



# California Regional Water Quality Control Board

## San Diego Region



Alan C. Lloyd, Ph.D.  
Secretary for  
Environmental  
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger  
Governor

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[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

October 4, 2006

SUBJECT: TENTATIVE ORDER NO. R9-2006-0121; WASTE DISCHARGE REQUIREMENTS FOR SEWAGE COLLECTION AGENCIES IN THE SAN DIEGO REGION

Sewage Collection Agencies Representative:

Enclosed is a copy of Tentative Order No. R9-2006-0121 that will be presented to the Regional Board at their regularly scheduled meeting on October 11, 2006. The Regional Board will receive comments and discuss the Tentative Order on October 11, but will postpone its decision of the requirements until a future Board meeting, possibly at the November 8, 2006 Board meeting.

If adopted, tentative Order No. R9-2006-0121 would replace Order 96-04 (*General Waste Discharge Requirements for Sanitary Sewer Overflows (SSOs) by Sewage Collection Agencies*) and supplement the State Water Resource Control Board (State Board) Order No. 2006-0003-DWQ (*Statewide General Waste Discharge Requirements For Sanitary Sewer Systems*).

Tentative Order No. R9-2006-0121 will maintain regulation of Sanitary Sewer Systems in the San Diego Region consistent with the provisions of Order No. 96-04 by reaffirming the prohibition on all SSOs upstream of a sewage treatment plant and requiring 24-hour notification for SSOs that are 1000 gallons or more and/or reach surface waters. In addition to maintaining requirements of Order 96-04, sewage collection agencies will be required to notify/ report all private SSOs that they become aware of.

Tentative Order R9-2006-0121 will serve as additional requirements to the State Board Order No. 2006-0003-DWQ. Therefore, unless the Regional Board directs otherwise, we are not recommending a separate fee under Tentative Order No. R9-2006-0121 for Sewage Collection Agencies that are covered and pay the fees under State Board Order No. 2006-0003-DWQ.

The October 11, 2006 meeting will begin promptly at 9:00 am and will be held at the following location:

Rancho California Water District  
District Board Room  
42135 Winchester Road  
Temecula, California

*California Environmental Protection Agency*

October 4, 2006

The November 8, 2006 meetings will begin promptly at 9:00 am and will be held at the following location:

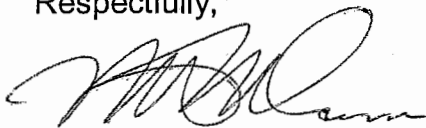
Regional Water Quality Control Board  
Regional Board Meeting Room  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123

Please review and comment on the tentative Order at your earliest convenience. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, October 25, 2006. The final deadline for submittal of written comments, however, is Wednesday, November 1, 2006. Per Regional Board direction, written material submitted to the Regional Board office after the submittal deadline date will not be provided to the Regional Board. Also, it is not likely that written material will be accepted by the Regional Board on the day of the meeting.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions regarding the above, please contact Ms. Joann Cofrancesco at (858) 637-5589 or [jcofrancesco@waterboards.ca.gov](mailto:jcofrancesco@waterboards.ca.gov).

Respectfully,



MICHAEL P. McCANN  
Supervising Engineer

Enclosure: Tentative Order No. R9-2006-0121

CC w/ enclosure:

PADRE DAM MWD  
Attn: HAROLD BAILEY  
10887 WOODSIDE AVE  
SANTEE, CA 92071

CHULA VISTA, CITY OF  
Attn: DAVE McROBERTS, SUPERVISOR  
276 4TH AVE  
CHULA VISTA, CA 91910

NATIONAL CITY, CITY OF  
Attn: CURT WILLIAMS, PUBLIC WRKS DIR  
2100 HOOVER AVE  
NATIONAL CITY, CA 91950

CC w/ enclosure:

SAN JUAN CAPISTRANO, CITY OF  
Attn: AMY AMIRANI, PUBLIC WORKS DIR.  
32400 PASEO ADELANTO  
SAN JUAN CAPISTRANO, CA 92675

IRVINE RANCH WD  
Attn: JAMES HYDE  
PO BOX 57000  
IRVINE, CA 92619-7000

OCEANSIDE, CITY OF, WTR UTIL DEP  
Attn: BARRY MARTIN  
300 N COAST HWY  
OCEANSIDE, CA 92054

EASTERN MWD  
Attn: JAYNE JOY  
PO BOX 8300  
PERRIS, CA 92572-8300

VISTA, CITY OF  
Attn: BILL BASHAM  
600 EUCALYPTUS DR  
VISTA, CA 92084

FALLBROOK PUBLIC UTILITY DISTRICT  
Attn: JOE JACKSON, ASST. GENERAL MANAGER  
PO BOX 2290  
FALLBROOK, CA 92088-2290

MOULTON NIGUEL WD  
Attn: COLONEL JOHN FOLEY  
27500 LA PAZ RD  
LAGUNA NIGUEL, CA 92677

SAN CLEMENTE, CITY OF  
Attn: JOHN BRESSAN  
910 CALLE NEGOCIO, STE 100  
SAN CLEMENTE, CA 92673

VALLECITOS WATER DISTRICT  
Attn: DENNIS LAMB  
201 VALLECITOS DE ORO  
SAN MARCOS, CA 92069

EMERALD BAY SERVICE DISTRICT  
Attn: JOHN FOX, GENERAL MANAGER  
600 EMERALD BAY  
LAGUNA BEACH, CA 92651

USMC BASE, CAMP PENDLETON  
Attn: DR. KHALIQUE A. KHAN  
PO BOX 555008, BLDG 22165  
CAMP PENDLETON, CA 92055-5008

LAGUNA BEACH, CITY OF  
Attn: JOHN PIETIG  
505 FOREST AVE  
LAGUNA BEACH, CA 92651

VALLEY CENTER MWD  
Attn: GARY ARANT  
29300 VALLEY CENTER RD  
VALLEY CENTER, CA 92082

SANTA MARGARITA WATER DISTRICT  
Attn: JOHN SCHATZ  
PO BOX 7005  
MISSION VIEJO, CA 92690-7005

POWAY, CITY OF  
Attn: DOUG HILLIKER, WATER UTIL MGR  
P.O. BOX 789  
POWAY, CA 92074

US NAVY  
Attn: BRIAN GORDON  
937 N HARBOR DR  
SAN DIEGO, CA 92132-5100

SAN DIEGO, CITY OF, MWWD  
Attn: CHARLES YACKLY  
9150 TOPAZ WAY  
SAN DIEGO, CA 92123

OLIVENHAIN MWD  
Attn: GEORGE BRIEST  
OLIVENHAIN RD  
ENCINITAS, CA

EL CAJON, CITY OF  
Attn: PAT JACKSON, SUPERVISOR  
1050 VERNON WAY  
EL CAJON, CA 92020

IMPERIAL BEACH, CITY OF  
Attn: HANK LEVIEN, DIR PUBLIC WORKS  
495 TENTH ST  
IMPERIAL BEACH, CA 91932

CC w/ enclosure:

LEUCADIA CWD  
Attn: LEO SCHEMP, DISTRICT SUPER  
1960 LA COSTA AVE  
CARLSBAD, CA 92009

ELSINORE VALLEY MUN WD  
Attn: PHIL MILLER  
31315 CHANEY ST  
LAKE ELSINORE, CA 92531-3000

ENCINITAS, CITY OF  
Attn: LIN WURBS, PUBLIC WKS DIRECTOR  
505 S VULCAN AVE  
ENCINITAS, CA 92024

EL TORO WD  
Attn: ROBERT R. HILL, GENERAL MANAGR  
24251 LOS ALISOS BLVD  
LAKE FOREST, CA 92630

SOUTH COAST CWD  
Attn: MIKE DUNBAR  
31592 WEST ST.  
LAGUNA BEACH, CA 92651

CARLSBAD MWD  
Attn: TERRY SMITH  
5950 EL CAMINO REAL  
CARLSBAD, CA 92008

PAUMA VALLEY COMM SERVICE DIS  
Attn: OGDEN WATSON, GEN MANAGER  
P.O. BOX 434  
PAUMA VALLEY, CA 92061

MURRIETA MWD  
Attn: WAYNE SPENCER, GENERAL MANAGER  
42290 IVY ST, PO BOX 949  
MURRIETA, CA 92564-0949

ESCONDIDO, CITY OF  
Attn: PAT THOMAS  
201 N BROADWAY  
ESCONDIDO, CA 92025

CORONADO, CITY OF  
Attn: SCOTT W HUTH  
101 B AVE  
CORONADO, CA 92118

BUENA SANITARY DISTRICT  
Attn: PETE NIEBLAS, SANITATION ENG  
600 EUCALYPTUS DR  
VISTA, CA 92084

RAMONA MWD  
Attn: RON GUNNETT  
105 EARLHAM ST  
RAMONA, CA 92065

RANCHO CALIFORNIA WATER DIST  
Attn: PHIL FORBES, ACTING GEN MNGR  
42135 WINCHESTER RD  
TEMECULA, CA 92589

DEL MAR, CITY OF  
Attn: DAVID SCHERER  
1050 CAMINO DEL MAR  
DEL MAR, CA 92014

SOLANA BEACH, CITY OF  
Attn: DAVID KIRKWOOD, SUPERVISOR  
635 S HWY 101  
SOLANA BEACH, CA 92075

SAN DIEGO CO, PUBLIC WORKS  
Attn: DWIGHT G SMITH, DEPUTY ENGINR  
5555 OVERLAND AVE, MS 0384  
SAN DIEGO, CA 92123

LA MESA, CITY OF  
Attn: DRISS ELWARDI  
8130 ALLISON AVE  
LA MESA, CA 91941

FAIRBANKS RANCH, RANCHO SANTA FE,  
AND WHISPERING PALMS COMM SERV DIST  
Attn: CHUCK DUFFY, GENERAL MANAGER  
605 THIRD ST  
ENCINITAS, CA 92024

OTAY MWD  
Attn: GARY STALKER  
10595 JAMACHA BLVD  
SPRING VALLEY, CA 91978

LEMON GROVE, CITY OF  
Attn: ED WIMMER  
3232 MAIN ST  
LEMON GROVE, CA 91945-1797

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
REGION 9, SAN DIEGO REGION

TENTATIVE ORDER R9-2006-0121

WASTE DISCHARGE REQUIREMENTS  
FOR SEWAGE COLLECTION AGENCIES  
IN THE SAN DIEGO REGION

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

- 1. STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS:** State Water Resource Control Board (State Board) Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*, adopted by the State Board on May 2 2006, establishes minimum requirements to prevent sanitary sewer overflows (SSOs) from publicly owned/ operated sanitary sewer system. Order No. 2006-0003-DWQ is the primary regulatory mechanism for sanitary sewer systems statewide, but allows each regional board to issue more stringent or more prescriptive Waste Discharge Requirements (WDRs) for sanitary sewer systems within their respective jurisdiction.
- 2. ENROLLMENT UNDER ORDER NO. 2006-0003-DWQ:** In accordance with Order No. 2006-0003-DWQ, all federal and state agencies, municipalities, counties, districts, and other public entities that own, operate, acquire, or assume responsibility for sanitary sewer systems greater than one mile in length that collect and/or convey untreated or partially treated wastewater to a publicly owned treatment facility in the State of California are required to apply for coverage under the general WDRs.
- 3. ORDER No. 96-04:** On May 9, 1996, the Regional Board adopted Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Agencies*, prohibiting the discharge of sewage from a sanitary sewer system at any point upstream of a sewage treatment plant. Each Sewage Collection Agency currently enrolled under Order No. 96-04 is required to obtain enrollment under the State Board Order No. 2006-0003-DWQ.
- 4. SAN DIEGO REGION SANITARY SEWER OVERFLOW REGULATIONS:** Order No. 96-04 is more stringent and prescriptive than Order No. 2006-0003-DWQ in that Order No. 2006-0003-DWQ may allow some SSOs that are currently prohibited under Order No. 96-04. In order to maintain regulation of Sanitary Sewer Systems in the San Diego Region consistent with the provisions of Order No. 96-04, this order reaffirms the prohibition on all SSOs upstream of a sewage treatment plant. This strict prohibition implements the requirements contained in the Basin Plan, California Water Code, and Federal Clean Water Act.

5. **BASIN PLAN:** The Regional Water Board adopted a Water Quality Control Plan for the San Diego Basin (hereinafter Basin Plan) on September 8, 1994. The Basin Plan was subsequently approved by the State Water Resources Control Board (State Water Board) on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by the Regional Water Board and approved by the State Water Board. The Basin Plan designates beneficial uses, narrative, and numerical water quality objectives, and prohibitions which are applicable to the discharges prohibited under this Addendum.
  
6. **PROHIBITIONS CONTAINED IN BASIN PLAN:** The Basin Plan contains the following prohibitions which are applicable to the discharges prohibited under this Addendum:
  - a. "The discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination, or nuisance as defined in California Water Code Section 13050, is prohibited."
  
  - b. "The discharge of treated or untreated waste to lakes or reservoirs used for municipal water supply, or to inland surface water tributaries thereto, is prohibited."
  
  - c. "The discharge of waste to inland surface waters, except in cases where the quality of the discharge complies with applicable receiving water quality objectives, is prohibited. ..."
  
  - d. "The dumping, deposition, or discharge of waste directly into waters of the state, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited unless authorized by the Regional Board."
  
  - e. "The unauthorized discharge of treated or untreated sewage to waters of the state or to a storm water conveyance system is prohibited."
  
  - f. "The discharge of waste to land, except as authorized by waste discharge requirements or the terms described in California Water Code Section 13264 is prohibited."
  
7. **PORTER-COLOGNE WATER QUALITY CONTROL ACT (CALIFORNIA WATER CODE, DIVISION 7):** California Water Code Section 13243 provides that a Regional Board, in establishing waste discharge requirements, may specify certain conditions or areas where the discharge of waste, or certain types of waste, is prohibited. California Water Code 13260 prohibits the discharge of waste to land prior to the

filing of a required report of waste discharge and the subsequent issuance of either WDRs or a waiver of WDRs.

8. **FEDERAL CLEAN WATER ACT:** The Federal Clean Water Act largely prohibits any discharge of pollutants from a point source to waters of the United States except as authorized under an NPDES permit. In general, any point source discharge of sewage effluent to waters of the United States must comply with technology-based, secondary treatment standards, at a minimum, and any more stringent requirements necessary to meet applicable water quality standards and other requirements. Hence, the unpermitted discharge of wastewater from a sanitary sewer system to waters of the United States is illegal under the Clean Water Act. Furthermore, the Code of Federal Regulation requires proper operation and maintenance of all POTW facilities including collection systems, which results in prevention of SSOs.
9. **RESCISSION OF ORDER No. 96-04:** Order No. 96-04 can be rescinded after all of the Sewage Collection Agencies regulated under Order No. 96-04 have obtained coverage under Order No. 2006-0003-DWQ.
10. **PRIVATE SANITARY SEWER OVERFLOW REPORTING:** Order No. 96-04 does not require Sewage Collection Agencies to report SSOs from the privately owned portion of the Agency's sanitary sewer system. Over the past several years, however, the Regional Board has been tracking the number of private SSOs based on courtesy reports from the Sewage Collection Agencies. It is not known how many Agencies are currently reporting private SSOs to the Regional Board, since they are not required to do so. It is also not known if the Agencies that are reporting private spills, report all of the private SSOs they become aware of. Even so, during the period from July 2004 through June 2006, a total of 268 private SSOs were reported by the Agencies. In fact, during some of those months, more private SSOs were reported than public SSOs. Finding Nos. 2, 3, and 4 of State Board Order No. 2006-0003-DWQ are also applicable to private SSOs.

Since private SSOs are numerous and may also be a threat to public health and the environment, there is a need to have a reliable reporting system for private SSOs for similar reasons as the public SSOs. Since it is impractical to regulate private entities and it is typically the sewer collection agencies that are notified and/or are the first responders to private SSOs, the sewer collection agencies are the appropriate representative to report all known private SSOs. This is the first step toward development of a regulatory approach for reducing private SSOs in the San Diego Region.

11. **Permitting Fees:** This Order will serve as additional requirements to the State Board Order No. 2006-0003-DWQ. Sewage Collection Agencies that are covered and pay the fees under State Board Order No. 2006-0003-DWQ will not be required to pay for fees under this Tentative Order R9-2006-0121.

12. **CALIFORNIA ENVIRONMENTAL QUALITY ACT:** This Order involves a prohibition of discharge and as such is exempt from the provisions of the California Environmental Quality Act in accordance with Title 14, California Administrative Code, Chapter 3, Section 15270.
13. **PUBLIC NOTICE:** The Regional Board has notified all known interested persons and the public of its intent to consider adoption of this Order. Interested persons and the public have had reasonable opportunity to participate in review of the proposed Order.
14. **PUBLIC HEARING:** The Regional Board has considered all comments pertaining to this Order submitted to the Regional Board in writing, or by oral presentations at the public hearing held on November 8, 2006.

**IT IS HEREBY ORDERED**, that all Sewer Collection Agencies within the San Diego Region, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following, in addition to the State Water Resource Control Board (State Board) Order No. 2006-0003-DWQ (or orders that supersede SB-2006-0003-DWQ) and its addendums:

A. Definitions

1. For purposes of this Order, a Sewage Collection Agency shall mean a public agency that owns or operates any portion of a sanitary sewer system within the boundaries of the San Diego Region required to be enrolled under State Board Order No. 2006-0003-DWQ.
2. Private Sanitary Sewer Overflow (SSO) – A sanitary sewer overflow that is caused by blockages or other problems within a privately owned lateral connected to a sanitary sewer system owned or operated by a Sewage Collection Agency.
3. Public Sanitary Sewer Overflow – An SSO that is caused by blockages or other problems within the portion of a sanitary sewer system owned or operated by a Sewage Collection Agency.
4. Category 1 Private SSO – All Private SSOs that:
  - a. Equal or exceed 1,000 gallons, or
  - b. Result in a discharge to a drainage channel and/or surface water; or
  - c. Discharge to a storm drainpipe that was not fully captured and returned to the sanitary sewer system.
5. Category 2 Private SSO – All Private SSOs that do not meet the Category 1 Private SSO definition above.



B. Prohibition

1. The discharge of sewage from a sanitary sewer system at any point upstream of a sewage treatment plant is prohibited.

C. Monitoring and Reporting Program Requirements

1. Each Sewage Collection Agency shall provide written notification to this Regional Board no later than 14 days after its sanitary sewer overflows can successfully be reported to the State Board Online SSO System in accordance with Order No. 2006-0003-DWQ.
2. For Category 1 (as defined in State Board Order No. 2006-0003-DWQ) SSOs and Category 1 Private SSOs (as defined above), the Sewage Collection Agency shall provide notification of the SSO to the Regional Board by phone or fax within 24 hours after the Sewage Collection Agency becomes aware of the SSO, notification is possible, and notification can be provided without substantially impeding cleanup or other emergency measures. The information reported to the Regional Board shall include the name and phone number of the person reporting the SSO, the responsible sewage collection agency or jurisdiction where the private SSO occurred, the estimated total sewer overflow volume, the location of the SSO, the receiving water (if any), the start date/time of the SSO (if known), the end date/time of the SSO (or whether or not the sewer overflow is still occurring at the time of the report), and confirmation that the local health services agency was or will be notified as required under the reporting requirements of the local health services agency.
3. For Category 1 and 2 Private SSOs that occur within a Sewage Collection Agency's jurisdiction, the Sewage Collection Agency shall report the SSO to the State Board Online SSO System within 30 days after the Sewage Collection Agency becomes aware of the SSO.

D. Notification

1. All Sewage Collection Agencies shall continue to comply with the Monitoring and Reporting Program No. 96-04 until sanitary sewer overflows can successfully be reported to the State Water Resource Control Board Online Sanitary Sewer Overflow System under Order No. 2006-0003-DWQ.
2. Upon completion with Monitoring and Reporting Program Requirements B.2, regulation of the Sewage Collection Agency under Order No. 96-04 is terminated.
3. Order No. 96-04 is rescinded once regulation of all Sewage Collection Agencies under Order No. 96-04 is terminated.

*I, John Robertus, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of Addendum No.7 to Order No. R9-1996-004 adopted by the California Regional Water Quality Control Board, San Diego Region on November 8, 2006.*

**TENTATIVE**

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**JOHN H. ROBERTUS**  
Executive Officer

JHR:mpm:rwm:jll