



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Executive Office

Tam M. Doduc, Board Chair
1001 I Street • Sacramento, California 95814 • (916) 341-5615
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5621 • <http://www.waterboards.ca.gov>



Arnold Schwarzenegger
Governor

To: Regional Water Board Executive Officers

From: Celeste Cantu, Executive Director
State Water Resources Control Board

Date:

Subject: Transition from Existing Regulatory Measures to Statewide General Waste Discharge Requirements (WDRs) for Sanitary Sewer Systems

The State Water Resources Control Board (State Water Board) issued Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Water Quality Order No. 2006-0003 (Sanitary Sewer Order) on May 2, 2006, requiring public agencies that own sanitary sewer systems, comprised of more than one mile of pipes or sewer lines, to enroll for coverage under the Sanitary Sewer Order. The Sanitary Sewer Order requires agencies to develop sanitary sewer management plans (SSMPs) and report all sanitary sewer overflows (SSOs). In some cases, the Regional Water Quality Control Boards (Regional Water Boards) have adopted waste discharge requirements (WDRs) or NPDES permits that differ from the requirements in the newly issued Sanitary Sewer Order. To foster statewide consistency, the State Water Board has prepared this advice memorandum to the Regional Water Boards on how to address dual requirements.

It is the State Water Board's intent that the Sanitary Sewer Order serve as the primary mechanism to regulate sanitary sewer systems statewide. The Sanitary Sewer Order establishes minimum requirements that apply to all regulated systems. One of the primary drivers for the Sanitary Sewer Order was a desire for consistent and comprehensive regulation of publicly owned sanitary sewer systems throughout the state. The State Water Board recognizes, however, that, in some instances, it may be appropriate for the Regional Water Boards to impose more specific or stringent requirements on system owners or operators. In this regard, finding number 11 of the Sanitary Sewer Order states:

"11. Some Regional Water Boards have issued WDRs or WDRs that serve as National Pollution Discharge Elimination System (NPDES) permits to sanitary sewer system owners/operators within their jurisdictions. This Order establishes minimum requirements to prevent SSOs. Although it is the State Water Board's intent that this Order be the primary regulatory mechanism for sanitary sewer systems statewide, Regional Water Boards may issue more stringent or more prescriptive WDRs for sanitary sewer systems. Upon issuance or reissuance of a Regional Water Board's WDRs for a system

rescission of the WDRs and NPDES permits and the enrollment under the Sanitary Sewer Order, the Regional Water Boards should coordinate, to the extent feasible, the rescission of existing WDRs and NPDES permits with the agency's enrollment for coverage under the Sanitary Sewer Order. Where a lapse in SSO reporting could result, the Regional Water Board may issue a letter under section 13267 of the California Water Code requiring the sanitary sewer system agency to continue reporting pursuant to the sanitary sewer system's original monitoring and reporting program (MRP), until the reporting requirements of the Sanitary Sewer Order commence.

In some situations, rescission of existing WDRs or NPDES permits is not appropriate. One such example is when WDRs or NPDES permits contain compliance schedules for system improvements or other more specific or stringent requirements. In those cases, a Regional Water Board may decide to retain the existing WDRs or NPDES permits and notify the sanitary sewer system agencies to not enroll under the Sanitary Sewer Order. If the existing WDRs or NPDES permits are retained, the Regional Water Board should amend the MRP for the sanitary sewer system to require reporting to the State Water Board's online SSO database. Upon issuance or reissuance of the WDR or NPDES permit, the Regional Water Board must coordinate its requirements with those in the Sanitary Sewer Order, as stated in finding 11, cited above.

Future WDRs and NPDES permits:

Regional Water Boards should regulate new sanitary sewer systems, and sanitary sewer systems not previously regulated, under the Sanitary Sewer Order.

2. WDRs and NPDES permits issued for wastewater treatment facilities that have requirements for their associated sanitary sewer systems

Existing WDRs and NPDES permits:

Agencies with existing WDRs or NPDES permits issued to wastewater treatment facilities that contain requirements for their associated sanitary sewer systems should enroll for coverage under the Sanitary Sewer Order. For these agencies, the Regional Water Board should compare the sanitary sewer system requirements from the existing WDRs or NPDES permits and the Sanitary Sewer Order to determine the requirements that are controlling (i.e. more specific or stringent). To avoid confusion, the Regional Water Boards should notify enrollees that the Sanitary Sewer Order contains only minimum requirements and, upon request, should specify the controlling requirements between the WDRs or NPDES permits and the Sanitary Sewer Order.

Future WDRs and NPDES permits:

When the WDRs or NPDES permits are revised or reissued, the Regional Water Boards should, in most cases, remove the sanitary sewer system provisions in the

NPDES permit will be rescinded and that its annual fee payment for the WDRs or NPDES permit is not required. Additionally, the Regional Water Board should work with the State Water Board to identify existing WDRs and NPDES permits issued solely to regulate sanitary sewer systems that do not need to be invoiced for the current fiscal year due to planned rescissions.

If you have any questions regarding this memorandum, please contact Eric Maag at ph: (916) 445-9260.