

January 22, 2013

Mr. Russell Norman
State Water Resources Control Board
Division of Water Quality
1011 I Street, 15th Floor
Sacramento, CA 95814

Submitted via email: rnorman@waterboards.ca.gov

Board of Directors
Representing:

County of Sacramento
City of Citrus Heights
City of Elk Grove
City of Folsom
City of Rancho Cordova
City of Sacramento

Stan Dean
District Engineer

Christoph Dobson
Director of Operations

Prabhakar Somavarapu
Director of Policy & Planning

Karen Stoyanowski
Director of Internal Services

Joseph Maestretti
Chief Financial Officer

Claudia Goss
Public Affairs Manager

10060 Goethe Road
Sacramento, CA 95827-3553
Tel 916.876.6000
Fax 916.876.6160
www.sacsewer.com

**Subject: Comments on the Proposed Changes for Sanitary Sewer
Systems Waste Discharge Requirements Monitoring and
Reporting Program**

Dear Mr. Norman:

The Sacramento Area Sewer District (SASD) appreciates the opportunity to comment on the proposed changes to the Sanitary Sewer Systems Waste Discharge Requirements (SSS WDR) Monitoring and Reporting Program (MRP).

SASD has been involved in the SSS WDR regulatory processes since 2005, and we recently participated in the Data Review Committee (DRC) for the SSS WDR program. The DRC process resulted in positive recommendations for the SSS WDR program that we believe would improve the program for enrollees, regulators, and the public. We appreciate that many of the recommendations from the DRC process were incorporated into the California Integrated Water Quality System (CIWQS). However, some of the DRC recommendations also necessitated changes to the MRP. Our detailed comments are attached in an underline/strikeout format with respect to the Proposed MRP and our general comments and concerns are outlined below.

Supported Changes

Consistent with the DRC recommendations, we support the following proposed MRP changes:

- Creating three categories of SSOs (but with reduced and streamlined reporting requirements for Category 3 SSOs),
- Clarifying an event-based approach to reporting SSOs, and
- Attempting to simplify notification requirements.

In addition to the above changes, we also support the proposed MRP that was submitted to the State Water Board by CASA/Tri-TAC in October of 2012. We request that the State Water Board consider implementing the CASA/Tri-TAC proposed MRP—it makes all of the changes recommended by the DRC, it is consistent with the SSS WDR goals, and it contains a good balance of monitoring and reporting requirements that are not overly prescriptive.

Specific Concerns

We believe that the proposed MRP is overly burdensome, much too prescriptive, and ignores the ongoing efforts of the resource realignment workplan. SASD estimates a one-time cost of approximately \$120,000 to purchase equipment, train staff, and update procedures to implement the proposed MRP. However, these are not the only cost impacts. We estimate that annual compliance costs will also increase significantly (by hundreds of thousands of dollars) with the additional reporting and monitoring requirements that are proposed in the MRP. The cumulative cost to enrollees statewide will be much higher.

Based on our estimated costs for compliance, we do not believe that the burden to the enrollees is warranted. We are concerned that the new MRP will not have a corresponding environmental benefit and, in fact, may divert resources from actually maintaining and rehabilitating sewer systems.

If the State Water Board is unwilling to implement the October 2012 MRP proposed by CASA/Tri-TAC, we request that the following issues be addressed prior to the MRP's implementation. For your convenience, we have attached a "track changes" version of our specific comments on the draft January MRP.

Below are some highlights of our specific comments on the draft MRP:

Increased Reporting Requirements for Category 3 Spills, Section C.8.i.e:

This section adds nine new information fields that must be completed in CIWQS for reporting category 3 SSOs (formerly category 2).

As stated earlier, this significant increase in reporting requirements for category 3 SSOs is contrary to what the DRC proposed. Instead of streamlining the reporting requirements, they have been expanded, creating more opportunity for confusion among data submitters, as well as increasing costs.

Photographic Evidence:

The new photographic evidence requirement section of the MRP is an example of the prescriptive nature of the changes. SASD and many other enrollees currently take photographs of SSOs that they feel warrant photographic evidence. However, requiring enrollees to maintain "photographic evidence for *all* SSOs to support *all information certified* by the Legally Responsible Official (LRO) in CIWQS including volume estimates" (emphasis added) is unwarranted. A vast majority of the SSOs in the state are under 1,000 gallons and do not reach waters of the U.S. Yet the proposed MRP will require photographic evidence to "support all information certified" by the LRO.

There were 4,738 SSOs in the state last year. If we expect a similar number this year and we estimate five photographs per SSO, this means that the State Water Board will get almost 24,000

photographs per year—most of which will be of damp manhole covers and wet grass around sewer cleanouts. This is a waste of resources.

For SASD, a sewer agency that owns hundreds of thousands of lower laterals (the small sewer line to the household), this new requirement is projected to cost \$100,000 annually with an associated one-time cost of \$50,000 to purchase equipment, modify response manuals, and train staff.

Not only would our staff have to take the pictures, but the photographs would have to be logged, entered into a database, and stored for five years. This estimate does not include the potential costs that could arise from a Notice of Violation (NOV) if staff could not take a picture of a spill due to dead batteries, camera failure, memory card problems, etc.

While we don't advocate for *mandatory* photographic evidence, it would be more prudent if the requirement was only for those SSOs that reach waters of the U.S.

SSO Technical Report:

Currently, Regional Water Boards can request technical reports for any SSO. In practice, the Regional Water Board reviews the facts of the larger SSOs and determines if additional information (i.e., a technical report) is warranted. This method has worked in the past and we prefer it over the proposed automatic requirement for technical reports in the draft MRP.

By making technical reports and the information required therein automatic, the State Water Board will bypass the local expertise of the Regional Water Boards. The Regional Water Boards have a more intimate knowledge of the waterbodies in their region, and this knowledge places them in a better position to understand when a technical report is required and what information should be included in the technical report.

SSMP Audit:

The SSS WDR outlines the provisions of the Sewer System Management Plan (SSMP) as well as the SSMP audit requirements. Specifically, the SSMP audit section of the SSS WDR requires enrollees to “conduct periodic *internal* audits, appropriate to the size of the system and number of SSOs.” This section goes on to say that the audits must be kept on file and that the purpose of the audit is to evaluate “the effectiveness of the SSMP and the enrollee’s compliance with the SSMP requirements...including identification of any deficiencies in the SSMP and steps to correct them.”

The draft MRP will modify the requirements of the SSMP audit by requiring the entire audit to be posted to a public website. As stated in our previous comments on the proposed changes to the MRP, it is inappropriate for the MRP to modify the terms of the WDR. The SSS WDR intended the audit to be an internal tool that the agency could utilize to evaluate its performance and determine what improvements may be necessary to its processes or procedures. Yet the draft MRP will change the nature of the audit from an internal review, to one intended for public use.

The SSS WDR already requires enrollees to communicate with the public regarding their SSMP, and SASD regularly communicates with its ratepayers regarding its performance. As a result, there is no need to post the internal audit on a public website. Posting the audit to a public

website will likely lead to confusion, duplicate communication efforts, and require additional legal review before the document is posted on a website.

Also, the State Water Board already has the authority to request and review the internal audit, thus making the requirement to post it on a public website unnecessary.

Enforcement Focus

It seems that many of the proposed changes in the MRP are driven by the recent audits of a small number of enrollees that were not responding to SSOs properly. There are existing mechanisms in place to deal with violations of the SSS WDR. Instead of utilizing those mechanisms, the State Water Board is proposing sweeping changes that will affect all enrollees regardless of their performance history.

By modifying the MRP based on a few bad examples, the State Water Board will require enrollees to collectively spend millions of dollars to collect and store data that, for the most part, will never be seen by the Office of Enforcement. Not only will enrollees be collecting data that may never be reviewed, but the new requirements of the MRP will create new opportunities for reporting-driven NOV's and third party lawsuits for enrollees that are otherwise working efficiently and diligently to decrease their SSOs.

We recognize the difficulty of completing audits for such a diverse set of enrollees throughout the state, and we are willing to work with State Water Board staff to make the audit process more efficient for all. For example, the DRC was aware that the Office of Enforcement needed help targeting its audits. With that in mind, the DRC tried to tailor the data in CIWQS to be the first resource used in evaluating which enrollees may need to be audited. Once that potential audit list is generated, the State Water Board staff could contact those enrollees to request a pre-audit meeting that would give the enrollees the opportunity to correct, or explain the CIWQS issues that triggered the potential audit. If the enrollee's response did not satisfy the State Water Board, then a full audit could proceed.

Conclusion

We are concerned with the new approach that the State Water Board seems to be taking with the SSS WDR program. Unfortunately, the proposed revisions to the MRP are extensive and expand reporting and monitoring requirements. This new approach will require enrollees to spend millions of dollars to complete paperwork that will not lead to a decrease in the number and volume of SSOs. We estimate that the proposed MRP will require SASD alone to spend hundreds of thousands of dollars more per year to comply with the new requirements.

We have reviewed and support the comment letters submitted by the Central Valley Clean Water Association, the California Association of Sanitation Agencies, and Tri-TAC.

Mr. Russell Norman
January 22, 2013
Page 5

If you have any questions, please contact Jason Lofton at loftonj@sacsewer.com, or (916) 876-6008.

Sincerely,



Terrie Mitchell
Manager, Legislative and Regulatory Affairs

Attachment: Redline/Strikeout of Proposed SSS WDR MRP

cc: Jonathan Bishop, SWRCB Chief Deputy Director
Tom Howard, Executive Director, SWRCB
Stan Dean, District Engineer
Prabhakar Somavarapu, Director of Policy & Planning
Christoph Dobson, Director of SASD Operations
Rosemary Clark, Principal Engineer
Dave Meier, Senior Civil Engineer
Jason Lofton, Associate Civil Engineer

WATER RESOURCES CONTROL BOARD
ORDER NO. 2013-XXXX-EXEC

AMENDING MONITORING AND REPORTING PROGRAM
FOR
STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR
SANITARY SEWER SYSTEMS

Note to Reviewers: Our proposed changes are below, with explanations in highlighted text.

The State of California, Water Resources Control Board (hereafter State Water Board) finds:

1. The State Water Board is authorized to prescribe statewide general Waste Discharge Requirements (WDRs) for categories of discharges that involve the same or similar operations and the same or similar types of waste pursuant to Water Code section 13263(i).
- ~~2.~~ ~~Water Code section 13193 et seq. requires the Regional Water Quality Control Boards (Regional Water Boards) and the State Water Board (collectively, the Water Boards) to gather comprehensive and specific SSO information and make this information available to the public, including but not limited to, SSO cause, estimated volume, location, date, time, duration, whether or not the SSO reached or may have reached waters of the State, response and corrective action taken, and an enrollee's contact information for each SSO event. An enrollee is defined as the public entity having legal authority over the operation and maintenance of, or capital improvements to, the sanitary sewer system.~~
It is inappropriate to include reference to Water Code section 13193 because this Water Code section refers to activity in the past.
- ~~3-2.~~ Water Code section 13271, et seq. requires notification to the California Emergency Management Agency (Cal EMA, formerly the California Office of Emergency Services) for certain unauthorized discharges including SSOs.
- ~~4-3.~~ On May 2, 2006, the State Water Board adopted Order No. 2006-0003-DWQ, "Statewide Waste Discharge Requirements for Sanitary Sewer Systems"¹ (hereafter SSS WDRs) to comply with Water Code section 13193 and to establish the framework for the statewide SSO Reduction Program.
- ~~5-4.~~ Subsection G.2 of the SSS WDRs and the Monitoring and Reporting Program (MRP) adopted by the State Water Board on May 2, 2006 both provide that the Executive Director may modify the terms of the MRP at any time. The MRP is intended to demonstrate compliance with the SSO WDR but not to expand the WDR.
- ~~6-5.~~ On February 20, 2008, the State Water Board Executive Officer revised the original MRP adopted by the State Water Board on May 2, 2006 to rectify-implement early notification deficiencies to ensure that first responders are notified in a timely manner for SSOs discharged into waters of the state response agencies.

¹ Available for download at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2006/wqo/wqo2006_0003.pdf

The above revision was made because the regulatory agencies being notified are not the first responders, nor are they often responders.

7-6. When notified of an SSO that reaches a drainage channel or surface waters^s of the ~~state~~ U.S., Cal EMA, pursuant to Water Code section 13271(a)(3), forwards the SSO notification information² to ~~local government agencies and first responders including~~ local public health officials and the applicable Regional Water Board. ~~Receipt of notifications for a single SSO event from both the SSO reporter and Cal EMA is duplicative. To address this more efficiently conform to 13271(a)(3),~~ the SSO notification requirements added by the February 20, 2008 MRP revision are being revised in this MRP revision.

--References to surface waters throughout the MRP should be for waters of the U.S., not waters of the state, since the prohibition in the WDR is for waters of the U.S. In addition, mixing and matching how receiving waters are characterized is confusing to collection system operators..

--The footnote was removed because it is extraneous information for a finding that is general in nature.

--The sentence removed is confusing and can be handled more concisely and adequately with the edit indicated.

8-7. In the February 28, 2008 MOA between the State Water Board and the California Water and Environment Association (CWEA), the State Water Quality Control Board committed to re-designing the CIWQS Online SSO Database to allow "event" based SSO reporting versus the original "location" based design. Revisions to this MRP and accompanying changes to the CIWQS Online SSO Database will implement this change by allowing for multiple SSO appearance points to be associated with each SSO event caused by a single asset failure.

9-8. In prior versions of this MRP, SSOs have been categorized as Category 1 or Category 2. This MRP implements changes to SSO categories by adding a Category 3 SSO type. This change will assist Water Board staff in evaluating high threat SSOs and assist enrollees in identifying SSOs that require Cal EMA notification.

10-9. Based on over six years of implementation of the SSS WDRs, the State Water Board concludes that the February 20, 2008 MRP ~~needs to must~~ be updated to provide sufficient information to the State Water Board, streamline operations for the State Water Board and enrollees, and prioritize the type of overflows that are reported to the California Emergency Management Agency (Cal EMA) better advance the SSO Reduction Program³ objectives, assess compliance, and enforce the requirements of the SSS WDRs.

IT IS HEREBY ORDERED THAT:

² Cal EMA Hazardous Materials Spill Reports available online at:
[http://w3.calema.ca.gov/operational/mal haz.nsf/\\$defaultview](http://w3.calema.ca.gov/operational/mal haz.nsf/$defaultview) and <http://w3.calema.ca.gov/operational/mal haz.nsf>

³ ~~Statewide Sanitary Sewer Overflow Reduction Program~~ information is available at:
http://www.waterboards.ca.gov/water_issues/programs/ssol/

Pursuant to the authority delegated by Water Code section 13267(f), Resolution No. 2002-0104, and Order No. 2006-0003-DWQ, the MRP for SSS WDRs No. 2006-0003-DWQ is hereby amended as shown in Attachment A.

Dated:

Thomas Howard
Executive Director

ATTACHMENT A

WATER RESOURCES CONTROL BOARD
ORDER NO. 2013-XXXX-EXEC
AMENDING MONITORING AND REPORTING PROGRAM
FOR
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. 2006-0003-DWQ, "Statewide General Waste Discharge Requirements for Sanitary Sewer Systems" (SSS WDRs). ~~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. Revisions to this MRP may be made at any time by the Executive Director, and may include a reduction or increase in the monitoring and reporting. All site-specific records and data pursuant to the SSS WDRs and this MRP shall be complete and accurate and justified by evidence maintained by the enrollee. Failure to comply with this MRP may subject an enrollee to civil liabilities of up to \$5,000 a day per violation pursuant to Water Code section 13350 or may be referred to the Attorney General for civil action. The State Water Resources Control Board reserves the right to take any further enforcement action authorized by law.~~

The above revisions were made to stay consistent with the existing MRP and the commitment that the revisions would only constitute a "surgical" markup of the existing MRP.

A. SUMMARY OF MRP REQUIREMENTS

CATEGORIES	DEFINITIONS [see Section A on page 5 of SSS WDRs defining SSO]
CATEGORY 1	Discharges of untreated or partially treated wastewater of <u>any volume</u> resulting from an enrollee's sewer system failure or flow condition that: <ul style="list-style-type: none">Reaches a surface water and/or reaches a drainage channel tributary to a surface water; orReaches the separate municipal storm drain system and is not fully captured and returned to the sewer system or not otherwise captured and disposed of properly. Any volume of wastewater not recovered from the separate municipal storm drain system is considered to have reached surface water unless the storm drain system discharges to a dedicated groundwater infiltration basin (e.g., infiltration pit, percolation pond).
CATEGORY 2	Discharges of untreated or partially treated wastewater of <u>1,000 gallons or greater</u> resulting from an enrollee's sewer system failure or flow condition that <u>do not</u> reach surface water, a drainage channel, or the separate municipal storm drain system unless the entire SSO discharged to the storm drain system is fully recovered and disposed of properly.

CATEGORY 3	All other discharges of untreated or partially treated wastewater resulting from an enrollee's sewer system failure or flow condition.
PRIVATE LATERAL SEWAGE DISCHARGE (PLSD)	Discharges of untreated or partially treated wastewater resulting from blockages or other problems within a privately owned sewer lateral connected to the enrollee's sewer system or from other private sewer assets. PLSDs that the enrollee becomes aware of may be voluntarily reported to the CIWQs Online SSO Database.

Table 1— Spill Categories and Definitions

ELEMENT	REQUIREMENT	METHOD
NOTIFICATION (see section-B)	<ul style="list-style-type: none"> Within 2 hours of becoming aware of any Category 1 SSO greater than or equal to 1,000 gallons, notify California Emergency Management Agency (Cal-EMA) 	Call Cal-EMA at: (800) 852-7550
REPORTING (see section-C)	<ul style="list-style-type: none"> Category 1 SSO: Submit Draft report within 3 business days of becoming aware of the SSO and certified within 15 calendar days of SSO end date Category 2 SSO: Submit Draft report within 3 business days of becoming aware of the SSO and certified within 15 calendar days of SSO end date Category 3 SSO: Submit Certified report within 30 calendar days of end of month in which SSO occurred SSO Technical Report within 45 calendar days after any Category 1 SSO of which 50,000 gallons or greater is not recovered from waters of state "No Spill" Monthly Report: Certify that no SSOs occurred within 30 calendar days of end of month in which no SSOs occurred Collection System Questionnaire: Update and Certify every 12 months 	Enter data into the <u>CIWQS Online SSO Database</u> (http://ciwqs.waterboards.ca.gov/), certified by sewer agency Legally Responsible Official(s).
WATER QUALITY MONITORING (see section-D)	<ul style="list-style-type: none"> Water quality sampling and initiation of an impact assessment within 48 hours after initial SSO notification for Category 1 SSOs of which 50,000 gallons or greater is not recovered from waters of the state 	Water quality results are required to be uploaded into CIWQS for Category 1 SSOs of which 50,000 gallons or greater is not recovered from waters of the state
RECORD KEEPING (see section-E)	<ul style="list-style-type: none"> SSO event records SSMP implementation and changes Information used to generate SSMP Audit(s) Records to document Water Quality Monitoring for SSOs 50,000 gallons or greater not recovered from surface waters of the State Collection system telemetry records if relied upon to document and/or estimate SSOs 	Self-maintained records shall be available during inspections or upon request.

This table is useful in terms of reviewing the changes, but it shouldn't be in the actual MRP.
Table 2—Notification, Reporting, Monitoring, and Record Keeping Requirements

~~B-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.~~

1. ~~For Category 1 any SSOs, which are those SSOs that reach waters of the U.S. and AND are greater than or equal to 1000 gallons (or have the potential to be greater than or equal to 1,000 gallons), that results or may result in a discharge to a surface water of the state, either directly or by way of a drainage channel or separate municipal storm drain system, the enrollee shall, as soon as possible, but not later than two (2) hours after (A) that enrollee has knowledge of the discharge by discovery or receiving information from a public informant or other source(s) becoming aware of and confirming 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) at (800) 852-7550 and obtain a notification control number.~~

~~--It is imperative that the Category 1 SSOs and those SSOs being reported to Cal EMA be the same, otherwise it could be too confusing.~~

2. ~~To satisfy SSO notification requirements for each applicable SSO, the enrollee shall provide, at a minimum, the following information to Cal EMA before receiving a control number:~~

~~i. Name of person notifying Cal EMA and direct return phone number.~~

~~ii. Estimated SSO volume discharged (gallons).~~

~~iii. If ongoing, estimated SSO discharge rate (gallons per minute).~~

~~iv. SSO Incident Description:~~

~~a. Brief narrative.~~

~~b. On scene point of contact for additional information (name and cell number).~~

~~c. Date and time enrollee became aware of SSO.~~

~~d. Name of sewer system causing the SSO.~~

~~e. SSO cause (if known).~~

~~v. Indication of whether SSO has been contained.~~

~~vi. Indication of whether surface water is impacted.~~

~~vii. Name of surface water impacted by SSO, if applicable.~~

~~viii. Indication of whether a drinking water supply is or may be impacted by SSO.~~

~~ix. Any other known SSO impacts.~~

~~x. SSO incident location (address, city, state, and zip code).~~

~~This level of detail to be reported within 2 hours is completely impractical. The current amount of information for 2-hour reporting is sufficient.~~

3. ~~Following the initial notification to Cal EMA and until such time that an enrollee submits a "certified" report into the CIWQS Online SSO Database, the enrollee shall provide updates to Cal EMA regarding the estimated volume of untreated or partially treated sewage discharged~~

Comment [I1]: Direct phone number could be a personal cell phone in some instances. "Contact information" should suffice for the purposes of the MRP.

Comment [I2]: Same comment as above: "Contact information" is more appropriate.

~~including any change(s) to known impact(s) to surface water(s).~~

The above requirement will likely be a waste of resources. If Cal EMA wants additional information/updates, they will ask the enrollee to provide those updates.

4. Private Sewer Discharges (PLSDs): The enrollee is strongly encouraged to notify Cal EMA of discharges greater than or equal to 1,000 gallons of untreated or partially treated wastewater resulting from blockages or other problems within a privately owned sewer lateral or from other private sewer asset(s) that the enrollee becomes aware of.

C.B. SANITARY SEWER OVERFLOW REPORTING REQUIREMENTS

1. ~~CIWQS Online SSO Database Account:~~ All enrollees shall obtain a CIWQS SSO Online Database account and receive a "Username" and "Password" by registering through CIWQS. ~~These accounts allow controlled and secure entry into the CIWQS Online SSO Database.~~ This information is already included later in the document and does not need to be placed here.

2. **SSO Mandatory Reporting Information:** For reporting purposes, if one SSO event results in multiple appearance points, the enrollee shall complete one SSO report in the CIWQS Online SSO Database, including location of the SSO failure point, blockage or location of the flow condition that caused the SSO and location(s) of all discharge points associated with the SSO event.

3. SSO Categories

- i. **Category 1** – Discharges of untreated or partially treated wastewater ~~of any volume greater than or equal to 1,000 gallons~~ resulting from ~~a failure in the~~ enrollee's ~~sanitary~~ sewer system ~~failure~~ or flow condition that:
- a. Reaches a ~~surface~~ water of the U.S. and/or reaches a drainage channel tributary to a ~~surface~~ water of the U.S.; or
 - b. Reaches the separate municipal storm drain system and is not fully captured and returned to the sewer system or not otherwise captured and disposed of properly. Any volume of wastewater not recovered from the separate municipal storm drain system is considered to have reached surface water unless the storm drain system discharges to a dedicated groundwater infiltration basin (e.g., infiltration pit, percolation pond).
- As indicated above, Category 1 SSOs should be the same as what is reported to Cal EMA.
- ii. **Category 2** – Discharges of untreated or partially treated wastewater ~~of less than 1,000 gallons or greater~~ resulting from ~~a failure in the~~ enrollee's ~~sanitary~~ sewer system ~~failure~~ or flow condition that ~~does not~~ reaches ~~surface waters of the U.S., and discharges greater or equal to 1,000 that do not reach waters of the U.S., a drainage channel, or the separate municipal storm drain system unless the entire SSO discharged to the storm drain system is fully recovered and disposed of properly.~~ The 1,000 gallon threshold applies to unrecovered overflow volume.
- iii. **Category 3** – All other discharges of untreated or partially treated wastewater resulting

Formatted: No underline

from a ~~an failure in the~~ enrollee's sanitary sewer system, ~~failure~~ or flow condition.

4.3. **SSO Reporting Timeframes**

- i. **Category 1 & Category 2 SSOs** – ~~A~~Except as provided above, all SSOs that meet the above criteria for Category 1 or Category 2 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.
 - a. Draft reports for Category 1 & Category 2 SSOs shall be submitted to the CIWQS 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 for a Category 1 or Category 2 SSO shall include all information identified in section 68.i.a., below. ~~Minimum information that shall be contained in the draft report for a Category 2 SSO shall include all information identified in section 8.i.c below.~~
It is unacceptable for an agency to report SSOs to CIWQS based only on a phone call from a party outside the agency. The enrollees need to confirm the existence and conditions of the SSO so they can provide useful information to CIWQS, including which Category of SSO it is.
 - b. A final certified Category 1 or Category 2 report shall be completed through the CIWQS Online SSO Database within 15 calendar days of the end date of the SSO. Minimum information that shall be contained in the certified report for a Category 1 SSO shall include all information identified in section 58.i.c below. Minimum information that shall be contained in the certified report for a Category 2 SSO shall include all information identified in section 58.i.b below. Additional information may be added to the certified report, in the form of an attachment, at any time.
The last sentence was added because it is in the existing MRP and should be retained.
- ii. **Category 3 SSOs** – All SSOs that meet the above criteria for Category 3 SSOs shall be reported to the CIWQS Online SSO Database and certified within 30 days after the end of 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). Minimum information that shall be contained in ~~the draft and certified~~ reports for a Category 3 SSO shall include all information identified in section 58.i.a below.
It's not necessary to distinguish between draft and certified reports for Category 3 SSOs because in most instances they are the same thing.
- iii. **"No Spill" Monthly Certification** – 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 CIWQS Online SSO Database certifying that there were no SSOs for the designated month. If there are no SSOs during a calendar month and the enrollee reported a PLSD, the enrollee shall still submit a "No-Spill" certification for that month.
- iv. ~~Amended SSO Reports~~ – ~~The enrollee may update or add additional information to a certified SSO report no later than 120 calendar days after the SSO end time by amending the report or by adding an attachment to the SSO report in the SSO Online Database. SSO reports certified in the SSO Online Database prior to the adoption date of this MRP~~

Comment [I3]: The change in reporting timeframe could interfere with response and remediation activities. The original reporting timeframe was more appropriate: "within 15 calendar days of the conclusion of SSO response and remediation."

~~may only be amended up to 120 days after the amendment date of this MRP.~~

It is inappropriate to mandate a time limit on amending SSO reports because if an agency becomes aware of information at a later date than when the report was submitted, it is appropriate to amend the report, regardless of when the information became available. This approach is consistent with the existing MRP, and the concept of only doing a "surgical" markup on the existing MRP.

5. SSO Technical Report

~~The enrollee shall submit and certify an SSO Technical Report in the CIWQS SSO Online Database within 45 calendar days of SSO stop date and time for any SSO in which 50,000 gallons or greater are not recovered from waters of the state. This report, which does not preclude the Water Boards from requiring a more detailed analysis if requested, shall include, at a minimum, the following:~~

i. Causes and Circumstances of the SSO:

- ~~a. Complete and detailed explanation of how and when the SSO was discovered.~~
- ~~b. Photographic evidence as required by subsection E.2.i of the this MRP, including photos that show the extent of the SSO, field crew response operations, and reveal site conditions after field crew SSO response operations have been completed.~~
- ~~c. Diagram showing the SSO failure point, appearance point(s), and final destination(s).~~
- ~~d. Detailed description of the methodology employed and available data used to calculate the volume of the SSO and any recovery amounts.~~
- ~~e. Detailed description of the cause(s) of the SSO.~~
- ~~f. Copies of original field crew records used to document the SSO.~~
- ~~g. Historical maintenance records for the failure location.~~

ii. Enrollee's Response to SSO:

- ~~a. Chronological narrative description of all actions taken by enrollee to terminate the discharge.~~
- ~~b. Explanation of how the SSMP Overflow Emergency Response plan was implemented to respond and mitigate the SSO.~~
- ~~c. Final corrective action(s) completed or projected, including a schedule for actions not yet completed.~~

iii. Monitoring and Analysis of SSO:

- ~~a. Description of all water quality sampling activities conducted, including analytical results and evaluation of the results.~~
- ~~b. Detailed location map for any subsequent water quality sampling and reference point(s).~~

iv. Impacts of SSO:

~~a. Name and contact information of the responsible person(s) conducting impact assessment.~~

~~b. Description of impact assessment to evaluate short and long term impacts to beneficial uses required in this Amended MRP.~~

~~v. Monitoring Information:~~

~~a. Narrative of impact assessment to evaluate short and long term impacts to beneficial uses of waters of the state.~~

See our comment letter for comments on the Technical Report.

~~6.4.~~ **Private Lateral Sewage Discharges**

Discharges of untreated or partially treated wastewater resulting from blockages or other problems within a privately owned sewer lateral connected to the enrollee's sanitary sewer system, or from other private sewer system assets, may be voluntarily reported to the CIWQS Online SSO Database.

~~i. The enrollee is also encouraged to provide notification to Cal EMA per section A above when a PLSD greater than or equal to 1,000 gallons has or may result in a discharge to surface water. For any PLSD greater than or equal to 1,000 gallons regardless of the spill destination, the enrollee is also encouraged to file a spill report as required by Health & Safety Code section 54110 et. seq. and Water Code section 13271 or, notify the responsible party that notification and reporting should be completed as specified above and required by state law.~~

This language will only result in a disincentive to reporting private SSOs.

~~ii.~~ If a private sewage discharge is recorded in the CIWQS Online SSO Database, the enrollee must identify the sewage discharge as occurring and caused by a private sewer system asset and a responsible party (other than the enrollee) should be identified, if known. Certification of PLSD reports by enrollees is not required.

Formatted: No bullets or numbering

~~7.5.~~ **CIWQS SSO Online Database Unavailability**

In the event that the CIWQS SSO Online Database is not available, the enrollee must also enter all required information into the CIWQS Online SSO Database as soon as practical after the database becomes available. The State Water Board will notify enrollees via email when the system becomes available again.

It is unreasonable to expect enrollees to just keep checking the database. This is a waste of time and public resources. Enrollees should be notified when the database is available again.

~~8.6.~~ **Mandatory Information to be Included in SSO Online Reporting**

All enrollees shall obtain CIWQS Online 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 CIWQS Online SSO Database. Additionally, within thirty (30) days of receiving an account and prior to recording SSOs into the CIWQS Online SSO Database, all enrollees must complete a Collection System Questionnaire (Questionnaire). The Questionnaire shall be updated by all enrollees at least once every 12 months.

i. **SSO Reports**

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

This section is easier to follow if the Category 3 items are listed first, then 2, then 1, as in the existing MRP. It also makes sense because Category 3 SSOs are more common than the other two categories. We have edited the lists below for this purpose, and also to maintain consistency with the "surgical markup" philosophy of these MRP revisions.

a. **Draft Category 34 SSOs:** ~~At a minimum, the following mandatory information shall be included for a draft Category 1 SSO report:~~

- ~~1. SSO Contact Information: Name, address, title and telephone number of enrollee contact person who can answer specific questions about this SSO;~~
- ~~2. SSO Location Name.~~
13. Location of the overflow event (SSO) by entering GPS coordinates. If a single overflow event results in multiple appearance points, each appearance point must be described in the SSO appearance point explanation field.
2. Applicable Regional Water Board (i.e., identify the region in which the SSO occurred);
3. County where SSO occurred.
4. Estimated ~~of the~~ volume of the overflow event (SSO) in gallons.
- ~~5. Estimated SSO volume that reached surface water, a drainage channel, or was not recovered from a storm drain.~~
- ~~56.~~ Estimated SSO ~~amount~~ volume recovered.
- ~~7. Whether or not the SSO entered a drainage channel, surface water, or entered and was discharged from a structure.~~
- ~~8. Whether or not the SSO was discharged to a municipal separate storm drain system.~~
- ~~9. Whether or not the SSO volume discharged to a municipal separate storm drain system was fully recovered.~~
- ~~640.~~ Number of SSO appearance point(s).
- ~~744.~~ Description of SSO appearance point(s).
- ~~842.~~ Estimated SSO start date and time.
- ~~943.~~ Date and time of SSO notification or discovery.
- ~~104.~~ Estimated operator arrival time.
11. SSO destination.
12. Estimated SSO end time.
13. SSO certification. Upon SSO certification, the SSO Database will issue a Final SSO Identification (ID) Number.
- ~~15.~~ ~~Date and time Cal EMA was called.~~
- ~~16.~~ ~~Cal EMA control number.~~

b. **Certified Category 24 SSOs:** ~~At a minimum, the following mandatory information shall be included for a certified Category 1 SSO report:~~

1. All fields in section ~~68~~.i.a.
- ~~2. SSO destination(s).~~
- ~~3. SSO stop date and time.~~
- ~~2. Approximate duration of overflow event.~~
- ~~34. Description of SSO causes (for example, mainline blockage, roots, etc.).~~
- ~~45. Description of location where SSO failure occurred. Point (for example: main, lateral, etc.).~~
- ~~2. Estimated SSO volume that reached waters of the U.S.~~
6. Whether or not the spill was associated with a storm event.
- ~~7. Spill Response.~~
- ~~8. Spill response completion date.~~
- ~~59. Spill/Overflow response and corrective action taken, including steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow; and a schedule of major milestones for those steps.~~
- ~~640.~~—Whether or not there is an ongoing investigation, the reasons for the investigation and the expected date of completion.
- ~~11. Did the SSO impact a beach?~~
- ~~742.~~—Identification of whether or not health warnings were posted.
13. Name of beaches impacted. If no beach was impacted, NA must be selected.
14. Name of surface waters impacted.
- ~~15. If water quality samples were taken, identify parameters water quality samples analyzed for.~~
- ~~16. If water quality samples were taken, identify which regulatory agencies received sample results (if applicable). If no samples were taken, NA shall be selected.~~
- ~~847.~~—List of methodology(ies) and type of data relied upon for estimations of SSO volume discharged and recovered.
- ~~18. For any Category 1 SSO of which 50,000 gallons or greater is not recovered from waters of state, attach SSO Technical Report and water quality sampling results to spill report.~~
- ~~19. SSO Certification. Upon SSO Certification, the Online SSO Database will issue a final SSO Identification (ID) Number.~~

c. **Draft Category 12 SSOs:** At a minimum, the following mandatory information shall be included for a draft Category 2 SSO report:

1. All items specified in section ~~68~~.i.a and ~~6.i.b~~ above for Draft Category 1 SSO, except items 15 and 16.
- ~~3. Name of surface water(s) impacted.~~
- ~~4. Name of beaches impacted (if applicable). If no beach was impacted, NA must be selected.~~
- ~~5. If water quality samples were taken, identify parameters water quality samples analyzed for.~~
- ~~6. If water quality samples were taken, identify which regulatory agencies received sample results (if applicable). If no samples were taken, NA shall be selected.~~
- ~~7. Date and time Cal EMA was called.~~
- ~~8. Cal EMA control number.~~

~~d. **Certified Category 2 SSOs:** At a minimum, the following mandatory information shall be included for a certified Category 2 SSO report:~~

- ~~1. All Items specified in 8.i.b above for Certified Category 1 SSO except items 11-16 and 18.~~

~~e. **Certified Category 3 SSOs:** At a minimum, the following mandatory information shall be included for a certified Category 3 SSO report:~~

- ~~1. All Items specified in 8.i.b above for Certified Category 1 SSO except items 7, 8, 10-16 and 18.~~

ii. **Reporting to Other Regulatory Agencies SSO**

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.

iii. **Collection System Questionnaire**

~~The required Collection System Questionnaire (Questionnaire) [see subsection C of the SSS WDRs] provides the Water Boards with crucial site-specific sewer system information needed to assess program effectiveness, compliance and enforcement. The Questionnaire will be updated on an annual basis to facilitate program implementation, compliance assessment, and enforcement response.~~

This information is already in the WDR and should not be repeated in the MRP.

iv. **SSMP Availability**

~~The enrollee shall provide the publicly available internet website address in the CIWQS Online SSO Database where a downloadable copy of the SSMP and proof of local governing board approval of the SSMP is posted. If a downloadable copy of the SSMP, the governing board's approval, and all documents referenced in the SSMP are not posted on a publicly available internet website, the enrollee shall comply with the following procedures:~~

- ~~a. Submit an electronic copy of its SSMP approved by its local governing board to the State Water Board, including proof of local governing board approval of both the SSMP and the program to implement the SSMP, as required by subsection D.14 of the Sanitary Sewer Order, within 30 days of that approval; and,~~
- ~~b. Submit an electronic copy of its SSMP each time its SSMP is recertified by its local governing board, within 30 days of its recertification, unless a downloadable copy is posted online, to the following address:~~

State Water Resources Control Board
Division of Water Quality
Attn: SSO Program Manager
1001 I Street, 15th Floor, Sacramento, CA 95814

This requirement is overly burdensome and is not in the spirit of a "surgical" markup of the existing MRP.

~~v. SSMP Audit(s) Availability~~

~~The enrollee shall provide the publicly available internet website address in the Questionnaire where a downloadable copy of the enrollee's SSMP Self Audit(s) is/are located. If downloadable copy/copies of the enrollee's SSMP Program Audit(s) is/are not publicly available on the internet, the enrollee shall submit an electronic copy of its SSMP Self Audit(s) to the State Water Board to the mailing address specified above.~~

This requirement is overly burdensome and is not in the spirit of a "surgical" markup of the existing MRP. Also, it may be impractical to include all documents referenced in the SSMP. For example, maintenance programs are often referenced in SSMPs, and they are frequently updated as maintenance occurs. Many of the maintenance tracking software used by enrollees may not be suitable for uploading to a website, and it would be impractical to update the SSMP on the website every time maintenance is completed and the tracking software is updated.

Please also see our comments in our comment letter regarding availability of the SSMP audit.

~~D. WATER QUALITY MONITORING REQUIREMENTS:~~

~~To comply with subsection D.7(v) of the SSS WDRs, the enrollee shall develop and implement a Water Quality Monitoring Program to assess impacts from large, unrecovered SSOs to waters of the state (hereafter, SSO Monitoring Program). The SSO Monitoring Program, shall, at a minimum:~~

- ~~1. Comply with Water Code section 13176 requiring analyses to be performed by an accredited or certified laboratory.~~
- ~~2. Require monitoring instruments and devices to implement the SSO Monitoring Program that are properly maintained and calibrated as necessary to ensure their continued accuracy.~~
- ~~3. Assess the impacts of SSOs in which 50,000 gallons or greater may have been discharged, but not recovered, to waters of the state, within 48 hours of initial agency notification of such a possible SSO from a complainant, informant, or through self-discovery (whichever is earliest).~~
- ~~4. Require water quality sampling for, at a minimum, the following constituents or SSOs in which 50,000 gallons or greater may have been discharged, but not recovered, to waters of the state:
 - ~~i. pH, temperature, dissolved oxygen, ammonia, and appropriate bacteria indicator~~~~
- ~~5. Require completion of the impact assessment required in D(III) above, within 120 days of SSO end time.~~
- ~~6. Allow for additional monitoring should the Water Boards require it for an SSO(s) of any size.~~

This brand new requirement for water quality monitoring is overly burdensome and is not in the spirit of a "surgical" markup.

~~CE. RECORD KEEPING REQUIREMENTS:~~

~~At minimum, t~~The following records shall be maintained by the enrollee for a minimum of five (5) years from the date of the SSO, and shall be made available for review by the Water Boards during an onsite inspection or through an information request:

- ~~1. General Records: The enrollee shall maintain records to document compliance with all provisions of the SSS WDRs and this MRP for each sanitary sewer system(s) owned, including any required records generated by an enrollee's sanitary sewer system contractor(s).~~
- ~~2. 1. SSO Records: The enrollee shall maintain records for each SSO, including but not limited to (as applicable):~~
 - ~~i. Photographic evidence for all SSOs to support all information certified by the Legally Responsible Official in CIWQS including volume estimates. Photographic evidence can be attached to the spill report in the CIWQS Online SSO Database or maintained with onsite SSO records.~~
 - ~~ii. Complaint records documenting how the enrollee responded to all notifications of possible or actual SSOs, both during and after business hours, including complaints that do not result in SSOs. Each complaint record shall include the following information, at a minimum:~~
 - ~~a. Date, time, and method of notification.~~
 - ~~b. Date and time the complainant or informant first noticed the SSO.~~
 - ~~c. Narrative description describing the complaint.~~
 - ~~d. A statement from the complainant or informant, if they know, of whether or not the potential SSO may have reached waters of the state.~~
 - ~~e. Name, address, and contact telephone number of the complainant or informant reporting the potential SSO (if not reported anonymously).~~
 - ~~f. Follow-up return contact information for each complaint received (if not reported anonymously).~~
 - ~~g. Final resolution of the complaint.~~
 - ~~h. Work service request information used to document all feasible and remedial actions taken to comply with section D.7 of the SSS WDRs.~~
 - ~~iii. Records documenting steps and/or remedial actions undertaken by enrollee, using all available information to comply with section D.7 of the SSS WDRs.~~
 - ~~iv. Records documenting how any estimation(s) of volume(s) discharged and recovered (if applicable) were calculated.~~
- ~~3. Records documenting SSMP changes, attached to the SSMP, showing all changes made to the SSMP since its last certification, indicating when a subsection(s) of the SSMP was changed and/or updated and who authorized the change or update.~~
- ~~4. All records necessary to demonstrate compliance with all mandatory elements specified in subsection D.13 of the SSS WDRs, including any information used by the enrollee to justify non-applicability of any SSMP element(s) and information used to support SSMP Audit(s).~~

- ~~5. Sanitary Sewer System Electronic Monitoring Records: Sanitary sewer system electronic monitoring records relied upon for documenting SSO events and/or estimating SSO volume discharged, including but not limited to:~~
- ~~i. Supervisory Control and Data Acquisition or SCADA records.~~
 - ~~ii. Alarm system(s) records.~~
 - ~~iii. Flow monitoring device(s) records or other instruments used to estimate waste water levels, flow rates and/or volumes.~~
 - ~~iv. Record of Certified report, as submitted to the online SSO database;~~
 - ~~v. All original recordings for continuous monitoring instrumentation;~~
 - ~~vi. Service call records and complaint logs of calls received by the Enrollee;~~
 - ~~vii. SSO calls;~~
 - ~~viii. SSO records;~~
 - ~~ix. Steps that have been and will be taken to prevent the SSO from recurring and a schedule to implement those steps.~~
 - ~~x. Work orders, work completed, and any other maintenance records from the previous 5 years which are associated with responses and investigations of system problems related to SSOs;~~
 - ~~xi. A list and description of complaints from customers or others from the previous 5 years;~~
 - ~~xii. and~~
 - ~~xiii. Documentation of performance and implementation measures for the previous 5 years.~~
2. If water quality samples are required by an environmental or health regulatory agency or State law, if voluntary monitoring is conducted by the Enrollee or its agent(s), as a result of any SSO, records of monitoring information shall include:
- i. The date, exact place, and time of sampling or measurements;
 - ii. The individual(s) who performed the sampling or measurements;
 - iii. The date(s) analyses were performed;
 - iv. The individual(s) who performed the analyses;
 - v. The analytical technique or method used; and,
 - vi. The results of such analyses.

Departing from the existing SSO reporting requirements is overly burdensome, does not benefit water quality, and is not in the spirit of a "surgical" markup. Therefore, the language the existing MRP should be used, as repeated above.

DF. CERTIFICATION

1. All information required by the Sanitary Sewer Order to be reported into the CIWQS SSO Online Database shall be certified by a person designated as described in subsection J of the Sanitary Sewer Order.
2. Any person designated to report to the CIWQS SSO Online Database shall be registered to certify reports in accordance with the CIWQS' protocols for reporting.
3. The enrollee shall maintain continuous coverage by a designated person capable of certifying reports in CIWQS. Any changes to a Legally Responsible Official (LRO) or Data Submitter (DS), including deactivation or a change to the LRO or DS's contact information, shall be submitted by the enrollee to the State Water Board within 30 days of the change by calling 866-792-4977 or emailing help@ciwqs.waterboards.ca.gov.

4. Other enrollee employees or contractors may enter draft data into the CIWQS SSO Online Database on behalf of the enrollee if authorized by the designated person and the State Water Board. However, only designated persons registered to certify reports may certify reports in CIWQS.

~~5. The registered designated person shall certify all required reports under penalty of perjury laws of the state as stated in the SSO Online Database at the time of appropriate certification(s).~~

The certification protocols should be spelled out in the MRP.

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