# **Change Sheet #1**

Board meeting agenda Item 10 pertains to the State Water Resources Control Board’s consideration of adoption of the proposed statewide Sanitary Sewer Systems General Order. The proposed Order was issued to the public on October 28, 2022; the proposed revisions below address the following items in the proposed Order:

(1) Correction of inadvertent oversight resulting in factual errors, and

(2) Further clarifications per interested party requests.

The proposed revisions in this Change Sheet are shown below in blue underlined font for additional text, and red strikeout for deleted text.

**Revision #1: Proposed Order Effective Date**

The proposed Order effective date has been revised from 150 days to 180 days after the Order adoption to address the necessary time needed for modifications to the California Integrated Water Quality System (CIWQS) database, and to allow additional time for existing enrollees to prepare their initial Spill Emergency Response Plan updates. A proposed Order effective date of June XX, 2023, has been inserted into the table on the first page of the proposed Order, as follows:

|  |
| --- |
| This Order was adopted by the State Water Resources Control Board on December XX, 2022. |
| This Order shall become effective **~~150~~ 180 days after the Adoption Date of this General Order,** on ~~May~~ June XX, 2023.  The Enrollee shall comply with requirements of this Order upon the Effective Date of this General Order. |
|  |

**Revision #2: Definition of Enrollee**

The definition of Enrollee has been revised in the following sections of the proposed Order, as follows, to address federal agencies’ concern for being regulated differently than private systems given the Clean Water Act sovereign immunity provision specifying that federal government is only subject to regulation by the states to the same extent as any non-governmental entity.

**Section 1. Introduction**

An Enrollee is a public, ~~or~~ private, or other non-governmental entity that has obtained approval for regulatory coverage under this General Order, including:

* A ~~federal or~~ state agency, municipality, special district, or other public entity that owns and/or operates one or more sanitary sewer systems:
  + greater than one (1) mile in length (each individual sanitary sewer system);
  + one (1) mile or less in length where the State Water Board or a Regional Water Board requires regulatory coverage under this Order, or
  + A federal agency, private company or other non-governmental entity that owns and/or operates a sanitary sewer system of any size where the State Water Board or a Regional Water Board requires regulatory coverage under this Order in response to a history of spills, proximity to surface water, or other factors supporting regulatory coverage.

For purpose of this Order, a sanitary sewer system includes only systems owned and/or operated by the Enrollee.

**Attachment A - Definitions**

**Enrollee**

An Enrollee is a public, ~~or~~ private, or other non-governmental entity that has obtained approval for regulatory coverage under this General Order, including:

* A ~~federal or~~ state agency, municipality, special district, or other public entity that owns and/or operates one or more sanitary sewer systems:
  + greater than one (1) mile in length (each individual sanitary sewer system);
  + one mile or less in length where the State Water Resources Control Board or a Regional Water Quality Control Board requires regulatory coverage under this Order, or
* A federal agency, private company or other non-governmental entity that owns and/or operates a sanitary sewer system of any size where the State Water Resources Control Board or a Regional Water Quality Control Board requires regulatory coverage under this Order in response to a history of spills, proximity to surface water, or other factors supporting regulatory coverage.

**Attachment B - Application for Enrollment**

**3. Applicant Type (Check one):**

City County StateFederalSpecial District

Government Combination Private OtherNon-governmental entity

**Revision #3: Section 3. Finding 3.2.4 Underground Sanitary Sewer System Leakage**

Portions of some~~Not all, yet many~~ sanitary sewer systems may leak, causing underground exfiltration (exiting) of sewage from the system.

**Revision #4: Sewer System Management Plan Development and Implementation**

**Section 5.2. Sewer System Management Plan Development and Implementation**

For a new Enrollee:

**Within twelve (12) months of the Application for Enrollment approval date**:

* The governing entity of the new Enrollee shall ~~adopt~~approve its Sewer System Management Plan; and

**Section 5.12. Spill Emergency Response Plan and Remedial Actions**

For Existing Enrollees (with regulatory coverage under Order 2006-0003-DWQ):

**Within six (6) months of the ~~Adoption~~Effective Date of this General Order**, the Enrollee shall update and implement its Spill Emergency Response Plan, per Attachment D, Section 6~~.~~ (Spill Emergency Response Plan) of this General Order.

The Enrollee shall certify, in its Annual Report, that its Spill Emergency ~~Spill~~ Response Plan is up to date.

The Spill Emergency Response Plan shall include measures to protect public health and the environment. The Enrollee shall respond to spills from its system(s) in a timely manner that minimizes water quality impacts and nuisance by:

* Immediately stopping the spill and preventing/minimizing a discharge to waters of the State;
* Intercepting sewage flows to prevent/minimize spill volume discharged into waters of the State;
* Thoroughly recovering, cleaning up and disposing of sewage and wash down water; and
* ~~Disinfecting~~Cleaning publicly accessible areas while preventing toxic discharges to waters of the State.

**Revision #5: Electronic Sanitary Sewer System Service Area Boundary Map**

Revised Service Area Boundary Map requirements in Sections 5.14 of the Order and Attachment E-1, Section 3.8, for clarity, to allow additional staff time for necessary CIWQS enhancements, and to ensure implementation of up-to-date electronic mapping specifications:

**Section 5.14. Electronic Sanitary Sewer System Service Area Boundary Map**

**For continuing enrollees, starting on July 1, 2025, and no later than December 31, 2025:~~Within 12 months of the Effective Date of this General Order~~** ~~for continuing Enrollees,~~ **~~or~~**

**For new enrollees - no earlier than July 1, 2025 or within 12 months of the Application for Enrollment approval date, whichever date is later: ~~within 12 months of the Application for Enrollment approval date~~** ~~for new Enrollees,~~

~~an Enrollee~~ The Legally Responsible Official shall submit, to the State Water Board, geospatial data detailing the locations of the Enrollee’s sanitary sewer system ~~upload an up-to-date~~service area boundary~~map into the online CIWQS Sanitary Sewer System Database~~, per the required content and specifications in section 3.8. of Attachment E1 of this General Order~~. The map must be an electronic spatial map, digitized at a minimum scale of 1:24,000, of the Enrollee’s sewer system service area boundaries~~, for each system identified by a WDID number.

An Enrollee of a disadvantaged community that may need assistance developing an electronic map to comply with this requirement, may contact State Water Board staff for assistance at [SanitarySewer@waterboards.ca.gov](mailto:SanitarySewer@waterboards.ca.gov).

~~The map must include the following elements:~~

* ~~A scale;~~
* ~~A north arrow;~~
* ~~City and county boundaries, major streets and other landmarks that identify the location of service area boundaries; and~~
* ~~Location of wastewater treatment facility(ies) that treats sewer system waste if in the same sewer service boundary.~~

Attachment E-1. Section 3.8. Electronic Sanitary Sewer System Service Area Boundary Map

The Legally Responsible Official~~Enrollee~~ shall submit, to the State Water Board~~into the CIWQS Sanitary Sewer System Database~~, an up-to-date electronic spatial map of its sewer system service area boundaries~~,~~. The map must be in accordance with~~as required in~~ Section 5.14. of this General Order and the specifications provided on the statewide Sanitary Sewer Systems program website. The map must include the location of the wastewater treatment facility(ies) that treats the sewer system waste, if in the same sewer service boundary.

By the Effective Date of this General Order, specifications for the electronic sanitary sewer system service area boundary map format will be provided on the statewide Sanitary Sewer Systems Order program website.

~~The electronic map must use one of the following formats:~~

* ~~ESRI Shapefile per the following~~ [~~ESRI Shapefile Technical Description~~](https://support.esri.com/en/white-paper/279) ~~(https://support.esri.com/en/white-paper/279);~~
* ~~Keyhole Markup Language / Compressed Keyhole Markup Language (KML/KMZ) format per the following~~ [~~KML Specifications~~](https://www.ogc.org/standards/kml/) ~~(https://www.ogc.org/standards/kml/);~~
* ~~Geospatial JavaScript Object Notation (GeoJSON) format per the~~ [~~GeoJSON Specification~~](https://tools.ietf.org/html/rfc7946) ~~(https://tools.ietf.org/html/rfc7946); or~~
* ~~Other updated formats specified by the State Water Board.~~

**Revision #6: Water Boards’ Considerations for Discretionary Enforcement**

**Section 6.1.6. Water Boards’ Considerations for Discretionary Enforcement**

Consistent with the State Water Board Enforcement Policy, when considering Water Code section 13327 factors, the State Water Board or a Regional Water Board may consider the Enrollee’s efforts to contain, control, clean up, and mitigate spills. In assessing the factors, the State Water Board or the applicable Regional Water Board will consider:

Fifth bullet in first paragraph:

* The overall effectiveness of the Enrollee’s Sewer System Management Plan with respect to:
* System management, operation, and maintenance,

Last bullet in first paragraph:

* The spill duration and factors beyond the reasonable control of the Enrollee causing the event.

**Revision #7:** **System Evaluation and Condition Assessment**

**Attachment D, Section 8.1 System Evaluation and Condition Assessment**

The Plan must include procedures to:

* Evaluate the sanitary sewer system assets utilizing the best practices and technologies available;
* Identify and justify the amount (percentage) of its system for its condition to be assessed each year;
* Prioritize the condition assessment of system areas that:
  + Hold a high level of environmental consequences if vulnerable to collapse, failure, blockage, capacity issues, or other ~~gross~~system deficiencies;
  + Are located in or within the vicinity of surface waters, steep terrain, high groundwater elevations, and environmentally sensitive areas;
  + Are within the vicinity of a receiving water with a bacterial-related impairment on the most current Clean Water Act section 303(d) List;
* Assess the system conditions using visual observations, video surveillance and/or other comparable system inspection methods;
* Utilize observations/evidence of system conditions that may contribute to ~~sewage~~ exiting of sewage from the system which can reasonably be expected to discharge ~~that have a potential to enter~~ into a water of the State~~, for prioritization of rehabilitation and/or repair of compromised system component accordingly~~;
* Maintain documents and recordkeeping of system evaluation and condition assessment inspections and activities; and
* Identify system assets vulnerable to direct and indirect impacts of climate change, including but not limited to: sea level rise; flooding and/or erosion due to increased storm volumes, frequency, and/or intensity; wildfires; and increased power disruptions.

**Revision #8: Spill Categories and Spills from Enrollee-Owned and/or Operated Laterals**

**Section 5.13.1. Spill Categories**

* **Category 2 Spill**

A Category 2 spill is a spill of 1,000 gallons or greater, from or caused by a sanitary sewer system regulated under this General Orderthat does not discharge to a surface water.

A spill of 1,000 gallons or greater, from an Enrollee-owned and/or operated lateral is not a Category 2 spill.

* **Category 3 Spill**

A Category 3 spill is a spill of equal to or greater than 50 gallons and less than 1,000 gallons, from or caused by a sanitary sewer system regulated under this General Orderthat does not discharge to a surface water.

A spill of equal to or greater than 50 gallons and less than 1,000 gallons, from an Enrollee-owned and/or operated lateral is not a Category 3 spill.

* **Category 4 Spill**

A Category 4 spill is a spill of less than 50 gallons, from or caused by a sanitary sewer system regulated under this General Order that does not discharge to a surface water.

A spill of less than 50 gallons, from an Enrollee-owned and/or operated lateral is not a Category 4 spill.

ATTACHMENT E1 – NOTIFICATION, MONITORING, REPORTING AND RECORDKEEPING REQUIREMENTS

Table of Contents

[1. Notification Requirements E1-6](#_Toc116382341)

[1.1. Notification of Spills of 1,000 Gallons or Greater](#_Toc116382342) [to the California Office of Emergency Services E1-7](#_Toc116382342)

[1.2. Spill Notification Information E1-7](#_Toc116382343)

[1.3. Notification of Spill Report Updates E1-7](#_Toc116382344)

~~1.4.~~ [~~Regional Water Quality Control Board Notification of Lateral Spills Less than 50 Gallons E1-7~~](#_Toc116382345)

Attachment E1. Section 1.4. Regional Water Quality Control Board Notification of Individual Lateral Spills of 50 Gallons or Greater

~~Attachment E1. Section 1.4. Regional Water Quality Control Board Notification of Individual Lateral Spills of 50 Gallons or Greater~~

~~The Enrollee shall notify the applicable Regional Water Board of each individual spill that is 50 gallons or greater from its owned and/or operated laterals,~~ **~~within three (3) business days of the Enrollee’s knowledge of the spill.~~**

~~(See Attachment F of this General Order for Regional Water Board contact information.)~~

Attachment E1. Section 3.6. Annual Certified Spill Reporting of Lateral Spills

For ~~all~~ spills from its owned and/or operated laterals that do not discharge to a surface water, the Enrollee shall:

* Maintain records per section 4.4. of this Attachment; ~~and~~

The Enrollee shall provide records upon request by State Water Board or Regional Water Board staff.

* Annually upload and certify a PDF report of all spills to the online CIWQS Sanitary Sewer System Database, by February 1st after the end of the calendar year in which the spills occurred.

A spill from an Enrollee-owned and/or operated lateral that discharges to a surface water is a Category 1 spill; the Enrollee shall report all Category 1 spills per section 3.1. of Attachment E-1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of this General Order.

Attachment E1, Section 3.7. Monthly Certification of “No-Spills” or “Category 4 Spills ~~Only~~” or “Non-Category 1 Enrollee-owned and/or Operated Lateral Spills”

If either: (1) no spills occur during a calendar month, or (2) only Category 4 and/or Enrollee- owned and/or operated lateral spills (that do not discharge to a surface water) occur during a calendar month, the Enrollee shall certify, within 30 calendar days after the end of each calendar month, ~~either~~ a certification statement, in the online CIWQS Sanitary Sewer System Database, ~~certifying~~ ~~that there were either no spills, or only Category 4 Spills that will be reported quarterly (per section 3.4 of this Attachment) for the designated month~~ the following statements, as applicable:

* “No-Spill” ~~certification statement~~, or ~~a~~
* “Category 4 Spills ~~Only~~” to be reported quarterly (per section 3.4 of this Attachment), and/or
* “Non-Category 1 Enrollee-owned and/or Operated Lateral Spills” to be reported annually (per section 3.6 of this Attachment).

Attachment E1. Section 4.4. Recordkeeping of Lateral Spills

An Enrollee must maintain the following records for each individual Enrollee-owned and/or operated lateral spill, and report in accordance to Section 3.~~5~~6 of this Attachment:

Attachment E2

Table E2-5

Enrollee Owned and/or Operated Lateral Spills That Do Not Discharge to Surface Waters

|  |  |  |
| --- | --- | --- |
| **Spill Requirements** | **Due** | **Method** |
| Notification | **Within two (2) hours** of the Enrollee’s knowledge of a spill of 1,000 gallons or greater, from an enrollee-owned and/or operated lateral, discharging or threatening to discharge to waters of the State:  Notify California Office of Emergency Services and obtain a notification control number.  Not ~~A~~applicable to a spill of less than 1,000 gallons. | ~~Not Applicable~~ California Office of Emergency Services at: (800) 852-7550  (Section 1 of Attachment E1) |
| Monitoring | Conduct visual monitoring. | (Section 2 of Attachment E1) |
| Reporting | * Upload and certify a PDF report of ~~all~~ lateral spills (that do not discharge to a surface water) to the online CIWQS Sanitary Sewer System Database, by February 1st after the end of the calendar year in which the spills occur. * Report a lateral spill of any volume that discharges to a surface water as a Category 1 spill. | (Section 3.6. of Attachment E1)  (Section 3.1. of Attachment E1) |

**Revision #9: Typographic Errors**

**Section 1. Introduction**

First Paragraph - Spelling corrected

This General Order regulates sanitary sewer systems designed to convey sewage. For the purpose of this Order, a sanitary sewer system includes, but is not limited to, pipes, valves, pump stations, manholes, ~~syphons~~siphons, wet wells, diversion structures and/or other pertinent infrastructure, upstream of a wastewater treatment plant headworks.

Fourth Paragraph - Punctuation added

* Comply with specifications, and notification, monitoring, reporting and recordkeeping requirements in this General Order that implement the federal Clean Water Act, the California Water Code (Water Code), water quality control plans (including Regional Water Board Basin Plans) and policies;

Last Paragraph - Missing word added

For the purpose of this Order, a sanitary sewer system includes only systems owned and/or operated by the Enrollee.

**Section 3. Findings**

Language clarified

**Section 3.1.2. Discharge of Sewage**

A discharge of ~~raw~~ untreated or partially treated sewage is a discharge of waste as defined in Water Code section 13050(d) that could affect the quality of waters of the State and is subject to regulation by waste discharge requirements issued pursuant to Water Code section 13263 and Chapter 9, Division 3, Title 23 of the California Code of Regulations. A discharge of sewage may pollute and alter the quality of the waters of the State to a degree that unreasonably affects the beneficial uses of the receiving water body or facilities that serve those beneficial uses (Water Code section 13050(l)(1)).

**Section 3.1.4. Water Board Authority to Prescribe General Waste Discharge Requirements**

Third Paragraph

As specified in Water Code sections 13263(a) and 13241, the implementation of requirements set forth in this Order is for the reasonable protection of past, present, and probable future beneficial uses of water and the prevention of nuisance. The requirements implement the water quality control plans (Basin Plans) for each ~~region~~ Regional Water Board and take into account the environmental characteristics of sewer service areas and hydrographic units within the state. Additionally, the State Water Board has considered water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect water quality, costs associated with compliance with these requirements, the need for developing housing within California, and the need to protect sources of drinking water and other water supplies.

**Section 3.2.2. Sanitary Sewer System Spill Threats to Public Health and Beneficial Uses**

Second Paragraph

More specifically, sanitary sewer spills may:

* Adversely affect aquatic life and/or threaten water quality when reaching receiving waters;
* Inadvertently ~~generate~~ release trash, including plastics;
* Impair the recreational use and aesthetic enjoyment of surface waters by polluting surface water or groundwater;
* Threaten public health through direct public exposure to bacteria, viruses, intestinal parasites, and other microorganisms that can cause serious illness such as gastroenteritis, hepatitis, cryptosporidiosis, and giardiasis;
* Negatively impact ecological receptors and biota within surface waters; and
* Cause nuisance including odors, closure of beaches and recreational areas, and property damage.

**Section 3.2.3. Proactive Sanitary Sewer System Management to Eliminate Spill Causes**

First Paragraph

Finding 3 of the previous Order, 2006-0003-DWQ states: “Sanitary sewer systems experience periodic failures resulting in discharges that may ~~impact~~affect waters of the state. There are many factors (including factors related to geology, design, construction methods and materials, age of the system, population growth, and system operation and maintenance), which affect the likelihood of an SSO [~~sewer system~~ sanitary sewer overflow]. A proactive approach that requires Enrollees to ensure a system-wide operation, maintenance, and management plan is in place will reduce the number and frequency of SSOs within the state. This approach will in turn decrease the risk to human health and the environment caused by SSOs.”

**Section 3.2.5. Proactive Sanitary Sewer System Management to Reduce Inflow and Infiltration**

Excessive inflow (stormwater entering) and infiltration (groundwater seepage entering) to sanitary sewer systems is preventable through proactive sewer system managementusing the best practices and technologies available. The efficiency of the downstream wastewater treatment processes is dependent on the performance of the sanitary sewer system. When the structural integrity of a sanitary sewer system deteriorates, high volumes of inflow and infiltration ~~(including rainfall-induced infiltration)~~ can enter the sewer system. High levels of inflow and infiltration increase the hydraulic load on the downstream treatment plant, which can reduce treatment efficiency, lead to bypassing a portion of the treatment process, cause illegal discharge of partially treated effluent, or in extreme situations make biological treatment facilities inoperable (e.g., wash out the biological organisms that treat the waste).

**Section 3.3.4. State Water Board Human Right to Water Resolution**

Fourth Paragraph

On June 7, 2022, the State Water Board adopted a Resolution ~~2022-XXXX~~, titled Authorizing the Executive Director or Designee to Enter into One or More Multi-Year Contracts Up to a Combined Sum of $4,000,000 for a Statewide Wastewater Needs Assessment, supporting the equitable access to sanitation for all Californians and implementation of Resolutions 2016-0010 and 2021-0050.

**Section 6.1.5. Indirect Discharges**

In the event that a spill enters into a drainage conveyance system, the Enrollee shall take all feasible steps to prevent discharge of sewage ~~entering~~ into waters of the State by blocking or redirecting the flow in the drainage conveyance system, removing the sewage from the drainage conveyance system, and ~~sanitizing~~ cleaning the system in a manner that does not inadvertently impact beneficial uses of the receiving water body.

**Attachment A. Definitions**

**Sanitary Sewer System**

A sanitary sewer system is a system that is designed to convey sewage, including but not limited to, pipes, manholes, pump stations, ~~syphons~~ siphons, wet wells, diversion structures and/or other pertinent infrastructure, upstream of a wastewater treatment plant headworks, including:

**Attachment D, Section 6. Spill Emergency Response Plan**

First Paragraph

The Plan must include an ~~annually-~~up to date~~d~~ Spill Emergency Response Plan to ensure prompt detection and response to spills to reduce spill volumes and collect information for prevention of future spills. The Spill Emergency Response Plan must include procedures to:

First Paragraph, Last bullet

* Annually, review and assess effectiveness of the Spill Emergency Response Plan, and update the Plan as needed.

**Attachment E1, Section 2.3.3. Water Quality Analysis Specifications**

Spill monitoring must be representative of the monitored activity (40 Code of Federal Regulations section 122.41(j)(1)).

Sufficiently Sensitive Methods

Sample~~ing~~ analysis must be conducted according to sufficiently sensitivetest methods approved under 40 Code of Federal Regulations Part 136 for the sample analysis of pollutants. For the purposes of this General Order, a method is sufficiently sensitive when the minimum level of the analytical method approved under 40 Code of Federal Regulations Part 136 is at or below the receiving water pollutant criteria.

**Attachment E1, Section 3.1.2. Certified Spill Report for Category 1 Spills**

17. If water quality samples were collected, identify sample locations and the parameters the water quality samples were analyzed for. If no samples were taken, Not Applicable shall be selected.

**Attachment E1, Section 3.1.4. Amended Certified Spill Reports for Individual Category 1 Spills**

The Enrollee shall update or add additional information to a ~~c~~Certified Spill Report within **90 calendar days** of the spill end date by amending the report or by adding an attachment to the Spill Report in the online CIWQS Sanitary Sewer System Database. The Enrollee shall certify the amended report.

**Attachment E1, Section 3.2.3. Amended Certified Spill Reports for Individual Category 2 Spills**

The Enrollee shall update or add additional information to a ~~c~~Certified Spill Report within **90 calendar days** of the spill end date by amending the report or by adding an attachment to the Spill Report in the online CIWQS Sanitary Sewer System Database. The Enrollee shall certify the amended report.

Attachment E1, Section 3.2.2. Certified Spill Report for Category 2 Spills

Second Paragraph, Item 5

5. System failure location (for example, main, ~~lateral,~~ pump station, etc.);

Attachment E1, Section 3.3. Monthly Certified Spill Reporting for Category 3 Spills

Second Paragraph, Item 15

15. System failure location (for example, main, ~~lateral,~~ pump station, etc.);

Attachment E1, Section 3.4. Quarterly Certified Spill Reporting for Category 4 Spills

Third Paragraph, Item 8

8. System failure location (for example, main, ~~lateral,~~ pump station, etc.);

Global punctuation at end of bullets

For grammar consistency among bulleted text within differing sections of the Order, make punctuations at the end of each bullet consistent with remaining punctuation in the same section. For example:

Attachment D, Section 8.4. Capital Improvement Plan

The capital improvement plan must include the following items:

* Project schedules including completion dates for all portions of the capital improvement program;
* Internal and external project funding sources for each project~~.~~;
* Joint coordination between operation and maintenance staff, and engineering staff/consultants during planning, design, and construction of capital improvement projects; and Interagency coordination with other impacted utility agencies.

Global Document Clarification

Throughout the entire Order document, for clarification and reader comprehensibility: Where section reference missing, remove the period (.) and insert the title of the referenced section in parenthesis, immediately after the section number. For example:

The Enrollee’s development, update, and implementation of a Sewer System Management Plan addressing the requirements of this Attachment is an enforceable component of this General Order. As specified in Provision 6.1~~.~~ (Enforcement Provisions) of this General Order, consistent with the Water Code and the State Water Board Enforcement Policy, the State Water Board or a Regional Water Board may consider the Enrollee’s efforts in implementing an effective Sewer System Management Plan to prevent, contain, control, and mitigate spills when considering Water Code section 13327 factors to determine necessary enforcement of this General Order.