

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – OFFICE OF STATEWIDE INITIATIVES
MAY 3, 2006

ITEM 7

SUBJECT

CONSIDERATION OF STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR PUBLICLY OWNED SANITARY SEWER SYSTEMS

DISCUSSION

Currently, Sanitary Sewer Overflows (SSOs) occur in all regions of the state and quite often impact human health and/or the environment. This fact is frequently noticed with beach closures throughout the State. With the aging of our sanitary sewer system infrastructure in California, and the varying levels of effort and funding to manage sanitary sewer systems, SSOs will likely increase unless action is taken. The Office of Statewide Initiatives (OSI) has been working with a diverse group of stakeholders for over a year to craft a manageable approach to deal with this serious problem.

In April 2004, the State Water Board began to investigate potential solutions to reduce both the numbers and volume of SSOs throughout the state. A few regions at that time had adopted region-wide waste discharge requirements (WDR) regulating publicly owned sanitary sewer systems. Other regions implemented specific regulatory mechanisms in WDR or National Pollutant Discharge Elimination System (NPDES) permits. Because of the myriad of different approaches throughout California, State Water Board staff concluded a statewide approach for regulating sanitary sewer systems was needed. The benefits of such an approach include:

1. Raising awareness of the need to address this often forgotten but very important element of California's infrastructure;
2. Meaningful and consistent development and implementation of collection system management plans that provide adequate resources needed to operate, maintain, and replace or upgrade system elements; and
3. Streamlined and effective SSO reporting;

State Water Board staff organized a stakeholder group, known as the SSO Guidance Committee, to collaborate in the development of a statewide approach to regulate sanitary sewer systems. The SSO Guidance Committee consists of representatives from:

1. Water quality environmental groups;
2. Publicly owned sanitary sewer system agencies (of various sizes and statewide locations) and their regional and statewide associations;
3. County health agencies;
4. The United States Environmental Protection Agency; and
5. Regional Water Boards.

The SSO Guidance Committee, and all public stakeholders, have been instrumental in the development of the proposed statewide general WDRs for sanitary sewer systems.

On February 8, 2006, a public hearing was conducted to receive comments on all documents associated with the proposed general WDR. The following documents were considered at the public hearing and were part of the public record:

1. State Water Resources Control Board Resolution No. 2004-080 dated November 2004;
2. Public Hearing Notice dated December 7, 2005;
3. Revised Draft Waste Discharge Requirements dated December 5, 2005;
4. Revised Draft Monitoring and Reporting Program dated December 1, 2005;
5. Revised Draft Economic Analysis, titled Cost of Implementing Sanitary Sewer Overflow (SSO) Regulations;
6. Revised Draft Fact Sheet dated December 5, 2005; and
7. Santa Ana and San Diego Regional Water Quality Control Board spill records.

Approximately one hundred written comments were received from interested parties throughout the state, and a number of individuals gave oral testimony on the proposed documents. The hearing officer extended the public comment period for two weeks (ending on February 22, 2006) to receive additional public comments on the following four topics:

1. Should the Water Board issue the proposed sanitary sewer collection system regulatory measure as an NPDES permit or as a WDR;
2. Should the permit include an explicit prohibition of discharge;
3. Should the permit include an affirmative defense; and
4. Should the time schedule be modified?

Based on an analysis of these comments, State Water Board staff revised the proposed statewide WDR documents. A second public comment period was initiated on March 24, 2006, in order to receive additional public comments on all substantial revisions to the original draft documents. Written comments from this second review are due April 24, 2006, and oral comments will be received at the State Water Board's meeting on May 3, 2006.

During the intervening period, staff has identified additional grammatical consistency and clarification edits to the proposed general WDR. The April 12, 2006 revised draft WDR included with this agenda write-up is a composite of edits. Edits made to the original proposed WDR as a result of the first public review period are shown in blue. The grammatical and clarification edits noted above appear in red.

POLICY ISSUE

Should the State Water Board approve the:

- Revised Draft Waste Discharge Requirements dated April 12, 2006; and
- Revised Draft Monitoring and Reporting Program dated February 22, 2006;

FISCAL IMPACT

Implementation of WDR Requirements

While the proposed WDR contains requirements for systems and programs that should be in place to effectively manage sanitary sewer systems, many communities have not implemented various elements of a good management plan. Some agencies are doing an excellent job managing their collection systems and will incur very little additional costs as a result of the proposed general WDR. Other agencies will need to develop and implement additional programs and will incur greater costs. Additional costs that a public agency may incur, in order to comply with the proposed general WDR, are costs that an agency will incur if they are to effectively manage and preserve their sanitary sewer system assets, protect public health, and prevent nuisance conditions. The proposed general WDR prescribes minimum management requirements that should be present in all well managed public agencies, which own and/or operate sanitary sewer systems.

The estimated added cost of compliance with the proposed general WDR is approximately \$820 million per year. As noted above, the agencies that adequately manage their sanitary sewer systems are already incurring these costs and will bear little more with adoption of the proposed general WDR. If we average this cost across the California population, it yields an additional \$6 per month per household (assuming an average of 2.5 person per household). Actual costs will vary with economies of scale dependent upon a community's size. While larger communities may see lower per capita costs associated with compliance, smaller communities will definitely see a higher per capita cost associated with compliance.

Fees

Annual fees are applicable to all agencies regulated by WDRs. The annual fees for sanitary sewer systems under the proposed WDR will be determined by applying the current fee regulations. The current fee structure is predicated upon both threat and complexity factors. Threat is determined by both the type and longevity of impairment caused by the waste-stream and denoted by either:

- Category 1 – long-term loss of designated beneficial use;
- Category 2 – could impair the designated beneficial uses of the receiving water, cause short-term violations of water quality objectives, cause secondary drinking water standards to be violated, or cause a nuisance; or

- Category 3 - degrade water quality without violating water quality objectives, or could cause a minor impairment of designated beneficial uses as compared with Category 1 and Category 2.

Complexity is determined by the type of waste-stream and methods used for treatment. Complexity is denoted by either:

- Category A – Any discharge of toxic wastes, any small volume discharge containing toxic waste or having numerous discharge points or ground water monitoring, or any Class 1 waste management unit;
- Category B – Any discharger not included above that has physical, chemical, or biological treatment systems (except for septic systems with subsurface disposal), or any Class 2 or Class 3 waste management units; or
- Category C – Any discharge for which waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included as a Category “A” or Category “B” as described above. Included would be discharges having no waste treatment systems or that must comply with best management practices, discharges having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal.

Under this billing schema, sewer collection systems are most appropriately categorized with a complexity of “C” because SSOs are not subject to waste treatment systems, and because the regulation of these systems mainly require best management practices.

The threat that SSOs pose to beneficial uses of water, however, is not consistent for every sanitary sewer system. Threat can be related to the population served by the sanitary sewer system. Larger populations typically convey greater amounts of wastewater and SSOs in larger communities typically are larger in volume. Larger volume spills usually result in longer-term losses of designated beneficial uses, while smaller spills are typically associated with minor impairments of designated beneficial uses. Given these characteristics, the following table classifies threat to water quality based on population served by the sanitary sewer system. The table also includes the fee associated with this classification, which is subject to the fee regulations adopted by the State Water Board every fiscal year.

Population Served*	Threat and Complexity Designation	Current Fee Schedule (\$/year)
< 49,999	3C	\$800
>50,000	2C	\$4290

*Assume 2.5 people per equivalent dwelling unit (EDU)

RWQCB IMPACT

Yes. Regional Boards will be expected to enforce the provisions set forth in the proposed general WDR, while State Water Board staff will provide administrative

functions associated with enrollment and implementation. We estimate approximately 1250 sewer collection systems will enroll under the proposed general WDR. We expect the annual fees associated with the proposed general WDR will support any increase in program activity that is required to manage and enforce the proposed General WDR.

STAFF RECOMMENDATION

That the State Water Board adopts the following items associated with the Sanitary Sewer Overflow Reduction Program:

- Revised Draft Waste Discharge Requirements dated April 12, 2006; and
- Revised Draft Monitoring and Reporting Program dated February 22, 2006;

STATE WATER RESOURCES CONTROL BOARD

ORDER NO. 2006-?

STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR ~~WASTEWATER COLLECTIONS~~SANITARY SEWER SYSTEMS AGENCIES

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

1. All federal and state agencies, municipalities, counties, districts, and other public entities that own or operate sanitary sewer systems greater than one mile in length or any facilities that collect and/or convey untreated or partially treated wastewater to a publicly-owned treatment facility in the State of California are required to comply with the terms of this Order. Such entities are hereinafter referred to as "Enrollees".
2. Sanitary sewer overflows (SSOs) are overflows from collection-sanitary sewer systems of domestic wastewater, as well as industrial and commercial wastewater, depending on the pattern of land uses in the area served by the wastewater collection-sanitary sewer system-tributary area. SSOs often contain high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oxygen-demanding organic compounds, oil and grease and other pollutants. SSOs 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 may pollute surface or ground waters, threaten public health, adversely affect aquatic life, and impairing the recreational use and aesthetic enjoyment of surface waters.
3. Wastewater collectionSanitary sewer systems experience periodic failures and are known to leak, resulting in discharges that may affect waters of the state. There are many factors (including factors related to geology, design, construction methods and materials, age of the system, population growth, and system operation and maintenance), which affect the likelihood of an SSO. A proactive approach that requires wastewater collection system owners and operatorsEnrollees to ensure a system-wide operation, maintenance, and management plan is in place will reduce the number and frequency of SSOs within the state. This approach will in turn decrease the risk to human health and the environment caused by SSOs.
4. Major causes of SSOs include: grease blockages, root blockages, sewer line flood damage, manhole structure failures, vandalism, pump station mechanical failures, power outages, excessive storm or ground water inflow/infiltration, debris blockages, sanitary sewer system age and construction material failures, lack of proper operation and maintenance, insufficient capacity and contractor-caused damages. Many SSOs are preventable with adequate and appropriate

facilities, source control measures and operation and maintenance of the sanitary sewer system.

SEWER SYSTEM MANAGEMENT PLANS

5. To facilitate proper funding and management of sanitary sewer systems, each ~~sanitary sewer system owner or operator~~ Enrollee must develop and implement a system-specific Sewer System Management Plan (SSMP). To be effective, SSMPs must include provisions to provide proper and ~~cost-effective~~ efficient management, operation, and maintenance of sanitary sewer systems, while taking into consideration risk management and cost benefit analysis. Additionally, an SSMP 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.
6. Many local public agencies in California have already developed SSMPs and implemented measures to reduce SSOs. These entities can build upon their existing efforts to ~~comply~~ establish a comprehensive SSMP consistent with these ~~this requirements~~ Order. Others, however, still require technical assistance and, in some cases, funding to improve ~~collection~~ sanitary sewer system operation and maintenance in order to reduce SSOs.
7. 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.
8. It is the State Water Board's ~~desire~~ intent to gather additional information on the causes and sources of SSOs to augment existing information and to determine the full extent of SSOs and consequent public health and/or environmental impacts occurring in the State.
9. Both uniform SSO reporting and a centralized statewide electronic database are needed to collect information to allow the State and Regional Water Boards to effectively analyze the extent of SSOs statewide and their potential impacts on beneficial uses and public health. The monitoring and reporting program required by this Order and the attached Monitoring and Reporting Program **No. 2006-???**, are necessary to assure compliance with these waste discharge requirements (WDRs).
10. Information regarding SSOs 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.
11. ~~Several of the Regional Water Boards are engaged in initiatives to address SSOs.~~ Some Regional Water Boards have issued Waste Discharge Requirements (WDRs) or WDRs that serve as National Pollution Discharge

Elimination System (NPDES) permits to sanitary sewer system owners/operators within their jurisdictions. This Order establishes minimum requirements to prevent SSOs. Although it is the State Water Board's intent that this Order be the primary regulatory mechanism for sanitary sewer ~~collection~~ systems statewide, Regional Water Boards may issue more stringent or more prescriptive WDRs for sanitary sewer systems~~there will be some instances when Regional Water Boards will need to be more stringent or prescriptive than this Order provides.~~ Upon issuance or reissuance of a Regional Water Board's WDRs for a system subject to this Order, the Regional Water Board shall coordinate its requirements with stated requirements within this Order, to identify requirements that are more stringent, to remove requirements that are less stringent than this Order, and to provide consistency in reporting~~In those cases, this Order will not supersede a more specific or more stringent requirements contained in a WDR or NPDES permit issued by a Regional Water Board.~~

REGULATORY CONSIDERATIONS

12. California Water Code ~~Section~~ 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.

This Order establishes requirements for a class of operations, facilities, and discharges that are similar throughout the state.

13. The issuance of a general WDR to the 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;
- c) Establish consistent and uniform requirements for SSMP development and implementation;
- d) Provide statewide consistency in reporting; and
- e) Facilitate consistent enforcement for violations.

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

15. The implementation of requirements set forth in this Order 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.
16. The ~~federal~~Federal Clean Water Act largely prohibits any discharge of pollutants from a point source to ~~surface water~~waters of the United States except as authorized under an NPDES permit. In general, any point source discharge of sewage effluent to ~~surface water~~waters of the United States must 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 ~~raw untreated~~ wastewater from a ~~collection sanitary sewer~~ system to ~~surface water~~waters of the United States is illegal under the Clean Water Act. In addition, many Basin Plans adopted by the Regional Water Boards contain discharge prohibitions that apply to the discharge of ~~raw 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 waiver of WDRs.
17. California Water Code section 13263 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. The requirements shall, among other things, take into consideration the need to prevent nuisance.
18. California Water Code section 13050, subdivision (m), defines nuisance as anything which 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.
- ~~17-19.~~ This Order is consistent with State Water Board Resolution No. 68-16 (State of Policy with Respect to Maintaining High Quality of Waters in California) in that the Order imposes 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 Water Board or Regional Water Board plans and policies.

~~18-20.~~ The action to adopt this General Order is exempt from the California Environmental Quality Act (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. (Cal. Code Regs., tit. 14, §15308). In addition, the action to adopt this Order is exempt from CEQA pursuant to Cal.Code Regs., title 14, §15301 to the extent that it applies to existing sanitary sewer collection systems that constitute “existing facilities” as that term is used in Section 15301, and §15302, to the extent that it results in the repair or replacement of existing systems involving negligible or no expansion of capacity.

~~19-21.~~ The ~~attached Information-Fact~~ Sheet, which is incorporated by reference in the Order, contains supplemental information that was also considered in establishing these requirements.

~~20-22.~~ The State Water Board has notified all affected public agencies and all known interested persons of the intent to prescribe general WDRs that require Enrollees to develop SSMPs and to report all SSOs.

~~21-23.~~ The State Water Board conducted a public hearing on ~~January~~ February ~~198,~~ 2006, to receive oral and written comments on the draft order. The State Water Board received and considered, at its May 3, 2006, meeting, additional public comments on substantial changes made to these proposed general WDR following the February 8, 2006, public hearing. The State Water Board has considered all comments pertaining to ~~the terms and condition of this Order the~~ proposed general WDR.

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 hereunder, shall comply with the following:

A. DEFINITIONS

1. **Sanitary ~~sewer sewer~~ Overflow-overflow (SSO)** - ~~A sanitary sewer overflow (SSO) is a~~Any overflow, spill, release, discharge or diversion of untreated ~~or partially treated~~ wastewater from a sanitary sewer system. SSOs include:
 - (i) Overflows or releases of untreated ~~or partially treated~~ wastewater that reach ~~surface waterwaters of the United States~~;
 - (ii) Overflows or releases of untreated ~~or partially treated~~ wastewater that do not reach ~~surface waterwaters of the United States~~; and
 - (iii) Wastewater backups into buildings and on private property that are caused by blockages or flow conditions within the publicly owned portion of a sanitary sewer system.

2. **Sanitary ~~sewer sewer~~ System-system** – Any system of pipes, pump stations, sewer lines, or other conveyances, upstream of ~~the a wastewater treatment plant headworks used to collect and convey wastewater to the publicly owned treatment facility~~. Temporary storage and conveyance facilities (such as vaults, temporary piping, construction trenches, wet wells, impoundments, tanks, etc.) are considered to be part of the sanitary sewer system, and discharges into these temporary storage facilities ~~is-are~~ not considered ~~an-to be~~ SSOs.

For purposes of this Order, sanitary sewer systems includes only those ~~which are systems owned by public agencies and where the collection system is comprised that are comprised~~ of more than one-mile of pipes or sewer lines.

3. **Enrollee** - ~~Federal A federal and-or~~ state agencies, ~~municipalities~~municipality, ~~counties~~county, districts, and other public ~~entities~~entity that owns or operates ~~a~~ sanitary sewer system ~~s or any facilities greater than one-mile in length that collects or conveys untreated wastewater to a publicly-owned treatment facility in the State of California, as defined in this general WDR,~~ and that ~~have-has~~ submitted a complete and approved application for coverage under - this Order.

4. **SSO Reporting System** – Online spill reporting system that is hosted, controlled, and maintained by the State Water Board. The web address for this site is ~~www.---.waterboards.ca.gov (web address to be determined)~~<http://ciwqs.waterboards.ca.gov>. This online database is maintained on a secure site and is controlled by unique usernames and passwords.

5. **Untreated ~~or partially treated~~ wastewater** – Any volume of ~~untreated sewage, solids, or wastewater (from domestic, industrial, commercial or mixed~~

~~sources~~ waste discharged from the sanitary sewer system upstream of a wastewater treatment facility ~~plant head-works~~.

~~6. **Satellite Collection**~~ collection System system – ~~Any~~ The portion, if any, of a sanitary sewer system owned or operated by a different public agency that in the agency that owns and operates the public agency that owns or operates a sanitary sewer system, which is tributary to a wastewater treatment facility, to which the sanitary sewer system is tributary to, owned or operated by a separate public agency

7. **Nuisance** - California Water Code section 13050, subdivision (m), defines nuisance as anything which 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.

B. APPLICATION REQUIREMENTS

1. Deadlines for Application – All public agencies that currently own or operate sanitary sewer systems within the State of California, ~~must~~ apply for coverage under this ~~General~~ general Order WDR within three (3) months of the date of adoption of this ~~Order~~ general WDR. Additionally, public agencies that acquire or assume responsibility for operating sanitary sewer ~~(collection)~~ systems after the date of adoption of this Order must apply for coverage under this ~~General~~ Order ~~general WDR~~ at least three (3) months prior to operation of those facilities.
2. General Permit Applications under this general WDR – In order to apply for ~~permit~~ coverage pursuant to this ~~General~~ general Order WDR, a legally authorized representative for each agency must submit a complete application package. Within thirty (30) days of ~~this Order's~~ adoption of this general WDR, State Water Board staff will send specific instructions on how to apply for coverage under this ~~general WDR~~ Order to all known public agencies, ~~which that own sanitary sewer systems that are greater than one mile in length~~. Agencies that do not receive notice may obtain applications and instructions online on the Water Board's website.
3. General Permit Coverage under this general WDR – Permit coverage will be in effect ~~upon the completion once a complete application package has been submitted and approval~~ approved by the State Water Board's Division of Water Quality of a complete application package.

C. PROHIBITION

1. Any SSO that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited.
2. Any SSO that results in a discharge of untreated or partially treated wastewater, which that creates a nuisance as defined in California Water Code Section 13050(m) is prohibited.

D. PROVISIONS

1. The Enrollee must comply with all conditions of this Order. Any noncompliance with this Order 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 ~~public~~ sanitary sewer systems be regulated in a manner consistent with this general WDR. Nothing in this general WDR shall be:
 - (i) 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;
 - (ii) 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;
 - (iii) Interpreted or applied to prohibit a Regional Water Board from issuing an individual NPDES permit or WDR, superseding this general WDR, for a wastewater applicable sanitary sewer collection systems requirements, authorized under the Clean Water Act or California Water Code; or
 - (iv) Interpreted or applied to supersede any more specific or more stringent requirement in WDRs or in an enforcement order issued by a Regional Water Board.
3. The Enrollee shall take all feasible steps to eliminate SSOs. In the event that an SSO does occur, the Enrollee shall take all feasible steps to contain and mitigate the impacts of an SSO.
4. In the event of an SSO, the enrollee ~~Enrollee~~ shall take all feasible steps to prevent untreated or partially treated wastewater from discharging from storm drains into flood control channels or surface water ~~waters of the United States~~ by blocking the storm drainage system and by removing the wastewater from the storm drains.
5. All SSOs must be reported in accordance with Section F-G of this WDR.

6. 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. And, to the extent that it is not inconsistent with the Enforcement Policy, the State and/or Regional Water Boards must consider the Enrollee's efforts to contain, control, and ~~clean-up mitigate~~ SSOs ~~from its collection system as part of their when consideration of the~~ considering the -California Water Code ~~section~~ Section 13327 ~~or 13385~~ factors. In assessing these factors, the State and/or Regional Water Boards will also consider whether:

- (i) The Enrollee has complied with the requirements of this Order, including requirements for reporting and developing and implementing a SSMP;
- (ii) The Enrollee can identify the cause or likely cause of the discharge event;
- (iii) 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.
- (iv) The discharge was exceptional, unintentional, temporary, and caused by factors beyond the reasonable control of the Enrollee;
- (v) The discharge could have been prevented by the exercise of reasonable control described in a certified SSMP for:
 - Proper management, operation and maintenance;
 - Adequate treatment facilities, ~~or~~ 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, etc...);
 - Preventive maintenance (including cleaning and fats, ~~Oils~~ oils, and grease (FOG) control);
 - Installation of adequate backup equipment; and
 - ~~Adequate i~~ inflow and infiltration prevention and control to the extent practicable.

~~(vi) The spill was caused by a wet weather event that exceeded the design capacity of the collection system as documented in the SSMP.~~

~~(vii)~~(vi) The collection-sanitary sewer system design capacity is appropriate to reasonably prevent SSOs.

~~(viii)~~(vii) The Enrollee took all reasonable steps to stop and mitigate the impact of the discharge as soon as possible.

7. 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 ~~untreated wastewater~~ discharge, and 3) recover as much of the ~~untreated~~-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:

- (i) Interception and rerouting of untreated or partially treated wastewater flows around the wastewater line failure;
 - (ii) Vacuum truck recovery of sanitary sewer overflows and wash down water;
 - (iii) Cleanup of debris at the overflow site;
 - (iv) System modifications to prevent another SSO at the same location;
 - (v) Adequate sampling to determine the nature and impact of the release; and
 - (vi) Adequate public notification to protect the public from exposure to the SSO.
8. The Enrollee shall properly, manage, operate, and maintain all parts of the sanitary sewer system owned and 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.
9. The Enrollee shall allocate adequate resources for the operation, maintenance, and repair of its sanitary sewer system, by establishing a proper rate structure, accounting mechanisms, and auditing procedures to ensure an adequate and auditable-measure of revenues and expenditures. These procedures must be in compliance with applicable existing-laws and regulations and comply with generally acceptable accounting practices.
10. 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 System Evaluation and Capacity Assurance Plan for all parts of the sanitary sewer system owned or operated by the Enrollee.
11. 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 must be publicly available at the Enrollees office and/or available on the Internet. This SSMP must be adopted and-approved by the Enrollee's elected governing board at a public meeting.
12. 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 ~~The SSMP~~ shall be prepared by or under the direction of appropriately qualified professionals, and shall bear the professional(s)' signature and stamp.

13. The essential-mandatory elements of the SSMP are specified below. ~~If-However, if~~ the Enrollee believes that any element of this section is not appropriate or applicable to the Enrollee's sanitary sewer system, the SSMP program does not need to address ~~that element. The Enrollee, but~~ must contain an explanation justify as to why that element is not applicable. The SSMP must be adopted~~approved~~ by the deadlines listed in the SSMP Time Schedule, below.

Sewer System Management Plan (SSMP)

- (i) **Goals:** The goal of the SSMP is to provide a plan and schedule to properly manage, operate, and maintain all parts of the wastewater collectionsanitary sewer system. This will help reduce and prevent SSOs, as well as mitigate any SSOs that do occur.
- (ii) **Organization:** The SSMP must identify:
 - (a) The name of the responsible or authorized representative as detailed-described in Section H-J of this Order.
 - (b) The names and telephone numbers for management, administrative, and maintenance positions responsible for implementing specific measures in the SSMP program. Include The SSMP must identify lines of authority as shown in through an organization chart or similar document with a narrative explanation; and
 - (c) 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 and Regional Water Board and other agencies if applicable (such as County Health Officer, County Environmental Health Agency, Regional Water Board, and/or State Office of Emergency Services (OES)).
- (iii) **Legal Authority:** Each Enrollee must demonstrate, through collection sanitary sewer system use ordinances, service agreements, or other legally binding procedures, that it possesses the necessary legal authority to:
 - (a) Prevent illicit discharges into its wastewater collectionsanitary sewer system (examples may include infiltration and inflow (I/I), stormwater, chemical dumping, unauthorized debris and cut roots, etc...);

- (b) Require that sewers and connections be properly designed and constructed;
 - (c) Ensure access for maintenance, inspection, or repairs for portions of the lateral owned or maintained by the Public Agency;
 - (d) Limit the discharge of fats, oils, and grease and other debris that may cause blockages, and
 - (e) Enforce any violation of its sewer ordinances.
- (iv) **Operation and Maintenance Program.** The SSMP must include those elements listed below that are appropriate and applicable to the Enrollee's system:
- (a) Maintain an up-to-date map of the sanitary sewer system, showing all gravity line segments and manholes, pumping facilities, pressure pipes and valves, and applicable stormwater conveyance facilities;
 - (b) 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 should have a system of tracking to document scheduled and activities conducted activities, such as work orders;
 - (c) Develop 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 should include regular visual and TV inspections of manholes and sewer pipes, and a system for ranking the condition of sewer pipes and scheduling rehabilitation. Rehabilitation and replacement should focus on sewer pipes that are at risk of collapse or prone to more frequent blockages due to pipe defects. Finally, the rehabilitation and replacement plan should 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 and long term plans plus a schedule for developing the funds needed for the capital improvement plan;
 - (d) Provide training on a regular basis for staff in sanitary sewer system operations, maintenance, and require contractors to be appropriately trained; and

- (e) Provide equipment and replacement part inventories, including identification of critical replacement parts.

(v) **Design and Performance Provisions:**

- (a) Design and construction standards and specifications for the installation of new sanitary sewer systems, pump stations and other appurtenances; and for the rehabilitation and repair of existing existing sanitary sewer systems; and
- (b) Procedures and standards for inspecting and testing the installation of new sewers, pumps, and other appurtenances and for rehabilitation and repair projects.

(vi) **Overflow Emergency Response Plan** - Each ~~enrollee~~ Enrollee shall develop and implement an overflow emergency response plan that identifies measures to protect public health and the environment. At a minimum, this plan ~~should~~ must include the following:

- (a) Proper notification procedures so that the primary responders and regulatory agencies are informed of all SSOs in a timely manner;
- (b) A program to ensure appropriate response to all overflows;
- (c) 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 the waters of the State in accordance with the MRP. All SSOs shall be reported in accordance with this MRP, the California Water Code, other State Law, and other applicable Regional Water Board WDR or NPDES permit requirements. The SSMP should identify the officials who will receive immediate notification;
- (d) Procedures to ensure that appropriate staff and contractor personnel are aware of and follow the Emergency Response Plan and are appropriately trained;
- (e) Procedures to address emergency operations, such as traffic and crowd control and other necessary response activities; and
- (f) A program to ensure that all reasonable steps are taken to contain and prevent the discharge of untreated and partially treated wastewater ~~and prevent discharge of untreated wastewater to surface water~~ waters of the United States and to minimize or correct any adverse impact on the environment resulting from the SSOs, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the discharge.

(vii) **Fats, Oils, and Grease (FOG) Control Program:** Each Enrollee shall

evaluate its service area to determine whether a FOG control program is needed. If an Enrollee determines that a FOG program is not needed, the Enrollee must provide justification for why it is not needed. If FOG is found to be a problem, the Enrollee must 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:

- (a) An implementation plan and schedule for a public education outreach program that promotes proper disposal of FOG;
 - (b) 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;
 - (c) The legal authority to prohibit discharges to the system and identify measures to prevent SSOs and blockages caused by FOG;
 - (d) 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;
 - (e) Authority to inspect grease producing facilities, enforcement authorities, and whether the Enrollee has sufficient staff to inspect and enforce the FOG ordinance;
 - (f) An identification of sanitary sewer system sections subject to FOG blockages and establish a cleaning maintenance schedule for each section; and
 - (g) Development and implementation of source control measures, for all sources of FOG discharged to the sanitary sewer system, for each section identified in (f) above.
- (viii) **System Evaluation and Capacity Assurance Plan:** The Enrollee shall prepare 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 must include:
- (a) **Evaluation:** Steps-Actions needed to evaluate those portions of the sanitary sewer system, ~~which~~ that are experiencing or contributing to an SSO discharge caused by hydraulic deficiency. The evaluation 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;

(b) **Design Criteria:** Where design criteria do not exist or are deficient, ~~a program to assess the current capacity of the sanitary sewer system owned or operated by the Enrollee, undertake the evaluation identified in "a" above to establish appropriate design criteria;~~ and

(c) **Capacity Enhancement Measures:** The steps needed to establish a short- and long-term capital improvement plan (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 and shall identify sources of funding.

(d) **Schedule:** The Enrollee shall develop a schedule of completion dates for all portions of the capital improvement program developed in (a-c) above. This schedule shall be reviewed and updated consistent with the SSMP review and update requirements as described in Section D. 14.

(ix) **Monitoring, Measurement, and Program Modifications:** The Enrollee shall:

- (a) Maintain relevant information that can be used to establish and prioritize appropriate SSMP activities;
- (b) Monitor the implementation and, where appropriate, measure the effectiveness of each element of the SSMP;
- (c) Assess the success of the preventative maintenance program;
- (d) Update program elements, as appropriate, based on monitoring or performance evaluations; and
- (e) Identify and illustrate SSO trends, including: frequency, location, and volume.

- (x) **SSMP Program Audits** - As part of the SSMP, the ~~permittee~~ Enrollee shall conduct periodic internal audits, appropriate to the size of the system and the number of SSOs. At a minimum, these audits must occur every two years and a report must be prepared and kept on file. This audit ~~should~~ shall focus on evaluating the effectiveness of the SSMP ~~and~~ and the Enrollee's compliance with ~~this the~~ SSMP requirements identified in this subsection (D.13), including identification of any deficiencies in the SSMP and steps to correct them.
- (xi) **Communication Program** – The Enrollee shall communicate on a regular basis with the public on 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 and implemented.

The Enrollee shall also create a plan of communication with systems that are tributary and/or satellite to the Enrollee's sanitary sewer collection system.

14. Both the SSMP and the Enrollee's program to implement the SSMP must be certified by the Enrollee to be in compliance with the requirements set forth above ~~by the appropriate governing board~~ and must be presented to the Enrollee's elected governing board for approval at a public meeting. The Enrollee shall certify that the SSMP, and subparts thereof, are in compliance with this WDR within the time frames identified in the time schedule provided in Finding subsection number D.15, below.

In order to complete this certification, the Enrollee's authorized representative must complete the certification portion in the Online SSO Database Questionnaire by checking the appropriate milestone box, printing and signing the automated form, and sending the form to:

State Water Resources Control Board
Division of Water Quality
Attn: SSO Program Manager
P.O. Box 100
Sacramento, CA 95812
~~Office of Statewide Initiatives~~
~~State Water Resources Control Board~~
~~P.O. Box 100~~
~~Sacramento, CA 95812~~

The SSMP must be updated every five (5) years, and must include any significant program changes. Re-certification by the governing Board of the ~~permittee~~ Enrollee is required in accordance with D.14 when significant updates to the SSMP are made. To complete the re-certification process, the Enrollee shall enter the data in the Online SSO Database and mail the form to the State Water Board, as described above.

15. The Enrollee shall comply with these requirements according to the following schedule. This time schedule does not supersede existing requirements or time schedules associated with other permits or regulatory requirements.

<u>Task and Associated Section</u>	<u>Completion Date</u>			
	<u>Population > 100,000</u>	<u>Population between 100,000 and 10,000</u>	<u>Population between 10,000 and 2,500</u>	<u>Population < 2,500</u>
<u>Application for Permit Coverage</u> <u>Section C</u>	<u>3 months after WDR Adoption</u>	<u>3 months after WDR Adoption</u>	<u>3 months after WDR Adoption</u>	<u>3 months after WDR Adoption</u>
<u>Reporting Program</u> <u>Section G</u>	<u>6 months after WDR Adoption</u>	<u>6 months after WDR Adoption</u>	<u>6 months after WDR Adoption</u>	<u>6 months after WDR Adoption</u>
<u>SSMP Development Plan and Schedule</u> <u>No specific Section</u>	<u>9 months after WDR Adoption</u>	<u>12 months after WDR Adoption</u>	<u>15 months after WDR Adoption</u>	<u>18 months after WDR Adoption</u>
<u>Goals and Organization Structure</u> <u>Section D 13 (i) & (ii)</u>	<u>12 months after WDR Adoption</u>	<u>12 months after WDR Adoption</u>	<u>18 months after WDR Adoption</u>	<u>18 months after WDR Adoption</u>
<u>Overflow Emergency Response Program</u> <u>Section D 13 (vi)</u>	<u>24 months after WDR Adoption</u>	<u>30 months after WDR Adoption</u>	<u>36 months after WDR Adoption</u>	<u>39 months after WDR Adoption</u>
<u>Legal Authority</u> <u>Section D 13. (iii)</u>	<u>24 months after WDR Adoption</u>	<u>30 months after WDR Adoption</u>	<u>36 months after WDR Adoption</u>	<u>39 months after WDR Adoption</u>
<u>Operation and Maintenance Program</u> <u>Section D 13 (iv)</u>	<u>24 months after WDR Adoption</u>	<u>30 months after WDR Adoption</u>	<u>36 months after WDR Adoption</u>	<u>39 months after WDR Adoption</u>
<u>Grease Control Program</u> <u>Section D 13 (vii)</u>	<u>24 months after WDR Adoption</u>	<u>30 months after WDR Adoption</u>	<u>36 months after WDR Adoption</u>	<u>39 months after WDR Adoption</u>
<u>Design and Performance</u> <u>Section D 13 (v)</u>	<u>36 months after WDR Adoption</u>	<u>39 months after WDR Adoption</u>	<u>42 months after WDR Adoption</u>	<u>45 months after WDR Adoption</u>
<u>System Evaluation and Capacity Assurance Plan</u> <u>Section D 13 (viii)</u>	<u>36 months after WDR Adoption</u>	<u>39 months after WDR Adoption</u>	<u>42 months after WDR Adoption</u>	<u>45 months after WDR Adoption</u>
<u>Final SSMP, incorporating all of the SSMP requirements</u> <u>Section D 13</u>	<u>36 months after WDR Adoption</u>	<u>39 months after WDR Adoption</u>	<u>42 months after WDR Adoption</u>	<u>45 months after WDR Adoption</u>

Sewer System Management Plan Time Schedule

DE. WDR and SSMP AVAILABILITY

1. A copy of this WDR and the certified SSMP shall be maintained at appropriate locations (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.

EF. ENTRY AND INSPECTION

1. The Enrollee shall allow the State or Regional Water Boards or ~~its~~ their authorized representative, upon presentation of credentials and other documents as may be required by law, to:
 - a. 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 this Order;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
 - d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at any location.

FG. 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 this Order. 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 this Order.
2. The Enrollee shall comply with the attached Monitoring and Reporting Program No. 2006-??? 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. 2006-???. 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~~ Enrollees must 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~~ Enrollees must complete the "Collection System Questionnaire", which collects pertinent information regarding a ~~Permittee's~~ Enrollee's collection system. The "Collection System Questionnaire" must be updated at least 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 notify the local health officer ~~and the Regional Board~~ of the discharge. Discharges of untreated or partially treated wastewater to storm drains and drainage channels, whether man made or natural or concrete lined, shall be reported as required above.

All SSOs greater than 1,000 gallons 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 shall also be reported to the Office of Emergency Services pursuant to California Water Code ~~Section~~ section 13271.

GH. CHANGE IN OWNERSHIP

1. This Order is not transferable to any person or party, except after notice to the Executive Director. The Enrollee shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new Enrollee containing a specific date for the transfer of this Order's responsibility and coverage between the existing Enrollee and the new Enrollee. 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 ~~on~~ forward.

HJ. INCOMPLETE REPORTS

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

IJ. REPORT DECLARATION

1. All applications, reports, or information shall be signed and certified as follows:
 - (i) All reports required by this Order and other information required by the State or Regional Water Board shall be signed and certified by a person designated, for a municipality, state, federal or other public agency, ~~by~~ as either a principal executive officer or ranking elected official, or by a duly authorized representative of that person, as described in paragraph (ii) of this provision. (For purposes of electronic reporting, an electronic

signature and accompanied certification, which is in compliance with the Online SSO database procedures, meets this certification requirement)

- (ii) An individual is a duly authorized representative only if:
 - (a) The authorization is made in writing by a person described in paragraph (i) of this provision; and
 - (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity.

JK. CIVIL MONETARY REMEDIES FOR DISCHARGE VIOLATIONS

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

KL. SEVERABILITY

1. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.
2. This order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the Enrollee from liability under federal, state or local laws, nor create a vested right for the Enrollee to continue the 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 a general WDRa resolution duly and regularly and regularly adopted at a meeting of the State Water Resources Control Board held on Month Day May 3, 2006.

Clerk to the Board

Ordered by: _____

Dated:

AYE:

NO:

ABSENT:

ABSTAIN:

Song Her
Clerk to the Board