



Informal Staff Draft Statewide Sanitary Sewer System General Order

Public Workshop Presentation
April 13, 2021 & April 16, 2021

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Thank You

- To field operators out in the field protecting our sanitary conditions
- To all dedicating time to work with Water Board staff in developing a proposed Order reissuance

Purpose of Today's Workshop

- To jointly discuss Informal Staff Draft Order dated February 2021

https://www.waterboards.ca.gov/water_issues/programs/sso/docs/workshops/informal_staff_draft_statewide_sso_order.pdf

- Existing Orders are in place and effective until the *Effective Date* of a Board-adopted reissuance
 - 2006 statewide General Waste Discharge Requirements, and
 - 2013 Monitoring and Reporting Program

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2006/wqo/wqo2006_0003.pdf

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2013/wqo2013_0058exec.pdf,

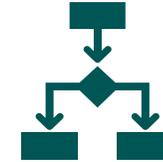
Today's Overview of Informal Draft Order



Walk through Document



Provide intention and background



Explain organization of informal draft Order



Point out some new Order elements



Share informal discussions taking place

Presentation crafted to address many questions and comments received

Main Objectives of Reissuing the Existing Order

- Update the 15-year-old existing Order
- Clarify compliance expectations and enhance enforceability
- Clarify that Enrollee must implement an effective updated Sewer System Management Plan
- Address system resiliency at the system-specific level
- Identify valuable data and eliminate nonvaluable reporting
- Incentivize operator certification

Important to Note

- This informal staff draft is subject to change with further Order development
- Order format is consistent with current Water Board statewide orders
- “Main portion” of Order and “Attachments” are collectively the enforceable Order
- This is an Order, not a permit. Excuse unintentional use of “permit”
- One version of Informal Draft Order as informal feedback is gathered
- Clarification of common concerns - no proposed requirement to :
 - Rewrite Sewer System Management Plans
 - Develop additional or formal asset management plan
 - More capital improvement projects beyond local budget

Main Portion of Informal Draft Order

Section 1. Introduction

Section 2. Regulatory Coverage and Application Requirements

Section 3. Findings

- *Factual basis the State Water Board finds when adopting Order*

“IT IS HEREBY ORDERED...the Enrollee shall comply with the requirements of this Order”

Section 4. Spill Prohibitions

Section 5. Specifications

- *Requirements specifically placed on the Enrollee*

Section 6. Provisions

- *Basis of existing enforcement authority/discretion, and other items*

Attachments in Informal Draft Order

Attachment A - Definitions

Attachment B - Application for Enrollment Form

Attachment C - Notice of Termination

Attachment D - Sewer System Management Plan - Required Elements

Attachment E1 - Notification, Monitoring, Reporting and Recordkeeping Requirements

Attachment E2 - Summary of Requirements in E1 Per Spill Category/Type

Attachment F - Official Regional Water Board Contact Information for Required Notifications

First Pages of Order – Applicability of Order

Table 1. Key Definitions for the Purpose of this Order

Sanitary Sewer System	<p>A <i>sanitary sewer system</i> 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"> • <i>Laterals owned by the Enrollee;</i> • <i>Satellite sewer systems;</i> 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 <i>Enrollee</i> is a public or private entity that has submitted a complete application and has obtained approval for regulatory coverage under this General Order, including:</p> <p>A federal or state agency, municipality, special district, or other public entity that owns and/or operates a <i>sanitary sewer system</i> with pipelines totaling <u>more than one (1) mile in length</u>;</p> <p>or</p> <p>A private company that owns and/or operates a <i>sanitary sewer system</i> of any size where the State Water Resources Control Board or a Regional Water Quality Control Board identifies the need to be regulated, 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 <i>Enrollee's</i> approved regulatory coverage.</p>

Spill	<p>A <i>spill</i> is a release, or any other type of emission, of <i>sewage</i> from any portion of a <i>sanitary sewer system</i> due to system overflow, flow stoppage, system leaks, operational failure and/or infrastructure failure.</p> <p>A <i>spill</i> includes underground exfiltration¹ of <i>sewage</i> from a <i>sanitary sewer system</i> through cracks in pipes, misaligned joints, seepage through porous materials, or other means, to groundwater, the ground surface, or a surface water of the State.</p>
Discharge	<p>A <i>discharge</i> is a <i>spill</i>, or any other type of emission or release of sewage from a <i>sanitary sewer system</i> <u>whether or not it reaches a water of the State</u>.</p>
Sewage	<p><i>Sewage</i> is untreated or partially treated domestic, municipal, <u>commercial</u> and/or industrial waste (including sewage sludge) conveyed in a <i>sanitary sewer system</i>.</p>

¹ This General Order does not regulate underground exfiltration of sewage from a sanitary sewer system to underground soil that does not reach groundwater, the ground surface, or a surface water of the State. Such exfiltrated sewage is not considered to be a spill and is not subject to regulation under this Order.

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, nor 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.

Waste Discharge Requirements

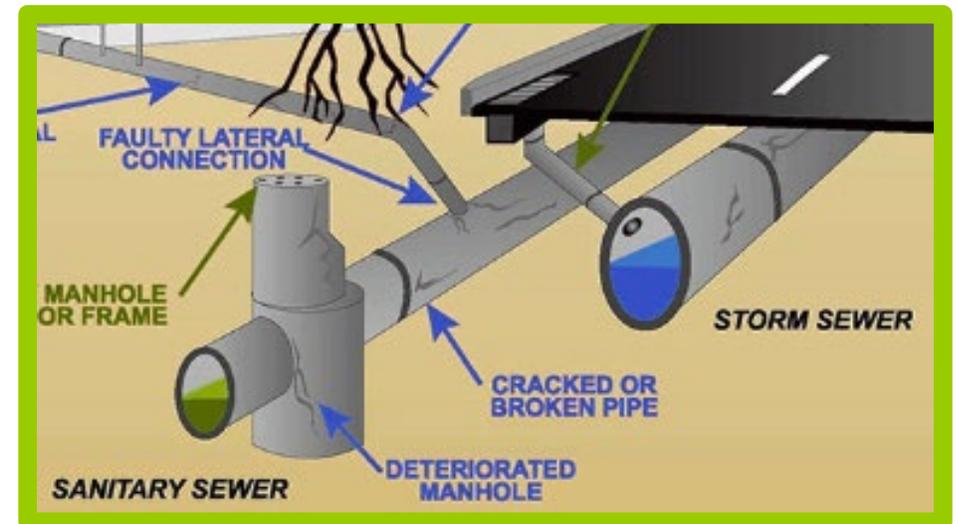
Protect Waters of the State

- Informal draft Order emphasizes the protection of waters of the State
- Waters of the State include surface waters and groundwater
- Section 3. Findings – includes multiple beneficial uses to be protected, including surface and groundwater drinking water supplies

Proposed Regulation of Exfiltration

<p>Spill</p>	<p>A <i>spill</i> is a release, or any other type of emission, of sewage from any portion of a <i>sanitary sewer system</i> due to <u>system overflow, flow stoppage, system leaks, operational failure and/or infrastructure failure.</u></p> <p>A <i>spill</i> <u>includes underground exfiltration¹ of sewage from a sanitary sewer system through cracks in pipes, misaligned joints, seepage through porous materials, or other means, to groundwater, the ground surface, or a surface water of the State.</u></p>
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Footnote 1 – Sewage that does not reach groundwater is **not** regulated by this Order



Section 1. Introduction

- Provides introductory text of the State Water Board's
 - Intent of updating the 2006 Order by implementing current regulations, policies and resolutions
 - Compliance expectations for Enrollees to:
 - Proactively prevent spills and eliminate discharges
 - Implement an effective updated Sewer System Management Plan
 - Track and improve their own sewer system performance

Section 2. Regulatory Coverage and Application Requirements

- Implements streamlined electronic acceptance in CIWQS for continuation of existing coverage to new Order
- Provides administrative procedures for new applicants and for transfer of regulatory coverage

Section 3. Findings

- Provides the factual basis and context for the Order, including:
 - Existing legal authorities through federal and state regulation
 - Sewage spill threats to public health and beneficial uses
 - Applicable water quality control plans, policies, and State Water Board resolutions addressing (for example):
 - Cost of Compliance
 - Sources of Drinking Water
 - Water Boards' Response to Climate Change
 - Information on existing funding and technical assistance programs

Section 4. Prohibitions

- 4.1. Any spill of sewage from a sanitary sewer system is prohibited.
- 4.2. Any discharge of untreated or partially treated sewage to waters of the State is prohibited.
(Water Code section 13050(e))
- 4.3. Any discharge of untreated or partially treated sewage that creates a nuisance as defined in Water Code section 13050(m) is prohibited.

Section 5. Specifications

Requirements specifically placed on the Enrollee

(Overview of new informally drafted requirements)

Section 5.3. Proactive System Resiliency

- Expansion of Finding 3 in 2006 Order:

Existing text states:

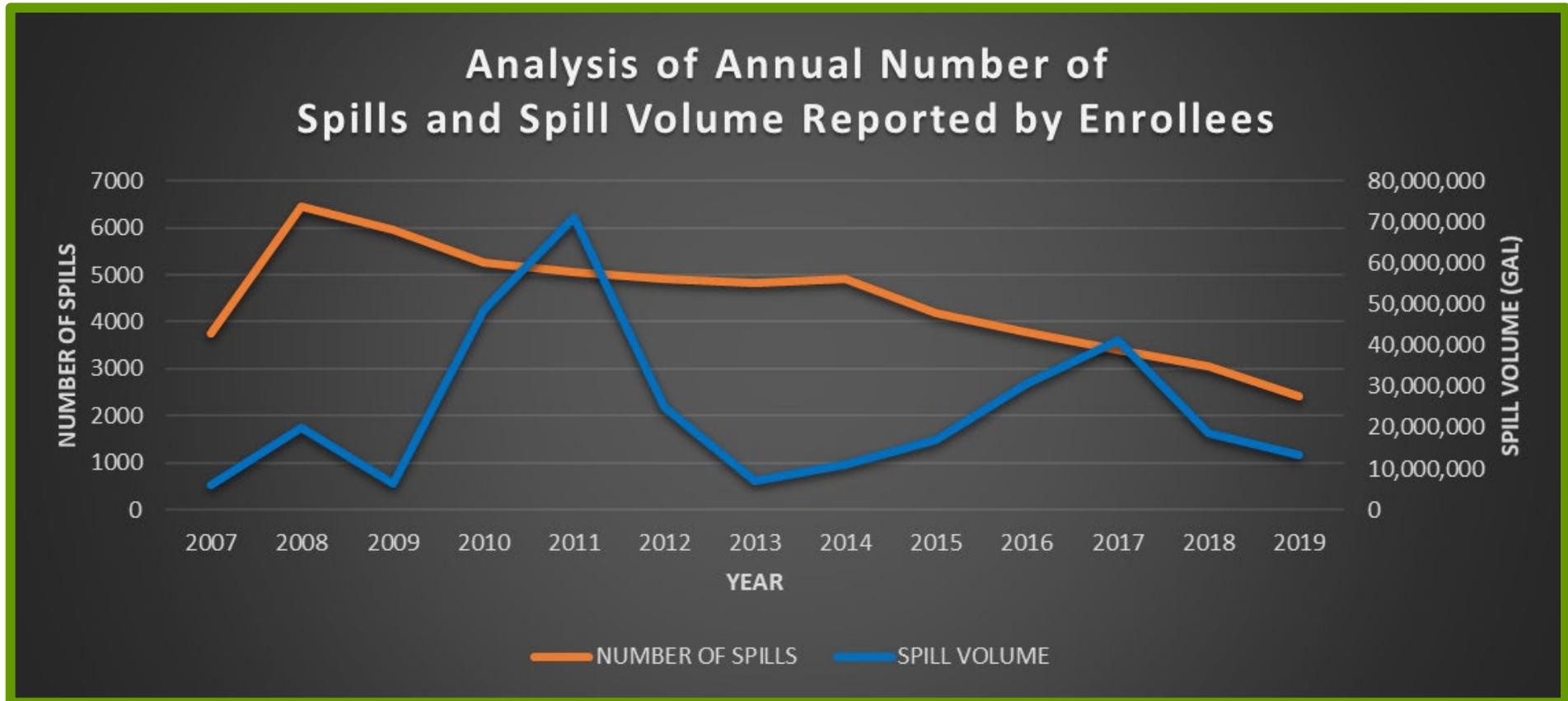
*A **proactive** approach that requires Enrollees to ensure a system-wide operation, maintenance and management plan is in place, will reduce the number and frequency of SSOs within the state. This approach will in turn **decrease the risk** to human health and the environment caused by SSOs.*

- Expansion of Finding 13(iv)(c) in 2006 Order:

Existing text states:

*Develop a rehabilitation and replacement plan to **identify and prioritize** system deficiencies and implement **short-term and long-term** rehabilitation actions to address each deficiency.*

The Success of 2006 Order



Section 5.3. Proactive System Resiliency

- Requires the Enrollee to:
 - Include procedures in next Sewer System Management Plan Update that address identifying high-risk and high-priority sewer/program areas
 - Implement updated risk and prioritization-related corrective actions to prevent future spills
- Section 5.3.1. limits this requirement for disadvantaged communities to a one-time Plan Update that includes risk and prioritization-related procedures

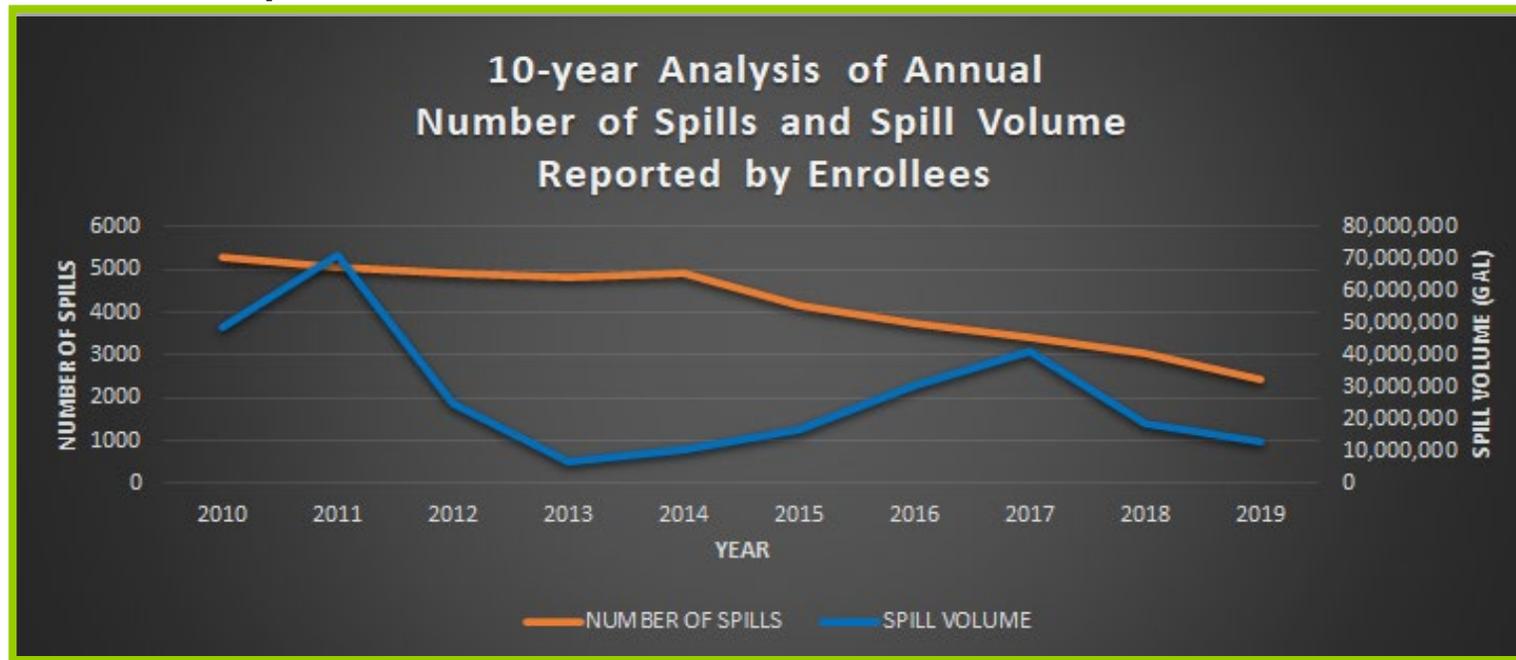
Objective: *Continue reducing statewide number of spills and total volume sewage spilled through proactive measures that proactive Enrollees implement.*

Section 5.5. Legally Responsible Official

- Current 2006 Order requires an Enrollee's Legal Responsible Official to legally certify, under penalty of perjury, its:
 - Regulatory coverage actions (application, transfer, termination)
 - Sewer System Management Plan and Updates
 - Spill reports
- Specifications are modified to require the Legally Responsible Official:
 - To have responsibility over operation or management of the Enrollee's entire sanitary sewer system
 - To hold a Professional Engineer registration or certified collection system operator certification

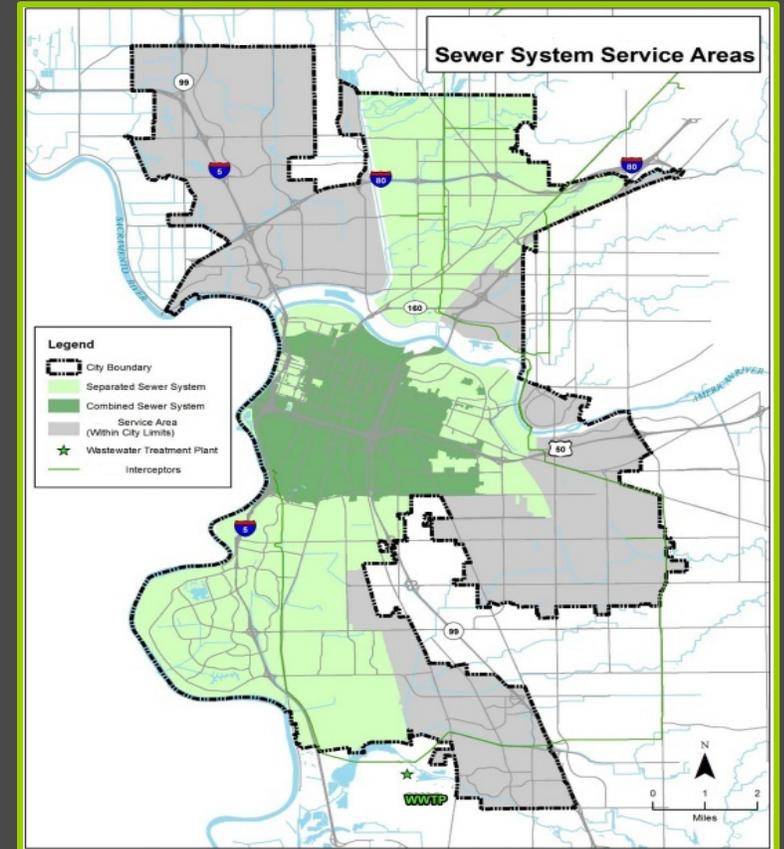
Section 5.10. System Performance Analysis

- Requires the Enrollee to track and annually report its own system 10-year performance analysis that includes two line-graphs:
 - (1) Annual number of spills and
 - (2) Annual volume spilled



Section. 5.14. Electronic Boundary Maps

- Requires submittal of electronic sewer service boundary map
 - Within 12 months of Adoption Date of Order or within 6 months of new enrollment
 - Include public water system identification number (PWSID)
 - Include waste discharge identification number (WDID) of treatment plant
- For Water Board's collective identification:
 - Of areas not served by sewer systems
 - To address inter-related drinking water / wastewater regulatory issues



Section 5.15.–5.16. Notification of Spills from Private Laterals/System

- Requires Enrollee to notify Regional Water Board of observed spills from privately owned laterals or systems:
 - Of 1000 gallons or greater
 - Any size that is discharging a water of the State
- Encourages Enrollee to notify California Office of Emergency Services (CalOES) of above spills that have potential to discharge to a water of the State
- Clarifies that system owner is responsibility to contact CalOES

Objective: To have immediate attention on occurring spills threatening our waters.

Section 5.17. Annual Report

- Converts existing “questionnaire” in 2006 Order to an Annual Report
 - Consistent with other Water Board orders for compliance determination
 - Proposed one-time entry of content in CIWQS, then annual update of information that changed during each year

Modified Spill Categories for Reduced Reporting

Section 5.13 includes a fourth category:

- Category 1 – All spills to a water of the United States
- Category 2: Spills of >1000 gallons (not Category 1)
- Category 3: Spills from 50 – 999 gallons (not Category 1)
- Category 4: Spills <50 gallons (not Category 1)

Section 5.20 provides incentive-base reduced reporting

- Allows Enrollee to maintain [<50 gallons] spill records onsite if:
 - Less than two spills per 100 miles of system, per year
 - Total individual spill volumes do not exceed 1000 gallons
 - No Category 1 spills
 - 50 percent field staff are certified operators

Section 6. Provisions

Legal reference and information

Section 6. Provisions

- Provides the legal reference for existing Water Board enforcement authority
 - CA Water Code including the Porter Cologne Act (State)
 - Clean Water Act (Federal for waters of the U.S.)
- Provides information on existing Regional Water Board enforcement discretion factors
- Provides information regarding Regional Board authority to order more stringent requirements

Attachment A – Attachment C

Definitions

- Defines key terms for clarification and compliance consistency

Application for Enrollment

- Application form and procedures for new applicants

Notice of Termination

- Form to terminate coverage under Order

Attachment D

Sewer System Management Plan – Required Elements

- Provides details to clarify Water Board compliance expectations for Sewer System Management Plan
- Includes the required elements to be addressed in individual Plan
- Defines Plan as a living planning document that documents:
 - Local program elements and procedures
 - Decision-making protocols
 - System resiliency assessments and prioritized remediation actions
 - Procedures for continuous Plan update

Attachment D

Sewer System Management Plan – Required Elements

Introduction Paragraph explains:

- If existing Plan already includes new required elements – Enrollee is in compliance with Plan requirements
- If requirement not applicable to specific system or specific Enrollee, Plan to explain non applicability

Important Note – No requirement to rewrite Sewer System Management Plans

Attachment D

Section 4.2. Interagency Coordination & Collaboration

- Requires established protocol for coordination and collaboration with:
 - Local stormwater agencies for coordinated spill emergency response and clean up
 - Local drinking water agencies for planned protection of surface and groundwater intakes from spills

Attachment D

Section 7. System Resiliency

- **Section 7.1. Condition Assessment** (Existing language clarified per compliance expectations)
- **Section 7.2. Capacity Assessment**
- **Section 7.3. Risk Assessment**
 - Requires procedures in Plan for assessing risk of system deficiencies identified in Condition and Capacity Assessments
- **Section 7.4. Remedial Prioritization:**
 - Requires procedures for the prioritization of short-term and long-term remediation actions addressing higher risk system/program areas identified in Risk Assessment
- **Section 7.5 System Resiliency Actions**
 - Requires incorporation of resulting prioritization into:
 - Existing Operation and Maintenance procedures
 - Implementation order of capital improvement projects (to address high risk system elements first)

Attachment D

Section 11. Local System Program Budget and Resources

- Requires a detailed description of its local resources:
 - Dedicated to the sanitary sewer system and the local program
 - Needed to implement an updated effective Sewer System Management Plan and operate an effective local program
- Requires a description of the local program's:
 - Accounting mechanisms and procedures
 - Auditing procedures that evaluate revenues and expenditures
 - Financial and accounting program procedures

Attachment D

Section 16. Adaptive Management

- Requires a detailed narrative of how the Sewer System Management Plan has been updated to reflect ongoing system resiliency through system/program modifications.

Attachment E1

Notification, Monitoring, Reporting and Recordkeeping Requirements

Updates the existing 2006 Order and 2013 Monitoring and Reporting Program

- Notification – Notifying CalOES and/or Regional Water Board of a spill
- Monitoring – Gathering of information
 - Visual observations
 - Field monitoring with handheld meters
 - Water quality sampling with laboratory analysis (>50K spill to water of the U.S.)
- Reporting – Reporting of information to the Water Boards
 - Reporting of monitoring results, plans and reports
- Recordkeeping – Maintaining information in Enrollee's possession
 - Information to be made available per request of Water Board staff

Attachment E2

Summary of Attachment E1 Requirements Per Spill Categories

Table E2-1: Spill Category 1 Summary

Table E2-2: Spill Category 2 Summary

Table E2-3: Spill Category 3 and Category 4 Summary

Table E2-4: Private Lateral or Private System Spills Summary

Table E2-5: Category 4 Spills with Approved System-Specific
Reduced Reporting Summary

Attachment F

Regional Water Board Contacts



Staff Contacts for continued Order Development

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