

Staff Public Workshop



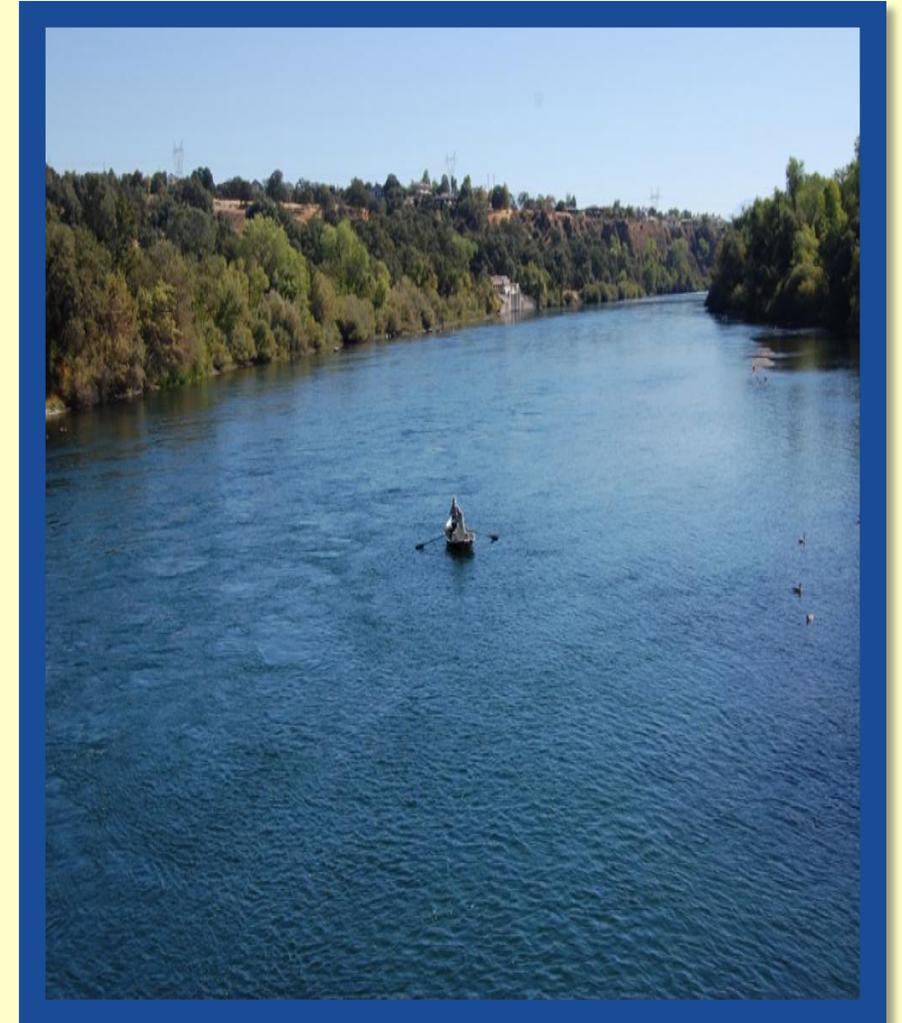
**Overview of Proposed
Statewide Sanitary Sewer Systems
General Order Reissuance
November 14, 2022**

Facilitator: Walter Mobley
Water Resource Control Engineer



Welcome and Thank You

- Welcome to today's public workshop
- Thank you to all interested parties that provided formal public comments on the draft Order issued in January 2022
- A special thank you for participating and providing feedback during the last four years of Order development



State Water Board Staff Team



Diana Messina, P.E., BCEE
Surface Water Permitting Manager

Afrooz Farsimadan, P.E.
NPDES Wastewater Program Manager



Walter Mobley
Water Resource Control Engineer



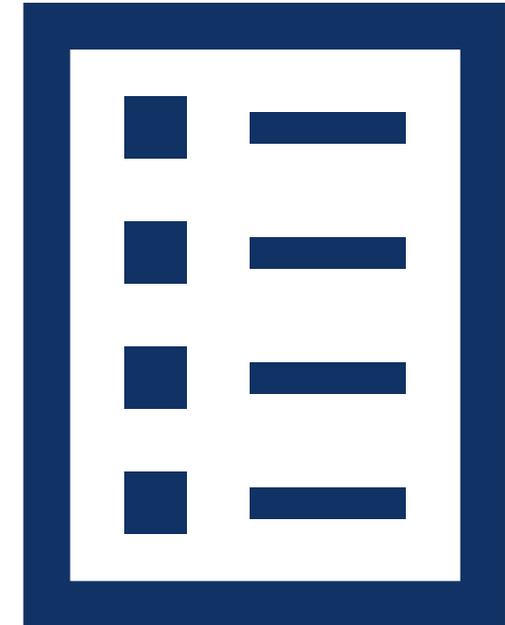
Steve Cheung, P.E.
Water Resource Control Engineer

Tim Regan
Senior Staff Counsel, Specialist



Workshop Logistics

- This workshop is provided in two formats:
 - CalEPA Webcast at: <https://video.calepa.ca.gov>
 - Interactive Zoom meeting
- The workshop includes discussion on:
 - The proposed General Order
 - General cost considerations
 - Concerns regarding third-party legal challenges
 - Next steps in the adoption and Order implementation process
 - Other topics presented during open discussion with workshop participants
- Participants will be able to ask questions after the staff presentation
- This workshop is being recorded and webcasted
 - Workshop recording will be made available on the Sanitary Sewer Order program webpage



Workshop Agenda

Overview of Proposed General Order	9:15 – 9:45 AM
<i>Break</i>	9:45 – 9:50 AM
Overview of Proposed General Order - continued	9:50 – 10:30 AM
<i>Break</i>	10:30 – 10:45 AM
General Cost and Legal Discussion	10:45 – 11:00 AM
Next Steps for Existing Enrollees	11:00 – 11:15 AM
<i>Lunch Break</i>	11:15 – 11:45 AM
Questions	11:45 AM – 1:30 PM

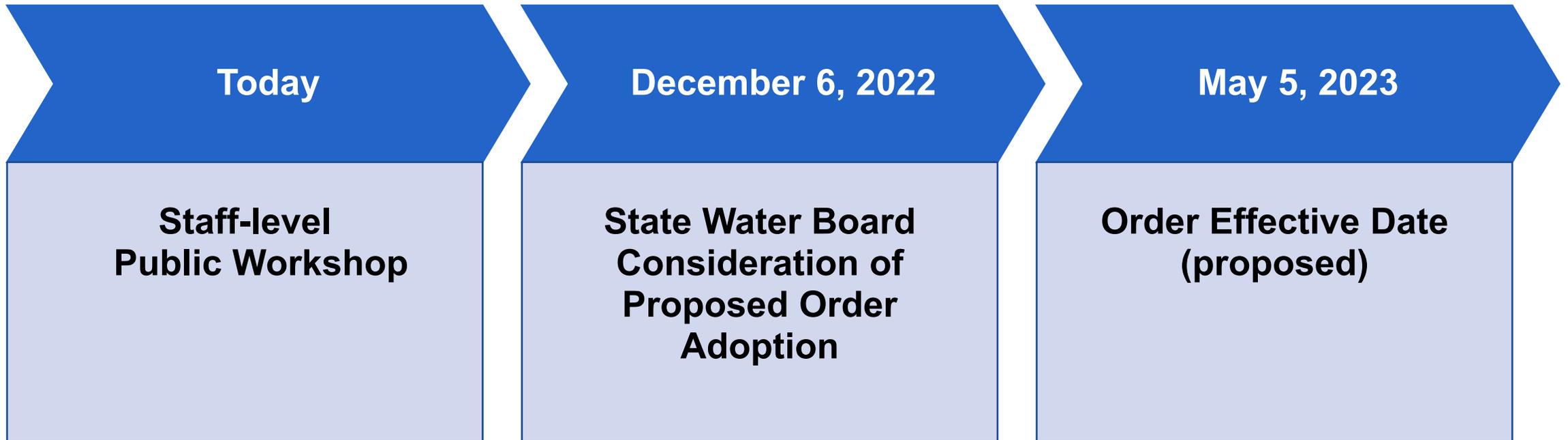
Overview of Proposed General Order



Statewide Order Development Process



Next Steps for General Order Reissuance



Public Comments



**31 PUBLIC
COMMENT
LETTERS**



**500+
COMMENTS**



**25 COMMENT
CATEGORIES**



**RESPONSE TO
PUBLIC
COMMENTS
AVAILABLE
ONLINE**

Proposed Order Organization

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Order Attachments

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Simplified Cover Page of Order

All definitions in Attachment A (Table 1 removed)

Draft Order

<p>STATE WATER RESOURCES CONTROL BOARD 1001 I Street, Sacramento, California 95814 JANUARY 31, 2022 DRAFT ORDER WQ 2022-XXXX-DWQ STATEWIDE WASTE DISCHARGE REQUIREMENTS GENERAL ORDER FOR SANITARY SEWER SYSTEMS</p>	
<p>Table 1. Key Definitions for the Purpose of this Order</p>	
Sanitary Sewer System	<p>A sanitary sewer system is a system that is designed to convey sewage, including but not limited to, pipes, manholes, pump stations, syphons, wet wells, diversion structures and/or other pertinent supporting infrastructure, upstream of a wastewater treatment plant headworks, including:</p> <ul style="list-style-type: none"> • Laterals owned by the Enrollee; • Satellite sewer systems; and/or • Temporary conveyance and storage facilities, including but not limited to temporary piping, vaults, construction trenches, wet wells, impoundments, tanks and diversion structures.
Enrollee	<p>An Enrollee is a public or private 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 with pipelines collectively totaling <u>more than one (1) mile in length</u>; or A private company 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, and that is not regulated under separate waste discharge requirements issued by a Regional Water Quality Control Board.</p>
Waste Discharge Identification Number (WDID)	<p>A waste discharge identification number (WDID) identifies each individual sanitary sewer system enrolled under this General Order. A WDID number is assigned to each enrolled system upon an Enrollee's approved regulatory coverage.</p>
Spill	<p>A spill is a discharge of sewage from any portion of a sanitary sewer system due to a sanitary sewer system overflow, operational failure, and/or infrastructure failure. Exfiltration of sewage is not considered to be a spill under this General Order if the exfiltrated sewage remains in the subsurface and does not reach a surface water of the State.</p>
Sewage	<p>Sewage is untreated or partially treated domestic, municipal, commercial and/or industrial waste (including sewage sludge) conveyed in a sanitary sewer system.</p>

Proposed Order

<p>STATE WATER RESOURCES CONTROL BOARD 1001 I Street, Sacramento, California 95814 OCTOBER 28, 2022 PROPOSED ORDER WQ 2022-XXXX-DWQ STATEWIDE WASTE DISCHARGE REQUIREMENTS GENERAL ORDER FOR SANITARY SEWER SYSTEMS</p>	
<p>This Order was adopted by the State Water Resources Control Board on December XX, 2022.</p> <p>This Order shall become effective 150 days after the Adoption Date of this General Order, on May XX, 2023.</p> <p>The Enrollee shall comply with requirements of this Order upon the Effective Date of this General Order.</p>	
<p>This General Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, protect the Enrollee from liability under federal, state, or local laws, nor create a vested right for the Enrollee to continue the discharge of waste.</p>	
<p>CERTIFICATION</p> <p>I, Jeanine Townsend, Clerk to the Board, do hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the State Water Board on December XX, 2022.</p> <p>AYE: NAY: ABSENT ABSTAIN:</p>	
<p>_____ Jeanine Townsend Clerk to the Board</p>	

Introduction

Section 1 of General Order

- What this Order regulates:
 - Sanitary Sewer Systems, including:
 - Laterals owned and/or operated by the Enrollee;
 - Satellite sewer systems; and
 - Temporary conveyance and storage facilities.
- Who this Order regulates:
 - Public agencies that own/operate sanitary sewer system(s) greater than one mile in length;
 - Public agencies that own/operate systems one mile or less, upon Water Board discretion; and
 - Federal facilities and private owners of any size system, upon Water Board discretion.

Continuation of Existing Regulatory Coverage

Section 2 of General Order



- **Proposed Order Effective Date: 150 days after Order adoption**
- **Existing enrollees certify Continuation of Coverage within 60 days prior to the Effective Date**
- **Regulatory coverage under Order 2006-0003-DWQ will cease on Order Effective Date**
- **No Application or Application Fee for continuation of coverage**
- **Annual Fee remains per current State Water Board Fee Schedule**
- **CIWQS database enhanced to accommodate new Order requirements**

Continuation of Existing Regulatory Coverage

CIWQS Interface (snapshot)

Regional Water Board:

Agency:

Sanitary Sewer System:

WDID:

- [Collection System Annual Report](#) [?](#)
Pertinent information regarding your collection system.
- [Sewer System Management Plan Certification](#) [?](#)
Certify Sewer System Management Plan completion
- [Reporting New SSO](#) [?](#)
Submit Individual Spill Reports.

[Continuation of Existing Regulatory Coverage Certification](#)

(Must be completed by: XX/XX/XXXX)

Legally Responsible Official, please click on the above link to certify the enrollee's intent to continue regulatory coverage from previous Order 2006-0003-DWQ to the new Order 2022-XXXX-DWQ

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Continuation of Existing Regulatory Coverage

CIWQS Interface (snapshot)

Name:	SSS Demo				
Title:	Legally Responsible Official				
Email:	ciwqs@waterboards.ca.gov				
<input type="checkbox"/> *	<p>As the designated Legally Responsible Official, I certify under penalty of perjury under the laws of the State of California that to the best of my knowledge and belief: 1) the sanitary sewer system I officially represent, listed above, is continuing regulatory coverage under statewide General Order 2006-0003-DWQ to 2022-XXXX-DWQ, and 2) the information submitted in this Continuation of Existing Regulatory Coverage Form is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.</p>				<p><u>Sanitary Sewer systems General Order 2022-XXXX-DWQ</u></p>
What was your childhood phone number, including area code? (e.g. xxx-xxx-xxxx)	<input type="text"/> *				
Please enter your password:	<input type="password"/> *				
<p>Manage Active Data Submitter Accounts View / Update Information</p>					
Data Submitter Name(s)	CWIQS User ID	Email Address	Phone Number	Agency	Sanitary Sewer System Name
No records found.					
Last Sewer System Management Plan Required Update Due Date : 2019-08-02			Last Annual Report (previously called Collection System Questionnaire) Updated : 2022-10-20		
Next Sewer System Management Plan Update Due Date : 2025-08-02			Next Annual Report Due Date : April 1, 2024		
<input type="button" value="Certify"/>					

Regulatory Coverage for New Enrollees

Section 2 and Attachment B of General Order



Complete application package required no later than 60 days prior to commencing and/or assuming system operation



- Application for Enrollment Form in Attachment B of Order
- Application Fee per current State Water Board Fee Schedule

Regulatory Coverage Transfer

Section 2 of General Order

- Existing Enrollee submits written Transfer of Ownership request, at least 60 days prior to change in ownership
 - A written agreement between existing and new owner;
 - The specific ownership transfer date; and
 - Acknowledgment of owner liabilities for violations:
 - Existing owner liable for violations prior to the ownership transfer date,
 - New owner liable for violations on and after ownership transfer date.



Findings

Section 3 of General Order

➤ Findings:

- Are high-level statements that provide the basis for the State Water Board's consideration of Order adoption
- The bridge between the administrative Enrollment process and the regulatory requirements
- Immediately after Findings, **“THEREFORE, IT IS HEREBY ORDERED...”**
- Findings are not:
 - Requirements,
 - Prohibitions, or
 - Provisions.

3. FINDINGS

3.1. Legal Authorities

3.1.1. Federal and State Regulatory Authority

The objective of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the waters of the United States (33 U.S.C. 1251). The Water Code authorizes the State Water Board to implement the Clean Water Act in the State and to protect the quality of all waters of the State (Water Code sections 13000 and 13160).

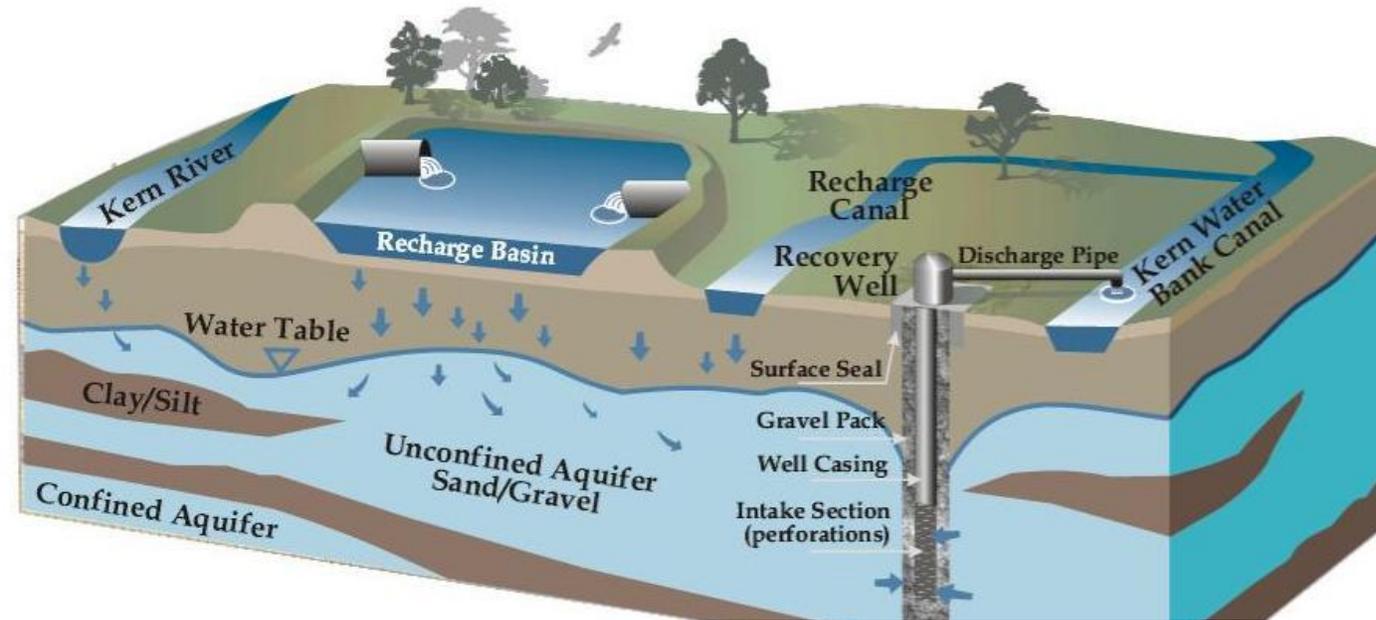
3.1.2. Discharge of Sewage

A discharge of raw 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

Findings that Provide Basis for Proposed Changes from Existing Order

Section 3 of General Order

- 3.1. Federal and State Regulatory Authority
 - The Clean Water Act and Water Code
- 3.3. Water Quality Control Plans, Policies, and Resolutions
 - Protection of beneficial uses for surface waters and groundwater
 - Municipal, agricultural and industrial water supply,
 - Aquatic life,
 - Tribal cultural and subsistence fishing
 - Recreation
 - Groundwater recharge,
 - Etc.



Copied from Maven's Minutes Water Storage Part 2

Findings that Provide Basis for Proposed Changes from Existing Order

Section 3 of General Order

- State Water Board Resolutions:
 - Antidegradation Policy - Resolution 68-16
 - Sources of Drinking Water Policy - Resolution 88-63
 - Cost of Compliance – Resolution 2013-0029
 - Human Right to Water – Resolution 2016-0010
 - *Racial Equity – Resolution 2021-0050*
 - Response to Climate Change – Resolution 2017-0012
 - Open Data – Resolution 2018-0032



Findings that Provide Basis for Proposed Changes from Existing Order

Section 3 of General Order

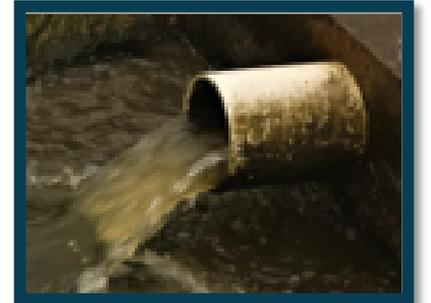
- 3.5. State Water Board Funding Assistance, Division of Financial Assistance:
 - Administers the implementation of the State Water Board financial assistance programs
 - Administers loan and grant funding per funding program-specific policies and guidelines
- Applicants may apply for:
 - Clean Water State Revolving Fund low-interest loan and Small Community Wastewater grant funding assistance
- Website: https://www.waterboards.ca.gov/water_issues/programs/grants_loans/

Prohibitions

Section 4 of General Order

(Blue font denotes proposed changes from Order 2006-0003-DWQ)

- 4.1. Any discharge from a sanitary sewer system that has the potential to discharge to surface waters of the State is prohibited unless it is promptly cleaned up and reported as required in this General Order.
- 4.2. Any discharge from a sanitary sewer system, discharged directly or indirectly through a drainage conveyance system or other route, to waters of the State is prohibited.
- 4.3. Any discharge from a sanitary sewer system that creates a nuisance or condition of pollution as defined in Water Code section 13050(m) is prohibited.



Specifications

Sections 5 of General Order

- Specific requirements the Enrollee must comply with to maintain compliance with the Order

5. SPECIFICATIONS

5.1. Designation of a Legally Responsible Official

The Enrollee shall designate at least one Legally Responsible Official that has the appropriate knowledge and expertise of the enrolled sanitary sewer system(s) and is authorized to serve as a duly authorized representative. The Legally Responsible Official must have responsibility over management of the Enrollee's entire sanitary sewer system, and must be authorized to make managerial decisions that govern the operation of the sanitary sewer system, including having the explicit or implicit duty of making major capital improvement recommendations to ensure long-term environmental compliance. The Legally Responsible Official must:

- Possess a recognized degree or certificate related to operations and maintenance of sanitary sewer systems, and/or

Provisions

Sections 6 of General Order

- Provide existing regulations, policies and programs used to implement and enforce the Order

6. PROVISIONS

6.1. Enforcement Provisions

The following enforcement provisions are based on existing federal and state regulations, laws and policies, including the federal Clean Water Act, the state Water Code and the State Water Board Enforcement Policy.

6.1.1. Enforceability of Clean Water Act and Water Code Violations

Noncompliance with requirements of this General Order or discharging sewage without enrolling in this General Order constitutes a violation of the Water Code and a potential

Provisions

Section 6 of General Order

6.1. Enforcement Provisions

6.2. Other Regional Water Board Orders

6.3. Sewer System Management Plan Availability

6.4. Entry and Inspection

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Overview of Specifications

Presenter:
Afrooz Farsimadan, P.E.
NPDES Wastewater Program Manager



Designation of a Legally Responsible Official

Section 5.1. of General Order

The Enrollee shall designate at least one Legally Responsible Official

The Legally Responsible Official must:

- Serve as a duly authorized representative of the Enrollee;
 - Possess a recognized degree or certificate related to operations and maintenance of sanitary sewer systems, and/or
 - Have professional training and experience related to the management of sanitary sewer systems.
- Have responsibility over management of the enrollee's entire sanitary sewer system;
- Be authorized to make managerial decisions that govern the operation of the sanitary sewer system.

Reporting Certification

Section 5.9. of General Order

- In CIWQS database, the Legally Responsible Official shall electronically certify, under penalty of perjury, submitted:
 - Reports - Spill Reports, Annual Reports, Audit Reports,...
 - Sewer System Management Plan and subsequent updates



"I certify under penalty of perjury under the laws of the State of California that the electronically submitted information was prepared under my direction or supervision. Based on my inquiry of the person(s) directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete, and complies with the Statewide Sanitary Sewer Systems General Order. I am aware that there are significant penalties for submitting false information."

Sewer System Management Plan Development and Implementation

Sections 5.2. of General Order

Develop Initial Plan

(Per Order 2006-0003-DWQ for existing Enrollees)

Plan Implementation

(A factor of enforcement discretion as provided in Section 6. Provisions)

Update Plan every six years

Sewer System Management Plan Crosswalk

Attachment D of General Order

Existing General Order	Proposed General Order
1. Goal	1. Sewer System Management Plan Goal and Introduction
2. Organization	2. Organization
3. Legal Authority	3. Legal Authority
4. Operations and Maintenance Program	4. Operation and Maintenance Program
5. Design and Performance Goals	5. Design and Performance Provisions
6. Overflow Emergency Response Plan	6. Spill Emergency Response Plan
7. Fats, Oils, and Grease (FOG) Control Program	7. Sewer Pipe Blockage Control Program
8. System Evaluation and Capacity Assurance Plan	8. System Evaluation, Capacity Assurance and Capital Improvements
9. Monitoring, Measurement , and Program Modifications	9. Monitoring, Measurement and Program Modifications
10. Sewer System Management Plan (SSMP) Program Audits	10. Internal Audits
11. Communication Program	11. Communication Program

Sewer System Management Plan and Plan Update Due Dates

Sections 5.2. and 5.5. of General Order

Existing Enrollees

Within 6 months of Order Adoption Date

- Legally Responsible Official shall upload **existing** Plan to CIWQS

New Enrollees

Within 12 months of Enrollment Approval Date

- Obtain governing entity adoption of Plan
- Legally Responsible Official certifies and uploads Plan to CIWQS

Subsequent Plan Updates every six years

Sewer System Management Plan Due Dates for Existing Enrollees

Section 3.11 of Attachment E1 of General Order

Population	Original Required Plan Due Date *	Required Plan Update Due Date *	Required Plan Update Due Date *	Proposed Order Plan Update Due Date **
> 100,000	5/2/2009	5/2/2014	5/2/2019	5/2/2025
100,000 to 10,000	8/2/2009	8/2/2014	8/2/2019	8/2/2025
10,000 to 2,500	5/2/2010	5/2/2015	5/2/2020	5/2/2026
< 2,500	8/2/2010	8/2/2015	8/2/2020	8/2/2026

* Order 2006-0003-DWQ: Plan updates due every five years

** Proposed Order: Plan updates due every six years after the last Plan Update due date

Sewer System Management Plan Audits

Section 5.4. of General Order

- Every three years, the Enrollee shall conduct an internal audit of its Plan to:
 - Evaluate implementation and effectiveness of the Plan in reducing spills;
 - Evaluate compliance with General Order;
 - Identify Plan deficiencies in addressing ongoing spills and discharges to waters of the State;
 - Identify necessary modifications to the Plan to correct deficiencies.

Sewer System Management Plan Audit Report

Section 5.4. of General Order

- The Audit report must include:
 - Audit findings and recommended corrective actions;
 - A statement that sewer system operators' input on the audit findings has been considered;
 - A proposed schedule for the Enrollee to address identified deficiencies;
- The Audit report shall be submitted to the CIWQS database
 - Will be viewable only to Water Boards staff

Internal Audit Period and Audit Report Due Dates

Section 5.4. of General Order

	Audit Period	Audit Due Dates
New Enrollees	Certified Plan Submittal Date through 3 rd subsequent December 31 st	July 1 st after audit period
Existing Enrollees	3-year period starting from the end of last required audit period	Within 6 months after end of 3-year audit period
<p>Ongoing Three-Year Audit Period for All Enrollees</p> <p>Audit Report due within 6 months after end of 3-year audit period</p>		

Audit Due Dates for Existing Enrollees

Section 5.4. of General Order

Population	Required Audit Due Dates per Order 2006-0003-DWQ*						Proposed Order 3-Year Audit Period Date **
> 100,000	5/2/2011	5/2/2013	5/2/2015	5/2/2017	5/2/2019	5/2/2021	5/2/2024
100,000 to 10,000	8/2/2011	8/2/2013	8/2/2015	8/2/2017	8/2/2019	8/2/2021	8/2/2024
10,000 to 2,500	5/2/2012	5/2/2014	5/2/2016	5/2/2018	5/2/2020	5/2/2022	5/2/2025
< 2,500	8/2/2012	8/2/2014	8/2/2016	8/2/2018	8/2/2020	8/2/2022	8/2/2025

* Order 2006-0003-DWQ: Audits required every two years

** Proposed Order: Audit required every three years

Look-Up Tool: Sewer System Management Plan and Audit Due Dates

1. Go to the Sanitary Sewer Overflow Reduction Program Webpage:

https://www.waterboards.ca.gov/water_issues/programs/ssol/

2. Click the link, underneath the “Quick Links” section, titled:

“New! Sewer System Management Plan and Program Audit Due Dates Look Up (search by WDID number)”

3. Enter the system WDID number:

4. The tool will auto-generate Plan and Audit due date history and future due dates for enrolled systems

Look-Up Tool Demo

Sewer System Management Plan & Subsequent Update Due Dates					
System Name	WDID Number	Original Plan Required Due Date	Required Plan Update Due Date	Required Plan Update Due Date	Required Plan Update Due Date (per Proposed Order)
		5/2/2009	5/2/2014	5/2/2019	5/2/2025

Program Audit Due Dates								
System Name	WDID Number	Original Required Plan Audit Due Date	Required Plan Audit Due Date (per Proposed Order)					
		5/2/2011	5/2/2013	5/2/2015	5/2/2017	5/2/2019	5/2/2021	5/2/2024

Spill Emergency Response Plan and Remedial Actions

Section 5.12. of General Order and Section 6 of Attachment D

Existing Enrollees



Within 6 months of the Order Adoption Date

- Update and implement Spill Emergency Response Plan per Attachment D, section 6
- Certify that the Plan is up to date in Annual Report

New Enrollees



Within 6 months of Application for Enrollment Approval Date

- Develop and implement Spill Emergency Response Plan per Attachment D, section 6
- Certify that the Plan is up to date, in Annual Report

The Sewer System Management Plan must include an updated Spill Emergency Response Plan

System Resilience

Section 5.6. of General Order and Attachment D

- The Enrollee shall include and implement system-specific procedures in its Sewer System Management Plan to proactively prioritize:
 - Operations and maintenance, conditions assessment, and repair and rehabilitation.

- The Plan must address short-term and long-term system resilience through:
 - Proactive planning and decision making;
 - Local government ordinances;
 - Updated operations and maintenance activities;
 - Capital improvements;
 - Sufficient local budget to support necessary resources; and
 - Updated training of personnel and contractors.

Changes to System Condition Assessment Requirements based on Public Comments Received

Section 8.1. of Attachment D of the General Order

The Plan must include procedures to prioritize the condition assessment of **high-risk** system areas that :

- Hold a high a level of environmental consequences if vulnerable to:
 - Collapse / failure;
 - Blockage;
 - Capacity issues and other system deficiencies.
- Located in or within the vicinity of surface waters, steep terrain, high groundwater elevations, and environmentally sensitive areas;
- Within the vicinity of a receiving water with a bacterial-related impairment on the most current Clean Water Act section 303(d) List ~~to determine if sanitary sewer system exfiltration is potentially contributing to the impairment.~~

Sewer Pipe Blockage Control Program

Section 7 of Attachment D of General Order

- The Sewer System Management Plan must include procedures for the evaluation of the enrollee's service area to address:
 - Fats, oils, grease, rags, debris and other source-controlled pollutants; and
 - Tree roots.
- The Plan must provide justification if a blockage control program is not needed.



Overview of Notification, Monitoring, Reporting and Recordkeeping Requirements



Attachments E1 and E2 of General Order

Notification, Monitoring, and Reporting and Recordkeeping Requirements

Section 5.13. of General Order, Attachment E1 and E2

Attachment E1 Organization

- Section 1 - Notification Requirements
- Section 2 - Spill-specific Monitoring Requirements
- Section 3 - Reporting Requirements
- Section 4 - Recordkeeping Requirements

Spill Categories

Section 5.13.1. of General Order

Category 1

Any volume of sewage that discharges to:

- A surface water, including a surface water body that contains no flow or volume of water, or
- A drainage conveyance system that discharges to a surface water, when the sewage is not fully captured and returned to the sewer system or disposed of properly.

Category 2

A spill of 1000 gallons or greater that does not discharge to a surface water.

Spill Categories

Section 5.13.1. of General Order

Category 3

A spill equal to or greater than 50 gallons, and less than 1000 gallons, that does not discharge to a surface water.

Category 4

A spill of less than 50 gallons that does not discharge to a surface water.

Summary of Notification, Monitoring and Reporting Requirements

Table E2-1 of Attachment E2 of the General Order

Requirement	Category 1 Spill
Notification	<p>Within 2 hours of the Enrollee's knowledge of a Category 1 spill of 1000 gallons or greater:</p> <ul style="list-style-type: none"> • Notify the California Office of Emergency Services and obtain a notification control number.
Monitoring	<ul style="list-style-type: none"> • Conduct spill-specific monitoring; • Within 12 hours of the Enrollee's knowledge of a spill of 50,000 gallons or greater to surface waters, conduct water quality sampling of the receiving water.
Reporting	<ul style="list-style-type: none"> • Submit a Draft Spill Report within 3 business days of the enrollee's knowledge of the spill; • Submit a Certified Spill Report within 15 calendar days of the spill end date; • Submit a Technical Report within 45 calendar days after the spill end date (50,000 gallons or greater discharged to surface waters); • Submit an Amended Spill Report within 90 calendar days after the spill end date.

Summary of Notification, Monitoring and Reporting Requirements

Table E2-2 of Attachment E2 of the General Order

Requirement	Category 2 Spill
Notification	<p>Within 2 hours of the Enrollee's knowledge of a Category 2 spill of 1000 gallons or greater, discharging or threatening to discharge to waters of the State:</p> <ul style="list-style-type: none"> • Notify the California Office of Emergency Services and obtain a notification control number.
Monitoring	<ul style="list-style-type: none"> • Conduct spill-specific monitoring;
Reporting	<ul style="list-style-type: none"> • Submit a Draft Spill Report within 3 business days of the Enrollee's knowledge of the spill; • Submit a Certified Spill Report within 15 calendar days of the spill end date; • Submit an Amended Spill Report within 90 calendar days after the spill end date.

Summary of Notification, Monitoring and Reporting Requirements

Table E2-3 of Attachment E2 of the General Order

Requirement	Category 3 Spill
Notification	Not applicable
Monitoring	Conduct spill-specific monitoring;
Reporting	<ul style="list-style-type: none">• Submit a Monthly Certified Spill Report within 30 calendar dates after the end of the month in which the spills occur;• Submit Amended Spill Reports within 90 calendar days after the Certified Spill Report due date.

Summary of Notification, Monitoring and Reporting Requirements

Table E2-4 of Attachment E2 of the General Order

Requirement	Category 4 Spill
Notification	Not applicable
Monitoring	Conduct spill-specific monitoring;
Reporting	<ul style="list-style-type: none"> • Submit a Quarterly Certified Spill Report within 15 calendar dates after the end of the calendar quarter in which the spills occur; • Submit Amended Spill Reports within 90 calendar days after the Certified Spill Report due date; • Within 30 days of the end of a calendar month in which only Category 4 Spills occur, (no other Category Spills), certify “Category 4 Spills Only”.

Summary of Notification, Monitoring, Recordkeeping and Reporting Requirements

Table E2-5 of Attachment E2 of the General Order

Requirement	Enrollee Owned and/or Operated Lateral Spills (that do not discharge to surface water)
Notification	Notify Regional Water Board staff within three business days of the Enrollee' knowledge of a greater than 50-gallon spill
Monitoring	Conduct visual monitoring;
Recordkeeping and Reporting	<ul style="list-style-type: none"> • Maintain records for: <ul style="list-style-type: none"> • Each individual lateral spill; • Total annual spill information. • By February 1st after the end of each calendar year in which the spill(s) occur, upload and certify a PDF Report with lateral spill information per Attachment E1: <ul style="list-style-type: none"> • Section 3.6 (Annual Certified Spill Reporting of Lateral Spills), and • Section 4.4 (Recordkeeping of Lateral Spills).

Annual Report Due Date

Section 3.9 of Attachment E1 of the General Order

Existing Enrollees



- Update and certify the previous calendar year report (Questionnaire)

New Enrollees



- Complete and certify first report within 30 days of obtaining a CIWQS account

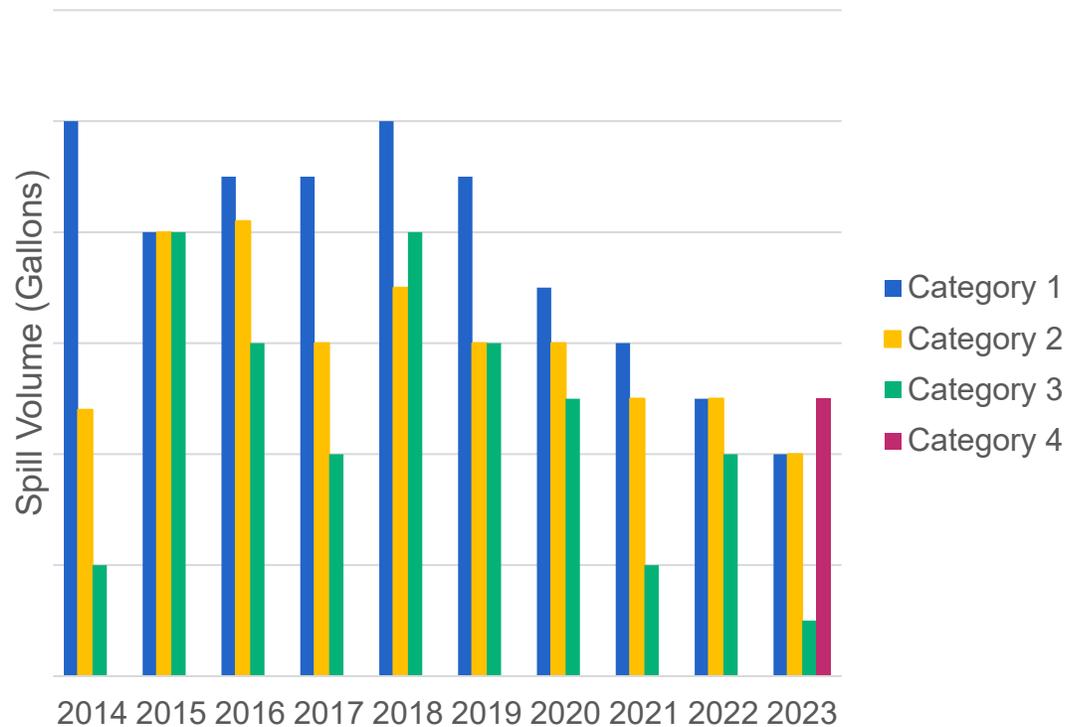
Subsequent Annual Reports due by April 1st of each year after Order Effective Date

System Performance Analysis

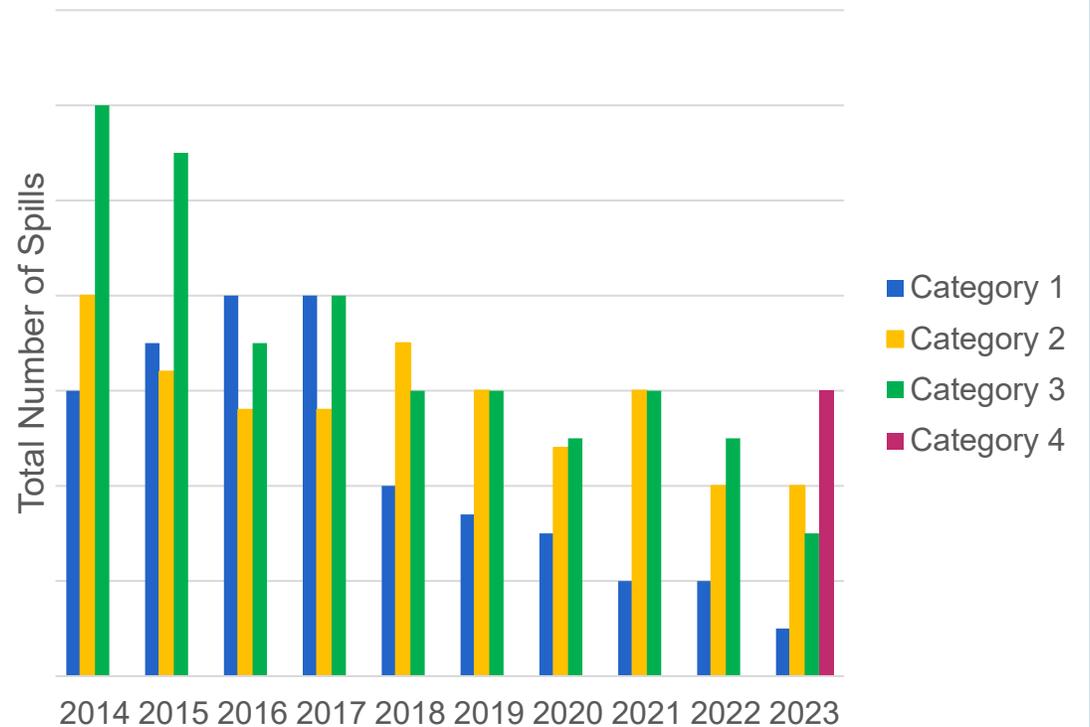
Section 5.11. of General Order

The Enrollee shall include a running 10-year system performance analysis (CIWQS generated) in its Annual Report

Graph 1 – Total Spill Volume per Year



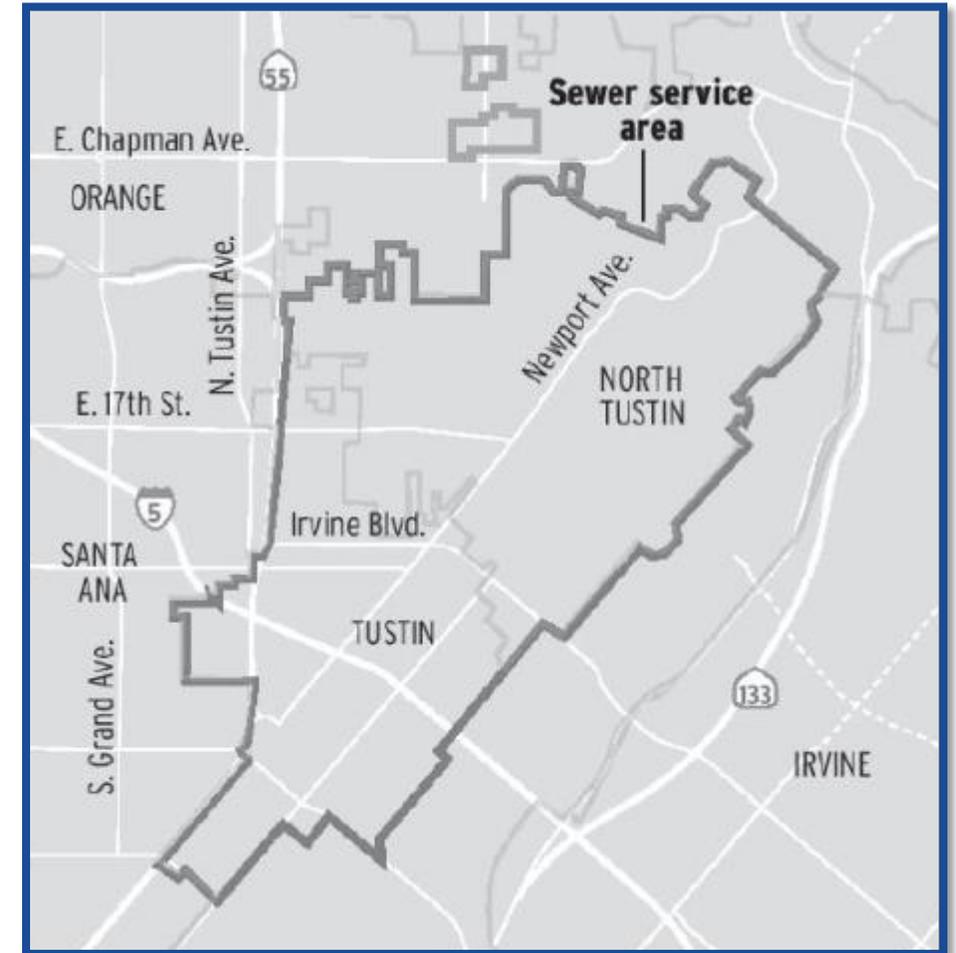
Graph 2 – Total Number of Spills per Year



Service Area Boundary Map

Section 5.14. of General Order

- Submit into CIWQS, an electronic sewer service area boundary map for each enrolled system.
 - **Existing Enrollees:** Submit within **12 months** of Effective Date of General Order.
 - **New Enrollees:** Submit within **12 months** of Application for Enrollment approval date.
- Updated maps annually, if service area changes.
- Assistance available for disadvantaged communities:
Email request to: SanitarySewer@waterboards.ca.gov



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Cost Discussion Proposed General Order Implementation

Presenter:
Diana Messina, P.E., BCEE
Surface Water Permitting Manager



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EXAMINING TWO TYPES OF COMPLIANCE COSTS - - EXISTING ENROLLEES -

1. Capital Costs:

- Capital costs to maintain, repair and rehabilitate system infrastructure to generally comply with the prohibitions to sewage spills.
- Capital costs to maintain system in a well-performing condition
- Does not include costs for capacity increases, or operations and maintenance costs (gray area due to unknown climate-related impacts)



2. Regulatory Administrative Costs:

- Costs to comply with required deliverables
 - To update existing Sewer System Management Plan per additional requirements
 - To conduct Sewer System Management Plan Audits
 - To prepare and submit Annual Reports
 - Prepare new boundary maps
 - Conduct ELAP-compliant lab analysis for spills >50,000 gallons to surface waters

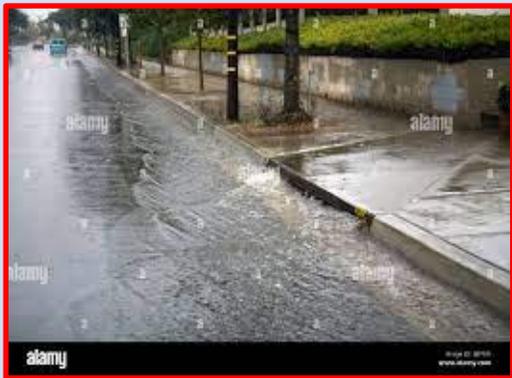
1. CAPITAL COSTS INCURRED UNDER PROPOSED ORDER THAT WOULD NOT BE INCURRED UNDER EXISTING ORDER

Existing Order Prohibits:

- Sewage discharge *to waters of the United States*
- *Sewage causing nuisance.*

Proposed Order Prohibits:

- Sewage discharge to waters of the State (surface waters and groundwater)
- Sewage with potential to discharge to surface waters of the State unless cleaned up and reported
- *Sewage causing a nuisance.*



GENERAL QUALITATIVE CONCLUSIONS OF CAPITAL COST TO COMPLY WITH PROPOSED PROHIBITIONS

- Agencies that have already invested in ongoing capital projects to maintain a well performing system that generally complies with existing prohibitions, will also generally comply with proposed prohibitions
 - Additional capital costs due to the prevention of overflows that are now recognized as potential sewage discharge to groundwater
 - Additional costs agencies choose to bare to reduce legal exposure to potential spills
- Agencies that have not invested in capital projects to comply with existing Order prohibitions may have very large capital costs to comply with Proposed Order prohibitions
- A subset of publicly owned systems will have additional capital costs to address underground exfiltrating sewage that, due to location-specific factors, will reach groundwater
 - Additional capital costs to address observed exfiltrated sewage (during condition assessments) in system areas that the sewage may reach groundwater.
 $(\%) \times (120,000 \text{ miles of sewer}) \times (5280 \text{ feet/mile}) \times (\$100 \text{ +/-/foot}) \text{ ?}$
- Difficult to account for costs some enrollees may invest to avoid legal risk.

General Comparison of Regulatory Administrative Costs – Compliance cost with Required Order Deliverables

1	<p><u>Application Cost and Annual Fee</u></p> <ul style="list-style-type: none"> • Existing enrollees do not have application costs • Annual fees per State Water Board Fee Schedule
2	<p><u>Sewer System Management Plan</u> - Initial Plan developed for compliance with Existing Order</p>
3	<p><u>Sewer System Management Plan Update</u></p> <p>Cost Increases due to addition of:</p> <ul style="list-style-type: none"> • System resilience-related procedures to prioritize necessary operation/maintenance, and capital projects • Inter-agency and Intra-agency Coordination Procedures • Tree Root Blockage Control Program (as applicable) <p>Cost Reductions due to decreased frequency of Plan Update (from every five years to every six years)</p>
4	<p><u>Sewer System Management Plan Audit</u> – per Existing Order</p> <p>Cost Reduction due to decreased audit frequency (from every 2 years to every 3 years)</p>

General Comparison of Regulatory Administrative Costs – Compliance cost with Required Order Deliverables

5	<p><u>Annual Reporting Requirements</u> – Continuation of existing Questionnaire process Cost Increase due to System Performance Analysis Graphs (CIWQS-generated)</p>
6	<p><u>Electronic Sanitary Sewer System Service Area Boundary Map</u> Cost Increase due to new requirement</p>
7	<p><u>Monitoring and Reporting Costs:</u> Cost Increases due to:</p> <ul style="list-style-type: none"> • Enhanced visual observation monitoring and “show your steps” reporting • Receiving water monitoring for spills greater than 50,000 gallons to a surface water <p>Cost Reduction due to decreased reporting of spills <50 gallons (quarterly) and lateral spills (annually)</p>

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Exposure to Third-party Lawsuit

Presenter:
Tim Regan, Senior Staff Counsel
State Water Resources Control Board



GENERAL INFORMATION REGARDING THIRD PARTY LAWSUITS

- The statewide Order is proposed to be issued by the State Water Board under the authority granted by the Water Code, specifically the Porter-Cologne Act
 - Statewide general Waste Discharge Requirements protect waters of the State:
 - Surface waters of the United States and non-federal surface waters
 - Groundwater
- Third party lawsuits are applicable to violations of the federal Clean Water Act:
 - Discharge to waters of the United States without an NPDES permit (the proposed waste discharge requirements are not an NPDES permit to discharge), or
 - Violations of a federal NPDES permit
- Non-compliance with waste discharge requirements is not subject to third-party lawsuits unless a Clean Water Act violation is involved
- Water Boards have enforcement discretion for violation of waste discharge requirements

Critical that Enrollees know if their spill is entering a water of the United States

Next Steps for Existing Enrollees

**State Water Board
consideration of Order
adoption**

December 6, 2022
Board Meeting

**Existing Enrollee
continuation of regulatory
coverage**

Within 60-days prior to
Order Effective Date

Order Effective Date

May 5, 2023
(proposed)

State Water Board Consideration of Adoption

December 6, 2022, Board Meeting

- See options for participation in Public Notice:
 - In person at the CalEPA building, Sacramento
 - Zoom meeting for remote participation
 - CalEPA Webcast for view only: <https://video.calepa.ca.gov/>
- Staff presentation to the Board
- Interested-party opportunity to provide oral comments to the Board
- State Water Board consideration of adoption

THANK YOU FOR YOUR PARTICIPATION

Proposed General Order available at:

https://www.waterboards.ca.gov/water_issues/programs/sso/

Subscribe to Lyris e-mail list for updated email notifications:

https://www.waterboards.ca.gov/resources/email_subscriptions/wrcb_subscribe.html

