

MEMORANDUM OF AGREEMENT

BETWEEN THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD AND THE CALIFORNIA WATER ENVIRONMENT ASSOCIATION

TRAINING AND OUTREACH REGARDING REQUIREMENTS SET FORTH IN THE STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS

This Memorandum of Agreement (MOA) memorializes the agreement of the State Water Resources Control Board (State Water Board) and the California Water Environment Association (CWEA) (collectively, Parties) regarding:

- (1) Training of representatives of sanitary sewer system agencies to comply with Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, (SSS WDRs)¹, and
- (2) Outreach to mutual stakeholders for SSS WDR amendments and/or reissuances.

I. RECITALS

- A. Through adoption and enforcement of the SSS WDRs, the State Water Board regulates the management of sewer systems that meet specified criteria, and requires owners and operators to report sanitary sewer overflows (SSOs) through the State Water Board online database referred to as the California Integrated Water Quality System (CIWQS). The owners and operators of these regulated sanitary systems must develop, implement, audit, and update its Sewer System Management Plans (SSMPs) and corresponding Monitoring and Reporting Programs (MRPs).
- B. CWEA began providing training addressing the required SSO reporting and SSMP development per the initial MOA dated October 31, 2006. CWEA local sections and subcommittees provide SSS management training at local and statewide CWEA events. As of January 2018, CWEA representatives, and State and Regional Water Board staff partnered to conduct 71 SSO/SSMP workshops. The workshops have drawn more than 2,464 registrations, providing training to system owners, operators and managers. Over 90 percent of the workshop participants rated the training as "good" or "excellent."
- C. The State Water Board currently requires owners and/or operators of publicly-owned sanitary sewer systems over one mile in length, to obtain regulatory coverage by enrolling in the SSS WDRs. As of January 2018, 1095 sanitary sewer system agencies are enrolled for regulatory coverage under the SSS WDRs. State Water Board staff believes that most, if not all, publicly-owned sanitary sewer system agencies in California have obtained the required coverage.
- D. The State Water Board Office of Enforcement staff, together with Regional Water Quality Control Board staff, has been conducting sanitary sewer system inspections since the 2006 adoption of the SSS WDRs, establishing the statewide SSO Reduction Program. Over 100 inspections have been conducted as of January 2018; the compliance inspections, and subsequent State or Regional Water Board enforcement actions (when necessary) have contributed to increased compliance of reporting and SSMP requirements.
- E. The Parties agree that continued training of sanitary sewer system agency representatives in SSO reporting and SSMP development/implementation has resulted in increased public awareness and reduced raw sewage spills as follows:
 1. Increased successful development and implementation of effective SSMPs and locally-conducted audits within the required time schedule specified in the SSS WDRs.

¹ State Water Resources Control Board Order 2006-0003-DWQ

2. Facilitated collection of consistent, accurate, and timely data using the State Water Board online reporting system – the California Integrated Water Quality System (CIWQS).
 3. Appropriate distribution of local agency resources to address necessary collection system operations, maintenance, and capital improvement needs; and
 4. Reduced number of inquiries to State and Regional Water Board staff from sanitary sewer system agencies regarding interpretation of, and determination of compliance with, the SSS WDRs.
- F. The Parties agree that additional training is needed to ensure continued compliance with existing and future SSS WDRs requirements due to: (1) the fluctuation of expertise and experience of sanitary sewer system agency personnel due to retirements and high personnel turnover rates, (2) new available information from the ongoing implementation and enforcement of the SSS WDRs (e.g., inspections, audits, etc.), and (3) varying conditions due to immediate and long-term climate change impacts. Additional training will also assist in ensuring consistent and fair implementation of the SSS WDRs by the Regional Water Quality Control Boards (Regional Water Boards).
- G. Public awareness and understanding of the causes of SSOs and approaches to address them, including the public's role in contributing to and reducing SSOs, will foster increased compliance and reduced spills.
- H. The Parties agree that sanitary sewer system agencies as a whole, and communities served by these agencies, benefit from the results of electronic reporting of SSOs and the State Water Board's enforcement activities. This is evidenced by the overall reduction in sewer overflows and spill volumes impacting surface waters since the statewide WDRs were initially adopted in 2006.
- I. CWEA offers a voluntary technical certification program that includes certifying the competence of sanitary sewer system maintenance professionals to perform the essential duties of their job safely and effectively. CWEA routinely reviews and updates the training requirements, including knowledge of relevant regulations such as the SSS WDRs. As of September 2017, 3,619 individuals hold a CWEA Collection Systems Maintenance certificate of competency.
- J. CWEA sponsored workshops serve as a vital communication avenue for State and Regional Water Board staff to inform stakeholders of available resources and upcoming Board actions that pertain to the regulation and management of sanitary sewer systems.

II. TRAINING PROGRAM

The Parties agree that the training program is to be designed and implemented using best practices of adult learning to provide participants with the necessary understanding of the following items:

1. Existing SSS WDRs and MRP requirements for compliance purposes, and proposed SSS WDRs for stakeholder participation during proposed reissuances/amendments;
2. The expertise and legal designation needed to for agency representatives to report data into the State Water Board electronic CIWQS reporting system;
3. Appropriate methods of data collection and required reporting;
4. CIWQS database field formatting, required quality of submitted data, and local data management practices;
5. Definitions of regulatory and technical terms, and authorized representative declarations;

6. SSMP and local audit components, including adaptive management and routine updating needs; and
7. Regulatory and system management expectations of Water Board inspectors and auditors.

A. Key Training Program Elements

The Parties agree that the training program shall include the following elements:

1. An overview presentation of: (1) the California Water Code and the State and Regional Water Boards' authority, and (2) key SSS WDRs requirements;
2. Training materials for training event attendees;
3. Hands-on exercises and demonstrations of real time examples to further reinforce training material, as appropriate;
4. An evaluation tool to measure training program effectiveness and information for ongoing program improvement.
5. A feedback mechanism for the State Water Board to answer significant questions raised during training sessions, such as a Question and Answer document and/or online database messaging.
6. At minimum one collaboration meeting annually between CWEA representatives and State Water Board staff to ensure the training program stays current on existing and proposed regulatory changes, or to adjust focus as issues of concern are identified.

B. State Water Board Participation in CWEA-sponsored Events

CWEA recognizes the value of State and Regional Water Board officials and staff speaking at and participating in CWEA education events, the benefit CWEA members and their employers gain through sharing of regulatory knowledge, and the positive working relationships created between regulators, municipalities and stakeholders. To ensure Water Board participation at CWEA educational events remains a high priority, the CWEA Executive Director will annually approve, as feasible, the waiving of conference and/or workshop registration fees for Water Board officials and regulatory staff attending the CWEA Annual Conference and CWEA state-level education workshops. The CWEA Executive Director and a State Water Board staff designee will identify the needed Water Board participation on an annual basis through a separate "Attendance Plan" that does not require an amendment to this MOA with annual changes.

III. ROLES AND RESPONSIBILITIES OF THE PARTIES

A. CWEA agrees to do all of the following:

1. Continue to provide training to representatives of regulated sanitary sewer system agencies and Regional Water Board staff regarding the SSS WDRs including:
 - a. Updated training on SSO reporting and SSMP development/implementation, on as needed basis, at regularly scheduled CWEA conferences and events.
 - b. Focused training sessions, on as needed basis, regarding particular aspects of SSMP development and implementation.
 - c. Posting of Question and Answer documents developed by the State Water Board after stakeholder outreach workshops on the CWEA Library in the same locations where workshop presentations are posted.

2. As resources allow:
 - a. Revise existing training modules and develop new training modules as needed.
 - b. Provide an electronic Listserve email system for sanitary sewer system agencies to share information on problems, solutions, and successes.
 - c. Offer a resource center on the CWEA website that includes examples of SSMPs that sanitary sewer system agencies have developed, sample ordinances, a link to the State Water Board SSO website, etc.
 3. As resources allow, provide outreach to and training to small/disadvantaged communities to assist with compliance, including:
 - a. Training to sanitary sewer system agency personnel.
 - b. Modified training courses that are shorter in duration.
 - c. Web-based training to reduce travel costs.
 - d. Area-specific training through local CWEA section events.
 - e. Collaboration CWEA / State Water Board staff peer assistance.
 4. Provide input to State Water Board staff in their development of indices and metrics for evaluating sanitary sewer system performance.
 5. Continue to review and update sanitary sewer system maintenance certification tests to ensure adequate assessment of an applicant's technical and regulatory knowledge of collection systems and corresponding regulations.
 6. Support the State Water Board permitting outreach efforts for gathering input for WDR updates/reissuances from collection system agencies and other stakeholders.
- B. The State Water Board agrees to do all of the following:**
1. Modify the SSO database as appropriate, subject to resource availability:
 - a. Work with industry experts through the SSO public user group to design and prioritize systematic reports that will answer questions regarding:
 - i. The number and type of SSOs;
 - ii. Spill volume recovered, unrecovered, and reaching surface waters;
 - iii. Common and repetitive causes of SSOs;
 - iv. Effective spill recovery approaches;
 - v. Average number of SSOs per mile of sanitary sewer system;
 - vi. Average gallons of untreated wastewater spilled per mile of sanitary sewer system;
 - vii. Trends over time; and
 - viii. Non-compliant agencies.
 - b. Address concerns and issues that may compromise the goal of accurate and consistent SSO data collection, as needed.
 2. Conduct coordinated discussions with industry experts to identify sanitary sewer system impacts due to climate change and flushable products; Recommend that the State Water Board incorporate requirements to address such impacts in updated WDRs.

3. Recommend that State and Regional Water Board SSO program staff attend at least one workshop for information and training purposes. State and Regional Water Board staff will make all reasonable efforts to attend workshops to support the training effort.
4. Recommend that the Office of Enforcement hold at least one annual session for stakeholders to learn about key findings from recent enforcement activities.
5. Allow the CWEA website to link to the State Water Board website at appropriate points, including the point of public access to SSO reports.
6. Provide courtesy audits per enrollee's request, as State Water Board staff resources permit.
7. Assist in identifying training needs to improve use of the SSO database, and development and implementation of SSO reduction and SSO mitigation/recovery practices.
8. Develop a CIWQS SSO training data system environment and provide CWEA members with a limited number of accounts for access to the training system.
9. Provide assistance to CWEA in its annual conference and specialty collection systems workshops and encourage Regional Water Board participation wherever possible.
10. Work with and meet with CWEA and key industry representatives, as resources allow to help further develop meaningful indices, work products, and awareness tools based on reports and analysis of metrics.
11. Work with and meet with CWEA and key industry representatives to measure and study the effectiveness of the SSS WDRs.
12. Recommend to the Regional Water Boards that SSS WDRs training for small/disadvantaged communities be added to the Regional Water Boards' approved Supplemental Environmental Project (SEP) list, and recommend that Regional Water Board's direct administrative civil liability and mandatory minimum penalties to be directed toward the training when appropriate.
13. Subject to the availability of resources: review training materials and provide timely feedback, provide assistance as needed in interpreting the intent of the SSS WDRs, respond to requests forwarded by moderators from the Listserve; and participate in regular conference calls with the CWEA SSS-WDR Training Task Force.
14. On a quarterly basis, review the list of sanitary sewer system agencies receiving enforcement notices and send a letter regarding availability of training through CWEA.
15. Provide a functional and responsive help desk to receive and respond to inquiries from sanitary sewer system agencies regarding the SSS WDRs.
16. Provide timely feedback to CWEA on the quality of inputs into the online reporting system including guidance and tools for improving these work products.
17. Provide sanitary sewer system agency contact information to CWEA in a timely manner.
18. Provide CWEA with a "pre-inspection checklist" tool to support ongoing compliance, including the development of a web-based tool as resources allow.

IV. OWNERSHIP OF DOCUMENTS

CWEA retains all right, title, and interest in and to the training materials, including derivative work made therefrom, whether or not protectable under U.S. Copyright law, with the exception of a Question and Answer guidance document developed by the State Water Board. CWEA grants a non-exclusive perpetual license to the State Water Board to use the training materials for the sole and exclusive purpose of training State Water Board and Regional Water Board staff.

V. DISCLAIMER OF GUARANTEE

Nothing in this MOA shall be construed as a promise or guarantee by CWEA regarding the interpretation of the training materials, or for the actions in actual data entry or compliance with the SSS WDRs by the participants.

VI. TERM

This MOA will remain effective until the Parties decide to change the terms or terminate the agreement.

VII. AMENDMENTS

This MOA may be amended at any time with the written approval of both Parties.

Date: MAR - 6 2018

STATE WATER RESOURCES CONTROL BOARD


Eileen Sobeck, EXECUTIVE DIRECTOR

Date: 3/15/18

CALIFORNIA WATER ENVIRONMENT ASSOCIATION


Debi Lewis, PRESIDENT