

CVCWA

Central Valley Clean Water Association

Representing Over Sixty Wastewater Agencies

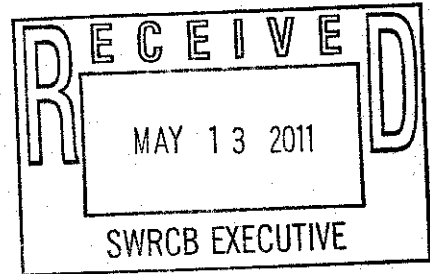
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May 13, 2011

Sent via email: commentletters@waterboards.ca.gov

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, Sacramento, CA 95814



**Subject: Comment Letter – SSS WDRs Review & Update
CVCWA Comments on Draft WDR**

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to submit the following comments on the State Water Resources Control Board's (State Water Board) proposed revisions to the Sanitary Sewer System Waste Discharge Requirements (SSS WDR). CVCWA is a non-profit organization whose membership consist of more than 50 publically-owned wastewater treatment and collection agencies in the Central Valley. We represent our members in regulatory matters affecting surface water discharge and land application with a perspective to balance environmental and economic interests consistent with applicable law. Accordingly, the draft SSS WDR is of significant interest to CVCWA's members.

In a separate letter, CVCWA is recommending the State Water Board go back to the principles in the current SSS WDR and limit changes to the SSS WDR. This letter contains more detailed comments on the proposed SSS WDR and Staff Report, including discussion of issues where we believe significant changes are needed, along the attached marked-up version of the proposed SSS WDR and monitoring and reporting program (MRP). CVCWA is also a signatory to a letter submitted by various Clean Water Associations (Association letter), which also contains specific recommendations to the draft SSS WDR. These two letters make up CVCWA's specific recommendations to this draft of the WDR, the MRP, and the Staff Report. This letter is formatted by addressing (1) the draft SSS WDR, (2) the MRP, and (3) the Staff Report. We appreciate your consideration of these comments.

1. Additional Comments on the Draft SSS WDR

a. Additional Flow Criteria for Very Small Systems

CVCWA supports the inclusion of the additional criterion (e.g. the minimum flow threshold) to further define systems required to comply under the SSS WDR. This additional criterion would eliminate very small systems from regulation under the SSS WDR. Requirements for proper operation and maintenance of these very small systems can be done with requirements more reasonably tailored towards these very small systems and are appropriately covered under the waste discharge permit for that system (e.g. a community septic).

We recommend that, for publically owned sewer systems, the criteria be based on average dry weather flow (ADWF) or equivalent dwelling units (EDUs), rather than a maximum flow volume. Both EDUs and ADWF are easy to determine and are commonly used in both regulatory and wastewater forums. Using either of these conventions also provides some regulatory certainty for a very small POTW. This is not the case with maximum daily volume. Maximum daily volume may vary year-to-year due to a number of circumstances, including weather, illicit discharges, etc. It also will also add a significant amount of regulatory uncertainty to small POTWs.

b. Inclusion of All Systems Under the WDR when an Enrollees Owns a Qualified System

The Draft SSS WDR includes a requirement to include very small systems (that normally would be excluded because they do not meet the minimum thresholds of < 1 mile of sewer pipe and < 25,000 gallons per day) under the SSS WDR if the system is owned by an Enrollee who owns another system that qualifies. CVCWA members have own and/or operate some very small systems that would now be required to comply with the SSS WDR if this provision is included in the SSS WDR. CVCWA opposes this requirement for several reasons and recommends removing this requirement from the SSS WDR.

First, this requirement would be extremely costly to customers belonging to very small systems. Compliance with the SSS WDR is very intensive and costly. To develop a very basic SSMP is estimated to start around \$15,000. A very small agency cannot always implement a SSMP developed for another Enrollee-owned system, as aspects of the SSMP are not always appropriate or affordable. Additionally, the SSS WDR requires system-specific SSMPs. And, because these very small systems are likely "managed as distinct assets in the form of separate sanitation districts, under separate operations and maintenance and/or capital improvement budgets, or are otherwise managed as distinct and separate sanitary sewer systems," they must also register as separate systems and pay annual fees. For these very small systems, this is cost prohibitive. For example, for a very small system of 25 connections that would be captured by this requirement, the cost just to develop the SSMP would be \$600 per connection and annual permit fees would be \$49 per household per year. These costs do not cover implementation cost or other cost associated with complying with the WDR which are significant. This is simply not affordable for small systems.

Second, this requirement discourages regionalization or regional approaches to sewer system management. Our members who either own or operate these systems are typically counties or special districts that have acquired these formally privately-owned systems and are

now are operating them as special districts or service areas. Under this provision of the SSS WDR, if the system remained private or independent, it would not fall under the WDR, but if it converted to a special district or service area, it would be subject to the SSS WDR, adding a significant financial burden, and discouraging a system from supporting the conversion due to cost impacts.

c. Definitions

In the attached markup of the SSS WDR, CVCWA is suggesting several definitions be revised or added. The Association letter also covers other recommendations not mentioned in this section.

i. Lateral

We feel that the current definition of "Lateral" is somewhat confusing. We have included suggested language changes in the attached underline-strikeout version of the SSS WDR to the definition of "Lateral" and "Private Lateral." We also recommend that the definitions of "Upper Lateral", "Lower Lateral," and "Enrollee Lateral" be added to increase clarification. We recommend the various sections of the SSS WDR that discuss laterals be amended to reflect the appropriate designation of the lateral.

CVCWA also recommends that all five definitions of "Lateral" be in one location to avoid confusion, and thus we also suggest that the references shown to upper, lower, enrollee and private laterals reference the general lateral definition at its appropriate alphabetical location.

ii. Satellite Sanitary Sewer System

CVCWA recommends that the current definition of Satellite Sanitary Sewer System be changed as shown in the attachment, which adds to the definition: "A sewer system would not be considered a "Satellite" unless that system individually bills connected properties a maintenance or user fee established to provide for maintenance of said sewer system."

The proposed changes to the definition of a Satellite Sanitary Sewer System will eliminate having to coordinate with what could be hundreds of individual private sewer systems that are large enough to apply for coverage under the new definitions of the SSS WDR but are really only one private system not serving other private parcels, and therefore are just a larger sewer customer to our member agencies. An example of this would be an industrial parcel that generates over 25,000 gallons per day of flow and has 1.1 miles of pipe.

To add clarity to systems that provide services to what is traditionally a satellite system, an additional definition could also be added for a "Regional Sanitary Sewer System." This could be defined as "any system of pipes, pump stations, sewer line or other conveyances and/or wastewater treatment plant having Satellite Sanitary Sewer Systems upstream."

iii. Drainage Channel and Storm Drains

CVCWA believes the proposed definition in the WDR for drainage channels will still lead to confusion and therefore needs additional editing that can best be achieved by a collaborative effort of stakeholders and the SWB. This has been one of the most confusing parts of the current SSS WDR. A better and more detailed description of a Drainage Channel and storm drains needs to be developed. We are looking forward to working with SWB staff in developing an appropriate definition.

iv. Sanitary Sewer System

In the publically released underline-strikeout version of the draft SSS WDR, construction trenches were eliminated from list of temporary storage and conveyance facilities. CVCWA strongly recommends construction trenches be added back. The only way, other than bypassing, that a new connection can be made to an existing sewer pipe is removing a section of sewer pipe and installing a new wye or tee. Sewage is allowed to flow through the trench while this is happening. Bypassing by the use of pumps and hoses increases the potential of an SSO.

d. Application Requirements

The requirements in this section should be modified to more clearly define the reapplication requirements for current enrollees, the new application requirements for new enrollees, and any requirements for previously enrolled systems that no longer need to apply because they no longer meet the eligibility criteria.

i. Expanded and Acquired System

CVCWA recommends that expanded and acquired systems be required to file three months after these systems met the eligibility requirements, just like all systems in the state were allowed to when the first WDR was adopted. As currently written, the requirement would delay the acquisition of a troubled sewer system by a neighboring sewer system.

ii. Reapplication Requirements

CVCWA questions why all 1,200+/- currently enrolled agencies in the State are being forced to re-enroll? Significant effort has been made to have these systems properly enrolled and entered into the CIWQS system. Current enrollees are required to update CIWQS questionnaire information annually. Making our member agencies and others reenroll will place a huge workload on the already strapped State Water Board staff and will cost un-needed time and money to each sewer agency. CVCWA believes it is more prudent to notify current enrollees that the permit has been revised and is now in place.

e. Private Sewer Lateral Discharge Reporting

If adopted, the proposed SSS WDR and associated Monitoring and Reporting Program will require every sewer system in the State of California to begin reporting known Private Lateral Sewage Discharges (PLSD) into the CIWQS data base. CVCWA opposes this newly proposed requirement for reasons outlined in the Association letter and for the following reasons:

- i. This requirement will add untold man hours to already burdened sewer systems in the State. We feel that many large agencies will have to hire additional employees to process with this new requirement and it will cause an increased level of effort for smaller agencies. This can be burdensome and difficult to justify in these economic times and will probably result in man hours being diverted from other sewer maintenance work.
- ii. Currently, many agencies in the State are reluctant to report PLSDs because the information becomes part of that agency's database, and thus it can be conceived by the general public that they are the responsibility of that agency rather than private property owners. Separating the PLSD reports into a separate data base was suggested by CVCWA's membership almost five years ago, and although promised by State Water Board staff, the separation has never happened. This separation needs to be a priority.
- iii. Many agencies already have in place municipal code or ordinances and processes that mitigate private illegal discharges. This allows the agency to recover cost associated with the incident from the illegal discharger. The additional requirement to report into CIWQS adds unnecessary burden to the agency with no apparent return benefit to the agency or the State.

CVCWA requests that a new database for PLSD reports be created in CIWQS and that reporting of PLSDs be left voluntary. Once the new data base is created, we feel that more agencies may volunteer to report PLSD.

2. Comments on the Monitoring and Reporting Program

a. Two Hour Notification

CVCWA appreciates the additional provisions to the two-hour notification requirements. We appreciate that the State Water Board has recognized that it is not always possible or beneficial to notify the appropriate regulatory agency. We also appreciate the streamlining of notification to Cal EMA for spills that reach surface water.

b. Options for Very Small Systems

The MRP contains reporting requirements that can be difficult for very small communities that do not have computer or internet access readily available. The requirement to complete the questionnaire before being allowed to report spills has also historically been difficult for small communities to comply with, and has led to violations since these agencies could not report their spills in CIWQS. Provisions within the MPR should be made for small systems who cannot readily comply with either of these requirements.

3. Substantive Comments on the Staff Report and Recommendations

a. Private Laterals

The Staff Report includes a comment that to get a better picture of the magnitude of private lateral spills and to identify collection systems with private lateral issues, State Water Board staff are proposing that it be mandatory that all agencies in California report known PLSDs. Data from San Diego and Orange County shows that this PLSD are small in volume. It is unlikely that additional information from all other agencies will provide a much different picture. We do not believe this added burden on are member agencies to report PLSDs will provide any better data. Furthermore, unless all plumbers or private property owners in the state are also required to report PLSDs, the information collected will not be complete because many property owners call plumbers directly rather than contacting their sewer agency.

Also, within this section of the Staff Report, the last paragraph states the purpose of this requirement in part is to "...identify collection systems with systemic issues with private laterals...". This wording suggests that private lateral issues are the responsibility of public collection systems. This is not the case. Private laterals are private, not the responsibility of the public collection system. The words "collection systems" should be changed to "communities".

b. Notification

CVCWA supports the State Water Board's Staff's efforts to reduce the locations that SSO are to be reported down to one phone call to Cal EMA.

c. De Minimis Spill Volume

The second paragraph in this section of the Staff Report states that all spills from a collection system are relevant since they prevent proper system function. First, small SSOs have minimal impact on the environment if they do not make it to a water way and many of these small spills do not impede the function of sewer systems. These spills can occur during maintenance, be spills from trucks, be caused by vandalism, etc. Again, CVCWA request that a de minimis volume of Category 2 spills be adopted.

d. Private Collection Systems

No. 1 of the draft applicability criteria in this section of the Staff Report sets a new volume limit on which collections systems will have to enroll in the WDR, which will allow some small systems not to fall under the SSS WDR. No. 3 of the applicability criteria then puts many of those small systems and even smaller systems back into the WDR if they are owned by a multiple collection system agency (like a County) that has at least one large system enrolled. CVCWA questions why some small collection systems are allowed out of the WDR and others are required to stay in the WDR no matter how small they are (even less than one mile)? We discuss this issue in more detail above and strongly recommend this applicability criteria be removed from both the SSS WDR and Staff Report, as it will discourage large agencies from taking over small troubled collection systems.

e. Prohibitions And NPDES Permit Option Sections

CVCWA, in Association Letter, has commented on these two sections of the Staff Report. Please see that letter for our comments.

f. Sanitary Sewer Management Plans

CVCWA, in a separate comment letter, and in the Association Letter has commented on the fact that the draft WDR is becoming more prescriptive, contrary to prohibitions in the Porter Cologne Water Quality Act. At the same time, we hear from State Water Board Staff that staff from a small number of agencies have stated that they welcome such prescriptiveness so that they can use it to convince the public and elected officials to develop funding to properly maintain their sewer systems. CVCWA feels that if an agency needs such a push to fund their maintenance, it can be done through an Enforcement Order rather than changing the SSS WDR to a prescriptive permit which contains very specific requirements that tell agencies how they will maintain their collections systems. We feel that many of the comments listed in this section are mainly from a small minority of California agencies.

The first full paragraph in this section states "Dramatically changing SSMP requirements before full implementation could lead to confusion regarding the SSMP requirements and amongst enrollees". We feel that the draft SSS WDR does dramatically change the SSMP requirements and will lead to confusion. Those changes should not be made.

The last sentence in the last paragraph of this section states "Additional items will be addressed by staff through the development of guidance documents and fact sheets". To avoid back door regulations, CVCWA recommends that any additional items regarding the current and future WDRs should go through a stakeholder process and be reviewed and approved by the State Board. This is also true of any significant changes to the questionnaire.

CVCWA appreciates the opportunity to provide these comments and to work with the State Water Board on issues identified in our comments. Please feel free to contact me at (530) 268-0651 if you have any questions or wish to discuss our comments.

Sincerely,



Debbie Webster
Executive Officer – CVCWA

c: Pamela Creedon – Executive Officer, CVRWQCB
CVCWA Collections Committee

DRAFT - March 22, 2011

STATE WATER RESOURCES CONTROL BOARD
ORDER NO. 2011-XXXX-DWQ

STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS
FOR
SANITARY SEWER SYSTEMS
(SSS WDRs)

The State Water Resources Control Board (State Water Board) finds that:

1. The SSS WDRs for sanitary sewer systems is the result of a review and update of Order No. 2006-0003-DWQ and will improve wastewater spill data collection and oversight of sanitary sewer system management. The implementation of the general Waste Discharge Requirements (WDRs) for sanitary sewer systems under Order No. 2006-0003-DWQ adopted in May 2006 has provided the State Water Board with information to assess water quality problems caused by wastewater spills from sanitary sewer systems. It has also provided a measure of uniformity in reporting on the number of wastewater spills, the wastewater volume spilled, and the causes of wastewater spills in the state.
2. The provisions of the SSS WDRs implement California Water Code requirements that specify that notification be provided when wastewater spills to waters of the state occur (Water Code section 13271), that a report of the spill be filed with the Water Boards (Water Code section 13193(c)), and that the waste from the spill be cleaned up and its effects be abated (Water Code section 13304).
3. Both the lineal footage of pipe and the volume of wastewater transported by a sanitary sewer system are significant indicators of the potential for the sanitary sewer system to have wastewater spills that can affect human health and the environment. To ensure that the number of wastewater spills and the volume of wastewater spilled in the state are reported and oversight of sewer system management is provided, all publicly and privately owned entities, including federal and state agencies, municipalities, counties, districts, private residential and commercial development owners, mobile home park owners, and other entities that own sanitary sewer systems in the State of California meeting both of the following two applicability criteria are required to comply with the terms of the SSS WDRs. Such entities are hereinafter referred to as "Enrollees".

Applicability Criteria:

- (a) The sanitary sewer system has a connected system of pipes greater than one mile in contiguous length, and
 - (b) The sanitary sewer system collects and conveys, on any single day based on its average dry weather flow, more than 25,000 gallons per day of untreated or partially treated wastewater to a publicly or privately owned treatment facility or sanitary sewer system.
4. Enrollees who own multiple sanitary sewer system meeting the above two applicability criteria and that are not physically connected are required to enroll each distinct sanitary sewer system separately under the SSS WDRs if they are managed as distinct assets in the form of separate sanitation districts, under separate operations and maintenance and/or capital improvement budgets, or are otherwise managed as distinct and separate

Comment [AU1]: Recommend dropping the letter under a separate cover. The reduction of SSS should be the primary goal. The intent should not be prescriptive requirements through oversight. The SWB's oversight should come through review of spill reporting.

Comment [DYW2]: See CVCWA comment letter under a separate cover. The reduction of SSS should be the primary goal. The intent should not be prescriptive requirements through oversight. The SWB's oversight should come through review of spill reporting.

Comment [DYW3]: At this point, it is an overstatement to say there is unity in spill reports. The unity may have come from filling out the same form, but until CIWQS is closely audited, making this finding is premature.

Comment [DYW4]: See comment letter concerning use of Average Dry Weather Flow rate in this instance. Alternatively, EDUs could be used as a basis.

sanitary sewer systems. This will facilitate the tracking of wastewater spills from each distinct collection system in the state and ensure all collection system assets are managed properly and spills from them are reported.

6. To ensure all of an Enrollee's collection system assets are managed properly and spills from them are reported, where an Enrollee owns at least one sanitary sewer system meeting the two applicability criteria in Finding No. 3 and additional sanitary sewer systems with connected systems of pipes less than one mile in contiguous length not physically connected to the Enrollee's enrolled sanitary sewer system(s), the Enrollee must comply with the SSS WDRs for those sanitary sewer systems they own that are under one mile in contiguous length and manage them under a Sanitary Sewer Management Plan.

Comment [DYW5]: CVCWA opposes this requirement. SSMPs and enrollment in the program require significant resources. It is estimated just developing a very basic SSMP costs a minimum of \$15,000. This requirement would negatively impact the smallest of communities that have not been subject to the SSS WDR, with little water quality benefit.

6.5. Several sanitary sewer systems in the State of California are combined. They collect and convey both wastewater and storm water. These combined sanitary sewer systems are owned by entities that also own publicly owned treatment works that have been issued National Pollutant Discharge Elimination System (NPDES) permits. Requirements for proper operation and maintenance of these combined sanitary sewer systems are incorporated via standard conditions in their NPDES permits. Requirements for spill reporting from these combined sanitary sewer systems shall be incorporated in their Monitoring and Reporting Programs (MRPs).

Comment [DYW6]: If these systems report to the C/WQS SSO module, data should be presented in a way to ensure a fair comparison -- applies to applies.

7.6. Sanitary sewer overflows (SSOs) and Private Lateral Sewage Discharges (PLSDs) are overflows of wastewater from sanitary sewer systems of wastewater including domestic sewage as well as industrial and commercial wastewater, depending on the pattern of land uses in the area served by the sanitary sewer system. SSOs and PLSDs often contain high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oxygen-demanding organic compounds, oil and grease and other pollutants. SSOs and PLSDs may cause a public nuisance, particularly when raw untreated wastewater is discharged to areas with high public exposure, such as streets or surface waters used for drinking, fishing, or body contact recreation. SSOs and PLSDs may pollute surface or ground waters, threaten beneficial uses and public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters.

8.7. Sanitary sewer systems experience periodic failures resulting in discharges to waters of the state. Many factors (including factors related to geology, design, construction methods and materials, age of the system, population growth, and system operation and maintenance), affect the likelihood of an SSO. A proactive approach that requires Enrollees to ensure that 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.

9.8. Major causes of SSOs and PLSDs include but are not limited to: grease blockages, root blockages, debris blockages, sewer line flood damage, manhole structural failures, pipe failures, vandalism, pump station mechanical failures, power outages, excessive storm or ground water inflow/infiltration, sanitary sewer system age, construction related material failures, lack of proper operation and maintenance, insufficient capacity, and contractor-caused damages. Many SSOs and PLSDs can be

Comment [AU7]: The word PLSDs needs to be removed from this paragraph. The way it reads now infers it is requiring every PLSD owner in the State to follow all the operation and maintenance procedures listed in this WDR.

prevented by having adequate facilities, source control measures, and proper operation and maintenance of the sanitary sewer system.

10.9 It is the State Water Board's intent to gather additional information on the causes and sources of SSOs and PLSDs, to augment existing information, and to determine the full extent of SSOs and PLSDs and consequent public health and/or environmental impacts occurring in the State.

Comment [DYW8]: See Association Letter
Comment regarding PLSD spill reporting.

14-10 Both uniform SSO and PLSD reporting and a centralized statewide electronic database have been developed and implemented to collect information to allow the State Water Board and Regional Water Quality Control Boards (Regional Water Boards) to effectively analyze the extent of SSOs and PLSDs statewide and their potential impacts on beneficial uses and public health. The attached Monitoring and Reporting Program No. 2011-XXXX-DWQ is necessary to ensure compliance with the SSS WDRs.

Comment [DYW9]: See Comment Letter
regarding CIWQS reporting of PLSD in CIWQS

12-11 Information regarding SSOs and PLSDs must be provided to Regional Water Boards and other regulatory agencies in a timely manner and be made available to the public in a complete, concise, and timely fashion.

13-12 Some Regional Water Boards have issued WDRs or WDRs that serve as National Pollution Discharge Elimination System (NPDES) permits to sanitary sewer system owners and/or operators within their jurisdictions. The SSS WDRs establishes minimum requirements to reduce prevent SSOs. Although it is the State Water Board's intent that the SSS WDRs be the primary regulatory mechanism for sanitary sewer systems statewide, Regional Water Boards may issue more stringent or more prescriptive WDRs for sanitary sewer systems. Upon issuance or reissuance of a Regional Water Board's WDRs for a system subject to the SSS WDRs, the Regional Water Board will coordinate its requirements with stated requirements within the SSS WDRs, to identify requirements that are more stringent, to remove requirements that are less stringent than the SSS WDRs, and to provide consistency in reporting.

Comment [DYW10]: See Association letter.

SEWER SYSTEM MANAGEMENT PLANS

14-13 To facilitate implementation of asset management principles including proper maintenance, operations, management, and funding and management of sanitary sewer systems, the SSS WDRs requires each Enrollee to must develop and implement a system-specific Sewer System Management Plan (SSMP) for each sanitary sewer system enrolled for coverage under the SSS WDRs. To be effective, SSMPs shall must include provisions to provide proper and efficient management, operation, and maintenance of sanitary sewer systems, while taking into consideration risk management and cost benefit analyses analyses analysis. Additionally, the a SSMP shall must contain a spill response plan that establishes standard procedures for immediate response to an SSO in a manner designed to minimize water quality impacts and potential nuisance conditions.

Comment [AU11]: Asset Management Principles work in some instances and don't work in others. requiring it to be used will limit the flexibility of agencies to use what is best for them. This is micromanaging every agency in the State. Remove it from the paragraph.

15-14 Many local public agencies in California have already developed comprehensive SSMPs, and are implementing measures to reduce SSOs, and will be updating and refining their SSMPs based on audits and other reviews. These entities can build upon their existing efforts to establish a comprehensive SSMP consistent with the SSS WDRs. Other public and private entities, however, will require technical assistance and, in some

Comment [DYW12]: This language, although appropriate for the current WDR, is now out of date. These comprehensive SSMPs have been developed and are and will be refined, based on the needs of the system. Update this language.

cases, funding to improve sanitary sewer system operation and maintenance in order to develop SSMPs and measures to reduce SSOs.

16-15 SSMP certification by technically qualified and experienced persons can provide a useful and cost-effective means for ensuring that SSMPs are developed and implemented appropriately.

Comment [DYW13]: As currently written, most local public agencies will need extensive review of the SSMP and rewrites to see if it is consistent with new requirements. The SSS WDR should not contain new requirements at this time. See Comment Letter.

REGULATORY CONSIDERATIONS

17-16 The Federal Clean Water Act largely prohibits any discharge of pollutants from a point source to waters of the United States except as authorized under an NPDES permit. In general, any point source discharge of wastewater effluent to waters of the United States shall comply with technology-based, secondary treatment standards, at a minimum, and any more stringent requirements necessary to meet applicable water quality standards and other requirements. Hence, the unpermitted discharge of wastewater from a sanitary sewer system to waters of the United States is illegal under the Clean Water Act.

18-17 In addition, the Basin Plans adopted by the Regional Water Boards in the San Francisco Bay, Central Valley, Lahontan, Santa Anna, and San Diego regions contain discharge prohibitions that apply to the discharge of untreated or partially treated wastewater. Finally, the California Water Code generally prohibits the discharge of waste to land prior to the filing of any required report of waste discharge and the subsequent issuance of either WDRs or a conditional waiver of WDRs.

19-18 California Water Code section 13263 provides that the State Water Board may prescribe general WDRs for a category of discharges if the State Water Board finds or determines that:

- The discharges are produced by the same or similar operations;
- The discharges involve the same or similar types of waste;
- The discharges require the same or similar treatment standards; and
- The discharges are more appropriately regulated under general discharge requirements than individual discharge requirements.

The SSS WDRs establish requirements for a class of operations, facilities, and discharges that are similar throughout the state.

20-19 The issuance of the SSS WDRs to Enrollees will:

- (a) Reduce the administrative burden of issuing individual WDRs to each Enrollee;
- (b) Provide for a unified statewide approach for the reporting and database tracking of SSOs and PLSDs;
- (c) Establish consistent and uniform requirements for SSMP development and implementation;
- (d) Facilitate consistent enforcement for violations.

21-20. The beneficial uses of surface waters that can be impaired by SSOs and PLSDs include, but are not limited to, aquatic life, drinking water supply, body contact and non-contact recreation, and aesthetics. Surface waters throughout the state support these uses to varying degrees.

22-21. The implementation of requirements set forth in the SSS WDRs will ensure the reasonable protection of past, present, and probable future beneficial uses of water and the prevention of nuisance. The requirements implement the water quality control plans (Basin Plans) for each region and take into account the environmental characteristics of hydrographic units within the state. Additionally, the State Water Board has considered water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect water quality in the area, costs associated with compliance with these requirements, the need for developing housing within California, and the need to develop and use recycled water.

23-22. The provisions of the SSS WDRs are issued pursuant to the authority set forth in the following Water Code and Health and Safety Code provisions:

- (a) Water Code section 13271 that requires any person who "causes or permits any hazardous substance or sewage to be discharged in or on any waters of the state, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the state" to provide immediate notification to the California Emergency Management Agency "as soon as (A) that person has knowledge of the discharge, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures". Provisions of the SSS WDRs implement this Water Code requirement.
- (b) Water Code section 13193(c) that requires a report be filed with the appropriate Regional Water Board when a spill or overflow from a sanitary sewer system to waters of the state occurs. Provisions of the SSS WDRs implement this Water Code requirement.
- (c) Water Code section 13263 that requires a water board to, after any necessary hearing, prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge. Section 13263 requires, among other things, that the water board take into consideration the need to prevent nuisance.
- (d) Health and Safety Code section 5411 that states "No person shall discharge sewage or other waste, or the effluent of treated sewage or other waste, in any manner which will result in contamination, pollution or a nuisance." Provisions of the SSS WDRs implement this Health and Safety Code requirement.
- (e) Water Code section 13304 that requires persons who discharge wastes to waters of the state in violation of any waste discharge requirement, other order, or prohibition to cleanup the waste and abate the effects of the waste. Provisions of the SSS WDRs implement this Water Code requirement.
- (f) Water Code section 13267(b)(1) that provides the authority for Water Board staff to require technical or monitoring program reports when conducting

Comment [AU14]: If the following nine sections of the State Code are going to be quoted in this WDR, do not interpret them, just quote the section. They may be interpreted wrong and then the incorrect version is made correct by adopting the WDR. See Association comment letter.

Comment [DYW15]: Recommend that to the extent that another State entity or CIWQS notifies another entity such as the RWB thus fulfilling notification requirements, the reporting mechanism should be described either in the findings or in a sheet.

investigations of any persons, political agency, or entity who have discharged waste. Reports required for these investigations may be in addition to routine reporting requirements specified in the SSS WDRs and associated Monitoring and Reporting Program.

Comment [DYW16]: When asking for these reports, the SWB needs to show why what they are asking for is reasonable.

- (g) Water Code section 13267(c) that provides the authority for State and Regional Water Board staff to inspect facilities to determine compliance with waste discharge requirements. Routine inspections of Enrollee sanitary sewer systems will be implemented to ensure compliance with the SSS WDRs.
 - (h) Water Code section 13267(f) that provides that the State Water Board may carry out the authority of the Regional Water Boards. The State Water Board and Regional Water Boards will work together in implementing the SSS WDRs and enforcing its provisions.
 - (i) Water Code section 13383 (a) that authorizes the State and Regional Water Boards to establish monitoring, inspection, entry, reporting, and record-keeping requirements for any person who discharges, or proposes to discharge, to navigable waters and any person who introduces pollutants into a publicly owned treatment works. Section 13383 (b) authorizes the State and Regional Water Boards to require any person subject to this section to establish and maintain monitoring equipment or methods and provide information as required.
24. The SSS WDRs are consistent with State Water Board Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality of Waters in California). The SSS WDRs impose conditions to prevent impacts to water quality, does not allow the degradation of water quality, will not unreasonably affect beneficial uses of water, and will not result in water quality less than prescribed in State and Regional Water Board plans and policies.
25. The action to adopt the SSS WDRs is exempt from the California Environmental Quality Act (CEQA, Public Resources Code §21000 et seq.) because it is an action taken by a regulatory agency to assure the protection of the environment and the regulatory process involves procedures for protection of the environment. (California Code Regulations, Title 14, §15308). In addition, the action to adopt the SSS WDRs is exempt from CEQA pursuant to California Code Regulations, Title 14, §15301, to the extent that it applies to existing sanitary sewer systems that constitute "existing facilities" as that term is used in §15301, and §15302, to the extent that it results in the repair or replacement of existing systems involving negligible or no expansion of capacity.
26. The Monitoring and Reporting Program No. 2011-XXXX-DWQ, which is incorporated by reference in the SSS WDRs, specifies the sewer spill notification and reporting requirements of the SSS WDRs.
27. The Staff Report, which is incorporated by reference in the SSS WDRs, contains supplemental information that was also considered in establishing these requirements.
28. The State Water Board has notified all known affected sanitary sewer system owners and all known interested persons of the intent to prescribe general WDRs in the form of the SSS WDRs for WDRs for sanitary sewer systems.

Comment [DYW17]: See Association Letter.

29. The State Water Board conducted a public hearing on XXXX X, 2011, to receive oral and written comments on the draft SSS WDRs.

IT IS HEREBY ORDERED, that pursuant to California Water Code section 13263, the Enrollees, their agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted there under, shall comply with the following:

A. DEFINITIONS

1. **Combined Sanitary Sewer System** - A system of pipes, pump stations, sewer lines, or other conveyances used to collect and convey wastewater and storm water runoff.
2. **Data Submitter** - Any individual authorized by a legally responsible official (LRO) to enter data into the online sanitary sewer overflow (SSO) database on behalf of an enrolled agency.
3. **Drainage Channel** - For the purposes of the SSS WDRs, a drainage channel is defined as a man-made or natural channel that conveys runoff as part of a separate storm water collection system. Drainage channel does not include curbs, gutters and swales.
4. **Enrollee** - A public or private entity that:
 - (a) Owns a sanitary sewer system that contains segments of pipe greater than one mile in contiguous length and that collects and conveys, at any time based on average dry weather flow, more than 25,000 gallons per day of untreated or partially treated wastewater to a publicly or privately owned treatment facility or sanitary sewer system in the State of California, and
 - (b) Submitted a complete and approved application for coverage under the SSS WDRs.

5. Enrollee Lateral - See Lateral

6. **Lateral** - Segment(s) of pipe that connect(s) a home, building, or other structures satellite sewer system to a sewer main.

Upper Lateral - That portion of a lateral from the property line, connection point, or easement line up to the home, building, or other structure.

Lower Lateral - That portion of a lateral that runs from the connection to a sewer main to the upper lateral, property line, or easement line.

Enrollee Lateral - That portion of a lateral the enrollee owns.

Private Lateral - Privately owned sewer lateral that is tributary to an Enrollee's sanitary sewer system.

Comment [AU18]: A better and more detailed description of a Drainage Channel and storm drain needs to be developed. This has been one of the most confusing parts of the first WDR. We are looking forward to working with SWB staff in developing an appropriate definition.

Comment [DYW19]: See comments letter. Alternatively EDUs could provide an easy form of measurement.

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Comment [AU20]: The definition of laterals should be updated. Satellite Sewer System is defined elsewhere, and an entire satellite sewer system is not a lateral, and should not be included in this definition.

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7. **Legally Responsible Official (LRO)** - Any individual authorized to enter and certify data into the online sanitary sewer overflow (SSO) database on behalf of an enrolled agency.

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8. Lower Lateral - See Lateral

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6-9. **Nuisance** - Water Code section 13050, subdivision (m), defines nuisance as anything that meets all of the following requirements:

- (a) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
- (b) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
- (c) Occurs during, or as a result of, the treatment or disposal of wastes.

7-10. **Private Lateral - See Lateral.** Privately owned sewer piping that is tributary to an Enrollee's sanitary sewer system. The responsibility for maintaining private laterals can be solely that of the Enrollee or private property owner, or it can be shared between the two parties. Sewer use agreements dictate lateral responsibility and the basis for a shared arrangement.

11. **Private Lateral Sewage Discharge (PLSD)** - Wastewater discharges caused by blockages or other problems within laterals that are the responsibility of the private lateral owner and not the Enrollee. Discharges from sanitary sewer systems which are tributary to the Enrollee's sanitary sewer system but are not owned by the Enrollee and do not meet the applicability requirements for enrollment under the SSS WDRs are also considered PLSDs.

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8-12. **Regional Sanitary Sewer System** - Any system of pipes, pump stations, sewer lines upstream of a wastewater treatment plant headworks, having Satellite Sanitary Sewer System connections upstream.

Comment [DYW21]: See Comment Letter

9-13. **Sanitary sewer overflow (SSO)** - Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system upstream of a treatment plant head-works. SSOs include:

- (a) Overflows or releases of untreated or partially treated wastewater that reach surface waters of the State United States. This includes all wastewater releases to storm drain pipes or drainage channels that are tributary to waters of the state United States that are not fully recovered;
- (b) Overflows or releases of untreated or partially treated wastewater that do not reach surface waters of the state; and

Comment [DYW22]: See Association Letter

- (c) Wastewater backups into buildings and on private properties that are caused by blockages or flow conditions within the Enrollee owned portion of a sanitary sewer system.

10-14. Sanitary sewer system - Any system of publicly or privately owned pipes, pump stations, sewer lines, or other conveyances, upstream of a wastewater treatment plant head-works and owned by a single public or private Enrollee and used to collect and convey wastewater to a treatment facility or downstream sanitary sewer system. Temporary storage and conveyance facilities attached to the sanitary sewer system (such as vaults, temporary piping, wet wells, impoundments, construction trenches, tanks, tanks, etc.) are considered part of the sanitary sewer system and discharges into these temporary storage facilities are not considered SSOs. The term "collection system" shall have the same definition as a sanitary sewer system for the purposes of the SSS WDRs.

Comment [DYW23]: See Association Letter

Comment [AU24]: Add construction trenches back into this list. The only way, other than bypassing, that a new connection can be made to existing sewer pipe is removing a section of sewer pipe and installing a new WYE or TEE. Sewage allowed to flow through the trench while this is happening. Bypassing by the use of pumps and hoses would increase the potential of an SSO.

For purposes of the SSS WDRs, sanitary sewer systems include only those systems meeting both of the following applicability criteria:

- (a) The sanitary sewer system has a connected system of pipes greater than one mile in contiguous length, and
- (b) The sanitary sewer system collects and conveys, on any single day based on average dry weather flow, more than 25,000 gallons per day of untreated or partially treated wastewater to a publicly or privately owned treatment facility or sanitary sewer system.

15. Satellite sanitary sewer system - Any system of publicly or privately owned pipes, pump stations, sewer lines, or other conveyances also meeting the definition of a "sanitary sewer system" that is tributary to another system of publicly or privately owned pipes, pump stations, sewer lines, or other conveyances meeting the definition of a "sanitary sewer system". A sewer system would not be considered a "Satellite" unless it individually bills connected properties a maintenance or user fee established to provide for maintenance of said sewer system.

Comment [DYW25]: See comment letter.

14-16. Spill - Generic term referring to any discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system upstream of a wastewater treatment plant head-works.

12-17. Storm Drain - For the purposes of the SSS WDRs, any pipe that is part of a separate storm water collection system used for collecting and conveying runoff.

18. Untreated or partially treated wastewater - Wastewater that has not been treated to meet applicable regulatory standards for discharge to waters of the state.

13-19. Upper Lateral - See Lateral

14-20. Surface waters of the state - Means any surface water, including saline waters, within the boundaries of the state. "Surface waters of the state" do not include groundwater.

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Comment [DYW26]: See comments

B. APPLICATION REQUIREMENTS

1. Applicability Criteria and Deadlines for Application – All public and private entities that currently own sanitary sewer systems within the State of California meeting both of the following two applicability criteria must apply for coverage under the SSS WDRs within six (6) months of their adoption. Additionally, public and private entities that acquire sanitary sewer systems meeting both of the two applicability criteria noted below or whose sanitary sewer systems are expanded in size such that they will now meet both of the two applicability criteria noted below, after the date of adoption of the SSS WDRs, must apply for coverage under the SSS WDRs at least three (3) months ~~after~~ prior to operation of those facilities.

Comment [AU27]: This would delay the acquisition of a troubled sewer system by an neighboring sewer system. Allow the three months after just like all systems in the state were allowed to when the first WDR was adopted.

Applicability Criteria:

- (a) The sanitary sewer system has a connected system of pipes greater than one mile in contiguous length, and
- (b) The sanitary sewer system collects and conveys, ~~on any single day based on average dry weather flow~~, more than 25,000 gallons per day of untreated or partially treated wastewater to a publicly or privately owned treatment facility or sanitary sewer system.

For the purpose of establishing applicability for enrollment on the basis of flows, either the measured ~~average dry weather peak daily flow rate~~ or calculated ~~peak average~~ daily flow rate based on industry accepted peak-wastewater generation rates for land uses in the sanitary sewer system service area may be used.

Comment [AU28]: Use Average Dry Weather Flow rate in this instance. Peak flows vary each year and will go up and down due to a lot of circumstances. Average Dry Weather Flow can be measured or easily calculated.

Application is made by mailing a completed Notice of Intent (NOI) form to the State Water Board. Blank NOI forms can be downloaded in PDF format from the State Water Boards SSO Reduction Program web page at http://www.waterboards.ca.gov/water_issues/programs/sso/index.shtml. A separate NOI is required for each sanitary sewer system to be enrolled for coverage under the SSS WDRs.

2. Enrollees who own multiple sanitary sewer systems meeting the above applicability criteria and that are not physically connected are required to enroll each distinct sanitary sewer system separately under the SSS WDRs if they are managed as distinct assets in the form of separate sanitation districts, under separate operations and maintenance and/or capital improvement budgets, or are otherwise managed as distinct and separate sanitary sewer systems.
3. ~~Where an Enrollee owns at least one sanitary sewer system meeting the applicability criteria in (1) above in addition to sanitary sewer systems with connected systems of pipes less than one mile in contiguous length that are not physically connected to their enrolled sanitary sewer system, the Enrollee is required to comply with the requirements of the SSS WDRs for those sanitary sewer systems under one mile in contiguous length and manage them under a Sanitary Sewer Management Plan.~~

Comment [AU29]: See comment letter.

4. Applications under the SSS WDRs – In order to apply for coverage pursuant to the SSS WDRs, a legally authorized representative for each new Enrollee must submit a complete application package. Current Enrollees of Order No. 2006-0003-DWQ are required to submit a new application package for coverage under the SSS WDRs. Within sixty (60) days of adoption, State Water Board staff will send specific instructions on how to apply for coverage under the SSS WDRs to all current Enrollees of Order No. 2006-0003-DWQ and all known potential new Enrollees that own sanitary sewer systems. Potential Enrollees that do not receive notice may obtain applications and instructions online on the Water Board's website at http://www.waterboards.ca.gov/water_issues/programs/ssw/index.shtml.

Comment [AU30]: Why are all 1,200 signed agencies in the State being forced to re-enroll? They are already in the system. This will place a huge workload on the already strapped State Staff and cost un-needed time and money to each sewer system.

5. Coverage under the SSS WDRs – Permit coverage will be in effect once a complete application package has been submitted and approved by the State Water Board's Division of Water Quality.

Comment [DYW31]: It may make sense to define what a complete package is. For new enrollees, coverage should be automatic and the SWB can send out notices that these systems must comply with the renewed permit. For new system this requirement makes sense.

C. PROHIBITIONS

1. Any SSO that results in a discharge of untreated or partially treated wastewater to surface water of the state or water of the United States is prohibited. This includes:
 - (a) Discharges to storm drains or drainage channels that are not fully captured and returned to the sanitary sewer system or captured and otherwise appropriately disposed of if the storm drain or drainage channel is tributary to a surface water of the state or waters of the United States, and
 - (b) Discharges to drainage channels if the drainage channel is a surface water of the state or tributary to a surface water of the state.
2. Any SSO that results in a discharge of untreated or partially treated wastewater that creates a nuisance as defined in California Water Code § 13050(m) is prohibited.
3. The discharge of chlorine, or any other toxic substance used for disinfection and cleanup of wastewater spills to any surface water body is prohibited. This prohibition applies to the chlorine residual in the potable water used for wash down and clean up of wastewater spills.

Comment [DYW32]: See Association Letter

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D. PROVISIONS

1. The Enrollee must comply with all conditions of the SSS WDRs. Any noncompliance with the SSS WDRs constitutes a violation of the California Water Code and is grounds for enforcement action.
2. It is the intent of the State Water Board that sanitary sewer systems be regulated in a manner consistent with the SSS WDRs. Nothing in the SSS WDRs shall be:
 - (a) Interpreted or applied in a manner inconsistent with the Federal Clean Water Act, or supersede a more specific or more stringent state or federal requirement in an existing permit, regulation, or administrative/judicial order or Consent Decree,

Comment [AU33]: See Association Letter

except that the SSS WDRs shall apply to all surface waters of the state as herein defined;

Comment [DYW34]: See Association Letter.

- (b) Interpreted or applied to authorize an SSO that is illegal under either the Clean Water Act, an applicable Basin Plan prohibition, or water quality standard, or the California Water Code;
- (c) Interpreted or applied to prohibit a Regional Water Board from issuing an individual NPDES permit or WDRs, superseding the SSS WDRs, for a sanitary sewer system, authorized under the Clean Water Act or California Water Code; or
- (d) Interpreted or applied to supersede any more specific or more stringent state or federal requirement in an existing permit, WDR, regulation or enforcement order issued by a Regional Water Board.

3. In the event of an SSO, the Enrollee shall take all feasible steps to prevent untreated or partially treated wastewater from discharging into surface waters of the state by way of storm drains or drainage channels by blocking and removing the wastewater, where feasible, from the storm drains or drainage channels at a point upstream of the surface water body.

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4. The Enrollee shall report all SSOs in accordance with Section G of the SSS WDRs. In addition, the Enrollee shall report PLSDs they become aware of in accordance with Section G of the SSS WDRs.

Comment [DYW35]: See Association Letter and CVCWA Comment Letter.

5.4. When a sanitary sewer overflow occurs, the Enrollee shall take all feasible steps and necessary remedial actions to 1) control or limit the volume of untreated or partially treated wastewater discharged, 2) terminate the discharge, and 3) recover as much of the wastewater discharged as possible for proper disposal, including any wash down water.

The Enrollee shall implement all remedial actions to the extent they may be applicable to the discharge and not inconsistent with an emergency response plan, including the following:

Comment [AU36]: This section is micro managing the individual operations of the State's sewer systems. If an agency does not do one of the listed items then it is in violation of the WDR even if they have no SSOs.

- (a) Interception and rerouting of untreated or partially treated wastewater flows around the wastewater line failure;
- (b) Vacuum truck recovery of SSOs and wash down water;
- (c) Cleanup of debris at the overflow site;
- (d) System modifications to prevent another SSO at the same location;
- (e) Adequate sampling to determine the nature and impact of the release;
- (f) Adequate public notification to protect the public from exposure to the SSO; and

(g) ~~Other factors as deemed necessary by the Enrollee~~

Comment [AU37]: Covered in the intro sent to the WDR.

6-5 In any enforcement action, the State and/or Regional Water Boards will consider the appropriate factors under the duly adopted State Water Board Enforcement Policy. Consistent with the Enforcement Policy, the State and/or Regional Water Boards shall consider the Enrollee's efforts to contain, control, and mitigate SSOs when considering the California Water Code Section 13327 factors. In assessing these factors, the State and/or Regional Water Boards may ~~will~~ also consider whether:

Comment [DYW38]: See Association Letter

- (a) The Enrollee has complied with the requirements of the SSS WDRs, including requirements for reporting and developing and implementing a SSMP;
- (b) The Enrollee can identify the cause or likely cause of the discharge event;
- (c) There were no feasible alternatives to the discharge, such as temporary storage or retention of untreated wastewater, reduction of inflow and infiltration, use of adequate backup equipment, collecting and hauling of untreated wastewater to a treatment facility, or an increase in the capacity of the system as necessary to contain the design storm event identified in the SSMP. It is inappropriate to consider the lack of feasible alternatives, if the Enrollee does not implement a periodic or continuing process to identify and correct problems;
- (d) The discharge was exceptional, unintentional, temporary, and caused by factors beyond the reasonable control of the Enrollee;
- (e) The discharge could have been prevented by the exercise of reasonable control described in a certified SSMP for:
 - Proper ~~funding~~ management, operation and maintenance,
 - Adequate treatment facilities, sanitary sewer system facilities, and/or components with an appropriate design capacity, to reasonably prevent SSOs (e.g., adequately enlarging treatment or collection facilities to accommodate growth, infiltration and inflow (I/I), etc.),
 - Preventive maintenance including cleaning; root control; and fats, oils, and grease (FOG) control,
 - Installation of adequate backup equipment, and
 - Inflow and infiltration prevention and control to the extent practicable;
- (f) The sanitary sewer system design capacity is appropriate to reasonably prevent SSOs; and
- (g) The Enrollee took all reasonable steps to stop and mitigate the impact of the discharge as soon as possible.

Comment [DYW39]: See Association Comments

7-6 The Enrollee shall properly ~~fund~~ manage, operate, and maintain all parts of the sanitary sewer system owned or operated by the Enrollee, and shall ensure that the system operators (including employees, contractors, or other agents) are adequately trained and possess adequate knowledge, skills, and abilities to perform their duties including implementation of adequate emergency response procedures.

Comment [DYW40]: See Association Comments

8-7. The Enrollee shall allocate adequate funding and other resources to ensure that the proper maintenance, operation, management, and eventual replacement and repair of its sanitary sewer system are provided for by establishing a proper rate structure, accounting mechanisms, and auditing procedures to ensure an adequate measure of revenues and expenditures. These procedures shall comply with applicable laws, regulations, and generally acceptable accounting practices.

Comment [DYW41]: See Association Letter.

8-8. The Enrollee shall provide adequate capacity to convey base flows and peak flows, including flows related to wet weather events. Capacity shall meet or exceed the design criteria as defined in the Enrollee's SSMP, System Evaluation and Capacity Assurance Plan section, for all parts of the sanitary sewer system owned by the Enrollee.

10-9. The Enrollee shall develop and implement a written Sewer System Management Plan (SSMP) and make it available to the State and/or Regional Water Board upon request. A copy of this document shall be publicly available at the Enrollee's office and/or available on the Internet. The SSMP Development Plan and Schedule and the final SSMP must both be approved by the Enrollee's governing board at a public meeting.

11-10. In accordance with the California Business and Professions Code sections 6735, 7835, and 7835.1, all engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. Specific elements of the SSMP that require professional evaluation and judgments shall be prepared by or under the direction of appropriately qualified professionals, and shall bear the professional(s)' signature and stamp. For purposes of complying with the SSS WDRs, professional evaluation and judgments shall be provided by a professional engineer registered in California, at a minimum, for the System Evaluation and Capacity Assurance Plan.

12-11. The mandatory elements of the SSMP are specified below. If the Enrollee believes that any element of this section is not appropriate or applicable to their sanitary sewer system, that element is not required until the mandatory element is applicable to the Enrollee's sanitary sewer system. The Enrollee, however, shall still address each element listed below in its SSMP and justify why that element is not applicable in the SSMP. The SSMP shall be developed and approved by the deadlines listed in the SSMP Time Schedule below. The SSMP and all its components shall be considered living documents that need to be amended as conditions change in the service area or in system operations, management, or funding.

Sewer System Management Plan (SSMP)

- (a) **Goal:** The goal of the SSMP is to provide the plan and schedule to properly manage, operate, and maintain all parts of the sanitary sewer system owned by the Enrollee. This will help reduce and prevent SSOs, as well as mitigate any SSOs that do occur.
- (b) **Organization:** The SSMP must identify:

- (i) The name(s), email address(es), and telephone number(s) of the responsible or authorized representative(s) as described in Section J.
 - (ii) The names, email addresses, and telephone numbers for current governing board members including the board chair and names, email addresses, and telephone numbers for agency management, administrative, and maintenance positions responsible for implementing specific measures in the SSMP program including the Legally Responsible Official(s) and Data Submitter(s) registered with the State Water Board. The SSMP must identify lines of authority through an organization chart or similar document with a narrative explanation of each individual's position's role and responsibility, and
 - (iii) The chain of communication for reporting SSOs, from receipt of a complaint or other information, including the person responsible for reporting SSOs to the State Water Board and other agencies, if applicable, such as the County Health Officer, the County Environmental Health Agency, the Regional Water Board, and/or the California Emergency Management Agency (Cal EMA).
 - (iv) The website address, if available, where the Enrollee's SSMP can be accessed, if applicable.
- (c) **Legal Authority:** Each Enrollee must demonstrate, through sanitary sewer system use ordinances, service agreements, or other legally binding procedures, that it possesses the necessary legal authority to:
- (i) Prevent illicit discharges into its sanitary sewer system (examples may include I/I, storm water, chemical dumping, unauthorized debris and cut roots, etc.);
 - (ii) Require that sewers and connections be properly designed, constructed, and maintained;
 - (iii) Ensure access in easements, right of ways, and any other areas sanitary sewer system facilities are installed for maintenance, inspection, or repairs of the sanitary sewer system and for any portions of the service lateral owned or maintained by the Enrollee;
 - (iv) Limit flows to the sanitary sewer system from connected sources including service laterals and satellite collection systems;
 - (v) Ban new connections;
 - (vi) Limit the discharge of roots, fats, oils, and grease and other debris that may cause blockages; and
 - (vii) Enforce any violation of its sewer ordinances and, if applicable, collect penalties.

Comment [AU42]: See Association Letter. This is too specific and will require the SSMP be updated every time an elected official changes, every time job assignment changes or a person's phone number or email address changes. Plus, putting thousands of email addresses and phone numbers on the internet is not good. Modify this section to allow generic info to be used and switch board phone numbers and department email addresses to be used so the public has a place to start when wanting help.

Comment [DYW43]: Small agencies that do not maintain web sites should not be required per the SSS-WDR to develop and maintain a website so that the SSMP can be posted.

Comment [DYW44]: See Association Letter.

Comment [AU45]: See Association comment letter. Items iv and v are planning issues, management issues and the authority of the Regional Boards and Health Departments. They should not be required in local ordinances.

In addition, the Enrollee shall specify whether they own and maintain service laterals, and the portion(s) owned and/or maintained including pipe, clean outs, and backflow prevention devices. Any policies and procedures related to requirements for sewer easements shall also be addressed in this section of the SSMP.

Comment [AU46]: See Association letter.

(d) **Operations and Maintenance Program:** The SSMP shall include those elements listed below that are appropriate and applicable to the Enrollee's system:

(i) **Map:** Maintain an up-to-date map of the sanitary sewer system, showing, at a minimum, all gravity line segments and manholes, pumping facilities, pressure pipes and valves, siphons, backflow prevention devices, and storm water conveyance facilities. A map illustrating the current extent of the sewer system shall be included in the SSMP.

Comment [AU47]: An agency may not own and operate storm water facilities and may not have access to other agencies mapping if available. It should not be mandatory.

(ii) **O&M:** Describe routine preventive operation and maintenance activities by staff and contractors, including a system for scheduling regular maintenance and cleaning of the sanitary sewer system with more frequent cleaning and maintenance targeted at known problem areas. The Preventative Maintenance (PM) program shall have a system to document scheduled and conducted activities, such as work orders.

Comment [AU48]: Mapping of a large agency would be difficult to place in the SSMP. Also sewer maps are constantly updated each time a new sewer is built. This would require the SSMP to be re-issued each time a new line was drawn on the sewer map. Samples of the maps could be provided in the SSMP with a reference where the entire map can be found.

The SSMP shall identify the name(s) of contractor(s) conducting routine work on the sewer system for implementation of the SSMP and a description of services provided;

Comment [149]: See Association Letter. As written, language would have to be updated and SSMP will have to be re-issued each time a contract is changed. This also reduces flexibility, especially to small agencies.

(iii) **Rehabilitation and Replacement:** Adopt 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 program shall include regular visual and TV inspections of manholes and sewer pipes, and a system for ranking the condition of sewer pipes and scheduling rehabilitation and/or replacement. Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages due to pipe defects and aging. Finally, the rehabilitation and replacement plan shall include a capital improvement plan that addresses proper management and protection of the infrastructure assets. The plan shall include a time schedule for implementing the short-term and long-term plans plus a schedule for developing the funds needed for the capital improvement plan.

Comment [DYW50]: See CVCWA comment letter. This type of requirement should not be mandated, as it may not be appropriate for some agencies.

This section shall also include a description of any private sewer lateral inspection and replacement programs implemented within the sewer system service area.

Comment [DYW51]: See Association and CVCWA letter.

(iv) **Staff Assessment Program:** The Enrollee must develop and implement a Staff Assessment Program (Assessment Program) for its sanitary sewer collection system operations staff, from line staff through

Comment [AUS2]: This is micro managing. Set goals and allow agencies to determine the best way to accomplish it. This will also force agencies into conflicts with their unions. Also see Association Letter

supervisors, including contractors, or others performing or overseeing collection system O&M. The Assessment Program shall identify any staff deficiencies in meeting requirements for competently performing collection system O&M activities required by the Enrollee to adequately maintain sanitary sewer system assets. This includes review of current staff job duties, training, skill sets and/or abilities against the requirements needed by the Enrollee to comply with the SSS WDRs. The Assessment Program shall be updated at least every 12 months. All deficiencies identified shall be addressed by the Enrollee, including any needed changes including but not limited to adjustments to O&M procedures and staff training activities.

(v) ~~Contingency Planning:~~ Identify the most critical collection system assets and operating procedures including components posing the highest risks and threats for an SSO. Contingency planning shall include a list of the most critical replacement part inventories that should be maintained by the Enrollee.

(vi) ~~O&M and Sewer System Replacement Funding:~~ The SSMP shall include budgets for routine sewer system operation and maintenance and for the capital improvement plan including proposed replacement of sewer system assets over time due to normal asset aging. Budgets shall include costs, revenues, and revenue sources for funding the work over a sufficient period to demonstrate the agency's ability to properly fund the sewer system in perpetuity.

Comment [153]: Identifying in a publicly accessible document critical portions of a collection system is not good practice for security purposes. Also see Association Letter.

Comment [154]: Budgets are public documents anyway and including them in an SSMP would require the SSMP to be updated every time they are revised or issued. Also see Association Letter.

(e) **Design and Performance Provisions:** Each Enrollee shall adopt and implement sewer design, construction, inspection, and testing standards and specifications including:

- (i) Design and construction standards and specifications for the installation ~~of all aspects~~ of new sanitary sewer systems including pump stations and other appurtenances; and for the rehabilitation and repair of existing sanitary sewer systems; and
- (ii) Procedures and standards for inspecting and testing ~~all aspects~~ of the installation of new sewers, pumps, and other appurtenances and sanitary sewer system rehabilitation and repair projects.

Comment [DYW55]: As a regulatory requirement, this is too prescriptive and could be construed down to a level not intended.

(f) **Overflow Emergency Response Plan:** Each Enrollee shall adopt and implement an SSO emergency response plan that identifies measures to protect public health and the environment. At a minimum, this plan shall include the following:

- (i) Proper notification and reporting procedures so that the primary responders and regulatory agencies are informed of all SSOs in a timely manner;
- (ii) A program to ensure appropriate response to all overflows including documentation of steps needed to prepare for natural disasters,

hazardous weather events, and other severe circumstances that will affect sewer system operation. Program documentation should include contracts or agreements in place that may be needed in the event of SSOs to help mitigate the discharges.

- (iii) Procedures to ensure prompt notification to appropriate regulatory agencies and other potentially affected entities (e.g. health agencies, Regional Water Boards, water suppliers, etc.) of all SSOs that potentially affect public health or reach surface waters of the state in accordance with the Monitoring and Reporting Plan (MRP). All SSOs shall be reported in accordance with the MRP, the California Water Code, other State Law, and other applicable Regional Water Board WDRs or NPDES permit requirements. The SSMP should identify the officials who will receive immediate notification;
- (iv) Procedures to ensure that appropriate staff and contractor personnel are aware of and follow the Emergency Response Plan and are appropriately trained in emergency response;
- (v) Procedures to address emergency operations, such as traffic and crowd control and other necessary response activities; and
- (vi) A program and procedures to ensure that all reasonable steps are taken to contain and prevent the discharge of untreated and partially treated wastewater to surface waters of the state that includes a risk and threat analysis of all sanitary sewer system assets United States. The program shall also specify steps to minimize or correct any adverse impact on the environment resulting from SSOs including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the discharge.

The risk and threat analyses shall identify the highest risks and threats ranked in order posed by sewer system failures such as but not limited to gravity sewer main lines, laterals, force mains, air relief valves, pumping facilities, and other facilities or equipment the failure of which could be expected to produce an SSO. The analyses shall include the expected consequences of each identified failure. The analyses shall also include system specific activities, procedures, and strategies employed by the Enrollee to help minimize the risks and threats of SSOs with consideration given to known problem areas identified within the collection system.

- (g) **FOG Control Program:** Each Enrollee shall evaluate its service area to determine whether a Fats, Oils, & Grease (FOG) control program is needed. If an Enrollee determines that a FOG program is not needed, the Enrollee shall provide justification for why it is not needed. If FOG control is needed, the Enrollee shall prepare and implement a FOG source control program to reduce the amount of these substances discharged to the sanitary sewer system. This plan shall include the following as appropriate:

Comment [156]: Natural disasters, hazardous weather events and other severe circumstances are very unusual events and most of the time will exceed design criteria and thus cannot be covered by an response plan.

Comment [157]: This does not reflect the one call criteria developed in the monitoring program and should be revised to be consistent with these new procedures and requirements.

Comment [158]: This requirement is too prescriptive, and the SSS WDR should not dictate how an analysis shall be done. Also, for security measures, such information should not be in a public document.

- (i) An implementation plan and schedule for a public education outreach program that promotes proper disposal of FOG;
 - (ii) A plan and schedule for the disposal of FOG generated within the sanitary sewer system service area. This may include a list of acceptable disposal facilities and/or additional facilities needed to adequately dispose of FOG generated within a sanitary sewer system service area;
 - (iii) The legal authority to prohibit discharges to the system and to require FOG dischargers to implement measures to prevent SSOs and blockages caused by FOG;
 - (iv) Requirements to install grease removal devices (such as traps or interceptors), design standards for the removal devices, maintenance requirements, BMP requirements, record keeping and reporting requirements;
 - (v) Authority to inspect grease-producing facilities and enforce for violations of the local FOG control requirements. ~~The FOG Control Program shall identify required staffing levels to inspect and enforce the FOG ordinance.~~
 - (vi) An identification of sanitary sewer system sections subject to FOG blockages and establishment of a cleaning maintenance schedule for each section; and
 - (vii) Development and implementation of source control measures for all sources of FOG discharged to the sanitary sewer system for each section identified in (vi) above.
- (h) **System Evaluation and Capacity Assurance Plan:** The Enrollee shall adopt and implement a capital improvement plan (CIP) that will provide hydraulic capacity of key sanitary sewer system elements for dry weather peak flow conditions, as well as the appropriate design storm or wet weather event. At a minimum, the plan shall include:
- (i) **Evaluation:** Actions needed to evaluate those portions of the sanitary sewer system that are experiencing or contributing to an SSO discharge caused by hydraulic deficiency. The evaluation ~~shall~~ **must** provide estimates of peak flows (including flows from SSOs that escape from the system) associated with conditions similar to those causing overflow events, estimates of the capacity of key system components, hydraulic deficiencies (including components of the system with limiting capacity) and the major sources that contribute to the peak flows associated with overflow events.
 - (ii) **Design Criteria:** ~~Where design criteria required in section (e) above have not been established,~~ **do not exist, or are deficient, undertake the evaluation identified in (i) above to establish appropriate design criteria.**

Comment [159]: Old wording is sufficient. Staffing levels change often and will require the SSMP to be changed each time.

Comment [160]: See comments Section (e) above.

- (iii) **Capacity Enhancement Measures:** The steps needed to establish a short-term and long-term CIP to address identified hydraulic deficiencies, including prioritization, alternatives analysis, and schedules. The CIP may include increases in pipe size, I/I reduction programs, increases and redundancy in pumping capacity, and storage facilities. The CIP shall include an implementation schedule.
- (iv) **Schedule:** The Enrollee shall develop a schedule of completion dates for all portions of the capital improvement program developed in (i)-(iii) above. This schedule shall be reviewed and updated consistent with the SSMP review and update requirements as described in sections D.13 and D.14.
- (v) **Funding:** The SSMP shall include estimated budgets for capital improvements to the sewer system that are identified in (iii) above. Budgets shall include estimated costs, revenues, and revenue sources for funding the work over a sufficient period of time to demonstrate the agency's ability to properly fund the sewer system capital improvements.
- (f) **Performance Targets and Program Modifications:** The Enrollee shall develop performance targets and incorporate necessary program modifications to monitor the Enrollee's progress in reducing SSOs over time. The performance targets and program modifications must be reviewed on an annual basis and shall include at a minimum the following steps:
 - (i) Identify performance targets and illustrate SSO trends, including SSO frequencies and volumes. Results for performance target attainment and spill trends shall be included and routinely updated in the SSMP;
 - (ii) Collect and maintain appropriate records and information to establish and prioritize the performance targets;
 - (iii) Link each performance target with the appropriate SSMP element(s);
 - (iv) Monitor the effectiveness and success of each SSMP element in meeting each performance target developed;
 - (v) Update SSMP elements, as appropriate, to achieve the performance targets; and
 - (vi) Maintain an SSMP Change Log that includes a list of all modifications and changes made to the SSMP including date and identification of staff responsible for implementing each change.
- (g) **SSMP Program Audits:** As part of the SSMP, the Enrollee shall conduct periodic audits, appropriate to the size of the system and the number of SSOs. At a minimum, these audits shall must occur every two (2) years and a report of the audit results shall must be prepared and attached to the SSMP and kept on

Comment [w61]: Actual revenues will vary each year and thus will require the SSMP to be constantly updated.

Comment [DYW62]: See Association Letter.

Comment [163]: Delete this section. It is covered by the 2 year audit below.

Comment [DYW64]: Retain existing language which requires audits to remain on file. Because these audits have only just been completed for the largest of agencies, it is unknown whether it is appropriate to attach due to size, details, etc.

file. This audit shall evaluate the effectiveness of each major SSMP element in a narrative fashion including a discussion of progress in attaining performance targets and a discussion of the Enrollee's compliance with all SSMP requirements. Any ~~opportunities~~ opportunities to improve identified deficiencies in the SSMP shall be identified in the audit along with the corrective actions taken or planned to be taken to correct them.

Comment [DYW65]: May be too prescriptive. Focus should be on major elements/programmatic level.

(k) **Communication Program:** The Enrollee shall communicate, at a minimum, on a ~~an~~ bi-annual basis with the public regarding the development, implementation, and performance of its SSMP. The communication system shall provide the public the opportunity to provide input to the Enrollee as the program is developed, implemented, and modified.

Comment [I66]: To coincide with the bi-annual audit.

The Enrollee Regional Sanitary Sewer Systems shall also communicate, at a minimum, on an annual basis with any ~~satellite~~ sanitary sewer systems that are tributary and/or satellite to the Enrollee's sanitary sewer system. Correspondence to document the communication activities specified above must be included in the Enrollee's SSMP.

Comment [DYW67]: This requirement and frequency is only appropriate for true satellite systems, but not for large customers. A biannual communications requirement for large customers more appropriate. See Comment Letter.

13-12. For new Enrollees ~~both~~ the Enrollee's SSMP Development Plan and Schedule and their initially developed SSMP that is ready for implementation shall be certified by the Enrollee to be in compliance with the requirements set forth above and shall be presented to the Enrollee's governing board for approval at a public meeting. The Enrollee shall certify that the SSMP and its subparts comply with the SSS WDRs within the time frames identified in the ~~new~~ time schedule provided in section D.14 below.

Comment [I68]: This will require that the SSMP be re-certified each time minutes of a meeting were added. Also, for security purposes such minutes should not be public.

To complete this certification, the Enrollee's authorized representative must complete the SSMP certification portion in the Online SSO Database by entering the completion or revision date in the appropriate SSMP milestone box and selecting the "Certify" button, on the online form.

23. The current SSMP shall be posted on the Enrollee's internet site and/or made available in paper format to the public at an Enrollee's customer service or other publicly accessible location. In addition, if the enrollee maintains a website where the current SSMP can be posted, Enrollees shall provide the web site address on the CIWQS Collection System Questionnaire where their SSMP is posted or, if the SSMP is not posted to an Enrollee internet site, upload an electronic copy of the current SSMP to the Online SSO Database every time the SSMP is re-certified.

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Comment [DYW69]: It is important to note that most SSMPs refer to other documents. The SSMP posted and/or made available may reference these documents, but they will not be included in what is asked for here.

The SSMP shall ~~must~~ be updated and re-certified by the LRO on the Online SSO Database, at a minimum, every two (2) years and shall include any significant program changes resulting from the SSMP program audits.

Comment [I70]: Very small agencies may not have the capabilities to provide electronic copies of their SSMP and some provision should be made for them.

Re-certification by the governing board of the SSMP is required when significant updates to the SSMP are made that significantly change the scope and/or costs associated with implementing the SSMP and, at a minimum of, every four (4) years. To complete the re-certification process, the Enrollee shall include a copy of the governing board approval document in with the revised SSMP, enter the data in the Online SSO Database as described above, ~~make~~ post the document available for public access as described

Comment [DYW71]: This sentence is confusing.

above, and upload a copy of the revised SSMP to the Online SSO Database as described above.

44.13 NewThe Enrollees shall comply with the following requirements according to the schedules noted below, as applicable. These time schedules do not supersede existing requirements or time schedules associated with other permits or regulatory requirements.

(a) New Enrollees – Privately Owned Sanitary Sewer Systems:

- (i) New Enrollees who own private sanitary sewer systems meeting the applicability requirements in section B above are required to meet the schedule specified in the table below for applying for coverage under the SSS WDRs and for SSMP development.
- (ii) New Enrollees who own private sanitary sewer systems that expand in size or who acquire new private sanitary sewer systems after adoption of the SSS WDRs, to where the applicability requirements in section B above will begin apply, are required to meet the schedule specified in the table below for SSMP development. Enrollees shall apply for coverage under the SSS WDRs at least three (3) months prior~~after~~ to operation of the facilities.

Comment [DYW72]: See comment above. Provisions should be made for small agencies that do not have this ability. Additionally, it is important that the CIWQS databases will be able to handle SSMP uploads. Before requiring this, the SWB staff should ensure that CIWQS is capable and that if there are any size limitations, they fall within what is needed by Enrollees to complete this requirement.

Comment [w73]: Every time 100 feet of new pipe are added to the sewer system you have to re-apply. This should be clear that it is applicable when a system first applies.

(b) New Enrollees – Publicly Owned Sanitary Sewer Systems:

- (i) New Enrollees who own public sanitary sewer systems that expand in size or who acquire new public sanitary sewer systems after adoption of the SSS WDRs, to where the applicability requirements in section B above now apply, are required to meet the schedule specified in the table below for SSMP development. Enrollees shall apply for coverage under the SSS WDRs at least three (3) months after~~prior~~ to operation of the facilities.
- (ii) New Enrollees who own public sanitary sewer systems that met the applicability requirements of Order No. 2006-0003-DWQ but, were never enrolled in Order No. 2006-0003-DWQ and that meet the applicability requirements in section B above are required to apply for coverage under the SSS WDRs upon their its adoption or as soon thereafter as practicable. The schedule for SSMP development will be determined by Water Board staff upon submission of the application for coverage under the SSS WDRs.
- (iii) New Enrollees who own public sanitary sewer systems that met the applicability requirements of Order No. 2006-0003-DWQ but were subsequently un-enrolled from coverage under Order No. 2006-0003-DWQ and that meet the applicability requirements in section B above are required to meet the schedule specified in the table below for applying for coverage under the SSS WDRs and for SSMP development.

Comment [w74]: Note comment above

Comment [DYW75]: These two sections are confusing.

E. SSS WDRs AND SSMP AVAILABILITY

A copy of the ~~of or link to the~~ SSS WDRs and the most current certified SSMP shall be maintained at appropriate locations for public access (such as the Enrollee's offices, facilities, and/or internet homepage) and shall be available to sanitary sewer system operating and maintenance personnel at all times.

Comment [176]: The public copy requirement covered elsewhere in this WDR.

F. ENTRY AND INSPECTION

The Enrollee shall allow the State or Regional Water Boards or their authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the Enrollee's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of the SSS WDRs;
2. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of the SSS WDRs;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the SSS WDRs; and
4. Sample or monitor at reasonable times, for the purposes of assuring compliance with the SSS WDRs or as otherwise authorized by the California Water Code, any substances or parameters at any location.

Sewer System Management Plan Time Schedule for New Enrollees

1. To establish population, use peak population served by the sanitary sewer system or

Task and Associated Section	Completion Date			
	Population > 100,000 ¹	Population between 100,000 and 10,000 ¹	Population between 10,000 and 2,500 ¹	Population < 2,500 ¹
Application for Permit Coverage Section B	6 months after WDRs Adoption			
Reporting Program Section G	6 months after WDRs Adoption			
SSMP Development Plan and Schedule No specific Section	3 months after enrolling for coverage ²	6 months after enrolling for coverage ²	9 months after enrolling for coverage ²	12 months after enrolling for coverage ²
Goals and Organization Structure Section D 13 (a) & (b)	6 months after enrolling for coverage ²		12 months after enrolling for coverage ²	
Overflow Emergency Response Program Section D 13 (f)	18 months after enrolling for coverage ²	24 months after enrolling for coverage ²	30 months after enrolling for coverage ²	33 months after enrolling for coverage ²
Legal Authority Section D 13 (c)				
Operation and Maintenance Program Section D 13 (d)				
FOG Control Program Section D 13 (g)	30 months after enrolling for coverage ²	33 months after enrolling for coverage ²	42 months after enrolling for coverage ²	45 months after enrolling for coverage ²
Design and Performance Section D 13 (e)				
System Evaluation and Capacity Assurance Plan Section D 13 (h)				
Final SSMP, incorporating all of the SSMP requirements Section D 13				

calculate population ~~dry weather~~ converting peak flow using established values for flow per person or flow per equivalent dwelling unit and average persons per dwelling unit from U.S. Census or other local data.

2. Sanitary sewer systems currently enrolled in Order No. 2006-00036-DWQ are required to follow their bi-annual SSMP audit schedule to address the clarifications and additions to their SSMP required by the SSS WDRs.

G. GENERAL MONITORING AND REPORTING REQUIREMENTS

1. The Enrollee shall furnish to the State or Regional Water Board, within a reasonable time, any information which the State or Regional Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the SSS WDRs. The Enrollee shall also furnish to the Executive Director of the State Water Board or Executive Officer of the applicable Regional Water Board, upon request, copies of records required to be kept by the SSS WDRs.
2. The Enrollee shall comply with the attached Monitoring and Reporting Program No. 2011-XXXX-DWQ and future revisions thereto, as specified by the Executive Director. Monitoring results shall be reported at the intervals specified in Monitoring and Reporting Program No. 2011-XXXX-DWQ. Unless superseded by a specific enforcement Order for a specific Enrollee, these reporting requirements are intended to replace other mandatory routine written reports associated with SSOs.
3. All Enrollees shall obtain SSO Database accounts and receive a "Username" and "Password" by registering through the California Integrated Water Quality System (CIWQS). These accounts will allow controlled and secure entry into the SSO Database. Additionally, within 30-days of receiving an account and prior to recording spills into the SSO Database, all Enrollees shall complete the "Collection System Questionnaire", which specifies pertinent information regarding an Enrollee's collection system. The "Collection System Questionnaire" shall be updated, at a minimum, every 12 months.
4. Pursuant to Health and Safety Code section 5411.5, any person who, without regard to intent or negligence, causes or permits any untreated wastewater or other waste to be discharged in or on any waters of the state, or discharged in or deposited where it is, or probably will be, discharged in or on any surface waters of the state, as soon as that person has knowledge of the discharge, shall immediately provide notification of the discharge to the local health officer or the local Director of Environmental Health. Discharges of untreated or partially treated wastewater to storm drains and drainage channels; whether man made, natural or concrete-lined; that are not fully recovered, shall also be reported. Notification to Cal EMA shall satisfy the conditions of this paragraph.
5. Pursuant to California Water Code section 13271, any SSOs of reportable quantity, as specified in the California Code of Regulations § 2250, discharged in or on any waters of the state, or discharged in or deposited where they are, or probably will be, discharged in or on any waters of the state shall be reported to Cal EMA.

Comment [177]: The SWB Staff has proposed questionnaire (albeit voluntary at this time) that is extremely detailed and would require significant staff resources. CVCWA does not believe it is appropriate for SWB staff to make substantial changes to the collection system questionnaire without a public review process and approval from the State Water Board members in a public meeting.

Comment [178]: Define reportable quantity, one cup spilled out of the back of a truck reportable.

H. CHANGE IN OWNERSHIP

1. The SSS WDRs ~~are~~ WDRs ~~is~~ are not transferable to any person or party. The existing Enrollee shall submit a notice in writing to the State Water Board and applicable Regional Water Board at least three (3) months in advance of any proposed transfer of an entire sanitary sewer system enrolled under the SSS WDRs. Where just portions of an Enrollee's sanitary sewer system are to be transferred, refer to section H.2.

The notice shall include a written agreement between the existing and new Enrollee containing a specific date for the transfer of responsibility and coverage between the existing Enrollee and the new Enrollee under the SSS WDRs. This agreement shall include an acknowledgement that the existing Enrollee is liable for violations up to the transfer date and that the new Enrollee is liable from the transfer date forward.

The new Enrollee shall apply for coverage of the new facilities under the SSS WDRs at least ~~thirtythree (30) months~~ ~~days~~ prior to their operation.

Comment [179]: See previous comments. Should be consistent with other sections.

2. Where portions of an Enrollee's sanitary sewer system are transferred to any person or party, the Enrollee shall submit the notice required in H.1 above with a narrative description of the partial transfer and a map showing portions of the sanitary sewer system that are to be transferred. In addition, historic spills that occurred in the transferred portion(s) of the sanitary sewer system shall be identified in the notice using the California Integrated Water Quality System (CIWQS) spill report Event ID number or by providing reports with known facts about the spill if spills from the facilities were not reported to CIWQS.

Comment [180]: This requirement is not necessary and will be very intensive. Information can be easily found in CIWQS.

I. INCOMPLETE REPORTS

If an Enrollee becomes aware that it failed to submit any relevant facts in any report required under the SSS WDRs, the Enrollee shall promptly submit such facts or information by formally amending the report in the Online SSO Database.

J. REPORT DECLARATION

All applications, reports, or information shall be signed and certified as follows:

1. All reports required by the SSS WDRs and other information required by State or Regional Water Boards shall be signed and certified by a person designated as 1) for a municipality, state, federal or other public agency, as either a principal executive officer or ranking elected official, or by a duly authorized representative of that person, as described in J.2, or 2) for a private entity as either the individual(s) who own(s) the sewer system or by a duly authorized representative of those persons or person. For purposes of electronic reporting, an electronic signature and accompanying certification that complies with the Online SSO database procedures, meets this certification requirement.
2. An individual is a duly authorized representative only if:

- (a) The authorization is made in writing by a person described in J.1; and
- (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity.

The "duly authorized representative" is referred to as the "Legally Responsible Official" (LRO) for the purposes of reporting for the SSS WDRs. Enrollees may designate multiple LROs for the purposes of complying with the SSS WDRs. Enrollees may also

designate one or more "Data Submitters" (DSs) to facilitate reporting for the SSS WDRs. Data Submitters may enter spill report and other reporting data into the CIWQS SSO Module but ~~can not~~ cannot certify entered data.

K. CIVIL MONETARY REMEDIES FOR DISCHARGE VIOLATIONS

1. The California Water Code provides various enforcement options, including civil monetary remedies, for violations of the SSS WDRs.
2. The California Water Code also provides that any person failing or refusing to furnish technical or monitoring program reports, as required under the SSS WDRs, or falsifying any information provided in the technical or monitoring reports is subject to civil monetary penalties.

L. SEVERABILITY

1. The provisions of the SSS WDRs are severable, and if any provision of the SSS WDRs, or the application of any provision of the SSS WDRs to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the SSS WDRs, shall not be affected thereby.
2. The SSS WDRs do 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 waste discharge.

CERTIFICATION

The undersigned Clerk to the State Water Board does hereby certify that the foregoing is a full, true, and correct copy of the SSS WDRs duly and regularly adopted at a meeting of the State Water Resources Control Board held on XXXX X, 2011.

AYE:

NO:

ABSENT:

ABSTAIN:

Jeanine Townsend
Clerk to the Board

DRAFT - March 22, 2011

**STATE WATER RESOURCES CONTROL BOARD
MONITORING AND REPORTING PROGRAM NO. 2011-XXXX-DWQ
STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS
FOR
SANITARY SEWER SYSTEMS**

This Monitoring and Reporting Program (MRP) establishes monitoring, record keeping, reporting and public notification requirements for Order No. 2011-XXXX-DWQ, "Statewide General Waste Discharge Requirements for Sanitary Sewer Systems." The Executive Director may make revisions to this MRP at any time. These revisions may include a reduction or increase in the monitoring and reporting.

The following notification and reporting requirements are in addition to and do not preclude other emergency notification and reporting requirements and timeframes mandated by other regulatory programs and agencies (e.g., Storm Water Permit, local County Health Officers, local Director of Environmental Health, Regional Water Quality Control Boards) or State laws.

Comment [DYW1]: See Association Letter

A. SANITARY SEWER OVERFLOW NOTIFICATION REQUIREMENTS

Although State Water Resources Control Board (State Water Board) and Regional Water Quality Control Board (Regional Water Board) staff do not have duties as first responders, this MRP is an appropriate mechanism to ensure that the agencies that have first responder duties are notified in a timely manner in order to protect public health and beneficial uses.

For any discharge of wastewater that results or may is likely to result in a discharge to a surface water of the state, either directly or by way of a drainage channel or storm drainpipe, the Enrollee shall, as soon as possible, but not later than two (2) hours after (A) that Enrollee has knowledge of the discharge, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures, notify the California Emergency Management Agency (Cal EMA) and obtain a notification control number.

B. SANITARY SEWER OVERFLOW REPORTING REQUIREMENTS

SSO Categories

1. Category 1 – Any volume of spill that reach a water of the United States directly, or reach of water of the state or other conveyance system (storm drain pipe, drainage ditch, or channel) that discharges to a water of the United States and was not fully contained/recovered.
2. Category 2 – Spills of
1. All discharges of wastewater resulting from a failure in the Enrollee's sanitary sewer system that:
 - A. Equal or exceed 1000 gallons, or more that were fully contained and recovered (e.g. discharged to land or fully captured in a street, curb, gutter, storm drain pipe, or drainage ditch or channel.)

Comment [DYW2]: See Association and CVCWA Letter.

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DRAFT - March 22, 2011

3. Category 3 – Spills of less than 1000 gallons that did not reach waters of the United States (e.g. discharged to land or were fully captured.)

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~~B. Any volume of wastewater that discharges to a drainage channel tributary to a surface water of the state and/or directly to a surface water of the state; or~~

~~C. Any volume of wastewater that reaches a storm drainpipe and is not fully captured and returned to the sanitary sewer system or not otherwise captured and disposed of properly. Any volume of wastewater not recovered from a storm drainpipe is considered to have reached surface water of the state unless the storm water system discharges to a groundwater infiltration basin (e.g., infiltration pit, percolation pond).~~

~~2. Category 2 - All other discharges of wastewater resulting from a failure in the Enrollee's sanitary sewer system.~~

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PLSD Categories

1. Category 1 - All discharges of wastewater resulting from a failure in a privately owned sewer lateral that:
 - A. Equal or exceed 1000 gallons, or
 - B. Any volume of wastewater that discharges to a drainage channel tributary to a surface water of the state and/or directly to a surface water of the state; or
 - C. Any volume of wastewater that reaches a storm drainpipe and is not fully captured and returned to the sanitary sewer system or not otherwise captured and disposed of properly. Any volume of wastewater not recovered from a storm drainpipe is considered to have reached a surface water of the state unless the storm water system discharges to a groundwater infiltration basin (e.g., infiltration pit, percolation pond).
2. Category 2 - All other discharges of wastewater resulting from a failure in a privately owned sewer lateral.

Comment [DYW3]: This section should be removed with the requirement to report PLSDs.

SSO Reporting Timeframes

1. Category 1 SSOs - ~~Except as provided above~~ all SSOs that meet the above criteria for Category 1 SSOs shall be reported as soon as: (1) the Enrollee has knowledge of the discharge, (2) reporting is possible, and (3) reporting can be provided without substantially impeding cleanup or other emergency measures. Draft reports for Category 1 SSOs shall be submitted to the Online SSO Database as soon as possible but no later than 3 business days after the Enrollee is made aware of the SSO by citizen complaint or discovery. Minimum information that shall be contained in the draft report shall include all information identified below, except for item 1.K-O. A final certified report shall be completed through the Online SSO Database within 15 calendar days of the conclusion of SSO response activities. Additional information may be added to the certified report, by amending the report or by adding an attachment to the report, at any time.
2. Category 2 and 3 SSOs - All SSOs that meet the above criteria for Category 2 or 3 SSOs shall be reported to the Online SSO Database within 30 days after the end of

Comment [DYW4]: Uncertain what specific provisions this is referring to.

the calendar month in which the SSO occurs (e.g. all SSOs occurring in the month of February shall be entered into the database by March 30th).

3. **PLSDs** – For PLSDs within the Enrollee's service area and that the Enrollee becomes aware of, the Enrollee shall report the PLSD to the Online SSO Database within 30 days after the end of the calendar month in which the PLSD occurs. The Enrollee will not be responsible for the cause or cleanup of the PLSD or the repair of the private lateral. However, the Enrollee shall be responsible for reporting PLSDs that occur within its jurisdiction and for which it becomes aware. The enrollee is encouraged to provide notification to Cal EMA per section A above or notify the responsible party that such notification should be completed as required by state law and report the PLSD to the Online SSS Database.
4. If there are no SSOs during the calendar month, the Enrollee shall provide, within 30 days after the end of each calendar month, a "No-Spill" certification statement through the Online SSO Database certifying that there were no SSOs for the designated month. If there are no SSOs during a calendar month and there are PLSDs reported during the calendar month, the Enrollee shall still provide the "No-Spill" certification.
5. In the event that the SSO Online Database is not available, the enrollee shall fax all required information to the appropriate Regional Water Board office in accordance with the time schedules identified above. In such event, the Enrollee shall also enter all required information into the Online SSO Database as soon as practical.

Comment [DYW5]: See Comment letter and Association comment letter. Reporting should not be mandatory, but can be encouraged.

Mandatory Information to be Included in SSO Online Reporting

All Enrollees shall obtain SSO Database accounts and receive a "Username" and "Password" by registering through the California Integrated Water Quality System (CIWQS) which can be reached at CIWQS@waterboards.ca.gov or by calling 1-866-792-4977, M-F, 8am to 5pm. These accounts will allow controlled and secure entry into the SSO Database. Additionally, within thirty (30) days of receiving an account and prior to recording SSOs into the SSO Database, all Enrollees must complete the "Collection System Questionnaire" where pertinent information regarding an Enrollee's collection system is recorded. The "Collection System Questionnaire" shall be updated at least every 12 months.

Comment [DYW6]: CVCWA has, and continues to encourage the SWB to work with very small SSOs who may not have computer access. Provisions should be included that would allow another means of reporting should a SSS not have or have limited computer access.

At a minimum, the following mandatory information shall be included prior to finalizing and certifying an SSO report for each category of SSO:

Comment [DYW7]: This requirement has been very problematic for the smallest of agencies, who may not have this information readily available. In these cases, these small agencies should be given additional time to gather information that is not readily available and not be precluded from reporting spills.

1. Category 2 SSOs:

- A. Location of SSO by entering GPS coordinates;
- B. Whether or not the SSO entered a drainage channel and/or surface water;
- C. Whether or not the SSO was discharged to a storm drain pipe or drainage channel that was not fully captured and returned to the sanitary sewer system;
- D. Actual or estimated SSO start date and time
- E. Actual or Estimated SSO volume in gallons;
- F. SSO appearance point (manhole, cleanout, etc.);
- G. SSO cause (mainline blockage, roots, etc.);
- H. SSO-SSS Failure Point (main, lateral, etc.), if applicable;

Comment [DYW8]: See prior comments on definitions and differentiation between drainage channels, stormdrains, etc. and surface waters.

- I. Date and time of SSO notification or discovery;
- J. Estimated operator arrival time;
- K. SSO destination;
- L. Estimated SSO end date and time; and
- M. SSO Certification. Upon SSO Certification, the SSO Database will issue a final SSO Identification (ID) Number.

2. Private Lateral Sewage Discharges:

- A. All information listed above (if applicable and known) with the exception of 1.A, as well as;
- B. The address, or most accurate location information known (e.g., GPS Coordinates), of where the PLSD occurred;
- C. Identification of sewage discharge as a private lateral sewage discharge, and
- D. Responsible party contact information (if known).

Comment [DYW9]: Unclear what is being asked for.

3. Category 1 SSOs:

- A. All information listed for Category 2 SSOs, as well as;
- B. Estimated SSO volume that reached a surface water of the state, drainage channel, or not recovered from a storm drain or drainage channel;
- C. Estimated SSO amount recovered;
- D. Identification of method(s) used for SSO volume estimates;
- E. Response and corrective action taken;
- F. If samples were taken, identify which regulatory agencies received sample results (if applicable). If no samples were taken, NA shall be selected.
- G. Parameters that samples were analyzed for (if applicable);
- H. Identification of whether or not health warnings were posted;
- I. Name of surface waters impacted (if applicable and if known). If no surface waters were impacted, NA shall be selected;
- J. Name of beaches impacted (if applicable). If no beach was impacted, NA must be selected;
- K. Whether or not there is an ongoing investigation;
- L. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow; and a schedule of major milestones for those steps;
- M. Cal EMA control number (if applicable);
- N. Date Cal EMA was called (if applicable);
- O. Time Cal EMA was called (if applicable);

Comment [mt10]: Is SWRCB going to issue a list of methods used for SSO volume estimates so everyone is consistent?

Reporting to Other Regulatory Agencies

These reporting requirements do not preclude an Enrollee from reporting SSOs to other regulatory agencies pursuant to state law. These reporting requirements do not replace other Regional Water Board notification and reporting requirements for SSOs and PLSDs.

- 1. The Enrollee shall report SSOs that reach or may be likely to reach a surface water of the state to Cal EMA in accordance with California Water Code Section 13271.

California Emergency Management Agency

Phone (800) 852-7550

- The SSO database will automatically generate an e-mail notification with customized information about the SSO or PLSD upon initial reporting and final certification for all Category 1 SSOs and PLSDs. E-mails will be sent to the appropriate County Health Officer, Environmental Health Department, and Regional Water Board if they request this information.

C. RECORD KEEPING REQUIREMENTS

- Records of individual SSOs and PLSDs shall be maintained by the Enrollee for a minimum of five years from the date of occurrence of the SSO or PLSD. This period may be extended when requested by a Regional Water Board Executive Officer.

At a minimum, the following records shall be maintained by the Enrollee:

- Photographic evidence of each SSO event to document the spill, if taken, and the response activities;
- A printed or electronic record of each SSO initial draft report submitted to the Online SSO Database;
- A printed record of each SSO certified report and any subsequent amended and certified report(s);
- Records of all incoming SSO and/or PLSD complaints, both during and after business hours, including the date, time, and method of notification, the nature of each incoming complaint, and the complainant's name and telephone number, if known;
- Field crew records to document SSO response activities, including the name(s) and title(s) of the response crew member(s), identification of the name(s) of the staff that estimated the spill and recovery volumes, and identification of the method(s) utilized to estimate the spill and recovery volumes;
- Steps that have been and will be taken to prevent the SSO from recurring and the schedule to implement those steps;
- Records of inspections, maintenance, operations, repairs, and funding of collection system assets; and
- All records demonstrating the Enrollee's tasks and activities undertaken to implement all the elements of its SSMP.

- All records shall be made available for review upon State or Regional Water Board staff's request.

Comment [m11]: This requirement distracts staff from the task of responding to the actual spill. Photos of the spill is understandable if taken, but "and the response activities" needs to be removed.

Comment [m12]: These are initial drafts because the information is not 100% accurate or complete. Hence, they should not be retained. Why don't keep drafts of memos and reports, why this practice?

Comment [DYW13]: A requirement that each report is printed is not necessary. These reports are available through the CTWQS database.

Comment [DYW14]: See comment above regarding methodology of estimating spills.

Comment [DYW15]: This is an overly broad requirement with the use of all. This requirement within the SSS WDR.

3. All monitoring instruments and devices that are used by the Enrollee to fulfill the prescribed monitoring and reporting program shall be properly maintained and calibrated as necessary to ensure their continued accuracy;
5. If water quality samples are required by an environmental or health regulatory agency, state law, or if voluntary monitoring is conducted by the Enrollee or its agent(s) as a result of any SSO or PLSD, records of monitoring information shall include:
 - A. The date, exact place, and time of sampling or measurements;
 - B. The individual(s) who performed the sampling or measurements;
 - C. The date(s) analyses were performed;
 - D. The individual(s) who performed the analyses;
 - E. The analytical technique or method used; and
 - F. The results of such analyses.

D. CERTIFICATION

1. All final SSO reports shall be certified by an authorized person as required by Provision J of Order No. 2011-XXXX-DWQ. Certification of PLSD reports shall not be required.
2. Registration of authorized individuals who may certify reports will be in accordance with the CIWQS' protocols for reporting.

Monitoring and Reporting Program No. 2011-XXXX-DWQ will become effective on the date of adoption by the State Water Board.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of an order amended by the Executive Director of the State Water Board.

Jeanine Townsend
Clerk to the Board

