

## Background

On February 12, 2021, the State Water Board released an Informal Staff Draft of a new Statewide Sanitary Sewer System General Waste Discharge Requirements (SSS-WDR), which is proposed to replace the current order adopted in 2006 ([WQO No. 2006-0003](#)) as well as the accompanying Monitoring & Reporting Program adopted in 2013 ([Order No. WQ 2013-0058-EXEC](#)).

**Program Page:** [https://www.waterboards.ca.gov/water\\_issues/programs/sso/](https://www.waterboards.ca.gov/water_issues/programs/sso/)

**Link to Informal Staff Draft (PDF version):**

[https://www.waterboards.ca.gov/water\\_issues/programs/sso/docs/workshops/informal\\_staff\\_draft\\_statewide\\_sso\\_order.pdf](https://www.waterboards.ca.gov/water_issues/programs/sso/docs/workshops/informal_staff_draft_statewide_sso_order.pdf)

**Word version:** <https://bacwa.box.com/s/nkfi7ova6gsmythdfd7leztioigaxvgf>

The Informal Staff Draft SSS-WDR (“Draft Order”) proposes many new requirements related to spill prevention and reporting. This document contains a list of the some of the notable changes and new requirements. It is not an exhaustive list of all changes.

## Next Steps

- On March 26<sup>th</sup>, BACWA will be participating in a discussion with State Water Board staff organized by CASA.
- On April 13<sup>th</sup> and 16<sup>th</sup>, the State Water Board will be conducting two [public outreach workshops](#).
- If you have comments, please reach out to Mary Cousins ([mcousins@bacwa.org](mailto:mcousins@bacwa.org))

## Notable Changes in rough order of appearance

Page(s) and Section(s)	Issue
Page 1, Table 1	Private entities may now be required to enroll in the SSS-WDR if the Regional or State Board determines that they need to be regulated. No minimum system size is specified. The requirement for public agencies to enroll (>1 mile of pipe) remains the same as the 2006 order.
Page 2, Table 1	The Draft Order uses the term “ <b>Spill</b> ” in lieu of the term “Sanitary Sewer Overflow” (SSOs) used in the 2006 order.
Page 2, Table 1; Page D-9, Section 7.1 (Condition Assessment); Page D-17, Section 12 (Spill Response)	<b>Exfiltration</b> to groundwater, the ground surface, or a surface water body is <b>now included in the definition of “Spill.”</b> The Draft Order does not provide guidance on measuring or reporting exfiltration; spill reporting procedures (Page E1-2) continue to use terms such as “spill event,” “spill volume,” and “spill rate” that are not easily transferrable to exfiltration.
Page 2, Footnote 1 to Table 1; Page 12, Section 3.2.4; Page 21, Section 5.13.1	<b>Exfiltration to groundwater is now a Category 1 spill</b> if the groundwater is “hydraulically connected to a water of the United States.” This is not the same terminology used in recent court rulings related to the Clean Water Act and its application to groundwater (i.e., Supreme Court decision in <i>County of Maui v. Hawaii Wildlife Fund</i> ).
Page 4, Section 4.1	The Draft Order prohibits “ <b>Any spill</b> of sewage from a sanitary sewer system.” This prohibition is broader than the 2006 order, which only

Page(s) and Section(s)	Issue
	prohibits two specific types of discharges: those that reach Waters of the US and those that create a nuisance.
Page 15, Section 5.3 Page D-7, Section 7	The Draft Order emphasizes <b>Sewer System Resiliency</b> , which is proposed as a key focus area for Sewer System Management Plans (SSMPs). The requirement to address system resiliency within the SSMP will be phased in after 2 years. SSMPs will need to include new elements related to sewer condition assessment, capacity assessment, risk assessment, and management actions.
Page 16, Section 5.5	The <b>Legally Responsible Official</b> certifying the SSMP and spill reports must now be either a Professional Engineer, or a Grade III collection system operator certified by CWEA or Sacramento State University. The Draft Order does not include a phase-in period for this requirement.
Page 18, Section 5.10; Page 23, Section 5.17; Page E1-14, Section 3.5	The Draft Order requires an <b>Annual Report</b> due February 1 in lieu of the annual SSO questionnaire required by the 2006 order. The requirements, which include a graph of spill statistics for a 10-year period, are more extensive than those found in the current SSO questionnaire.
Page 19, Section 5.11	<b>Internal Program Audits</b> are still required every two years by the Draft Order. Audit findings would have to be uploaded into CIWQS.
Page 22, Section 5.13 Page 24, Section 5.20	Spills less than 50 gallons are now categorized as “ <b>Category 4.</b> ” Some agencies may qualify for reduced reporting of Category 4 spills (onsite recordkeeping in lieu of CIWQS). To qualify for this reduced reporting, agencies must fulfill requirements related to spill frequency, spill volume, and operator certification.
Page 22, Section 5.14	The Draft Order requires each agency to submit an electronic version of its <b>service area boundary map</b> into CIWQS. The map must be in a GIS, Google Earth, or similar geo-referenced format.
Page 23, Section 5.15	The Draft Order requires agencies to report spills from <b>Privately-Owned Sewer Laterals or Sewer Systems</b> into CIWQS, if they become aware of any such spills. The spill reports do not need to be certified.
Page 26, Section 6.16	For the purposes of <b>discretionary enforcement</b> , the Draft Order allows the Water Boards to consider whether an agency conducted water quality or biological monitoring of receiving waters; this factor is not included in the 2006 Order.
<b>Attachment D</b>	<p>SSMP requirements are now included in a separate Attachment D and are more numerous and elaborate than the requirements in the 2006 Order. The most significant change to the SSMP is the need for a new section addressing Sewer System Resiliency (see table entry at the top of this page). Except for the resiliency components, no phase-in period appears to be included for the new requirements, which include:</p> <ul style="list-style-type: none"> <li>• <b>Budget Information.</b> “Detailed information regarding the Enrollee’s long-term cumulative budget(s)...” which must include “a budget that accounts for, at a minimum, a 20-year timeframe.” (Page D-5)</li> </ul>

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	<ul style="list-style-type: none"> <li>• <b>Inter-Agency Coordination.</b> SSMPs will have to include information about drinking water system assets and stormwater networks, and a protocol for coordinating with stormwater and drinking water agencies (Page D-7). The SSMP will also have to identify <b>Erosion Control Measures</b> (page D-15) for stormwater.</li> <li>• <b>Identification of high-risk system components</b> (Page D-11), which will have to be prioritized for annual condition assessment (Page D-9) and capital improvements (Page D-13);</li> <li>• An <b>Adaptive Management</b> section (page D-20).</li> </ul>
<b>Attachment E</b>	<p>Changes to spill response, monitoring, and reporting include:</p> <ul style="list-style-type: none"> <li>• <b>2-hour notification</b> to CIWQS is required for all spills, not just Category 1 spills greater than 1,000 gallons;</li> <li>• Category 2 certified spill reports would be due slightly later (first day of the second month after the spill, rather than within 15 days).</li> <li>• <b>Receiving water monitoring</b> for field parameters like temperature, dissolved oxygen, and residual chlorine is now required for all spills that reach waters of the State (which includes groundwater). There is no minimum spill size triggering this monitoring. Additional monitoring of ammonia and bacteria continues to be required for large spills that reach Waters of the US.</li> </ul>