

Committee Request for Board Action: None**37 attendees, representing 23 member agencies.****Wastewater Exfiltration – SCAP Presentation on San Diego Investigative Order**

Steve Jepsen from SCAP offered an excellent background on exfiltration from collection systems and a [presentation](#) on a Region 9 Order that requires dischargers to identify and quantify the sources and transport pathways of human fecal material into the San Diego River watershed. In brief, the presentation takeaways are:

- Exfiltration is a difficult and costly concept to prove/disprove. If proven, it could make a case for the SSS WDR to be an NPDES discharge permit instead (and expose agencies to more citizen lawsuits).
- Our Regional Water Board has not moved in this direction, yet, but they are watching what the San Diego RWB is doing.
- NGOs are paying attention and are also interested in this topic; see next item below.

'Exfiltration' of Collection Systems/ Baykeeper NOIs

Baykeeper sent Notices of Intent to file suit against the City of Sunnyvale and the City of Mountain View. Among other issues, the NOIs allege that exfiltration from the agencies' collection systems are causing bacteria contamination and impairing local waterways. At this point, not much is known as to Baykeeper's desired outcome from these potential lawsuits. They don't usually push for monetary settlements (like RiverWatch); they are a more thoughtful group. Sunnyvale and MV are looking into how best to respond and will keep the group informed. Baykeeper requested CCTV data for Palo Alto in Dec 2019 but has not followed up since and no other agencies have been contacted yet. A conversation between BACWA and the RWB will likely need to take place on this topic.

On a related note, Central San received an NOI to file suit from RiverWatch. Central San was under a 6-year Settlement Agreement with RiverWatch which ended on 1/16/2020. The new NOI was received 01/22/2020. Under the Settlement Agreement, Central San had paid RiverWatch \$50,000 and conducted several repair/replacement projects, esp. in areas adjacent to creeks. Central San is proud of their recent record (SSO decreases of 60-65% over 5 years). Their system is 1,500+ miles and the lawsuit alleges overflows of just over 6,000 gallons. This action by RiverWatch is disappointing to Central San staff. The NOI stresses monetary settling, so that seems to be this group's goal.

SSS WDR Update (Paul Causey)

The adoption date for the revised SSS WDR has been pushed back to 2021. Possible draft document for stakeholders review to be released in the summer, public draft in fall, public hearings/ adoption in early 2021. Other updates include:

- The State Water Board has a new manager in the SSO office – Steve Chung. Steve is new to collection systems. Few developments have been shared by the Board as the new manager is brought up to speed.
- Last CASA/State Water Board meeting was in Nov 2019 on metrics. SWB staff are developing metrics for well-performing agencies; it is unlikely that the WDR will require performance standards, but it may include them to help define 'well-performing' agencies and place fewer requirements on such agencies.
- CASA is hoping to schedule a meeting with the SWB to propose revised requirements for SSMPs. CASA has asked for SSMPs updates every 8 years (instead of 5 years) or when 'significant changes' take place (need definition for 'significant changes') and for SSMP audits every 3 years (instead of 2 years). The meeting would also discuss SWB proposed new SSMP requirements for system resilience and asset management.
- Definition of 'infrastructure failure' requested by the State. The Committee discussed what constitutes 'infrastructure failure' – a crack? a joint offset? a sinkhole? Does it depend on whether or not there is an aquifer underneath? Paul asked that member agencies send him suggestions for a proper definition.
- The State was told that they are also looking to define 'exfiltration' and 'non-federal waters'. NGOs keep pushing for NPDES permits instead of WDRs (main reason being that it's easier to sue under an NPDES permit). Issues like exfiltration bring the prospect of NPDES permits closer to reality; CASA and BACWA will keep fighting this.

Announcements and Upcoming Trainings

- TCP training is coming up 2/19 at Central San. Details [here](#)
- WEF Collection Systems Conference is June 2-5 in El Paso, TX. Details [here](#).
- CWEA Annual Conference is Mar 31 – Apr 3 in Reno, NV. Details [here](#).

Next Collection System Committee Meeting

Our next committee meeting will be held on April 23, 2020.