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

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Supervising Engineer

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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
California Water Boards

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

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
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

- 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

Approx 6500 Spills

Approx 3000+ Spills

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

27% of Volume Captured
13 Years of Implementation: What the Data are Telling Us

Spills and Volume Per Categories

- Category 1: 8,325 spills, 276,376,320 gallons
- Category 2: 33,106,607 spills, 2,067 gallons
- Category 3: 34,181 spills, 3,743,021 gallons
- <=50 Gallons: 32,054 spills, 455,459 gallons
13 Years of Implementation: What the Data are Telling Us

Spill/Volume Rates and Certified Operators

- 0%-25% Certified Operator: Spill Rate 6.7, Volume Rate 1193.5
- 26%-50% Certified Operator: Spill Rate 5.0, Volume Rate 1576.9
- 51%-75% Certified Operator: Spill Rate 3.0, Volume Rate 1194.3
- 76%-100% Certified Operator: Spill Rate 5.0, Volume Rate 240.6

Graph shows the average of SSO Rate and Average of Volume Rate.
13 Years of Implementation: What the Data are Telling Us

Private Lateral Spills by Location Type

<table>
<thead>
<tr>
<th>Location Type</th>
<th>Total Spills</th>
<th>Spill Volume (Gallons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(blank)</td>
<td>4,932</td>
<td>3,913,266</td>
</tr>
<tr>
<td>Single Family Home</td>
<td>299,360</td>
<td>249,140</td>
</tr>
<tr>
<td>Office, retail, etc.</td>
<td>327</td>
<td>225,295</td>
</tr>
<tr>
<td>Hospitals, schools, fire...</td>
<td>191,984</td>
<td>72,104</td>
</tr>
<tr>
<td>Food Service Establishment (FSE)</td>
<td>38</td>
<td>59,946</td>
</tr>
<tr>
<td>Multi-Family Home (4 or less Units - Apartments)</td>
<td>48</td>
<td>42,441</td>
</tr>
<tr>
<td>Commercial Property</td>
<td>493</td>
<td>61,272</td>
</tr>
<tr>
<td>Residential (5 or more units)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public quasi-public institutions</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Number of Spills:
- Total Spills: 4,932
- Spill Volume (Gallons): 3,913,266
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

Improved Data Quality

Enhanced Order Enforceability

To Incentivize Order Compliance

Effective Planning For System Resilience

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

2. Regulation of larger private sewer systems and large laterals
   For Example:
   o Size, category, what else?
   o Burden on publicly-owned system
   o Regional Board discretion for regulating private systems

3. Improved quality data
   For Example:
   o Estimation process of spill volumes
   o False reporting and failure to report
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

*Informal Stakeholder Outreach*
Regional Board Staff Coordination
Draft Proposed Order

*Public Comment Period*
*State Water Board Public Hearing*
*Submittal of Public Comments*

*Develop Final Draft Order*
*Respond to Public Comments*
*State Water Board Adoption Meeting*

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/

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

The Public

Environmental Justice Representatives

Private System Owners

Municipality Representatives

State Board Staff

Regional Board Staff
Break Time

Please subscribe to the following email list service:
https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscriber.html
(Under the Water Quality heading, select “Sanitary Sewer Overflow Reduction Program Order Review”)
Open Discussion
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?
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?
What defines a well-performing system?

What local program features do owners of well-performing systems execute regardless of Order requirements?
What Else?
Please provide additional informal input on handouts

Thank you for your time and interest!

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