

**Michele Pla, Executive Director of BACWA**  
**WB Meeting Talking Points**  
**November 12, 2008**  
**Water Board Item 8 on SSO Reduction Program**

As Executive Director of the Bay Area Clean Water Agencies, I can say with confidence: No one who works in wastewater treatment ever wants to see sanitary sewer overflows happen.

We as a community of clean water professionals, take our commitment to preserving public health, the health of the Bay and compliance with permits and requirements very seriously.

As public utilities it is our responsibility to keep the wastewater in the sewers after it leaves our homes, schools, businesses and government buildings, and to convey that wastewater to treatment facilities. It's our responsibility to operate these facilities to protect the public health and San Francisco Bay.

We believe that the statistical information provided by the Staff report today, illustrates our responsible management of these clean water systems in the Bay Area. BACWA estimates that there are about 15,000 miles of sanitary sewers in the Region. The clean water agencies collect, treat and discharge approximately 300 billion gallons of effluent per year in accordance with stringent requirements which are contained in our NPDES permits.

Only approximately 1 million gallons a year of raw sewage is spilled. That is point zero, zero, zero, zero, zero three percent of all the flow that does not make it to the treatment plants.

Nevertheless, we need to do a better job, and we are on a path to do so now.

We are concerned about the fact that the Bay Area appears to have a higher average spill rate per 100 miles than the other regions in CA. There are “theories” on this. BACWA and the Water Board staff have agreed that we will undertake an issue paper analysis to better understand if this is “real” or an artifact of reporting.

As public utilities BACWA member agencies are managed by elected officials and accountable to the public. The public’s money, collected by us as sewer service charges, finances all aspects of our clean water agencies work. The estimated cost regionally of collection and treatment of wastewater is in excess of \$500 million per year.

Wastewater collection and treatment is infrastructure intensive. Collectively around the Bay the wastewater infrastructure has an asset value of between five and ten billion dollars. Around the Bay and across our country the clean water infrastructure is aging. Just as the weakness of a sports team can be revealed during championship play; the weaknesses of our aging infrastructure can be revealed

when we have extreme weather conditions or some other stress to our systems.

Nevertheless, we need to do a better job.

One way that our collection system agencies are working to prevent overflows is by developing sewer system management plans that are required under the State Water Board's Waste Discharge Requirements, or WDR, adopted in 2006. In fact, BACWA and the Regional Water Board developed a sewer system management program two years before the State did. The Capital Improvement Programs that are included in these management plans will take several years to fully implement. These CIP programs all cost money, which typically means increases in sewer fees.

We recognize that sometimes it will be necessary for the Regional Water Board to bring enforcement actions when agencies are not in compliance. We support responsible enforcement because it creates a level playing field, and maintains stability by establishing consistent standards and expectations for all clean water agencies across the Region.

However, BACWA believes that the recent penalty amounts for sanitary sewer overflows are excessive. It may be that these large penalties are intended to draw attention or to show concern. Nevertheless, we want to remind the Board that these are public agencies and that to pay these penalties the violators will be taking funds directly from the public to pay into the clean up and abatement fund. This is

then public money that cannot be applied to correcting the problems.

When the WDR was developed in 2006, there were several factors included in the WDR which were intended to guide enforcement. The WDR indicates that Regional Water Boards *must* consider certain factors about the situation. For example:

- Whether the agency has complied with the statewide WDR;
- Whether the agency can identify the cause of discharge events;
- Whether the sanitary sewer system design capacity is appropriate to reasonably prevent SSOs; and
- Whether the agency took all reasonable steps to stop and mitigate the impacts of the discharges as soon as possible

In addition the Water Code has other guidance regarding enforcement, including:

- Nature, circumstance, gravity and extent of the violation
- Susceptibility to clean up and abatement
- Degree of toxicity
- Ability to pay
- Voluntary clean up efforts

We urge the Regional Water Board staff to consider all factors both what is in the WDR and the State Water Code, in the context of reducing the excessive penalty amount.

As you may know, BACWA continually puts on programs to educate its members, local businesses, and the public, about what is being done now, and what can be done in the future, to prevent pollutants from entering our water environment. There is a multitude of information to this effect on our website at [www.bacwa.org](http://www.bacwa.org) as well as on [www.Baywise.org](http://www.Baywise.org)

To continue this education process, last week BACWA released three new documents to answer Frequently Asked Questions about sanitary sewer overflows, private sewer laterals, and infiltration and inflow, which occurs especially during wet weather.

[Pass out flyers]

We hope that the answers to these Frequently Asked Questions (FAQs) will help us to have a collective literacy about collection systems issues and concerns and will support our continued and joint work on these issues in the coming months and years.

These FAQs are on the BACWA web site and available to everyone to download.

In closing, BACWA always welcomes a heightened concern and awareness about the value of San Francisco Bay. We are very glad to witness how much the public cares about water quality. I can assure you that our members are paying close attention to the public dialog that is now taking place related to sanitary sewer overflows and

enforcement. The BACWA Collection System Committee draws nearly 60 people for monthly meetings.

BACWA believes that your staff is telling you that this is not all about maintenance or about dollars for capital projects. The inter-governmental, policy, and political issues surrounding SSOs are complex. The complexity is especially illustrated by fragmented governments and by the difficulty in developing and adopting ordinances/requirements to maintain private laterals.

BACWA commends the Water Board staff and especially Lila Tang and Michael Chee for reaching out to BACWA with questions about collection systems. BACWA welcomes any positive attention to the job that clean water professionals at BACWA member agencies are doing, a job that they undertake every day, rain or shine.