



# Fact Sheet

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## **AMENDED MONITORING AND REPORTING PROGRAM FOR THE STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS**

### **BACKGROUND**

Water Code section 13193 (2001, A.B. 285) requires the State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards (collectively Water Boards) to gather comprehensive and specific Sanitary Sewer Overflow (SSO) information. Water Code section 13193 also requires the Water Boards to make available to the public information including but not limited to the cause, estimated volume, location, date, time, and duration of the SSO; whether the SSO reached or may have reached surface waters; the response and corrective action taken by the collection system owner or operator (hereafter, Enrollee) for each SSO event; and the contact information for each Enrollee.

On May 2, 2006 the State Water Board adopted Water Quality Order 2006-0003-DWQ, "Statewide Waste Discharge Requirements for Sanitary Sewer Systems" (hereafter, SSS WDRs) to address Water Code section 13193 requirements and develop the framework for the statewide Sanitary Sewer Overflow Reduction Program. The SSS WDRs' Monitoring and Reporting Program (MRP) includes specific SSO notification and reporting and record keeping requirements to meet SSO reporting requirements in the Water Code and facilitate compliance monitoring and enforcement for violations.

The State Water Board Executive Officer issued a revised MRP for the SSS WDRs on February 20, 2008 to rectify notification deficiencies that occurred early in program implementation and to ensure that first responders (e.g., Water Boards, California Office of Emergency Services, and County Health Departments) are notified in a timely manner for SSOs discharged to surface waters. Based on over six years of implementation of the SSS WDRs, the State Water Board concluded that the February 20, 2008 revised MRP is no longer adequate to advance the Sanitary Sewer Overflow Reduction Program objectives, assess compliance, and enforce the requirements of the SSS WDRs.

Following its January 24, 2012 workshop with stakeholders for the review and update of the SSS WDRs, the State Water Board directed staff to review and evaluate the existing monitoring and reporting requirements and prepare an amended MRP for the Executive Director's issuance. Staff worked with the key stakeholders (e.g., California Association of Sanitation Agencies) to revise the monitoring and reporting requirements. State Water Board staff distributed the draft versions of the MRP to all stakeholders registered on the Lyris e-mail list for the Sanitary Sewer Overflow Reduction Program, solicited comments on the draft versions of the MRP in January and March 2013, and considered all comments received in developing the final revised MRP.

## **INSPECTION AND AUDIT FINDINGS**

Since January 2007, numerous violations of the SSS WDRs have been documented by the Water Boards through data review, compliance monitoring, and onsite inspections. The most common violations related to the MRP that the Water Boards have documented are:

- Failure to properly estimate and report SSO volumes discharged and recovered [violation of section G of the SSS WDRs]
- Failure of the Enrollee to comply with all minimum MRP record keeping requirements [violation of section G of the SSS WDRs]
- Failure of the Enrollee to implement feasible alternatives and actions necessary to identify and correct problems causing SSOs [violation of subsection D.6 of the SSS WDRs]
- Unauthorized use of legally responsible official's SSO Online Database login password and electronic signature; [violation of section J of the SSS WDRs]
- Failure of the Enrollee to develop and/or implement an Overflow Emergency Response Plan to ensure all reasonable steps are taken to contain and prevent the discharge of untreated and partially treated wastewater to waters of the United States and to minimize or correct any adverse impact on the environment resulting from the SSOs, including accelerated or additional monitoring necessary to determine the nature and impact of the SSO [violation of subsection D.13(vi) of the SSS WDRs]
- Failure of the Enrollee to implement required training for sewer system operators and contractors [violation of subsections D.13(iv) and D.13(vi) of the SSS WDRs]

Amendments made to the MRP in Order 2013-0058-EXEC address these and other issues that have become apparent in the implementation of the SSS WDRs in over six years.

## **MONITORING AND REPORTING PROGRAM AMENDMENTS**

State Water Board staff and other members of the Data Review Committee reviewed the current SSS WDRs reporting requirements as part of the SSS WDRs review and update process. The Data Review Committee is open to all stakeholders. Consequently, enrollees, non-governmental organizations, and other agencies have participated. As a result of this process, new reporting requirements have been developed that address the compliance and enforcement issues noted above and improve the quality and usefulness of SSO data collected.

While the proposed changes streamline the reporting process overall, some fields have been added to the reports. These additions address critical information gaps in the current reporting that have been identified both internally and by stakeholders.

For example, many enrollees have noted that we need to be able to separate sewer lateral spills from spills occurring in other asset types like main lines or pump stations. The "where did the failure occur" question on the electronic spill report form was not a required field in the original or revised 2008 MRP. Many SSO reports do not have this information, thus, we cannot differentiate lateral spills from main line, pump station, or other types of spills. This is one example of the additions in the required data entry that have been addressed in the 2013 MRP revisions.

The following is a summary of major changes made to the existing MRP (Order 2008-0002-EXEC) and incorporated in the final revised MRP (Order 2013-0058-EXEC):

1. Change in Notification Requirement for spills that reach surface water:

- Three notification calls were required (California Office of Emergency Services, Regional Water Quality Control Boards, and local Health Departments). Required notification has been changed to call California Office of Emergency Services (Cal OES) only since Cal OES notifies the Regional Water Quality Control Boards and local Health Departments when a spill notification is received.
- Elimination of requirement to submit a certification to Regional Water Quality Control Boards within 24 hours of making notification calls.
- Alignment of notification requirement with California Code of Regulations section 2250, Reportable Quantity of Sewage, by requiring notification calls for only spills of 1,000 gallons or more. Notification of Cal OES was required for all spills to surface water.
- Addition of requirement to update Cal OES when there are substantial changes to previously reported spill volume estimates or impacts.

2. Defined new spill categories and refined spill report fields:

- Replacement of spill Categories 1 and 2 with Categories 1, 2, and 3. Spills are now classified as follows:
  - Category 1 – Spills of any volume that reach surface water
  - Category 2 – Spills greater than or equal to 1,000 gallons that do not reach surface water
  - Category 3 (formerly Category 2) – Spills less than 1,000 gallons that do not reach surface water

All spills to surface water will be in a distinct category with this change. Spill reporting fields were refined and streamlined with stakeholder input.

3. Addition of requirement to submit a technical report within 45 days of the end date for spills to surface water over 50,000 gallons.
4. Addition of requirement for all Permit enrollees to develop a Water Quality Monitoring plan to be implemented within 48 hours after initial notification for spills where 50,000 gallons or more reach surface water.
5. Addition of requirement for Permit enrollees to submit an electronic copy of their Sewer System Management Plan (SSMP) or provide the web address where their SSMP is posted.
6. Addition of enhanced record keeping requirements.
7. Elimination of requirement to certify Private Lateral Sewer Discharge reports.
8. Addition of a 120-day time limit for amending and re-certifying spill reports.

