

MEMORANDUM OF AGREEMENT

BETWEEN THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD AND THE CALIFORNIA WATER ENVIRONMENT ASSOCIATION

TRAINING REGARDING REQUIREMENTS SET FORTH IN STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS

This Memorandum of Agreement (MOA) memorializes the agreement of the State Water Resources Control Board (State Water Board) and the California Water Environment Association (CWEA) (collectively, Parties) regarding training of representatives of sanitary sewer system agencies to comply with Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, State Water Resources Control Board Order No. 2006-0003-DWQ (SSS WDRs).

I. RECITALS

- A. The SSS WDRs require owners and operators of publicly owned sanitary sewer systems of over one mile in length to, among other things, report sanitary sewer overflows (SSOs) using an online database owned and maintained by the State Water Board, and develop, implement, audit, and update Sewer System Management Plans (SSMPs), and follow a Monitoring and Reporting Program (MRP).
- B. CWEA began providing training on SSO reporting and SSMP development pursuant to the MOA on October 31, 2006. In addition, CWEA's local sections cover content on this subject in their events. As of October 2015, CWEA and the State Water Board have conducted over 64 SSO/SSMP workshops in which over 1,926 people were trained. Over 90 percent of the participants rated the training as "good" or "excellent."
- C. As of October 2015, the number of sanitary sewer system agencies enrolled for coverage under the SSS WDRs was 1,096. The State Water Board believes that all sanitary sewer system agencies required to obtain coverage under the SSS WDRs have done so.
- D. State Water Board Office of Enforcement staff has conducted sanitary sewer system inspections since inception of the SSO Reduction Program. Approximately 50 inspections have been conducted as of October 2015. Additionally, compliance enforcement by State Water Board staff has contributed to increasing monthly reporting participation and SSMP completion.
- E. The Parties agree that training of sanitary sewer system agency representatives in SSO reporting and SSMP development/implementation has resulted in increased awareness and compliance with requirements of the SSS WDRs.
- F. The Parties agree that the Training Program has achieved the following:
 1. Helped to ensure successful implementation of the SSS WDRs within the time schedule outlined in the SSS WDRs.
 2. Facilitated collection of consistent, accurate, and timely data using the State Water Board's online reporting system.
 3. Facilitated timely development of effective SSMPs.
 4. Reduced the number of inquiries to the State Water Board from sanitary sewer system agencies regarding SSS WDRs interpretation and compliance.
- G. The Parties agree that additional training is needed to ensure continued compliance with the SSS WDRs when sanitary sewer system agencies experience turnover in personnel, amendments are made to the SSS WDRs, and as new information is collected from the implementation and enforcement of the SSS WDRs (e.g., inspections, audits, etc.). Additional training will also assist in ensuring consistent and fair implementation of the SSS WDRs by the Regional Water Quality Control Boards (Regional Water Boards).

- H. Public awareness and understanding of the causes and approaches to addressing SSOs, including the public's role in contributing to and reducing SSOs, will help foster compliance.
- I. The Parties agree that sanitary sewer system agencies as a whole benefit from the results of electronic reporting of SSOs and the State Water Board's enforcement activities.
- J. CWEA offers a voluntary technical certification program that includes certifying the competence of sanitary sewer system maintenance professionals to perform the essential duties of their job safely and effectively. CWEA routinely reviews and updates the training requirements, including knowledge of relevant regulations such as the SSS WDRs.

II. THE TRAINING PROGRAM

A. Goals

The Parties agree that the training program should be designed and implemented using best practices of adult learning to provide participants with:

1. An understanding of the SSS WDRs requirements.
2. Skills to report data using the State Water Board's electronic reporting system, including understanding database fields and what constitutes valid values, definitions of terms, and methods of gathering the data that must be reported.
3. An understanding of the MRP, including roles and responsibilities of data submitters and enrollee's authorized representatives, reporting requirements, definition of terms, report declarations, required information, and mandated timeframes.
4. An understanding of SSMP components, including auditing and revising/updating SSMPs.
5. An understanding of key areas in which the State Water Board identifies needed improvement based on its inspections or audits.

B. Key Training Elements

The Parties agree that the training program shall include the following elements:

1. An overview presentation of key SSS WDRs requirements.
2. Hands-on exercises or examples and demonstrations of training topic to further reinforce content areas.
3. Training materials for each attendee that meet the training goals above.
4. An evaluation tool to gauge training program effectiveness and to provide a basis for modifying the training program as needed to improve effectiveness.
5. A feedback mechanism to relay significant questions that come up during the training sessions to the State Water Board so that they can be addressed in a Question and Answer document or by modifying the online database.
6. At least one collaboration meeting annually between CWEA and State Water Board staff to ensure the training program stays current on upcoming regulatory changes or to adjust focus as issues of concern are identified.

III. ROLES AND RESPONSIBILITIES OF THE PARTIES

A. CWEA agrees to do all of the following:

1. Continue to provide training to representatives of enrolled sanitary sewer system agencies and Regional Water Board staff regarding the SSS WDRs including:
 - a. Updated training on SSO reporting and SSMP development/implementation, on as needed basis, at regularly scheduled CWEA conferences and events.
 - b. Focused training sessions, on as needed basis, on particular aspects of SSMP development/implementation.

2. Revise existing training modules or develop new training modules as needed.
 3. Continue to provide an electronic Listserve for sanitary sewer system sanitary sewer system agencies to share information on problems, solutions, and successes.
 4. Continue to offer a resource center on the CWEA website that includes examples of SSMPs that sanitary sewer system agencies have developed, sample ordinances, a link to the State Water Board SSO website, etc.
 5. As resources allow, provide outreach to and support training for small/disadvantaged communities to assist with compliance, including:
 - a. Offering training support to sanitary sewer system agency personnel.
 - b. Offering modified training courses that are shorter in duration.
 - c. Offering web-based training.
 - d. Providing training through local CWEA sections.
 - e. Exploring opportunities, in collaboration with the State Water Board, related to peer assistance.
 6. Provide input to the state in developing indices and metrics for evaluating sanitary sewer system performance.
 7. Continue to review and update the sanitary sewer systems maintenance certification tests to ensure they adequately assess an applicant's knowledge, for example, understanding of relevant regulations such as the SSS WDRs.
- B. The State Water Board agrees to do all of the following:**
1. Modify the database as appropriate and subject to resource constraints:
 - a. Work with the industry through the SSO public user group to design and prioritize systematic reports which will be compiled to address the number and type of SSOs; SSO volume recovered, unrecovered, and reaching surface waters; most common causes of SSOs; most common/effective recovery approaches; average number of SSOs per mile of sanitary sewer system; average gallons of untreated wastewater spilled per mile of sanitary sewer system; trends over time; and number of sanitary sewer system agencies that have not enrolled.
 - b. Address concerns/issues that may compromise the goal of accurate and consistent SSO data collection, as needed.
 2. Recommend that Regional Water Board SSO program staff attend at least one workshop for information and training purposes. Regional Water Board and State Water Board staff will make all reasonable efforts to attend workshops to support the training effort.
 3. Recommend that the Office of Enforcement hold at least one annual session for stakeholders to learn about key findings from enforcement activities.
 4. Allow the CWEA website to link to the State Water Board website at appropriate points, including the point of public access to SSO reports.
 5. Provide courtesy audits per enrollee's request, as State Water Board staff resources permit.
 6. Assist in identifying training needs to (1) improve use of the SSO database, and (2) development and implementation of SSO reduction and SSO mitigation/recovery practices.
 7. Work with CWEA to develop meaningful indices, based on reports and analysis of metrics, to measure the effectiveness of the SSS WDRs.

8. Recommend to the Regional Water Boards that SSS WDRs training for small/disadvantaged communities be added to the Regional Water Boards' approved Supplemental Environmental Project list, and recommend that Regional Water Board's direct administrative civil liability and mandatory minimum penalties be directed toward the training when appropriate.
9. Subject to the availability of resources: review training materials and provide timely feedback, provide assistance as needed in interpreting the intent of the SSS WDRs, respond to requests forwarded by moderators from the Listserve; and participate in regular conference calls with the CWEA Training Task Force.
10. Review the list of sanitary sewer system agencies receiving enforcement notices and send a letter regarding availability of training through CWEA quarterly.
11. Provide a functional and responsive help desk to receive and respond to inquiries from sanitary sewer system agencies regarding the SSS WDRs.
12. Provide timely feedback to CWEA on the quality of inputs into the online reporting system.
13. Provide sanitary sewer system agency contact information to CWEA in a timely manner.

IV. OWNERSHIP OF DOCUMENTS

CWEA retains all right, title, and interest in and to the training materials, including derivative work made therefrom, whether or not protectable under U.S. Copyright law, with the exception of a Question and Answer guidance document developed by the State Water Board. CWEA grants a non-exclusive perpetual license to the State Water Board to use the training materials for the sole and exclusive purpose of training State Water Board and Regional Water Board staff.

V. DISCLAIMER OF GUARANTEE

Nothing in this MOA shall be construed as a promise or guarantee by CWEA regarding the interpretation of the training materials, or for the actions in actual data entry or compliance with the SSS WDRs by the participants.

VI. TERM

This MOA will terminate on December 31, 2017, unless extended by mutual consent of the Parties.

VII. AMENDMENTS

This MOA may be amended at any time with the written approval of both Parties.

Date: 2/5/16 STATE WATER RESOURCES CONTROL BOARD

Tom Howard
Tom Howard, EXECUTIVE DIRECTOR

Date: 2/10/16 CALIFORNIA WATER ENVIRONMENT ASSOCIATION

Phil Scott
Phil Scott, PRESIDENT