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.
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

Category 1 Spills
Category 2 Spills
Category 3 Spills
Annual Number of Category 1 Incidents

- # of Cat 1 Incidents

Chart showing the annual number of Category 1 incidents from 2008 to 2020.
Annual Number of Cat. 1 & 3 Incidents
% of Incidents by Category 2007 - 2021

- Category 1: 14.79% (9,230)
- Category 2: 3.83% (2,389)
- Category 3: 81.39% (50,807)

Category 1 - 9,230, Category 2 - 2,389, Category 3 - 50,807
Number of Enrollees by Size

- Very Small (0-20 miles) - 586
- Small (21-100 miles) - 330
- Medium (101-500 miles) - 226
- Large (> than 500 miles) - 40

N = 1182
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

System Size of Enrollees

- Very Small (0-20 miles) - 50%
- Small (21-100 miles) - 18%
- Medium (101-500 miles) - 19%
- Large (> than 500 miles) - 3%
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
CONVEY 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