



Summit Partners:

- Bay Area Clean Water Agencies (BACWA)
- California Association of Sanitation Agencies (CASA)
- Central Valley Clean Water Association (CVCWA)
- California Water Environment Association (CWEA)
- Southern California Alliance of Publicly Owned Treatment Works (SCAP)

Reply to:

1215 K Street, Suite 940
Sacramento, CA 95814
(916) 446-0388
blarson@casaweb.org

January 22, 2013

Russell Norman
SSO Reduction Program
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Transmitted via e-mail to: rnorman@waterboards.ca.gov

Re: **Comments on Proposed Changes to Sanitary Sewer System (SSS) Waste Discharge Requirements (WDR) Monitoring and Reporting Program (MRP)**

Dear Mr. Norman:

The undersigned statewide associations (Associations) sincerely appreciate the opportunity to provide written comments on proposed administrative changes to the Sanitary Sewer System (SSS) Waste Discharge requirements (WDRs) Monitoring and Reporting Program (MRP) released in a revised draft form by State Water Board staff on January 7, 2013. Our associations represent public wastewater agencies providing sewer collection, wastewater treatment, and water recycling services to millions of Californians. Our associations are committed to the effective and appropriate implementation of the SSS WDR and have been partners with the State Water Resources Control Board in facilitating understanding of, and compliance with, the order.

We appreciate that this revised draft contains less extensive revisions to the existing MRP than the version released on August 14, 2012. However, it was our understanding that the current revised draft MRP would be a "surgical" revision of the existing MRP. We are very concerned that the current revised draft MRP will create significant additional burdens for municipal collection system agencies, with no benefit to water quality.

More specifically, we are concerned that the proposed amendments constitute a broad and significant revision of the MRP, contrary to both State Water Board direction and prior representations to stakeholders regarding the cleanup nature of the amendment process. Though the current version of the MRP has been narrowed from the prior draft, the proposed revisions remain extensive. Many of the proposed changes do not fall within the limited scope of an MRP and create new policy or substantive requirements.

Our detailed comments are attached, in an underline/strikeout format, with explanations in yellow-highlighting immediately following the more substantive changes or changes that are otherwise not necessarily self-explanatory. In summary, we have the following general comments about the proposed MRP:

- We continue to support three of the proposed changes to the MRP. These are (1) delineating three categories of overflows in place of the current two, by dividing Category 1 into two categories (new 1

and 2); (2) clarifying the event-based approach to reporting, and (3) clarifying that agencies should only contact CalEMA for immediate reporting.

- Category 1 should have the same conditions as those conditions which require reporting to Cal EMA, since the intent of a Category 1 is to be able to distinguish overflows that are considered high threat.
- The Category 3 reporting requirements in the January 7 proposal added nine new information fields that must be completed in CIWQS. However, a third category was created precisely because the smaller overflows are less important and therefore reporting requirements should be reduced not expanded for Category 3 overflows.
- Several of the proposed changes to the MRP create new policy and substantive new requirements. These changes include: special technical reports beyond the extensive electronic reporting; the proposed requirement to conduct water quality sampling; the references to waters of the state as opposed to waters of the U.S.; the time limit on amending SSO reports; the level of detail to be reported within two hours several new language edits that are now very unclear; and many other proposed changes as indicated in the attached mark-up.
- The proposed changes are numerous and go well beyond what we understood as the reason for updating the MRP (i.e., to “clean up” the MRP and make “surgical” changes).

As we have indicated before, we understand that many of the proposed changes in the MRP were made in order to make the enforcement process easier for State Water Board staff. However, it is inappropriate to request this level of information from thousands of systems just in case there is an enforcement action. In addition, State Water Board staff already has plentiful information on which to target agencies for investigation and enforcement. For example, the Regional Water Boards have brought, and continue to pursue, many enforcement actions for sanitary sewer overflows with the current level of information being reported.

The Associations emphasize that many of our comments are consistent with the Resource Alignment Initiative as directed by State Water Board members in Resolution No. 2011-0052. Thank you again for the opportunity to comment on the proposed revisions to the MRP. Please contact Bobbi Larson at (916) 446-0388 or blarson@casaweb.org or Monica Oakley at (925) 627-4100 or moakley@rmcwater.com if you have any questions or need additional information.

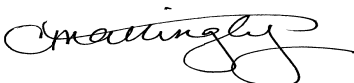
Sincerely,



James Kelly, Executive Director
Bay Area Clean Water Agencies



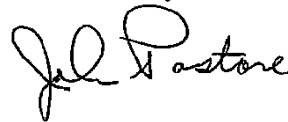
Roberta L. Larson, Executive Director
California Association of Sanitation Agencies



Carrie Mattingly, President
California Water Environment Association



Debbie Webster, Executive Officer
Central Valley Clean Water Association



John Pastore, Executive Director
Southern California Alliance of POTWs



Terrie Mitchell, Chair
Tri-TAC

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: Edits in track changes mode indicated below are revisions to this draft document proposed by the Associations, as indicated in an accompanying transmittal letter. Yellow-highlighted text is an explanation of the substantive (or not otherwise self-explanatory) comment directly above it. In some cases, if a small typo was found, the correction is also highlighted in yellow to make it easier to find.

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 sanitary sewer overflows (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 Sanitary Sewer System (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 SSS WDR but not to expand the WDR.

¹ Available for download at:

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

- 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.
The above revision was made because the regulatory agencies being notified are not the first responders, nor are they often responders at all. In any event, the first responders are the municipal collection system agencies.
- 7-6. When notified of an SSO that reaches a ~~drainage channel or surface~~ water of the ~~state~~ U.S. or a municipal storm drain system that is not recovered and disposed of properly, 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.
-- Drainage channels are a subset of a municipal storm drain system, as defined by the Clean Water Act, so the proper terminology should be used. It is also less confusing to the regulated community.
--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 and in any event, consistency should be maintained. Expanding the jurisdiction of the SSS WDR should not be done through amendments to the MRP.
--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 Memorandum of Agreement (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 California Integrated Water Quality System (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.

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>

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 and prioritize the type of overflows that are reported to the California Emergency Mangement Agency (Cal EMA) better advance the SSO Reduction Program³ objectives, assess compliance, and enforce the requirements of the SSS WDRs. It is not in the public interest to streamline operations for a handful of folks at the Water Board while making it substantially more difficult for tens of thousands of collection system employees.

IT IS HEREBY ORDERED THAT:

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

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

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; or • 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).
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 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.</u>
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 <u>within a privately owned sewer lateral</u> connected to the enrollee's sewer system or from other private sewer assets. PLSDs that the enrollee becomes aware of may be <u>voluntarily reported to the CIWQs Online SSO Database.</u>

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 <u>1,000 gallons</u>, 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.

Table 2— Notification, Reporting, Monitoring, and Record Keeping Requirements

We request that the above table be removed because the information is already easily found elsewhere in the document and it only adds redundancy which will result in inconsistencies and confusion.

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, 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. If they aren't the same, it is likely that enrollees will get confused and report SSOs to Cal EMA that shouldn't be reported.~~

~~--It is unacceptable for an agency to report SSOs to Cal EMA (or any agency) based only on an unsubstantiated phone call. The agency staff should confirm the existence and conditions of the SSO so they can provide useful information to Cal EMA.~~

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

The above requirement is not practical and of limited benefit for the expenditure of public resources, both for the municipal government agency and the state government agency Cal EMA.

- ~~4.~~ 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.

PLSD discharges should only be reported on CIWQS with the option of reporting them anonymously; otherwise, agencies will generally not be inclined to report them at all.

Format

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.

- ~~2.1.~~ **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.

3.2. 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~~ and are not recovered and disposed of properly; or
 - b. Reaches the separate municipal storm drain system (as defined by the Clean Water Act) 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, it is imperative that the Category 1 SSOs be the same as what is reported to Cal EMA. In addition, municipal storm drain systems include drainage channels, so the term drainage channel should be removed as a separate item.
- 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~~ reach ~~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, and the total volume of the overflow does not include the portion that is recovered and disposed of properly.~~

- iii. **Category 3** – All other discharges of untreated or partially treated wastewater resulting from an ~~failure in the~~ enrollee's sanitary sewer system ~~failure~~ or flow condition.

4.3. **SSO Reporting to CIWQS - 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 to CIWQS 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.

Sometimes agencies are confused by the concepts reporting, vs. notification, so we added "to CIWQS" to help clarify the difference.

- 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 both unnecessary and overly burdensome for an agency to be required to report SSOs to CIWQS based only on a phone call from a party outside the agency. The agency staff need to confirm the existence and conditions of the SSO so they can provide useful information to CIWQS.

- 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 the conclusion of SSO response and remediation. Minimum information that shall be contained in the certified report for a Category 1 SSO shall include all information identified in section 68.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 68.i.b below. Additional information may be added to the certified report, in the form of an attachment, at any time.

-- It is important to retain consistency with the original MRP which contains a 15 day reporting requirement.

--The last sentence was added because it is in the existing MRP and should be retained, and is consistent with the SSO WDR which requires an enrollee to amend a report where any relevant facts were omitted.

- 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 68.i.a below.

It is not necessary to distinguish between draft and certified reports for Category 3 SSOs because in most instances they are the same thing.

- iii. **“No SpillOverflow” 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-SpillOverflow” 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-SpillOverflow” certification for that month.

The Associations request that the term “overflow” be used instead of “spill”, which is a more industry-standard term.

- 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 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. 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.~~

This new requirement for technical reports is overly burdensome, is a waste of public resources, and does not benefit water quality.

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. The enrollee will not be held responsible for the cause or cleanup of the private sewer discharge, or the repair or replacement of the private sewer system asset.

It is anticipated that this language may help agencies feel more comfortable voluntarily reporting private SSOs.

- 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 5410 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.

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.

~~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 again. 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, followed by Categories 2 and 1 (see the order of Categories in the existing MRP). It also makes sense because Category 3 SSOs are more common than the other two categories.

a. ~~**Draft Category 31 SSOs:** At a minimum, the following mandatory information shall be included for a draft Category 1 SSO report:~~

- ~~1. **SSO-Enrollee** Contact Information: Name, address, title and telephone number of enrollee contact person who can answer specific questions about this SSO;~~
- ~~2. **SSO Location Name.**~~
- ~~23. 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.~~
- ~~3. **Applicable Regional Water Board (i.e., identify the region in which the SSO occurred);**~~
- ~~4. **County where SSO occurred.**~~
- ~~54. **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.**~~
- ~~6. 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.~~
- ~~740. Number of SSO appearance point(s).~~
- ~~811. Description of SSO appearance point(s).~~
- ~~912. Estimated SSO start date and time.~~
- ~~1013. Date and time of SSO notification or discovery.~~
- ~~114. Estimated operator arrival time.~~
- ~~12. SSO destination.~~
- ~~13. Estimated SSO end time.~~
- ~~14. SSO certification. Upon SSO certification, the SSO Database will issue a Final SSO Identification Number.~~
- ~~15. Date and time Cal EMA was called.~~
- ~~16. Cal EMA control number.~~

b. **Certified Category 21 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 cCauses (for example, mainline blockage, roots, etc.).~~
- ~~45. Descriptoin of location where SSO fFailure occurred Point (for example: main, lateral, etc.).~~
- 5. 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.~~
- 79. 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.
- ~~810. 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?~~
- ~~912. Identification of whether or not health warnings were posted.~~
- ~~103. Name of beaches impacted. If no beach was impacted, NA must be selected.~~
- ~~114. Name of surface waters of the U.S. impacted (if applicable).~~
- ~~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.~~
- ~~127. 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 ~~6.8.i.a~~ and 6.i.b above for Draft Category 1 SSO, except items ~~15 and 16~~.
2. If water quality samples were taken, identify parameters water quality samples analyzed for
3. If water quality samples were taken, identify which regulatory agencies received sample results (if applicable). If no samples were taken, NA shall be selected.
4. Date and time CalEMA was called.
5. 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 G 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, is not in the spirit of a "surgical" markup of the existing MRP, and goes beyond the requirements of the WDR.~~

~~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. In addition, the addition of this section is a change to section D.13.x. of the WDR and should not be done by an amendment to the MRP.~~

~~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. In addition, subsection D.7.(v) of the WDR states "Adequate sampling to determine the nature and impact of the release;" it does not require the development and implementation of a Water Quality Monitoring Program.~~

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.~~~~
 - i. Record of Certified report, as submitted to the online SSO database;
 - ii. All original recordings for continuous monitoring instrumentation;
 - iii. Service call records and complaint logs of calls received by the Enrollee;
 - iv. SSO calls;
 - v. SSO records;
 - vi. Steps that have been and will be taken to prevent the SSO from recurring and a schedule to implement those steps.
 - vii. 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;
 - viii. A list and description of complaints from customers or others from the previous 5 years; and
 - ix. 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).

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