
<a href="#">884302</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2022-11-12 11:00	725	31	694	Gravity Mainline	Lateral Clean Out (Private)
<a href="#">884304</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-10-26 16:00	808	808	0	Gravity Mainline	Manhole
<a href="#">884305</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-10-22 12:28	40	40	0	Gravity Mainline	Manhole
<a href="#">884463</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2022-11-23 10:00	8,150	4,737	3,413	Gravity Mainline	Manhole
<a href="#">884796</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-11-11 09:00	430	430	0	Gravity Mainline	Manhole
<a href="#">884802</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-11-19 08:00	21	21	0	Gravity Mainline	Manhole
<a href="#">884803</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-11-18 12:51	35	35	0	Gravity Mainline	Lateral Clean Out (Public)
<a href="#">885050</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2022-12-27 07:00	32,248	5,219	27,029	Gravity Mainline	Lateral Clean Out (Private);Manhole
<a href="#">885314</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-12-07 10:07	313	313	0	Gravity Mainline	Manhole

<a href="#">885393</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2023-01-08 06:30	1,170	23	1,147	Gravity Mainline	Manhole
<a href="#">885396</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-12-16 16:00	18	18	0	Gravity Mainline	Manhole
<a href="#">885397</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2022-12-17 14:00	540	540	0	Gravity Mainline	Manhole
<a href="#">885584</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2023-01-14 09:00	38,025	0	38,025	Gravity Mainline	Manhole
<a href="#">885589</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2023-01-14 09:00	5,800	0	5,800	Gravity Mainline	Manhole
<a href="#">885992</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2023-02-06 08:45	1,878	1,878	0	Gravity Mainline	Manhole
<a href="#">886160</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2023-02-11 09:32	4,950	367	4,583	Gravity Mainline	Manhole
<a href="#">886965</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2023-03-03 18:15	1,797	1,797	0	Gravity Mainline	Manhole
<a href="#">886989</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2023-03-03 18:00	34,427	1,667	32,760	Gravity Mainline	Inside Building or Structure; Lateral Clean Out (Private)
<a href="#">887076</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2023-03-10 09:00	2,475	47	2,428	Gravity Mainline	Manhole
<a href="#">887414</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 2	2023-03-23 18:00	12,960	10	0	Gravity Mainline	Manhole
<a href="#">887747</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2023-03-07 12:06	89	89	0	Gravity Mainline	Manhole
<a href="#">887748</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2023-03-20 08:00	118	118	0	Gravity Mainline	Manhole

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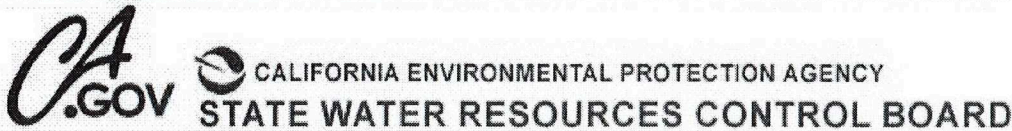
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California Integrated Water Quality System Project (CIWQS)

Spill Public Report – Spill Event ID(s) Page

Here is the detail page of your Sanitary Sewer System Spill Report search for selected Regional Board, county, responsible agency, or sanitary sewer system. These results correspond to the following search criteria:

SEARCH CRITERIA: [REFINE SEARCH]

- Agency (san jose)
- Spill Type (Category 1; Category 2; Category 3)
- Agency (San Jose City)
- Agency (San Jose City)
- Agency (San Jose City)
- Agency (San Jose City)
- Agency (San Jose City)
- Agency (San Jose City)
- Agency (San Jose City)

The table below presents important details from Enrollee-submitted certified spill events, as submitted through individual spill reports, which meet the search criteria selected on the Sanitary Sewer System (SSS) Spill Report Form. If data is not shown for a particular field, it means the Enrollee did not provide the information and was not required to do so. To view the entire spill report, select the corresponding "Spill Event ID".

DRILLDOWN HISTORY: [GO BACK TO SUMMARY PAGE]

REGION: 2

[VIEW PRINTER FRIENDLY VERSION] [EXPORT THIS REPORT TO EXCEL]

Event ID	Region	Responsible Agency	Sewer System	WDID	Spill Category	Spill Start Date	Spill Vol (gal)	Spill Vol Recovered (gal)	Spill Vol Reached Surface Water (gal)	System Failure Location	Spill Appearance Point
<a href="#">887752</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2023-02-07 15:50	39	39	0	Gravity Mainline	Manhole
<a href="#">888200</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1	2023-05-05 07:27	2,619	180	2,439	Gravity Mainline	Manhole
<a href="#">888509</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2023-04-10 07:44	58	58	0	Gravity Mainline	Lateral Clean Out (Private)
<a href="#">888510</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2023-04-03 07:00	119	119	0	Gravity Mainline	Manhole
<a href="#">888511</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 3	2023-04-03 07:00	119	119	0	Gravity Mainline	Manhole
<a href="#">888705</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1 Spill	2023-06-05 20:35	240	187	53	Gravity Mainline	Lateral Clean Out (Private)
<a href="#">889162</a>	2	San Jose City	San Jose City CS	2SSO10179	Monthly Category 3 Spill	2023-06-07 20:00	95	95		Gravity Mainline	Manhole
<a href="#">889411</a>	2	San Jose City	San Jose City CS	2SSO10179	Monthly Category 3 Spill	2023-05-04 15:00	97	97		Gravity Mainline	Lower Lateral (Private)
<a href="#">890102</a>	2	San Jose City	San Jose City CS	2SSO10179	Monthly Category 3 Spill	2023-07-19 07:30	62	62		Gravity Mainline	Manhole
<a href="#">890215</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1 Spill	2023-09-02 11:00	4,750	23	4,727	Manhole	Manhole
<a href="#">890301</a>	2	San Jose City	San Jose City CS	2SSO10179	Monthly Category 3 Spill	2023-08-07 06:00	916	916		Gravity Mainline	Other (specify below)
<a href="#">890926</a>	2	San Jose City	San Jose City CS	2SSO10179	Monthly Category 3 Spill	2023-09-23 22:00	81	81		Gravity Mainline	Lateral Clean Out (Private)
<a href="#">890930</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1 Spill	2023-10-18 06:00	6,473	2,524	3,949	Gravity Mainline	Manhole
<a href="#">891098</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 2 Spill	2023-09-10 19:30	2,618	1,621		Gravity Mainline	Lateral Clean Out (Private)

<a href="#">891324</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1 Spill	2023-11-19 12:00	1,725	0	1,750	Force Main	Force Main
<a href="#">891332</a>	2	San Jose City	San Jose City CS	2SSO10179	Monthly Category 3 Spill	2023-10-20 14:00	68	68		Portable pump damaged hose	Other Sewer System Structure
<a href="#">891494</a>	2	San Jose City	San Jose City CS	2SSO10179	Monthly Category 3 Spill	2023-11-18 23:00	117	0		Gravity Mainline	Other (specify below)
<a href="#">891690</a>	2	San Jose City	San Jose City CS	2SSO10179	Monthly Category 3 Spill	2023-11-14 11:29	195	195		Gravity Mainline	Manhole
<a href="#">891691</a>	2	San Jose City	San Jose City CS	2SSO10179	Monthly Category 3 Spill	2023-11-25 11:45	71	71		Siphon	Lateral Clean Out (Private), Manhole
<a href="#">892159</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1 Spill	2024-01-13 17:00	22,823	358	22,465	Gravity Mainline	Manhole
<a href="#">893575</a>	2	San Jose City	San Jose City CS	2SSO10179	Monthly Category 3 Spill	2024-01-18 20:00	203	149		Siphon	Lateral Clean Out (Private)
<a href="#">894095</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1 Spill	2024-03-17 19:00	258	38	220	Manhole	Manhole
<a href="#">894289</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1 Spill	2024-04-01 09:30	4,290	668	3,622	Gravity Mainline	Manhole
<a href="#">894427</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1 Spill	2024-04-10 06:00	16,094	93	16,001	Gravity Mainline	Manhole
<a href="#">894471</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1 Spill	2024-04-07 06:00	14,159	232	13,927	Gravity Mainline	Other Sewer System Structure
<a href="#">894494</a>	2	San Jose City	San Jose City CS	2SSO10179	Category 1 Spill	2024-04-16 15:30	530	83	447	Gravity Mainline	Manhole
<a href="#">894609</a>	2	San Jose City	San Jose City CS	2SSO10179	Monthly Category 3 Spill	2024-03-30 10:15	186	186		Gravity Mainline	Manhole

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