



California Regional Water Quality Control Board

San Diego Region



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DATE: October 19, 2009

In reply refer to:
SSO Program:jhaas

TO: James Fischer, P.E.
Waste Discharge Requirements Unit
STATE WATER RESOURCES CONTROL BOARD

FROM:

Julie Chan for
John H. Robertus
Executive Officer

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

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OCT 21 2009

DIVISION OF WATER QUALITY

SUBJECT: SSO REDUCTION PROGRAM REVIEW AND UPDATE

The San Diego Water Board recommends updating Water Quality Order No. 2006-0003-DWQ (statewide SSO Order) to make it consistent with Regional Board Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*. The San Diego Water Board appreciates the efforts of the State Water Board to assess and improve implementation of the statewide Sanitary Sewer Overflow (SSO) Reduction Program because SSOs are among the most significant threats to water quality and beneficial uses in the San Diego region.

The San Diego Water Board recognizes the Statewide SSO Order as the primary regulatory mechanism for establishing minimum requirements for the prevention of SSOs. Complementary requirements in Order No. R9-2007-0005 were adopted because the statewide SSO Order alone would have been less effective than the historic regulatory mechanism in the San Diego region.¹ For instance, the statewide SSO Order allows some SSOs that had been prohibited in the San Diego region.

In order to improve statewide protection, the SSO Order should include a strict prohibition on overflows and require notification of private lateral sewage discharges. These two points are discussed in more detail below.

1. Water Quality Order No. 2006-0003-DWQ should prohibit all sewage overflows.

This strict prohibition is necessary to implement requirements in the Federal Clean Water Act, California Water Code, and the Water Quality Control Plans for the regions. For instance, Water Code section 13260 prohibits the discharge of waste to land prior to the filing of a report of waste discharge and subsequent issuance or waiver of waste discharge requirements.

¹ Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Agencies*, had been effective in reducing the number and magnitude of spills in the San Diego region.

California Environmental Protection Agency



2. Water Quality Order No. 2006-0003-DWQ should require notification of private lateral sewage discharges.

Order No. R9-2007-0005 includes a requirement for sewage collection agencies to provide notification of private lateral sewage discharges for which they become aware of that meet certain criteria. Such reporting is optional under the statewide SSO Order. The Regional Board required notification because preliminary data suggested private lateral sewage discharges were numerous and a potential threat to public health and the environment, yet there was a need to obtain a better picture of the number and volume of private lateral sewage discharges in the region. Since mandatory reporting began, the data verify that the threat from private lateral discharges can equal or exceed that from public systems. For example, the following table summarizes private and public SSOs reported from July 1 to August 31, 2009 in the San Diego Region.

Reported Discharges of Sewage from Public Collection Systems and Private Laterals in the San Diego Region between July 1, 2009 and August 31, 2009

System	Number of Spills	Spills 1,000 Gallons or More	Spills Reaching Surface Waters or Storm Drains
Public Collection Agency	15	3	8
Private Lateral	40	6	8

Sewage collection agencies are typically notified and/or are the first responders to private lateral sewage discharges. Requiring the sewage collection agencies to report all known private lateral sewage discharges is reasonable and a first step toward development of a regulatory approach for reducing the public health and environmental threats from private lateral sewage discharges.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Jeremy Haas at (858) 467-2735 or jhaas@waterboards.ca.gov.

JHR:jh