

# **STATE WATER RESOURCES CONTROL BOARD**

## **STAFF - LEVEL STAKEHOLDER WORKSHOP**



### ***Seeking Public Input*** for the **Proposed** **Statewide Sanitary Sewer System Order Reissuance**

**San Diego, Sacramento, Chino, Redding and Fresno, California**  
**April 16, 17, 23, 25 and May 2, 2019**

***[This Presentation is for public website posting. The same presentation was delivered to all five workshops, with minor corrections and alteration made per stakeholder discussion.]***

# Welcome and Agenda

**Diana Messina, P.E., BCEE**  
*Supervising Engineer*

**Armando Martinez**  
*Water Resource Control Engineer*

**Division of Water Quality**  
**State Water Resources Control Board**

WELCOME*	9:00 – 9:10 AM
Overview of Proposed Statewide Order Reissuance	9:10 – 10:10 AM
Water Boards' Public Permitting Process	10:10 – 10:30 AM
BREAK	10:30 – 10:45 AM
Stakeholder Discussion for Feedback	10:45 – 12:15 PM
Next Steps	12:15 – 12:30 PM

**\*Note: April 17, 2019 Workshop from 1:00 PM – 4:30 PM**



- ❖ Disagreements are honored
- ❖ We will answer all questions to the best of our ability
- ❖ Informal written input sheets are provided to maximize feedback
- ❖ This is informal discussion
  - ❖ Not recorded
  - ❖ No written responses to comments
- ❖ Consider signing up on website Lyris email listing for further updates

*This is Your Time  
To Speak  
Directly to  
Water Board  
Staff*

## State Water Resources Control Board and Nine Regional Water Quality Control Boards

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### State Water Board addresses statewide issues

- Develops and adopts statewide regulations, policies and permits
  - Water quality
  - Water rights
  - Drinking water
- Provides clean water and drinking water state funding
- Provides public statewide databases

### Nine Regional Water Boards address regional issues

- Develop and adopt Region-specific water quality regulations, policies and permits
- Enforce permits, including statewide Orders



# Statewide Sanitary Sewer System General Order

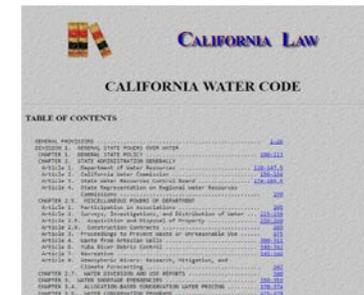
- Adopted by the State Water Board in 2006
  - A statewide water quality Order that regulates publicly-owned sewer systems statewide
    - Established per the California Water Code
  - Sets statewide requirements for the Sanitary Sewer Overflow (“SSO”) Reduction Program
  - Prohibits discharges to waters of the U.S. per Clean Water Act (*most surface water bodies*)
  - Requires each system owner to:
    - Develop and implement a Sanitary Sewer Management Plans (“SSMP”)
    - Perform critical system operation and maintenance
    - Publicly report spills from systems

STATE WATER RESOURCES CONTROL BOARD  
ORDER NO. 2006-0003-DWQ

STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS  
FOR  
SANITARY SEWER SYSTEMS

The State Water Resources Control Board, hereinafter referred to as “State Water Board”, finds that:

1. All federal and state agencies, municipalities, counties, districts, and other public entities that own or operate sanitary sewer systems greater than one mile in length that collect and/or convey untreated or partially treated wastewater to a



CALIFORNIA LAW

CALIFORNIA WATER CODE

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# Statewide Sanitary Sewer System General Order

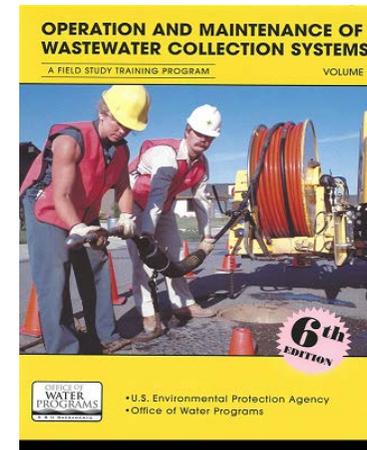
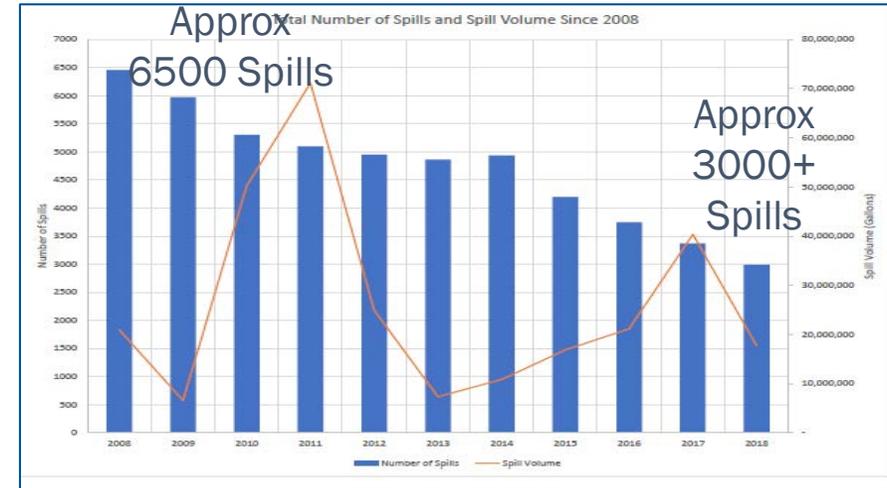
- Enforced by Regional Water Boards with assistance of Office of Enforcement
  - Staff issue informal Notices of Violation
  - Regional Water Boards take formal enforcement actions (\$ fines)
- System owners with discharges to waters of the U.S. are subject to third-party lawsuits for Clean Water Act violations



# 13 Years of General Order Implementation

3,500 less (reported) spills to waters of U.S.  
(difference Year 2008 and 2018)

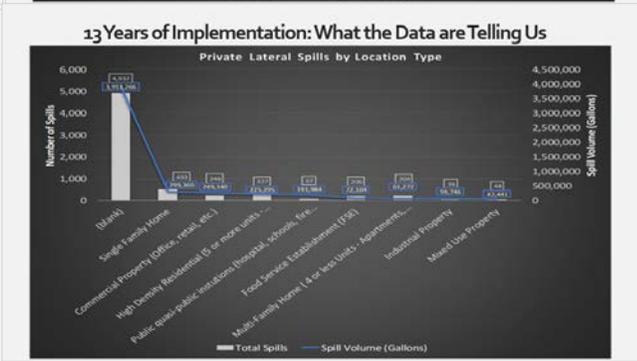
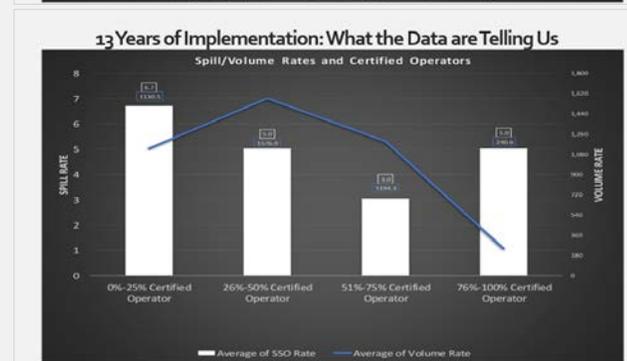
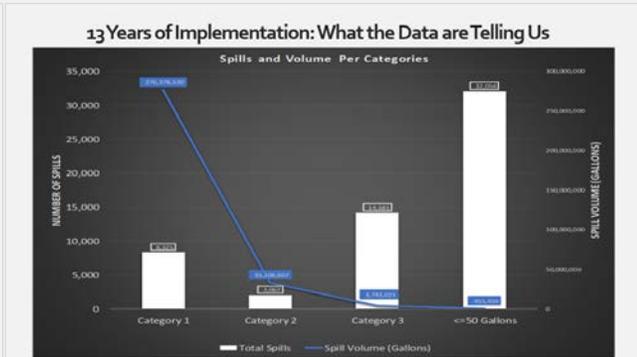
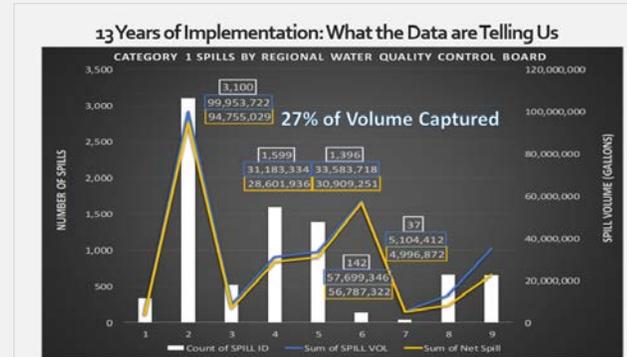
- Many public system owners upgraded local sanitation programs
  - Performing asset management
  - Using upgraded technologies and data systems
  - Employing certified operators
- Professional organizations providing training and certification
- Local Boards providing necessary budget and resources
- Regional Boards formally enforcing
- Third parties pursuing remediation of continuously spill systems



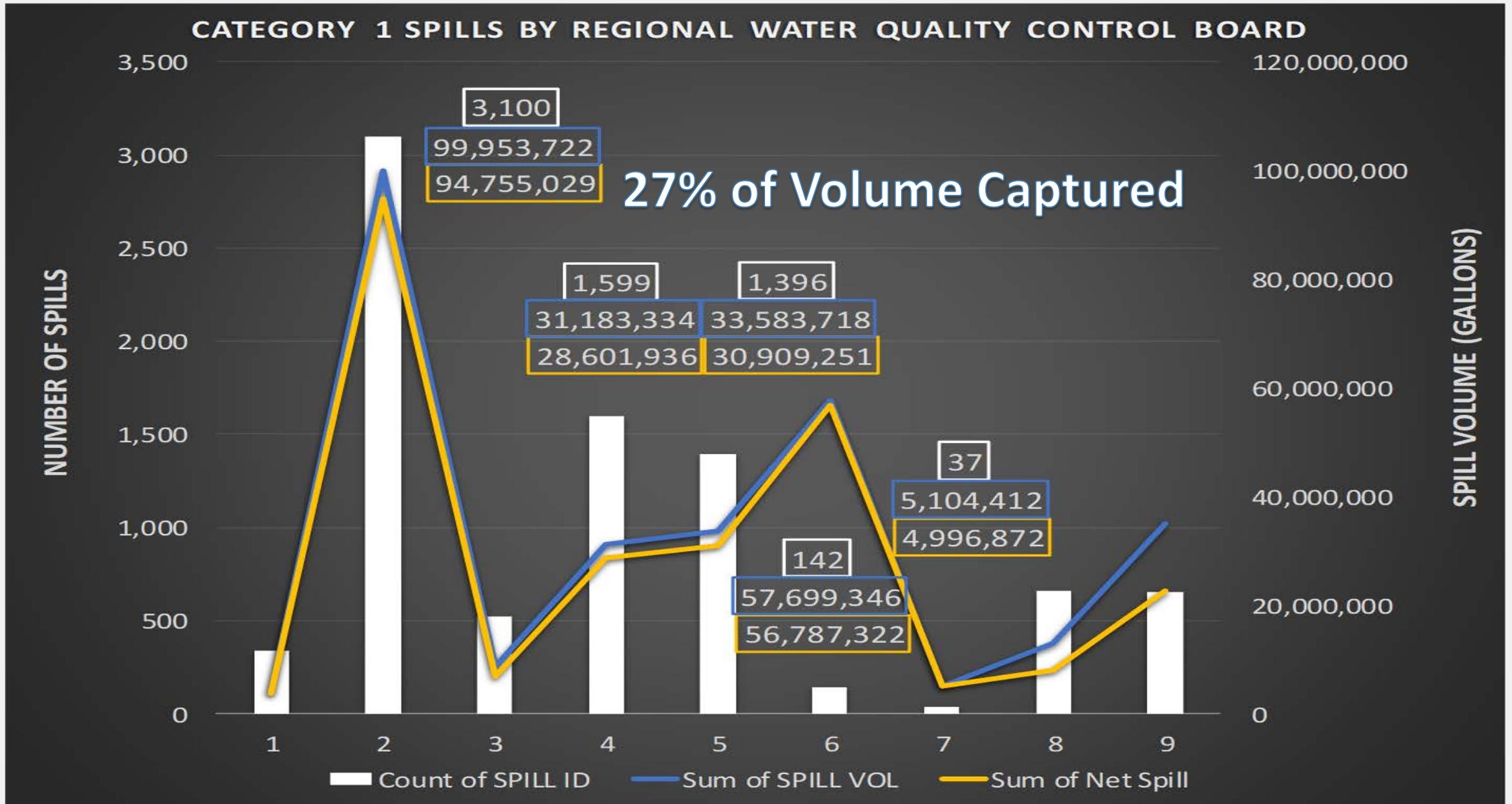
# 13 Years of Implementation

## What Is the Data Telling Us?

- Category 1 Spills by Regional Board
- Spills and Volume by Category
- Spills/Volumes and Certified Operators
- Private Lateral Spills and Volume by Location

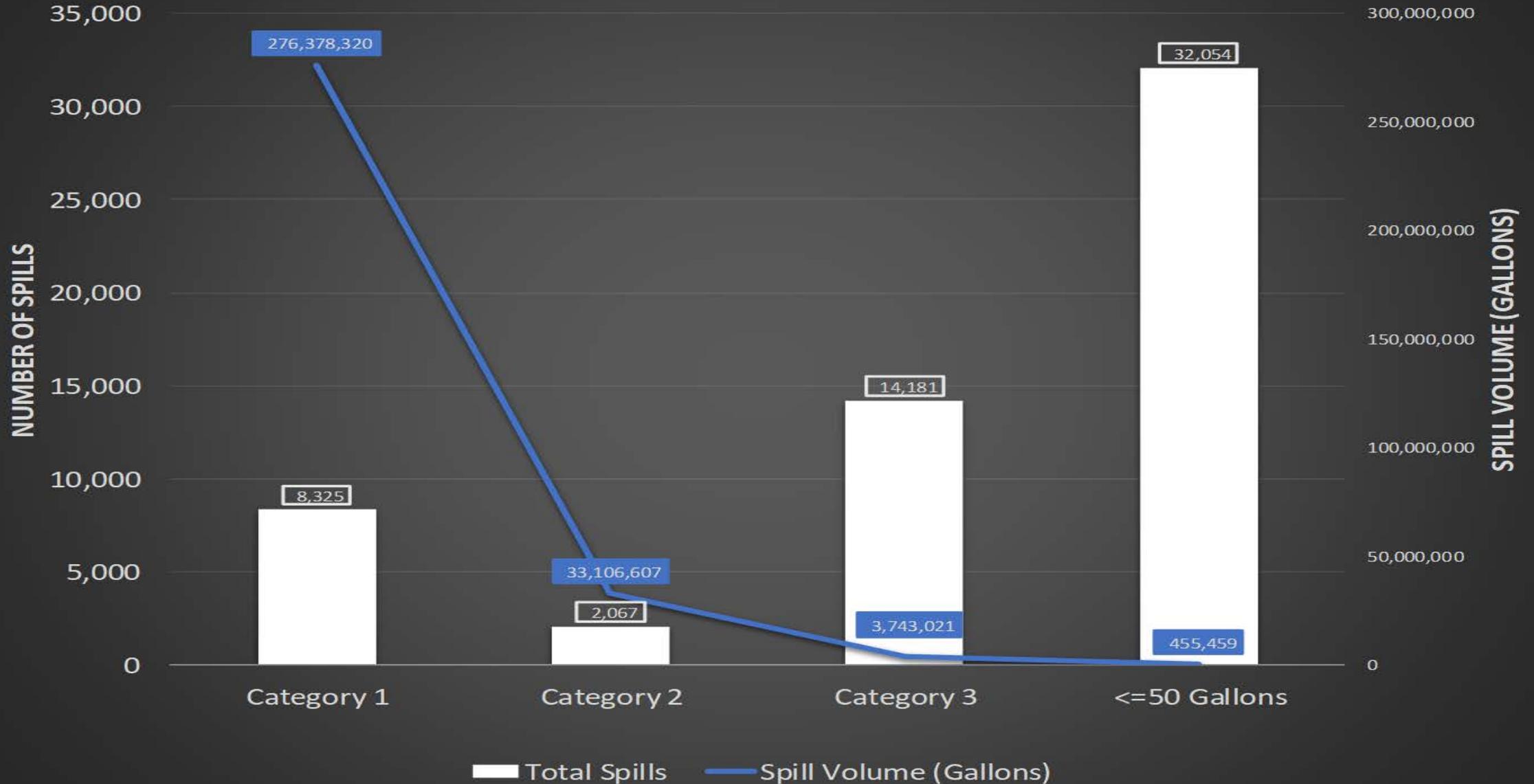


# 13 Years of Implementation: What the Data are Telling Us



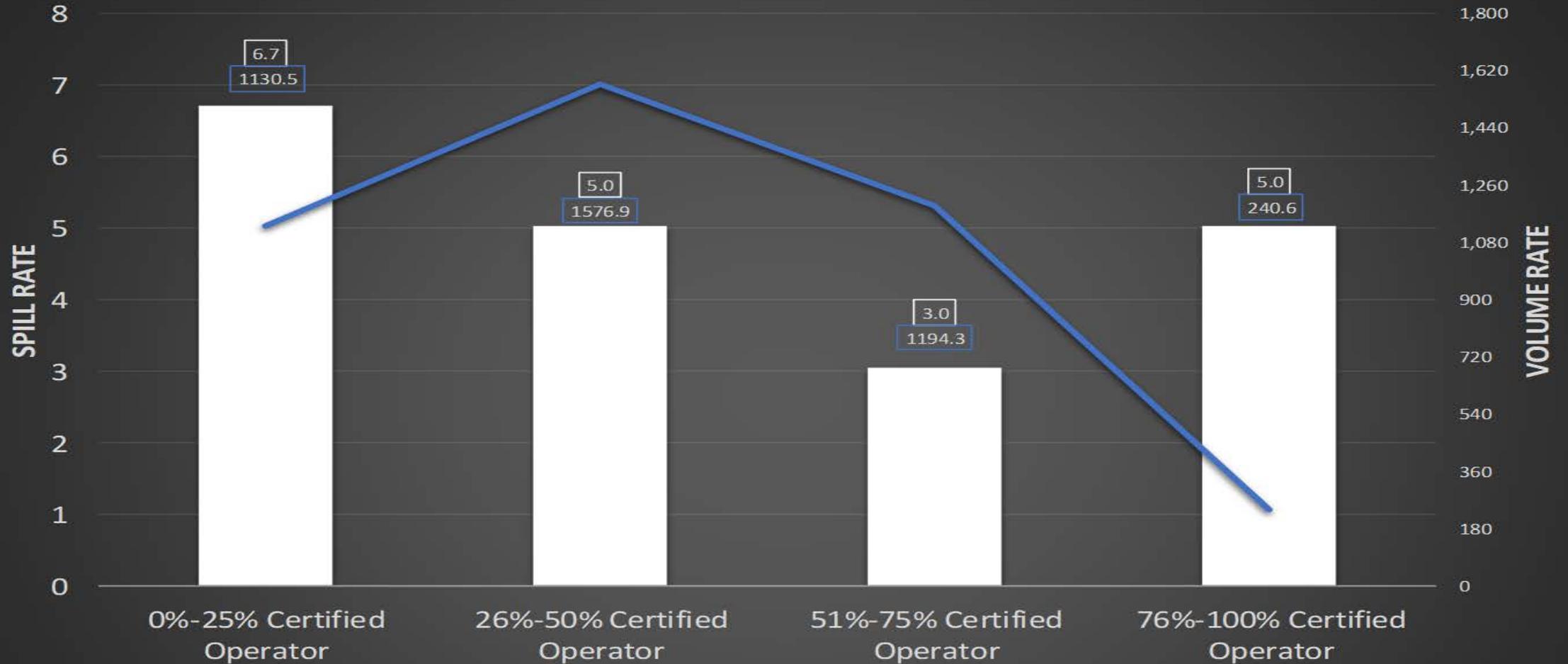
# 13 Years of Implementation: What the Data are Telling Us

## Spills and Volume Per Categories



# 13 Years of Implementation: What the Data are Telling Us

## Spill/Volume Rates and Certified Operators

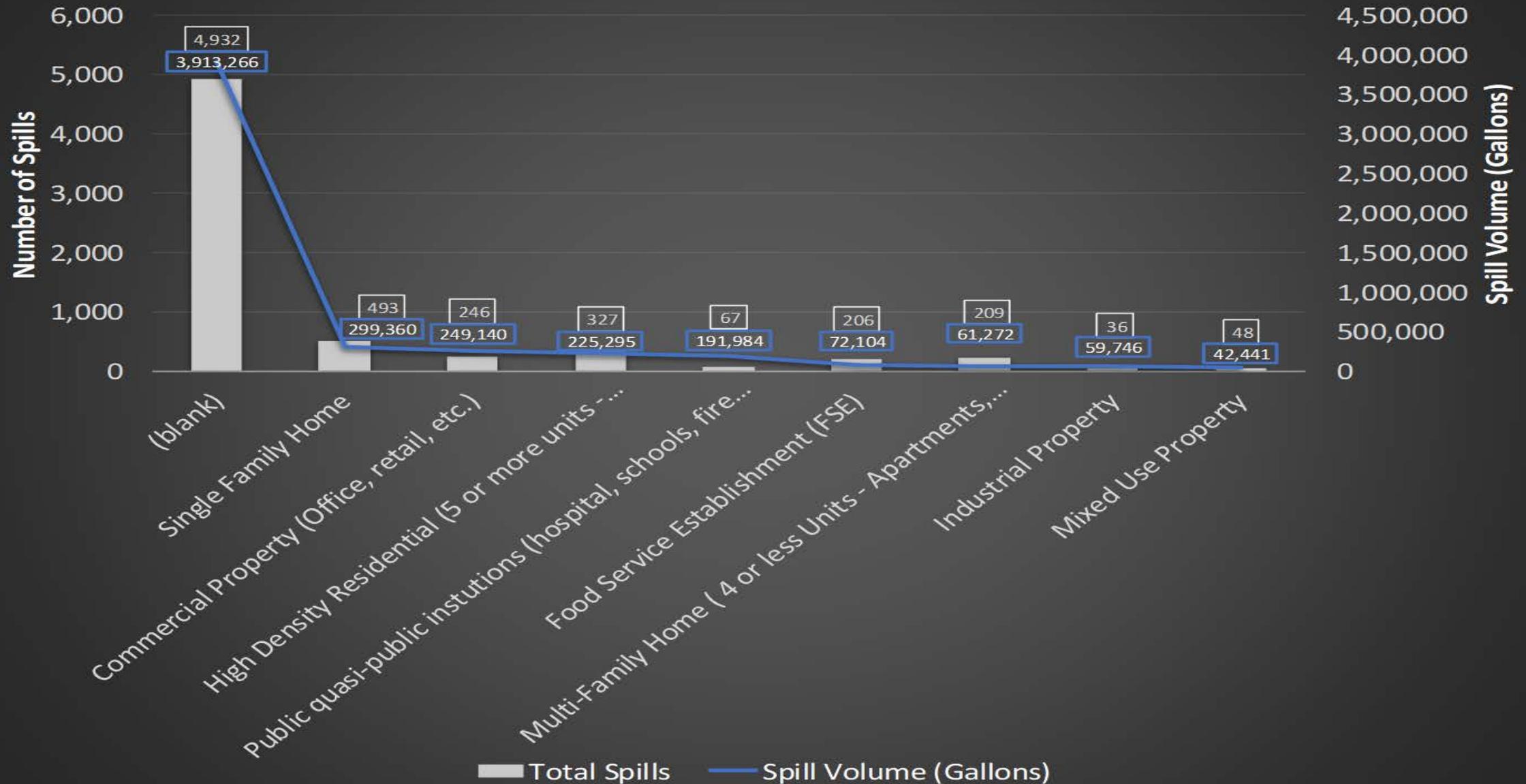


█ Average of SSO Rate

— Average of Volume Rate

# 13 Years of Implementation: What the Data are Telling Us

## Private Lateral Spills by Location Type



# Currently Proposing to Reissue Statewide Order

## Primary Focus – Reduction of Spill Volume

**Requirements  
focused on  
spill  
volume**

To require  
demonstrated  
system-specific  
spill reduction

**Improved  
Data  
Quality**

To update  
monitoring and  
reporting  
requirements

**Enhanced  
Order  
Enforceability**

To address:

- Poor performing systems
- Lack of SSMP implementation
- Reporting deficiencies

**To Incentivize  
Order  
Compliance**

- To recognize good performers
- To incentivize good performance w/o enforcement

**Effective  
Planning  
For  
System  
Resilience**

Planning that is:

- Implemented
- Adaptive
- Effectively reducing spills

# State Water Board Actions to be Addressed in Proposed Order (since 2006 adoption)



- Resolution 2013-0029 - *Reducing Cost of Compliance While Maintaining Water Quality Protection*
- Resolution 2016-0010 - *Human Right to Water*
- Resolution 2017-0012 - *Comprehensive Response to Climate Change*
- Adoption of *2017 Water Quality Enforcement Policy*
- Resolution 2018-0032 - *Open Data Portal*

# Topics for Today's Discussion



## 1. Cost to Comply with General Order

For Example:

- Value of existing monitoring and reporting requirements;
- Replacement of/addition to existing requirements that bring forth valuable information
- Internal Audit requirements – how to include effective follow-up actions

## 2. Regulation of larger private sewer systems and large laterals

For Example:

- Size, category, what else?
- Burden on publicly-owned system
- Regional Board discretion for regulating private systems

## 3. Improved quality data

For Example:

- Estimation process of spill volumes
- False reporting and failure to report



# Topics for Today's Discussion (continued)

## 4. Upgrade Sanitary Sewer Management Plan (SSMP)

### Requirements:

#### For Example

- Addition of proactive planning requirements to address present/future impacts on systems:
  - Identifying and addressing regional climate change impacts
  - Addressing aging infrastructure and increased users
- Enhancing enforceability for SSMP implementation not resulting in reduced spills

## 5. Potential Regulatory Incentives

### For Example

- Acknowledgement of well established local sanitary program and well performing systems
- Is reduction in requirements only incentive?



# Public Development Process of a Reissued Order

*We Are Here*

**\*Informal Stakeholder Outreach\***

**Regional Board Staff Coordination**

**Draft Proposed Order**

**\*Develop Final Draft Order\***

**\*Respond to Public Comments\***

**\*State Water Board Adoption Meeting\***

**Public Comment Period**

**\*State Water Board Public Hearing\***

**\*Submittal of Public Comments\***

**State Water Board Consideration of Adoption**

**\*Public Involvement**

# Typical State Water Resources Control Board Public Adoption Process

- State Water Board – A five-member Board appointed by the Governor

[https://www.waterboards.ca.gov/about\\_us/board\\_members/](https://www.waterboards.ca.gov/about_us/board_members/)

## **After a draft Order is prepared:**

- Staff issues the draft Order for a publicly-noticed public comment period
- State Water Board holds publicly-noticed Hearing to hear directly from stakeholders (*typically during public comment period*)
- Formal comment letters submitted by due date
- Staff considers all public comments and prepares a Final Draft Order
- State Water Board holds a publicly-noticed Adoption Meeting to consider adoption

\* \* \* \* \*

- Consideration of adoption of a Final Draft Order currently proposed for 2020
- Current Order remains in effect until Effective Date of a newly adopted Order

# Our Draft Order Development Team



State Board Staff



Municipality Representatives



Environmental Group Representatives



Regional Board Staff



Private System Owners



Environmental Justice Representatives



Professional Associations



The Public



## Break Time

Please subscribe to the following email list service:

[https://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.html](https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html)

*(Under the Water Quality heading, select “Sanitary Sewer Overflow Reduction Program Order Review”)*



# Open Discussion

# *Regulating Larger Private System*



**Do larger private systems place a burden on publicly-owned systems?**

**Should we regulate larger private systems and laterals?**

**Do you have concern with proposed regulation of larger private systems?**

## ***Valuable Data***



**Is the data collected from existing requirements of value to reduce future spill volume?**

**What additional type of data/information should be collected?**

# *Local Program Adaptability*



**How is feedback from internal audits, assessments and actual spills incorporated back into an improved local program?**

# *Improving Public Data*



**What new tools and training are available to better estimate sewer spill volume?**

**What would you propose for improved reporting of spill volume information?**

# ***Reporting***

**What requirements would you propose to discourage:**

**False reporting?  
Underestimated spill volumes?  
False “no spills” reports?**

# *Addressing System Resiliency*



**What tools are used to identify and assess high-risk areas?**

**Are the tools different for different size systems?**

**How do system owners proactively increase system resiliency towards current and forecasted impacts?**

# ***Well-Performing Systems***



**What defines a well-performing system?**

**What local program features do owners of well-performing systems execute regardless of Order requirements?**



***What Else?***

# ***Additional Informal Input***

***Please provide additional informal input on handouts***

***Thank you for your time and interest!***

***Armando Martinez***

***Armando.Martinez@waterboards.ca.gov***