

Informal Staff Draft SSS WDR Meeting

MARCH 26, 2021

INTRODUCTIONS

- ▶ Adam Link – Executive Director, California Association of Sanitation Agencies
- ▶ Andy Morrison – Principal: AMConsulting and former Collection System Manager, Union Sanitary District
- ▶ Carolyn Balazs – Legislative and Regulatory Specialist, Sacramento Regional County Sanitation District and Sacramento Area Sewer District
- ▶ Craig Murray, P.E. – General Manager, Carpinteria Sanitary District
- ▶ Debbie Webster, P.E. – Executive Officer, Central Valley Clean Water Association
- ▶ Jared Voskuhl – Manager of Regulatory Affairs, California Association of Sanitation Agencies
- ▶ Mary Cousins, Ph.D., P.E. – Regulatory Program Manager, Bay Area Clean Water Agencies
- ▶ Paul Causey, P.E. – Chair CASA Collections Workgroup and former Central San Board Member
- ▶ Rachél Lather – Chair CWEA Collections Committee
- ▶ Robin Morishita – Technical Services Manager, Leucadia Wastewater District
- ▶ Steve Jepsen – Executive Director, Southern California Alliance of POTWs



We are all
Environmentalists

We all want great
Water Quality

- ▶ SWRCB Staff
- ▶ RWQCBs
- ▶ NGOs
- ▶ Enrolled agencies and clean water organizations

We need to work collaboratively for improvements. The following are our comments and observations on the Informal Staff Draft WDR.

AREAS OF GENERAL AGREEMENT / ACCEPTANCE



We appreciate the informal process to review and dialogue on different issues before the State Water Board releases draft



System-specific reduced reporting concept



Longer certification timelines for Category 2 SSOs



Encouragement for operator certification

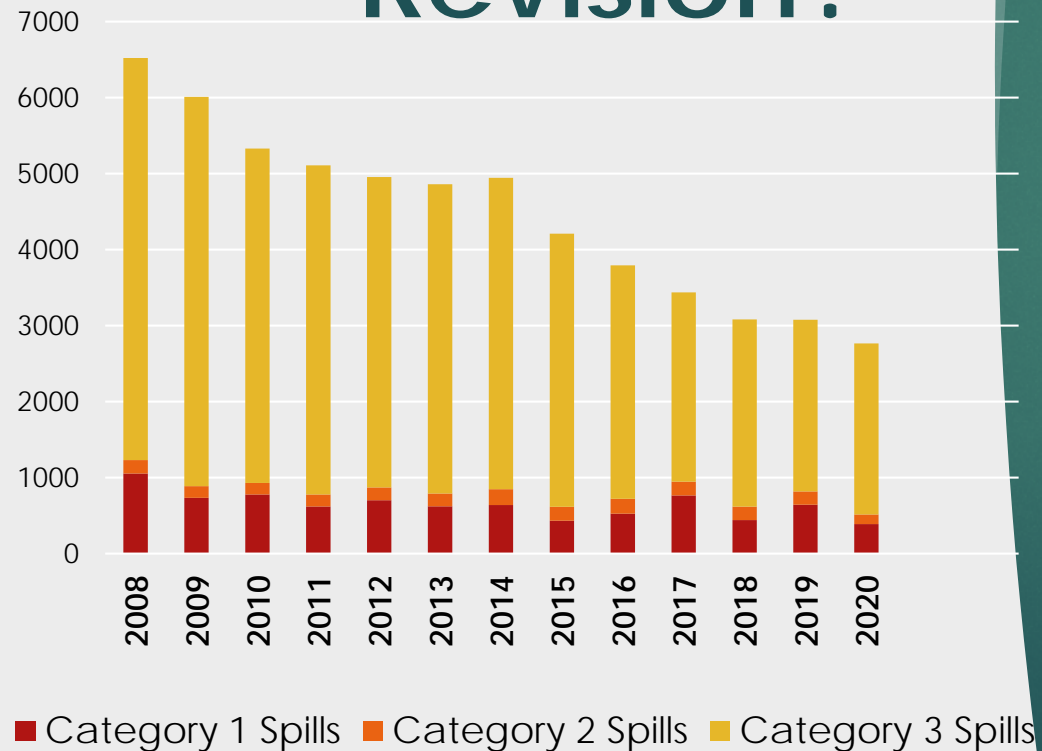


Category 4 SSOs

INITIAL REACTIONS

- ▶ Significant additional burdens, uncertain water quality improvements
- ▶ Steep cost of compliance
- ▶ Requires change in direction for invested, well-performing agencies
- ▶ Substantially increases risk and liability
- ▶ Overly prescriptive, without a clear pathway to compliance
- ▶ Inequitable for small agencies and DACs
- ▶ Does not reflect operational understanding

Why a Rewrite and Not a Revision?

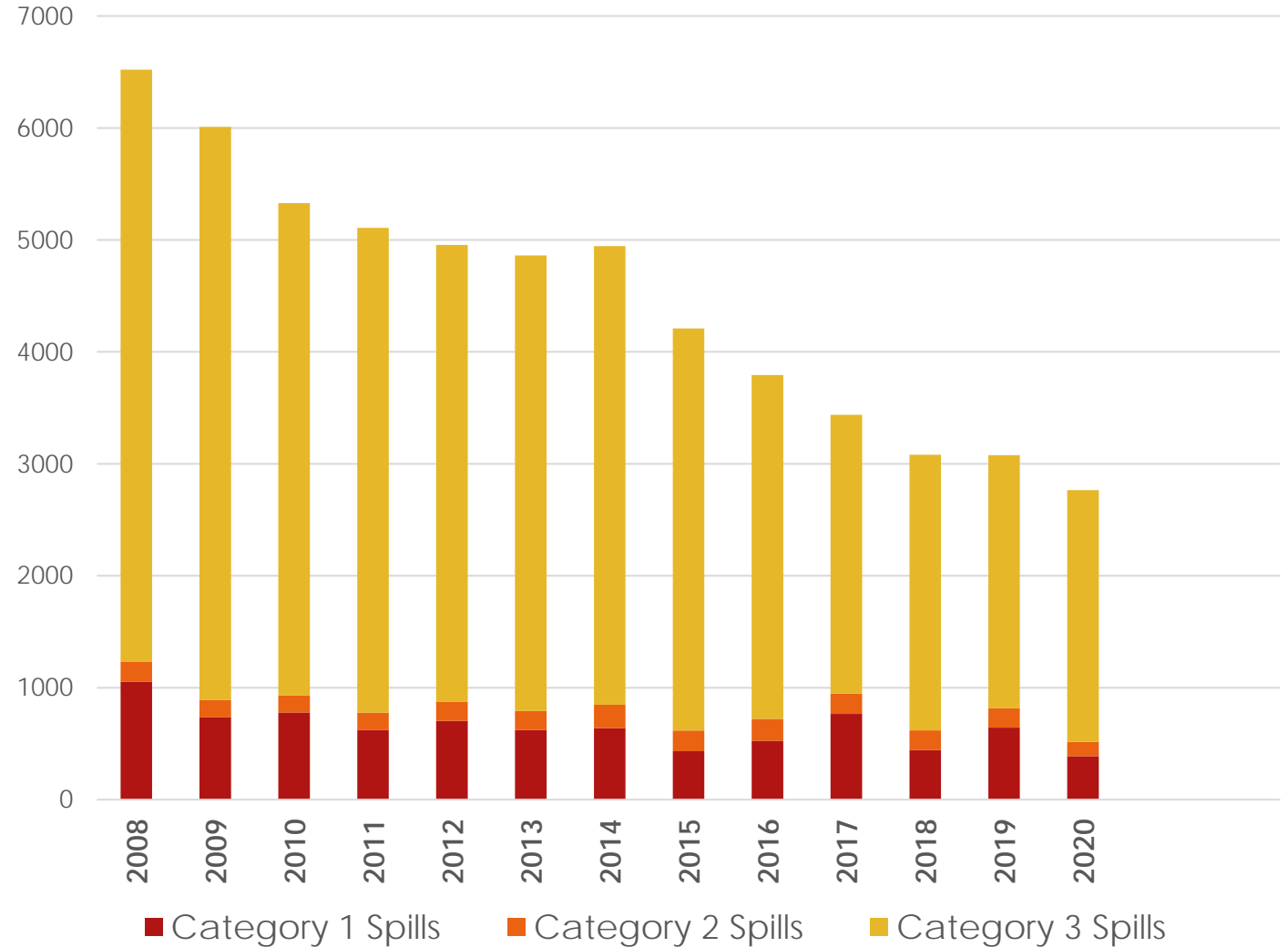


- ▶ Existing WDR has dramatically reduced spill frequency and volume
- ▶ Utilizing existing enforcement tools would further improve effectiveness
- ▶ Positive progress made on update through prior collaboration (Redline Drafts)
- ▶ What are the drivers for the significant expansion and rewrite?
- ▶ Revert to existing SSMP format and add new required information?

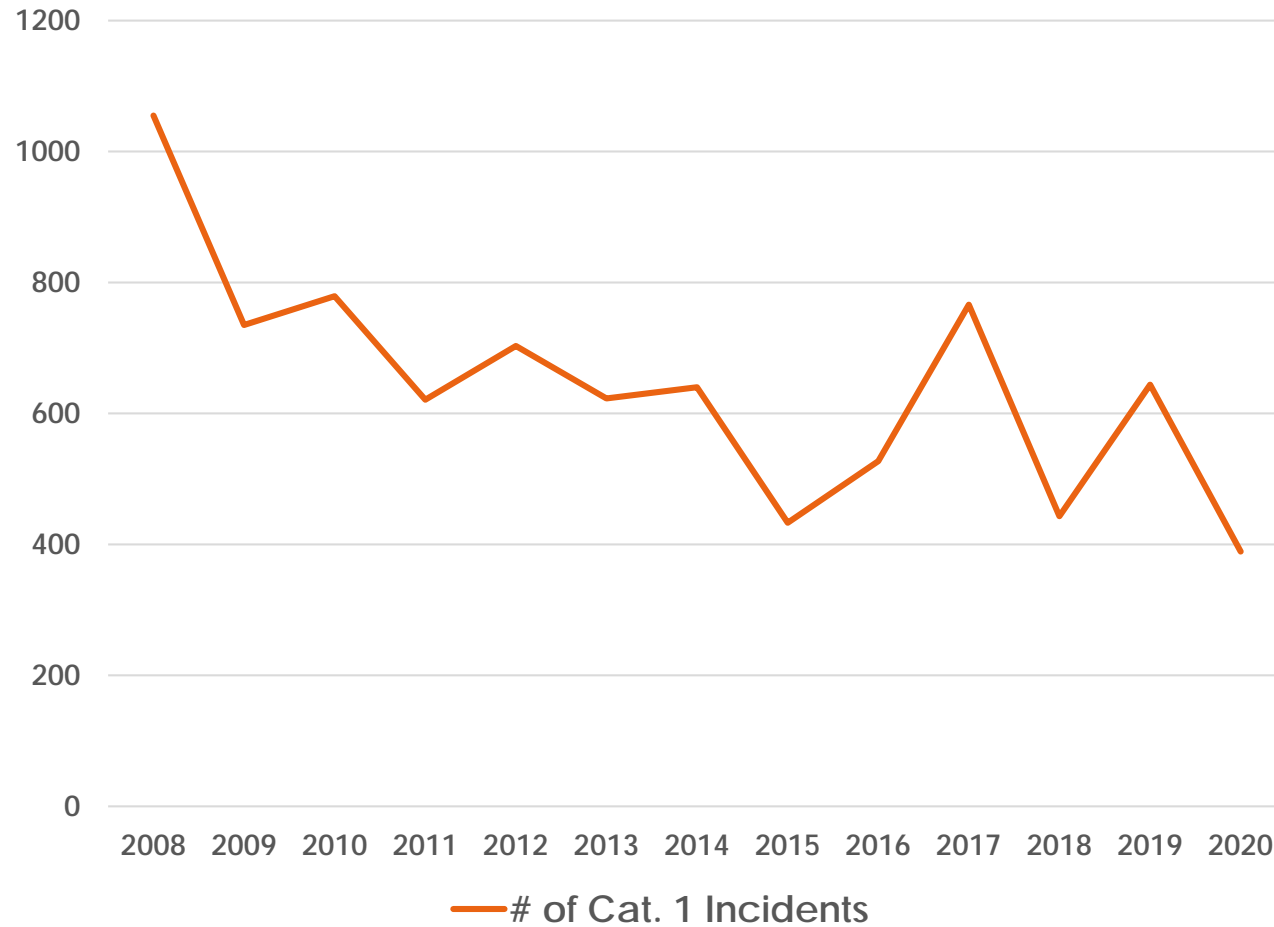
Annual Number of SSOs by Category

7

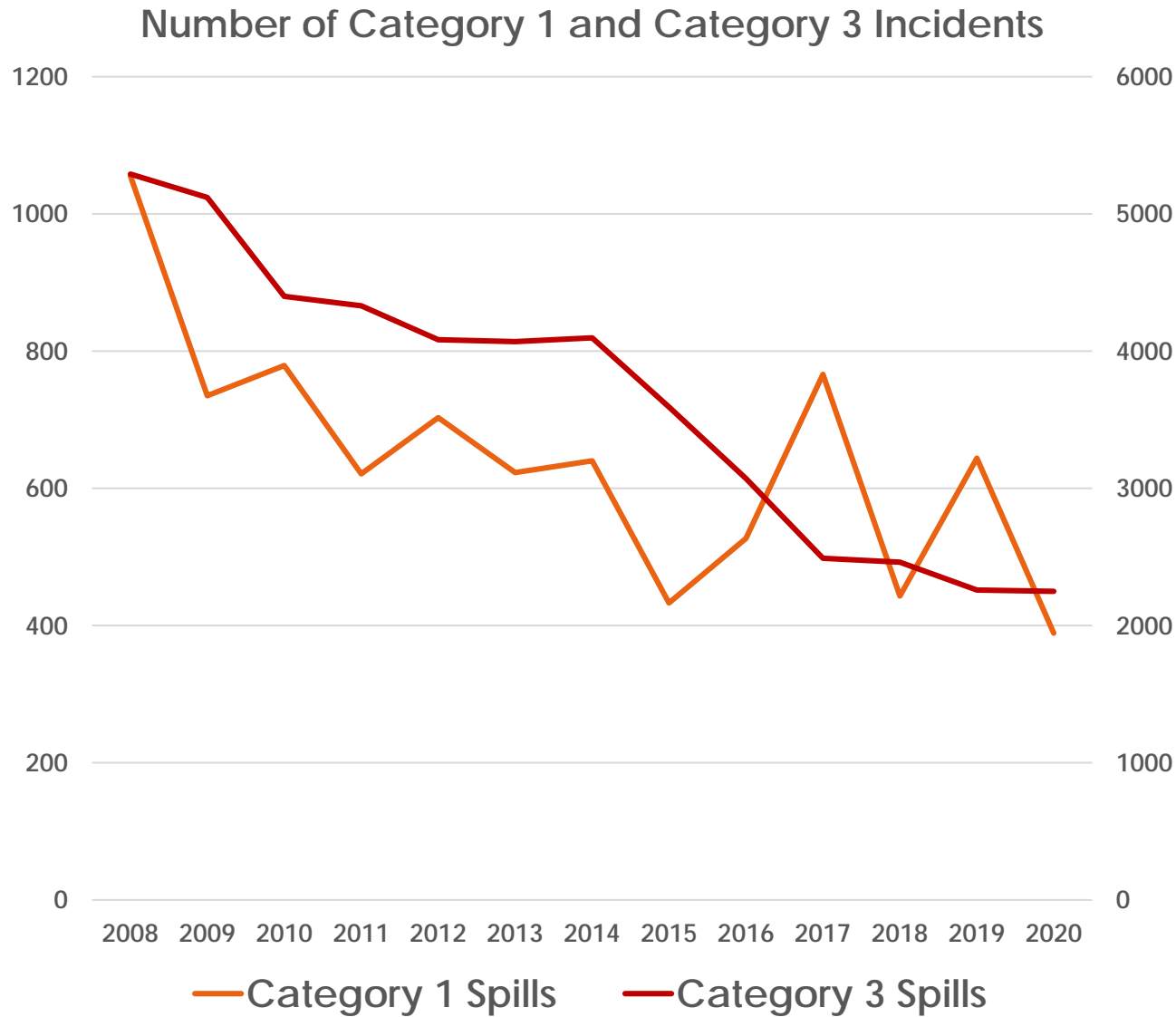
Annual Number of SSOs by Category



Annual Number of Category 1 Incidents

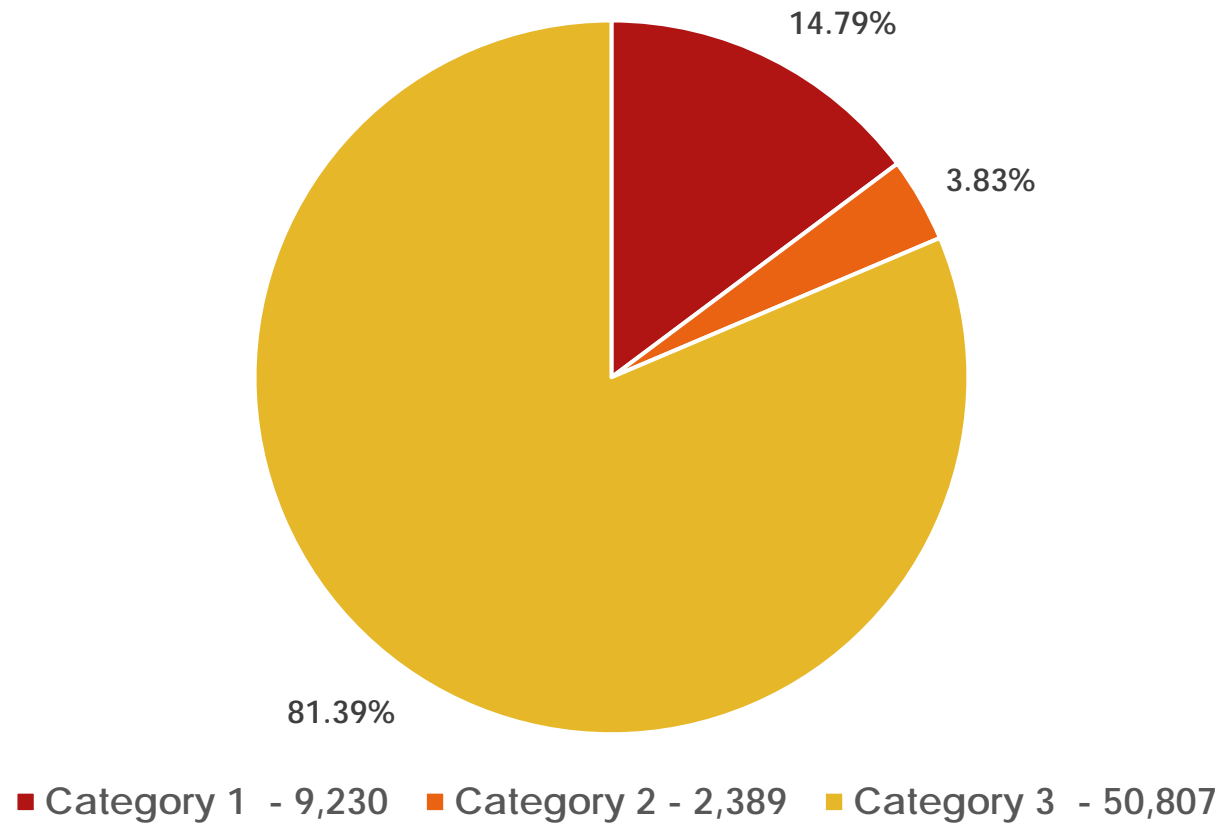


Annual
Number of
Category 1
Incidents



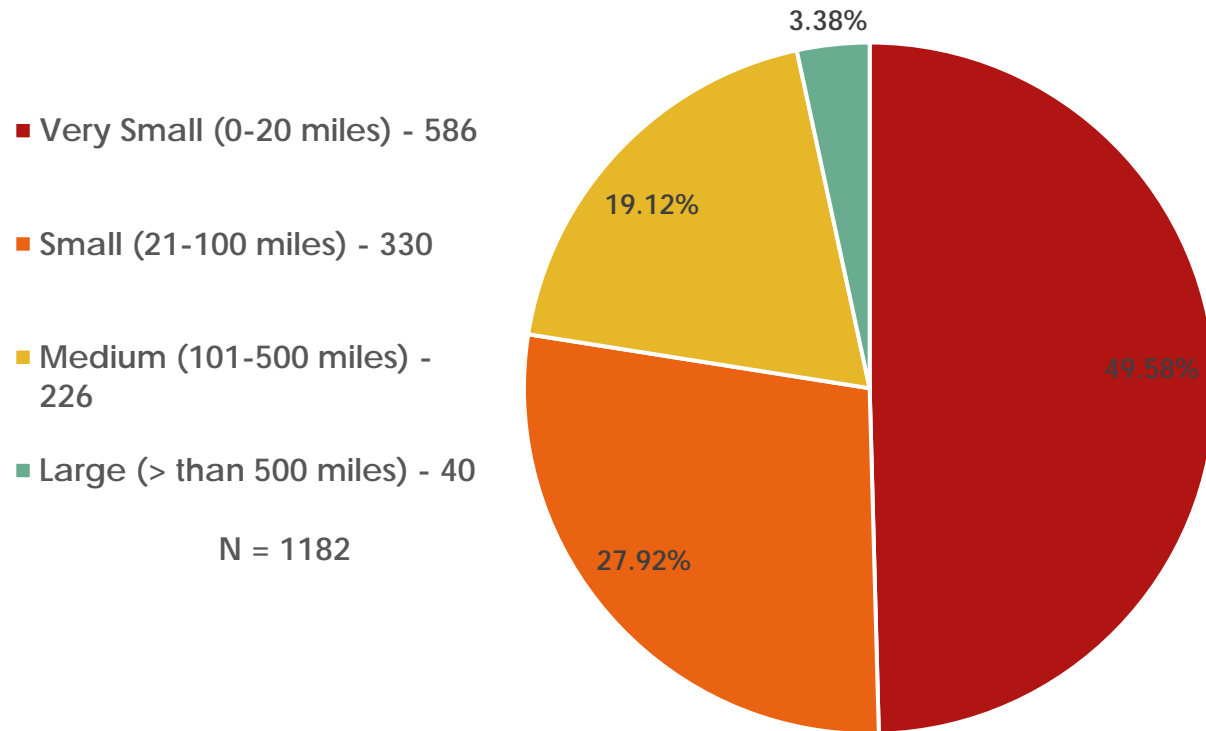
Annual
Number of
Cat. 1 & 3
Incidents

% of Incidents by Category 2007 - 2021



% of
Incidents by
Category
2007 - 2021

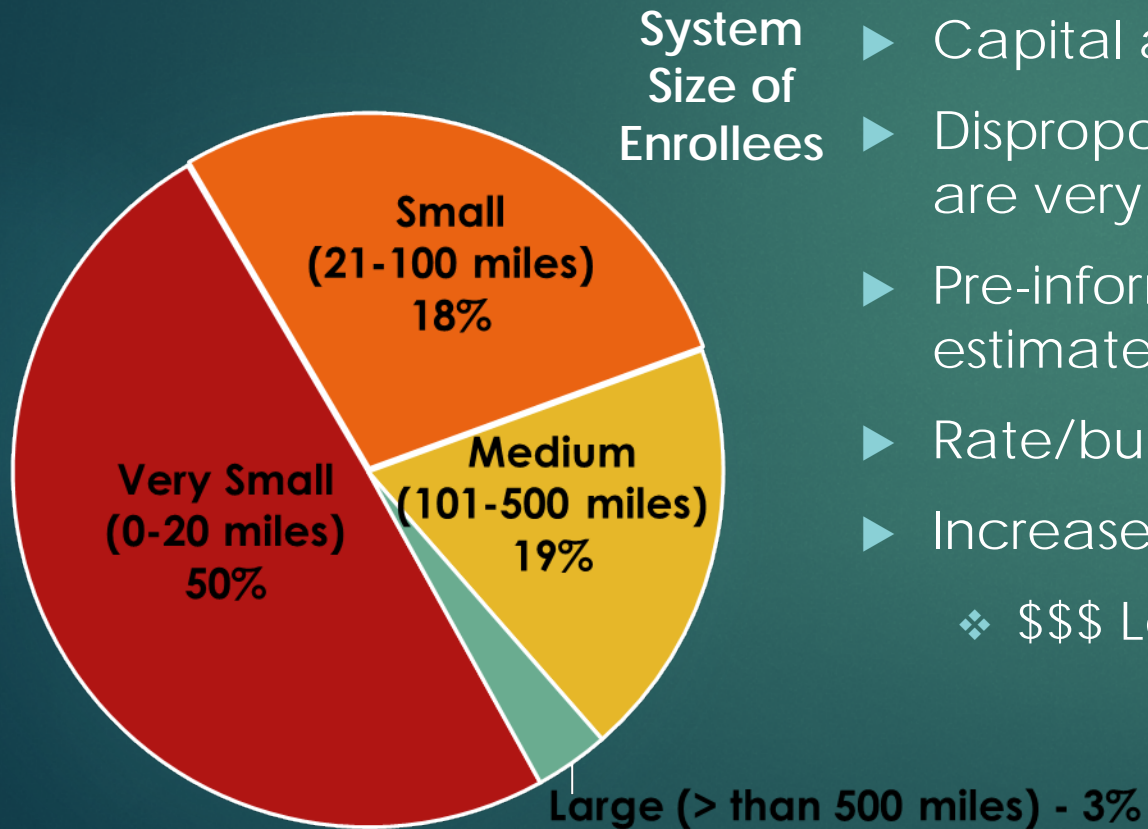
Number of Enrollees by Size



Number of Enrollees by System Size

COST OF COMPLIANCE

Value Added?



- ▶ Administrative compliance costs affect ~1,200 agencies
- ▶ Most agencies currently dealing with COVID revenue loss
- ▶ Capital and operational cost impacts = \$\$\$ Billions
- ▶ Disproportionate cost impacts to small enrollees (over 900 are very small or small agencies)
- ▶ Pre-informal staff draft SSMP resiliency requirements estimated between \$40-\$80 Million, conservatively
- ▶ Rate/budget setting mandates are impractical
- ▶ Increased risk of third-party lawsuits
 - ❖ \$\$\$ Less For Operations/Maintenance/ Replacement

MORE ENFORCEABLE, OR LESS?

- ▶ What are enforcement challenges with existing WDR?
- ▶ How does the Informal Staff Draft WDR language improve/enhance enforceability?
- ▶ Adds administrative burden for all parties
- ▶ What is purpose of prohibition on “any spill” and does it come from Porter-Cologne or CWA?”
- ▶ How will Informal Staff Draft WDR interact with the enforcement policy and penalty calculator?
- ▶ Third party civil suit should NOT be primary enforcement tool

ISSUES of GREATEST CONCERN

- ▶ Exfiltration
- ▶ Requires authority over other agencies
- ▶ Unreasonable spill reporting timelines (2-hours for ALL spills)
- ▶ Increased spill reporting requirements
- ▶ Blanket sampling / monitoring requirements inappropriate
- ▶ Private lateral / satellite system obligations and reporting requirements
- ▶ 20-year budgets and CAFR requirements
- ▶ LRO qualifications – PE or CWEA grade 3
- ▶ No compliance pathway for new requirements
- ▶ Prescriptive system resiliency requirements

SUGGESTIONS and NEXT STEPS

- ❖ Convene modest-sized working group of all stakeholders
 - ❖ SWRCB, RWQCB, Enrollees, NGOs, Etc.
- ❖ Need clear language for Enrollees to implement
- ❖ Make it simpler and less prescriptive
- ❖ Conform SSMP Element changes into 11 current Elements (see previous redline as an example for how this may work)
- ❖ Consider cost impacts of new features and benefits of requirements

Questions / Discussion