



April 8, 2022

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

VIA EMAIL: commentletters@waterboards.ca.gov

Subject: Comment Letter – Draft Sanitary Sewer Systems General Order Reissuance

Dear Jeanine Townsend:

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to provide comments on the Draft Sanitary Sewer Systems Waste Discharge Requirements General Order (SSS-WDR), which is proposed to replace the current order adopted in 2006 (“2006 Order”; WQO No. 2006-0003) as well as the accompanying Monitoring & Reporting Program adopted in 2013 (“2013 MRP”; Order No. WQ 2013-0058-EXEC). BACWA’s members include publicly-owned wastewater treatment works (POTWs) and collection system agencies serving 7.1 million people in the nine-county San Francisco Bay Area. BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health.

BACWA supports the collaborative approach that State Water Board staff used to develop the draft SSS-WDR. In 2021, BACWA, the California Association of Sanitation Agencies (CASA), the Central Valley Clean Water Association (CVCWA) and the Southern California Alliance of Publicly-Owned Treatment Works (SCAP) worked extensively with State Water Board staff to provide feedback on the informal staff draft version of the draft SSS-WDR. These conversations clearly resulted in a draft SSS-WDR that reflects a deeper understanding of sewer system operations.

Because the 2006 Order has been successful in driving down the number and volume of spills, we ask that the State Water Board continue to limit the changes in the reissued SSS-WDR to those strictly necessary for improving the Order’s clarity or enforceability. This includes maintaining the order as a WDR rather than as an NPDES permit. We also request streamlining of requirements wherever possible to reduce the administrative burden of its implementation.

BACWA's detailed comments on the draft SSS-WDR are found in **Attachment A**. Our priority issues are provided first in the attachment and mostly address issues we anticipate will create confusion or compliance problems. After those, the remaining comments are sequential with the draft SSS-WDR's organization and are submitted to help ensure clarity. The detailed nature of these comments reflect the importance of the SSS-WDR in guiding day-to-day sewer system operations. The draft Order will be interpreted and implemented by more than 1,100 public agencies, as well as new private enrollees, so the smallest details in the SSS-WDR have the potential for significant impacts. Our key suggestions for reducing the cost of compliance are:

1. **Remove New Prohibition 4.1.** Prohibitions need to be unambiguous for enrollees and enforcement division staff. Unfortunately, Prohibition 4.1 contains new terminology such as "potential to discharge to waters of the State" and "promptly cleaned up" that are not defined in the draft SSS-WDR, are not used in the industry, and are therefore subject to the discretion of enforcement staff. For complete details, see comment No. 1 on page 3 of Attachment A.
2. **Streamline Reporting of Category 4 Spills.** Category 4 spills pose a low threat to water quality. The draft SSS-WDR proposes a complex incentive system in which only certain enrollees with low spill rates would qualify for reduced reporting. We request that all enrollees report Category 4 spills within annual reports rather than monthly reports. For complete details, see comment No. 4 on page 7 of Attachment A.
3. **Remove New Requirements for Receiving Water Field Testing.** The new receiving water field testing requirements found in Section 2.3.2 of Attachment E will result in significant equipment and labor costs for enrollees. Unfortunately, despite this expense, the resultant data may not be useable for enforcement. Compliance with water quality objectives for turbidity and other parameters is based on an observed difference compared to background conditions, which exceeds the scope of the proposed sampling in the draft SSS-WDR. Due to the mismatch between effort and utility, this testing requirement should be removed. For complete details, see comment No. 8 on page 14 of Attachment A.

BACWA looks forward to continuing to work with State Water Board staff during implementation of the SSS-WDR. We have the following recommendations to ensure that the reissued SSS-WDR continues to reduce spill rates without draining critical resources away from agencies' core mission -- protecting the environment and public health:

1. **Establish an Implementation Committee.** Allocate State Water Board staff time to participate in a formal implementation committee with stakeholders, including enrollees, consultants, our member organizations, and other member organizations such as the California Rural Water Association. The purpose of the committee would be to develop guidance and evaluate the success of the reissued Order's requirements for spill response, CIWQS data management, annual reports, preparation of Sanitary Sewer Management Plans (SSMPs), auditing standards, and more. This guidance can then be distributed through formal training sessions offered by the member organizations and others

2. **Delay the Effective Date.** The effective date of the reissued SSS-WDR should **be at least 180 days** after the adoption date. Critically, this will allow agencies time to update their Spill Emergency Response Plans to reflect the requirements in the reissued SSS-WDR. It will also provide a smooth transition for agencies whose SSMPs are being updated around the time of the adoption hearing.
3. **Provide Compliance Assistance to Small and Disadvantaged Communities.** The SSS-WDR is a complex document, with many new requirements. Most enrollees do not have dedicated regulatory staff to respond to the reissued SSS-WDR. Of the 1,182 enrollees of the 2006 Order, more than 80% are small (less than 100 miles of sewer pipelines) and about 50% are very small (less than 20 miles of sewer pipelines). The State Water Board can help these agencies comply by:

- a. **Providing Simplified Templates** of SSMPs, audit reports, and annual reports that could be used by small enrollees or enrollees in disadvantaged communities. Templates can help clarify the minimum expectations for compliance, as well as providing a consistent structure for documenting agency information. The most challenging element of SSMPs and Annual Reports lays in the requirements to write original narrative explanations that start with “blank slates.” This type of writing requires training, experience, and staff availability that many agencies cannot muster.

In terms of facilitating the adoption of template-based tools, we would like to call the State Water Board’s attention to its current work in assisting with the development of a templated Water Shortage Contingency Plan for small water suppliers.

- b. **Increasing funding** for sewer system capital improvements through the Clean Water State Revolving Fund (CWSRF). Originating and managing CWSRF funding is a challenging and time-consuming task that can sometimes exceed the administrative resources of enrollees. Unlike treatment plant projects, collection systems are comparatively simple. The State Water Board’s input in facilitating the process for small and disadvantaged agencies would hasten and promote the overall goal of strengthened collection system infrastructure.
- c. **Providing planning grants** to small disadvantaged communities and small severely disadvantaged communities for assistance in resiliency planning, which is required is required by the draft SSS-WDR.

Resiliency planning, because it is new to the collection system world with this draft SSS-WDR, requires technical, geological, and hydraulic skills that will be challenging for even the most sophisticated and well-financed agencies to execute. Grant assistance would be helpful for small disadvantaged agencies if they are expected to produce a technically respectable and compliant response to this requirement.

In closing, we appreciate the opportunity to comment on the draft SSS-WDR and look forward to continued dialogue with the State Water Board and your staff to finalize and adopt it. We also want to reiterate our gratitude to everyone who met us with over the last year for your

accessibility and in-depth discussions and language clarifications about the update to this Order. Please do not hesitate to contact us with any questions or concerns.

Respectfully Submitted,



Lorien Fono, Ph.D., P.E.
Executive Director
Bay Area Clean Water Agencies

Enclosures:

Attachment A – Detailed Comments on Draft SSS-WDR

cc: BACWA Executive Board
Andrew Damron, co-chair, BACWA Collection Systems Committee
Tyree Jackson, co-chair, BACWA Collection Systems Committee

Attachment A

The comments below identify requested changes to the draft SSS-WDR. Suggested additions are shown as underlined blue text. Suggested deletions are shown as ~~strikeout red text~~. A rationale is provided ahead of each suggested change.

After the priority remarks (Comments 1 through 8), comments are shown in roughly the order they appear in the draft SSS-WDR. For reference, “2006 Order” refers to State Water Board Order No. 2006-0003-DWQ. “draft SSS-WDR” refers to the version released for public comment on January 31, 2022.

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1. Remove Prohibition 4.1 (page 17)

Prohibition 4.1 is a new and unnecessary addition to the 2006 Order, and we respectfully recommend that it be removed. The stated purpose of Prohibition 4.1 is to increase the enforceability of the Order, according to commentary from State Water Board staff at the public workshop held on February 23, 2022. Unfortunately, the Order does not define several of the key elements of the newly proposed prohibition, so enforcement will be made more difficult, not less. It is left open to interpretation whether a spill has “potential” to reach water of the State and what counts as “promptly” and “cleaned up.” At the February 23rd workshop, legal counsel admitted that interpretation of whether a spill has “potential” to reach waters of the State would require a “case-by-case analysis” by the Office of Enforcement. It would be unwise to adopt this prohibition when there is no established standard for compliance, and it would be unfair to adopt the prohibition with the assumption that the standards will be established at a future date by State Water Board staff, through case law, or separately by each Regional Board.

By contrast, the thresholds for compliance with Prohibition 4.2 (discharge to waters of the State) and Prohibition 4.3 (create a nuisance) are much clearer, and even though Prohibition 4.2 has been expanded from the 2006 Order to include Waters of the State, we do not protest that change because the underlying expectation is clear, derives from the existing 2006 Order, and has a direct linkage to the California Water Code.

Removing Prohibition 4.1 will have no effect on the enforceability of the Order. Prohibition 4.2 already prohibits discharge to waters of the State, so it is not necessary to further prohibit spills with “**potential** to discharge to waters of the State.” Prohibition 4.3 already prohibits spills that create a nuisance, so it is not necessary to further prohibit spills that are not “promptly cleaned up.” Large spills that are not cleaned up would create a nuisance if they meet the criteria listed in Attachment A of the draft SSS-WDR.

It is unresolved whether the State Water Board possesses the legal authority to regulate spills that could possibly impact Waters of the State or potentially create a nuisance – yet do not. The proposed markup shown below will allow for clear and continued enforcement.

[Page 17]

~~4.1 — Discharge of Sewage from a Sanitary Sewer System~~

~~Any discharge from a sanitary sewer system that has the potential to discharge to waters of the State is prohibited unless it is promptly cleaned up and reported as required in this General Order.~~

4.2. Discharge of Sewage to Waters of the State

Any discharge from a sanitary sewer system, discharged directly or indirectly through a drainage conveyance system or other route, to waters of the State is prohibited.

4.3. Discharge of Sewage Creating a Nuisance

Any discharge from a sanitary sewer system that creates a nuisance or condition of pollution as defined in Water Code section 13050(m) is prohibited.

2. Strengthen the qualifications for a Legally Responsible Official, then remove the requirement for Sewer System Management Plans to have secondary certification by an Operator or Professional Engineer. Instead, require operator input during the Sewer System Management Plan audits required once every 3 years (Pages 17-19, 31).

The 2006 Order requires Sewer System Management Plans (SSMPs) be approved by two parties: (1) certification by a Legally Responsible Official and (2) approval by an Enrollee's governing board. The draft SSS-WDR retains these certification requirements, then goes a step further by requiring the SSMP to be approved by an additional party if the Legally Responsible Official is not either a: Certified Grade II "Operator" (CWEA Collection Systems Maintenance Grade 2 or Treatment Plant Operator Grade II) or Professional Engineer. While we appreciate the flexibility and discretion extended to Enrollees for determining who should serve as the Legally Responsible Official, we believe a more streamlined way to ensure that operations staff provide input to management on the SSMP is to obtain their input during the 3-year audit.

The necessary qualifications to be a Legally Responsible Official will vary widely depending on the size and complexity of the sewer system. However, the proposed language in 5.1 contains only generalized suggestions of qualified personnel who might assume the role of an agency's Legally Responsible Official. We think that Enrollees will be better served with qualification standards that are known to have been tested in litigation and are reliable in their usage. One such standard is found in the Occupational Safety and Health Administration (OSHA) regulations, which should suffice as a referent for use by the Water Board:

*OSHA 29 CFR 1926.32(m) defines a **qualified person** as an individual "who, by possession of a recognized degree, certificate or professional standing, or who by extensive knowledge, training and experience, has successfully demonstrated his ability to solve or resolve problems relating to the subject matter, the work, or the project."*

This language has been adapted to Section 5.1 in the markup below.

To explain and be sure about the intent behind this recommendation, the job levels specified (Certified Grade II "Operator") are not typically responsible for planning, engineering, or management, and the SSMP is a management planning document. Furthermore, this requirement will be a compliance burden on small systems, which may not have a certified operator or Professional Engineer on staff. The Legally Responsible Official, not the State Water Board, should be responsible for determining the level of technical assistance that is required to certify the SSMP.

In lieu of having operators certify the SSMP, we strongly support and encourage increasing the level of engagement with operations staff when developing the SSMP and the SSMP internal audits, which State Water Board staff explained at the public workshop held on February 23, 2022 was the motivation for adding this requirement. Many agencies already engage operations, engineering, and management staff in the development of their SSMP; we support and encourage this practice. For reinforcement, we propose adding operator input to the SSMP audits completed every three years. A proposed markup addressing the removal of the certification requirement from Section 5.3 and addition of operator input to Section 5.4 is shown below. The proposed markup of Section 6.2 shown below regarding Professional Licensing and Certification was adapted from Order WQO 2015-0121 (a General Order covering composting).

The markup of Section 5.5 (Audits) also proposes removal of a redundant requirement regarding identification of SSMP changes. One of the requirements is included in the list twice.

[Pages 17-19]

5.1 Designation of a Legally Responsible Official

The Enrollee shall designate at least one Legally Responsible Official that has the appropriate knowledge and expertise of the enrolled sanitary sewer system(s) and is authorized to serve as a duly authorized representative. [The Legally Responsible Official must have responsibility over management of the Enrollee's entire sanitary sewer system and be a qualified person who, by](#)

[possession of a recognized degree, certificate or professional standing, or through extensive knowledge, training and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter, the work, or the project.](#) For example, a sewer system superintendent or manager, an operations manager, a public utilities manager or director, or a district engineer may be designated as a Legally Responsible Official.

...

5.3 Certification of Sewer System Management Plan and Plan Updates

The Sewer System Management Plan and subparts thereof must comply with the requirements of this General Order. The Sewer System Management Plan and all subsequent updates must be certified by:

~~1. The Legally Responsible Official; and~~

~~2. One of the following if the Legally Responsible Official is not a certified collection system operator of Grade II or higher in accordance with Attachment F (Criteria for Equivalent Collection System Operator Certification Program) of this General Order, or is not a professional engineer licensed in the State of California:~~

~~Grade II Certified Collection System Operator through the California Water Environment Association, or equivalent certification program that meets criteria specified in Attachment F (Criteria for Equivalent Collection System Operator Certification Program) of this General Order; or~~

~~Grade II Wastewater Treatment Plant Operator through the State Water Board Wastewater Operator Certification Program, and employed for the wastewater treatment plant that receives the enrolled system's sewage; or~~

~~Professional Engineer registered through the California Department of Consumer Affairs.~~

The Legally Responsible Official shall upload its Sewer System Management Plan and subsequent updated Plans in the online CIWQS Sanitary Sewer System Database.

5.4. Sewer System Management Plan Audits

...

The internal program audit shall be appropriately scaled to the size of the system and the number of spills. At minimum, the audit must:

- Evaluate the implementation and effectiveness of the Enrollee's Sewer System Management Plan in preventing spills;
- Evaluate the Enrollee's compliance with this General Order;
- Identify Sewer System Management Plan deficiencies in addressing ongoing spills and discharges to waters of the State; and
- ~~Identify necessary modifications to the Sewer System Management Plan to correct deficiencies.~~
- [Involve the Enrollee's sewer system operators in completing the evaluations listed above.](#)

6.2. Professional Licensing and Certification

~~All requirements in this General Order requiring the approval or certification of a registered professional engineer or certified operator must be signed (and stamped as applicable) by a professional that holds a current and valid:~~

~~• Certified Grade II Collection System Maintenance operator issued by the California Water Environment Association, or an equivalent certification program per the criteria specified in Attachment F (Criteria for Equivalent Collection System Operator Certification Program) of this General Order; or~~

~~• Professional Engineer License that is in accordance with the California Business and Professions Code sections 6735, 7835, and 7835.1.~~

The California Business and Professions Code sections 6735, 7835, and 7835.1 require that engineering and geologic evaluations and judgments be performed by or under the direction of licensed professionals. Any plan or report submitted in compliance with the requirements of this Order, which requires technical interpretation, or proposes either a design, or a design change to a sanitary sewer system, must be prepared by, or under the direction of, appropriately licensed professionals (e.g., registered civil engineer, professional geologist, or other registered certified specialty geologist) by the State of California. In addition, the licensee must sign and provide their registration number, or stamp the submitted plan or report.

3. The Order should clarify spill reporting requirements for Category 1 and Category 2 spills (page 22 and Attachment E2).

The definition of Category 1 spills requires editing to clarify that spills to drainage conveyance systems that are fully cleaned up are not Category 1 spills. The phrase “tributary to waters of the United States” is problematic because it is ambiguous whether or not a spill would actually need to reach surface water to count as a Category 1 spill. “Tributary” erroneously implies that drainage conveyance systems are part of the receiving water system.

According to State Water Board staff at the February 2022 workshops, the second bullet in the definition conveys the original intent of this language: a spill actually needs to reach surface waters to count as a Category 1 spill. The ambiguous language in the first bullet should be removed for simplicity; the second bullet is sufficient. Alternatively, the word “tributary” could be replaced with the phrase “that discharges.”

Additionally, the Category 2 spill response table needs significant edits so that it is clear to operators that some spills (i.e., spills to land that do not reach a water of the State) do not require OES notification and do not require receiving water monitoring. Category 2 spills under the 2013 Monitoring and Reporting Program were never spills to surface waters, so there was no need for this differentiation.

5.13.1. Individual Spill Notification, Monitoring and Reporting

...

Category 1 Spill

A Category 1 spill is a spill of any volume of sewage from or caused by a sanitary sewer system regulated under this General Order, that results in a discharge to:

- Waters of the United States ~~, or a drainage conveyance system tributary to waters of the United States~~; or
- A drainage conveyance system that discharges to waters of the United States when the sewage is not fully captured and returned to the sanitary sewer system or disposed of properly.

[Pages E2-2]

Table E2-2

Spill Category 2: Spills of 1,000 Gallons or Greater That Are Not Category 1 Spills

Spill Requirements	Due	Method
Notification	<p>Within two (2) hours of the Enrollee’s knowledge of a spill of 1,000 gallons or greater, discharging or threatening to discharge to waters of the State:</p> <ul style="list-style-type: none"> • Notify California Office of Emergency Services and obtain notification control number; and/or • Notify the State Water Board through the online CIWQS Sanitary Sewer System Database. <p><u>If the Category 2 spill is discharging to land, and is not discharging or threatening to discharge to waters of the State, notification to the California Office of Emergency Services is not required.</u></p>	<p>1) California Office of Emergency Services at: (800) 852-7550</p> <p>2) https://ciwqs.waterboards.ca.gov</p> <p>(Section 1 of Attachment E1)</p>
Monitoring	<ul style="list-style-type: none"> • Conduct spill-specific monitoring; and • Conduct receiving water monitoring <u>if the spill discharged to surface waters of the State:</u> 	<p>(Section 2 of Attachment E1)</p>
...

4. All agencies should be allowed to report Category 4 Spills in the Annual Report rather than monthly. The proposed use of performance metrics to identify a subset of Enrollees that qualify for reduced reporting is not scalable statewide due to the variety of Enrollees (Page 25 and Attachments E1, E2).

The State Water Board’s approach to allow some well-performing agencies to report spills less than 50 gallons (Category 4 spills) in annual reports, rather than via CIWQS, is a positive affirmation of the reduced risk of these events to public health and the environment. We believe therefore that if Category 4 events are truly less of a threat, then no agencies should be required to expend the resources to prepare individual Category 4 spill reports for submittal to CIWQS. Instead, enrollees should report these occurrences in the Annual Report. Such a change would also reduce the cost of compliance with the draft SSS-WDR.

The draft SSS-WDR proposes performance metrics to qualify for the reduced reporting. These metrics ultimately will be inequitable, as they do not distinguish among Enrollees based on system size (larger Enrollees are more likely to have a spill exceeding 1,000 gallons) or whether an Enrollee has laterals (laterals are a frequent cause of small spills, which drive up spill rates). The proposed language also leaves

open the reduced reporting requirements, instead deferring to the State Water Board's Deputy Director to issue such requirements. This approach is likely to result in divergent requirements for different enrollees, as well as result in poor data quality when comparing spill rates among agencies, because some agencies may have included Category 4 spills in the CIWQS database, while other agencies will have not.

Due to the nonexistent risk to water quality and public health, and the fairness and data quality considerations described above, we propose a standardized approach to reporting Category 4 spills, as shown in the markup below. The elements included in this markup include:

- A stricter definition of Category 4 spills, to ensure that any spill categorized as a Category 4 does not threaten water quality of surface waters;
- "No spill" certification that is edited to exclude Category 4 spills; and
- Details for reporting requirements within the Annual Report.

The proposed edit does not reflect our position on operator training and certification. We are committed to working in partnership with State Water Board staff to develop and distribute operator training materials and to incentivize operator certification through other avenues.

[Page 25]

~~5.18 System-Specific Reduced Reporting~~

~~An Enrollee that certifies the following criteria to the State Water Board may qualify for system-specific reduced reporting for Category 4 spills by maintaining onsite recordkeeping, in place of public reporting into the online CIWQS Sanitary Sewer System Database:~~

- ~~• The Enrollee maintains the following system-specific performance for a minimum of five (5) consecutive years:
 - ~~o No more than two spills per 100 miles of system, per year;~~
 - ~~o Total volume of individual spills not to exceed 1,000 gallons; and~~
 - ~~o Spills do not discharge to waters of the United States.~~~~
 - ~~• At least 50 percent (50%) of the Enrollee's operation and maintenance workforce is certified in Collection System Maintenance through the California Water Environment Association, or equivalent certification program that meets criteria specified in Attachment F (Criteria for Equivalent Collection System Operator Certification Program) of this General Order.~~
- ~~To qualify for the reduced reporting of Category 4 spills, an Enrollee must provide a System-Specific Reduced Reporting Request Package to the State Water Board, at SanitarySewer@waterboards.ca.gov, containing the following information:~~
- ~~1. A request letter signed by the Enrollee's Legally Responsible Official to the Deputy Director justifying approval of reduced reporting for Category 4 spills;~~
 - ~~2. Number of total system operation and maintenance staff/positions that are required to perform field operations and maintenance tasks per documented responsibilities of corresponding position duty statements;~~
 - ~~3. Number of total certified system operation and maintenance staff that perform field operations and maintenance tasks per documented responsibilities of their position duty statements; and~~

~~4. The following certification that the Enrollee has reported spills from its system, in accordance with this General Order, into the online CIWQS Sanitary Sewer System Database in the last five (5) years.~~

~~“I certify under penalty of perjury, under the laws of the State of California, that the [Enrollee Name] has submitted all required spill reports in accordance with the waste discharge requirements in effect during the time of the spills.”~~

~~The Deputy Director will consider approval of each Reduced Reporting Request Package on a system-specific basis. If approved, the Enrollee may substitute reporting of Category 4 spills for that system per instructions and conditions in the approval letter.~~

[Page 22]

5.13.1. Individual Spill Notification, Monitoring and Reporting

Category 4 Spill

A Category 4 spill is a spill of less than 50 gallons, from or caused by a sanitary sewer system regulated under this General Order that is not a Category 1 Spill, [does not reach surface waters of the State, and does not create a nuisance as defined in this Order.](#)

[Page E1-11]

3.2. Monthly Certified Spill Reporting for Individual Category 3 ~~and Category 4~~ Spills

The Enrollee shall report and certify all Category 3 ~~and Category 4~~ spills to the online CIWQS Sanitary Sewer System Database within 30 calendar days after the end of the month in which the spills occurred. (For example, all Category 3 ~~and Category 4~~ spills occurring in the month of February shall be reported and certified by March 30th). After the Legal Responsible Official certifies the spills, the online CIWQS Sanitary Sewer System Database will issue a spill event identification number for each spill.

The monthly reporting of all Category 3 ~~and Category 4~~ spills must address the following items for each spill:

[Page E1-13]

3.3 Monthly “No- Spills” Certification

If no [Category 1, Category 2, or Category 3](#) spills occur during a calendar month, the Enrollee shall certify, within 30 calendar days after the end of each calendar month, a “No-Spill” certification statement in the online CIWQS Sanitary Sewer System Database certifying that there were no [Category 1, Category 2, or Category 3](#) spills for the designated month.

If a [Category 1, Category 2, or Category 3](#) spill starts in one calendar month and ends in a subsequent calendar month, and the Enrollee has no further [Category 1, Category 2, or Category 3](#) spills in the subsequent calendar month, the Enrollee shall certify “no-spills” for the subsequent calendar month.

If the Enrollee has no [Category 1, Category 2, or Category 3](#) spills from its systems during a calendar month, but the Enrollee voluntarily reported a spill from a private lateral or a private system, the Enrollee shall certify “no-spills” for that calendar month.

[Page E1-13 to E1-15]

3.5. Annual Report (Previously termed as Collection System Questionnaire in General Order 2006-0003-DWQ)

...

The Annual Report (an Annual Report update) must address the following items:

...

- [A Summary of Category 4 Spills that occurred in the previous calendar year that shall include;](#)
 - [Total number of Category 4 Spills](#)
 - [A breakdown of causes for Category 4 Spills \(e.g., Roots; Fats, Oils, and Grease; Foreign Object\)](#)
 - [Total gallons spilled from Category 4 Spills](#)
 - [Total gallons recovered from Category 4 Spills](#)

[Page E1-17]

4.4. Recordkeeping [for Category 4 SSOs](#) ~~per System-specific Reduced Reporting~~

~~An Enrollee that receives Deputy Director approval of its Reduced Reporting Request per section 5.18. (System-specific Reduced Reporting) of this General Order (System Specific Reduced Reporting) Enrollees must maintain records of all Category 4 spill information [for five \(5\) years](#) in accordance with the corresponding Reduced Reporting Request Approval.~~

[Page E2-3]

Table E2-3

Spill Category 3 ~~and Category 4~~: Spills [More than 50 and](#) Less Than 1,000 Gallons and Not Category 1 Spills

Spill Requirements	Due	Method
Notification	Not Applicable	Not Applicable
Monitoring	<ul style="list-style-type: none"> • Conduct spill-specific monitoring; and • Conduct receiving water monitoring. 	(Sections 5 2 of Attachment E1.)
Reporting	<ul style="list-style-type: none"> • Submit monthly Certified Spill Report to the online CIWQS Sanitary Sewer System Database within 30 calendar days after the end of the month in which the spills occur; and • Submit Amended Spill Reports within 90 calendar days after the spill end date. 	(Section 3.2 and 3.4 of Attachment E1.)

Table E2-4

[Spill Category 4: Spills Less Than 50 Gallons and Not Category 1 Spills](#)

<u>Spill Requirements</u>	<u>Due</u>	<u>Method</u>
<u>Notification</u>	<u>Not Applicable</u>	<u>Not Applicable</u>
<u>Monitoring</u>	<u>Conduct spill-specific monitoring</u>	<u>Section 2 of Attachment E1</u>
<u>Reporting</u>	<ul style="list-style-type: none"> • <u>Submit summary of total number of spills, total volume spilled, total volume recovered, and causes in Annual Report</u> • <u>Retain all Category 4 spill records in-house for five (5) years</u> 	<u>Section 3.5 of Attachment E1</u>

5. The definition of Exfiltration should be simplified, and there should be a reasonable likelihood of exfiltration reaching a water of the State before repairs must be prioritized (Pages A-2, D-8).

In the draft SSS-WDR, Attachment A offers a precise definition of exfiltration (“the underground exiting of sewage from a sanitary sewer system”) but then includes additional examples in the definition which *may* cause exfiltration, but do not necessarily cause exfiltration in all cases. For example, corrosion would result in exfiltration only if it becomes extreme enough to cause additional pipe failure. Accordingly, we think this definition would be improved if it were simplified by transferring those considerations into the SSMP’s condition assessment provision in Element 8.1, as their placement in the definition otherwise misrepresents the process of exfiltration and its impacts, and uses terminology that does not align with current industry standards. For example, the prevalent industry terms are “offset” or “separated” joints, not “misaligned joints,” as in the definition. Other industry standards or agencies own systems use different terms for this matter referring to the *severity* of conditions.

Additionally, it would be beneficial to include the specification about when exfiltration is a spill in this definition. We acknowledge that elsewhere in our comments we have requested consolidation of duplicative language. However, in this instance, we believe the repetition would enhance the definition’s clarity. The proposed definition below is copied from page 1 of the draft SSS-WDR.

Our final request regarding exfiltration language is for Element 8.1 of the SSMP to establish a stronger linkage with potential water quality impacts when prioritizing rehabilitation and repairs. The draft SSS-WDR suggests prioritizing repairs where sewage “may be potentially entering” into a water of the State, which is not an appropriate standard. As a permit requirement, the standard should be tightened to require prioritizing repairs only when there is a reasonable likelihood that sewage is reaching waters of the State.

Suggested language is shown below.

[Page A-2]

Exfiltration

Exfiltration is the underground exiting of sewage from a sanitary sewer system ~~through cracks and/or corrosion in pipes, misaligned joints, or broken/failed infrastructure~~. Exfiltration of sewage is not considered to be a spill under this General Order if the exfiltrated sewage remains in the subsurface and does not reach a surface water of the State.

8.1 System Evaluation and Condition Assessment

Utilize observations/evidence of system conditions [such as severe fractures or separated joints](#) that may contribute to sewage exiting the system [and having a reasonable likelihood of](#) ~~that~~ ~~may be potentially~~ entering into a water of the State, for prioritization of rehabilitation and/or repair of compromised system component accordingly; and

6. Logistical and security concerns make it inappropriate to require complete, up-to-date maps within the publicly available Sewer System Management Plans (Page D-4).

The 2006 Order requires that Enrollees “**Maintain** an up-to-date map of the sanitary sewer system, showing all gravity line segments and manholes, pumping facilities, pressure pipes and valves, and applicable stormwater conveyance facilities” (emphasis added). By contrast, the draft SSS-WDR requires the Sewer System Management Plan to include the map. This requirement is infeasible for three reasons:

- **Logistical concerns.** Many Enrollees, particularly larger agencies, maintain their maps in continuously updated digital databases (e.g., GIS). It is more useful for the Sewer System Management Plan to describe the maintenance and access of this database than for the Plan to include static, exported information from the database. By definition, a map exported from this system would be considered “up-to-date” for only a short time following export.
- **Jurisdictional separation of system data.** Many sanitary sewer system agencies – especially single-purpose sanitary districts – are reliant on other agencies for stormwater system information and do not incorporate stormwater data on their sanitary system maps. Instead, they typically transport – or have online access to – separate map sets to inform themselves of stormwater system infrastructure and flow characteristics. The requested language provides for Enrollees to maintain separate but readily available stormwater system information.
- **Security concerns.** Provision 6.4 of the draft SSS-WDR requires that Sewer System Management Plans be made available to the public on an Enrollee’s website. Many agencies have security concerns with sharing detailed infrastructure information with the public. Fortunately, Section 3 of Attachment E1 allows Enrollees to claim protection from unauthorized disclosure under the Homeland Security Act. The requested language below achieves the same end result, but is more straightforward for Enrollees to interpret.

Since up-to-date maps must be maintained by Enrollees, the information is always available to State Water Board staff at their specific request.

The suggested markup below also strikes the word “all,” recognizing that it may be appropriate to omit certain features. At the February 2022 workshops, State Water Board verbally suggested including only major valves, for example. The word “applicable” is suggested for stormwater conveyance facilities, as used in the 2006 Order, since some portions of the stormwater system may have no interaction with the sanitary sewer system.

4.1. ~~Updated~~ Map of Sanitary Sewer System

An up-to-date map([s](#)) or [procedures for maintaining and accessing an up-to-date map\(s\)](#) of the sanitary sewer system, showing ~~all~~ gravity line segments and manholes, pumping facilities, pressure pipes and valves, and [applicable](#) stormwater conveyance facilities within the sewer system service area boundaries.

7. GPS coordinates for the boundaries of spill spread should not be required (Page E1-4).

GPS points defining the boundaries of spill spread can be collected for some spills, but there are numerous exceptions. Due to access constraints, it is not always feasible in the field to collect GPS coordinates for the boundaries of spill spread because oftentimes a spill can spread overland and form what is described in GPS terms as a multi-point polygon, which for all practical purposes cannot be measured anyway because a spill is a dynamic event subject to random changes in direction and elevation. Furthermore, the term is ambiguous, because the spill may affect several sections of a sanitary sewer system (e.g., a backup out of two manholes from one obstructed pipeline).

There are other examples of situations where it is impractical to capture the boundaries of a spill using GPS coordinates. For example, spills into moving water do not have a defined boundary. Small spill volumes will have a very small spread, and obtaining accurate GPS boundaries will be particularly impractical for these spills. A sketch or photograph would be appropriate for small spills.

It is feasible and appropriate for Enrollees to upload GPS coordinates for key spill features, such as the location of failure points or the location of discharge to surface waters. By contrast, documenting “known spill boundaries” using GPS coordinates is not appropriate as a universal requirement when there are enforcement consequences for non-compliance.

The proposed markup below also removes the word “best,” as the term “best available” is not defined in the draft SSS-WDR.

[Page E1-4]

2.1 Spill Location and Spread

The Enrollee shall visually assess the spill location(s) and spread using photography, global positioning system (GPS), ~~or and~~ other ~~best~~ available tools. The Enrollee shall document the critical spill locations, including:

- The system location where spill originated;
- ~~Boundaries of~~ [Extent of](#) spill spread;
- Drainage conveyance system entry locations;
- The location(s) of discharge into [surface](#) waters ~~of the State~~, as applicable; and
- The location(s) of clean up.

[Page E1-7 and E1-11]

3.1.1. Draft Spill Report for Category 1 and Draft Category 2 Spill *and*

3.2. Monthly Certified Spill Reporting for Individual Category 3 and Category 4 Spills

...

3. Location of the spill event including GPS coordinates ~~of known spill boundaries~~:

- If a single overflow event results in multiple appearance points, provide GPS coordinates for the appearance point closest to the failure point and describe each additional appearance point in the spill appearance point explanation field;

[Page E1-8 to E1-9]

3.1.1. Certified Spill Report for Category 1 and Category 2 Spills

...

1. Description of the spill event destination(s) including GPS coordinates ~~that represent the full spread of the spill;~~

[Page E1-11]

3.2 Monthly Certified Spill Reporting for Individual Category 3 and Category 4 Spills

...

3. Location of the spill event including GPS coordinates ~~of known spill boundaries:~~

8. The proposed “Receiving Water Field Sampling” should be removed. This testing has a high cost of compliance, and will not aid in enforcement (Page E1-5).

Attachment E of the draft SSS-WDR requires three types of receiving water monitoring: (1) visual observations in Section 2.3.1, (2) field testing of pH, turbidity, dissolved oxygen, and temperature in Section 2.3.2, and (3) grab samples for laboratory analysis of ammonia and bacteria in Sections 2.3.3 and 2.3.4. The field testing requirement in Section 2.3.2 is new, and should be removed. If implemented, this requirement would result in a significant increase in the cost of compliance due to time and expenses for testing equipment, with no tangible benefits to water quality or to the enforceability of the draft SSS-WDR.

The draft language in Section 2.3.2 of the Order is ill-conceived. The draft SSS-WDR does not establish a timeline for conducting the testing, nor does it suggest a location for conducting the testing (locations are listed in Section 2.3.4, but they only apply to the samples required by Section 2.3.3). Every single Enrollee would need to procure new field testing equipment for pH, turbidity, dissolved oxygen, and temperature, and would need to train their sewer system maintenance staff in the use of this equipment. Turbidity, dissolved oxygen, and pH probes are quite sensitive, and require frequent calibration (for some instruments, a new calibration is required prior to each sampling event). Sewer system maintenance crews are not trained laboratory technicians, and the data collected is unlikely to be reliable even if it is collected with the best of intentions. Calibration of receiving water test equipment could unreasonably delay spill response and cleanup efforts. These factors will significantly increase the cost of compliance for Enrollees for procurement, training, and frequent instrument calibration.

Most significantly, the objectives for the field testing parameters are commonly based on a detected **difference** from background condition – normally established by sampling executed as an ongoing program rather than a one-time event such as a spill. This, in turn, makes the proposed data unusable for enforcement. By contrast, for ammonia and bacteria – the grab sampling parameters required by the 2013 Monitoring and Reporting Program and in the draft SSS-WDR – the water quality objectives are expressed as an absolute number (mg/L or MPN/100 mL). Ammonia and bacteria data are therefore of high value, especially given the relative ease of collecting grab samples in the field, because they can be used to establish whether or not a spill resulted in exceedance of a water quality objective. For pH, dissolved oxygen, temperature, and turbidity, the opposite is true: the objectives are based on a detected difference from background conditions, so the proposed receiving water testing has no practical use. A few examples

of receiving water objectives are shown below from the Basin Plan for San Francisco Bay and from the Thermal Plan:

- **pH.** The pH shall not be depressed below 6.5 nor raised above 8.5. This encompasses the pH range usually found in waters within the basin. Controllable water quality factors shall not cause changes greater than 0.5 units in normal ambient pH levels. (Basin Plan section 3.3.9)
- **Turbidity.** Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases from normal background light penetration or turbidity relatable to waste discharge shall not be greater than 10 percent in areas where natural turbidity is greater than 50 NTU. (Basin Plan section 3.3.19)
- **Dissolved Oxygen.** Basin Plan section 3.3.5 identifies minimum levels of 5.0 mg/L and 7.0 mg/L for specific tidal waters and non-tidal waters. NPDES permits in Region 2 note that natural factors may cause concentrations lower than those specified above, in which case the discharge shall not cause further reduction in ambient dissolved oxygen concentrations.
- **Temperature.** Objective 2.B for Warm Interstate Waters: Elevated temperature wastes shall not cause the temperature of warm interstate waters to increase by more than 5°F above natural temperature at any time or place. Objective 5.A.1 for Estuaries: (a) The maximum temperature shall not exceed the natural receiving water temperature by more than 20°F. (b) Elevated temperature waste discharges either individually or combined with other discharges shall not create a zone, defined by water temperatures of more than 1°F above natural receiving water temperature, which exceeds 25 percent of the cross-sectional area of a main river channel at any point. (c) No discharge shall cause a surface water temperature rise greater than 4°F above the natural temperature of the receiving waters at any time or place.

The properties of untreated sewage are well-established, and enforcement staff can assess the threat to receiving water quality based on such information. Therefore, there is no demonstrated need for receiving water testing results, and it can be removed without jeopardizing the enforceability of the draft SSS-WDR.

Enrollees could elect to conduct receiving water field testing at their own initiative, as the draft SSS-WDR already includes "use of water quality and biological monitoring" as one of the considerations for discretionary enforcement.

The requested removal of Section 2.3.2 in Attachment E1 is shown below. References to receiving water monitoring should also be removed from Table E2-2 and E2-3, since Category 2, 3, and 4 spills do not reach surface waters.

[Page E1-5]

~~2.3.2.—Receiving Water Field Sampling~~

~~For spills that discharge into a surface water of the State, the Enrollee shall conduct the following field sampling of the receiving water:~~

- ~~• pH~~
- ~~• Turbidity~~
- ~~• Temperature~~
- ~~• Dissolved Oxygen~~

~~Monitoring Equipment Calibration~~

~~Field equipment and analytical instruments used to implement the requirements of this General Order must be properly maintained and calibrated. The Enrollee must maintain records~~

~~documenting the maintenance and calibration of equipment and instruments to ensure continued accuracy.~~

The remaining comments are shown are shown in roughly the order they appear in the draft SSS-WDR.

9. Clarify that the enrollment threshold of one (1) mile of system length applies to an individual public system and is not meant to be a cumulative limit (Page 1).

The 2006 Order states that “For purposes of this Order, sanitary sewer systems include only those systems owned by public agencies that are comprised of more than one mile of pipes or sewer lines.” In contrast, the draft SSS-WDR uses the phrase “one or more sanitary sewer systems with pipelines collectively totaling more than one (1) mile in length.” This change in wording could be understood in different ways and interpreted to require enrollment if an agency operates several short systems, none of which total one mile in length. We respectfully request restoring the language of the 2006 SSS-WDR, as shown below.

[Page 1]

An Enrollee is a public or private entity that has obtained approval for regulatory coverage under this General Order, including:

A federal or state agency, municipality, special district, or other public entity that owns and/or operates one or more sanitary sewer systems greater than ~~with pipelines collectively totaling more than~~ one (1) mile in length;

10. Improve the description of the application process for New Enrollees (Page 6).

The phrase “Within 60 days prior to commencing and/or assuming operation and maintenance responsibilities” could be difficult for Enrollees to interpret. The transfer process described for Regulatory Coverage Transfer (Section 2.3, page 7 of the SSS-WDR) requires “at least 60 days” between submitting the application and the effective date of coverage. Presumably, the same 60-day minimum was envisioned for new enrollees.

We respectfully request rephrasing the requirement per the proposed markup below to specify the timing requirement for the enrollment process.

[Page 6]

2.2. Requirements for New Regulatory Coverage

~~Within 60 days prior to commencing and/or assuming operation and maintenance responsibilities of a sanitary sewer system, a~~ A legally authorized representative that maintains legal authority over the public or private sanitary sewer system is required to enroll as specified below and as provided in the Attachment B (Application for Enrollment Form) of this General Order. The application package must be submitted at least 60 days prior to commencing and/or assuming operation and maintenance responsibilities of a sanitary sewer system under this General Order.

11. Audits should not need to be submitted to CIWQS (Pages 18, E1-15).

Audit Reports are a useful tool for improving internal processes, and they are available to Water Board staff upon request. However, they are intended for internal use, and their primary audience is (and should continue to be) sewer system planning, engineering, and operations staff within an agency, not the general public nor the Water Board. Accordingly, in lieu of submitting the audit report to CIWQS where it would be available to the general public, Enrollees could simply certify the audit completion date in CIWQS.

On a related note, it likely will be confusing for audit requirements to be listed twice in two separate places in the document (Section 5.4 of the main body and Section 3.6 of Attachment E). It would be helpful to consolidate all requirements in one place.

[Page 18]

5.4. Sewer System Management Plan Audits

The Enrollee shall conduct an internal program audit at a minimum frequency of once every three years. The audit must be conducted for the period after the end of the Enrollee's last audit period. ~~The audit completion date~~ ~~An audit report~~ must be ~~certified in~~ ~~submitted into~~ the online CIWQS Sanitary Sewer System Database per the requirements in section 3.6. (Sewer System Management Plan Audit Reporting Requirements) of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of this General Order.

[Page E1-15]

3.6 Sewer System Management Plan Audit Reporting Requirements

The Enrollee shall ~~certify~~ ~~submit~~ its Sewer System Management Plan Audit ~~completion date~~ (Audit) and other pertinent audit information, in accordance with section 5.4. (Sewer System Management Plan Audits) of this General Order, to the online CIWQS Sanitary Sewer System Database ~~upon completion of the Audit and within~~ ~~by~~ six months after the end of the 3-year audit period.

12. Requirements on publicly elected governing entities should be reframed to place the onus on the Enrollee in the draft SSS-WDR (Pages 18 -21)

Several provisions in the draft SSS-WDR place requirements on publicly-elected governing bodies. For example, Sections 5.2, 5.5, and 5.7 place requirements directly on the "Enrollee's governing entity." The draft SSS-WDR should place procedural requirements on the Enrollee or on the Sewer System Management Plan itself. It is not proper to place requirements directly on the governing bodies. An example of acceptable language from the 2006 Order is, "This SSMP must be approved by the Enrollee's governing board at a public meeting." The requested changes are shown below.

There are several unrelated problems with the proposed language in Section 5.7 that are also included in the markup:

- The phrase "Local Resources" incorrectly implies that external or non-local funding cannot be used for compliance with the Order.
- The phrase "full implementation" is redundant, as "implementation" denotes the expectation.
- "Spill repair," and "System operation, maintenance, and repair" are already covered by the Sewer System Management Plan (SSMP). These items need not be listed twice, so the reference to the SSMP was deleted. The markup was adapted from Provision 9 of the 2006 Order.

[Page 18]

5.2 Sewer System Management Plan Development and Implementation

...

For New Enrollees:

The Sewer System Management Plan must be adopted by the governing entity of a new Enrollee ~~shall adopt its Sewer System Management Plan~~; and

[Page 20]

5.5. Six-Year Sewer System Management Plan Update

At a minimum, the Enrollee shall update its Sewer System Management Plan every six (6) years after the date of its last Plan Update due date (for an Enrollee previously regulated by Order 2006-003-DWQ, the six-year period shall commence on the due date of the last Plan Update required under that order). The Updated Sewer System Management Plan must include:

- Findings from the Enrollee's Year 3 and Year 6 local program audits; and
- All sewer system management-related changes.

The updated Plan shall be approved by the Enrollee's governing entity ~~shall approve the updated Plan~~.

[Page 21]

5.7 Allocation of ~~Local~~ Resources

~~The Enrollee's governing entity shall allocate the necessary resources to its sewer system management program for: (1) compliance with this General Order, (2) full implementation of its updated Sewer System Management Plan, (3) system operation, maintenance and repair, and (4) spill responses.~~

The Enrollee shall allocate resources for spill response and the operation, maintenance, and repair of its sanitary sewer system by establishing an adequate measure of revenues and expenditures. These procedures must be in compliance with applicable laws and regulations and comply with generally acceptable accounting practices.

13. Sewer System Management Plan Update due dates should be based on the last Plan Update, duplicative language regarding Plan contents should be removed, and the Order should establish procedures for dealing with late submittals (Page 20).

The draft SSS-WDR attempts to establish a six-year due date cycle for Sewer System Management Plans. Unfortunately, by establishing new due dates based on past due dates, the proposed language provides an unintentional six-year extension for agencies that had a Plan Update due – but did not actually complete an Update. The six-year cycle would be more straightforward to implement if it were simply based on the date when the last Plan Update was approved by the governing entity. It would also be very helpful to have CIWQS automatically generate reminders for Enrollees' person of record in CIWQS approximately 6-12 months before the next SSMP due date.

In the markup below, we propose to remove duplicative language regarding audit findings and "sewer system management-related changes." Based on conversations with State Water Board staff, this language may require preparation of an additional document that is separate from the updated SSMP.

Additional documentation should not be required; the updated SSMP alone should be sufficient to fulfill this specification.

For the first SSMP update under the reissued SSS-WDR, a 6- to 10-month extension on the SSMP due date would facilitate alignment of the SSMP and Audit cycles. The 2006 Order (page 16) provided a time schedule of required completion dates for SSMPs, and in many cases the audits and SSMPs are due at the same time (i.e., both due in May or August of the same year). It would be useful for SSMP updates to lag the Audit cycle by approximately 6-10 months so that there is sufficient time to incorporate Audit findings in the SSMP, while avoiding the busy reporting season of February through April when many Annual Reports are due. This proposed one-time delay would sunset after the first SSMP update.

The requested markup is shown below.

[Page 20]

5.5. Six-Year Sewer System Management Plan Update

At a minimum, the Enrollee shall update its Sewer System Management Plan every six (6) years after the date of its last Plan Update ~~due date.~~ {

For ~~for~~ an Enrollee previously regulated by Order 2006-003-DWQ, the six-year period shall commence on the governing entity approval ~~due~~ date of the last Plan Update required under that order}. The Updated Sewer System Management Plan must include the elements listed in Attachment D:

- ~~• Findings from the Enrollee's Year 3 and Year 6 local program audits; and~~
- ~~• All sewer system management-related changes.~~

For an Enrollee previously regulated by Order 2006-003-DWQ, the due date for the first Plan Update completed under this Order may be extended by up to 10 months to allow consideration of findings from an Audit completed under this Order.

Additionally, Section 5.5 should exclude requirements that are already found elsewhere regarding audits and the contents of the Sewer System Management Plan. Instead, it should establish what happens if an Enrollee's last Sewer System Management Plan had not been completed on time. The draft SSS-WDR contains instructions regarding audits that are not completed on time, so it would be appreciated if the draft SSS-WDR included similar information regarding Sewer System Management Plan updates.

[Page 20]

5.5. Six-Year Sewer System Management Plan Update

...

If a Sewer System Management Plan Update is not completed as required, the Enrollee shall:

- Update the online CIWQS Sanitary Sewer System Database and select the justification for not conducting the Update; and
- Notify its corresponding Regional Water Board (see Attachment G (Regional Water Quality Control Board Contact Information) of the justification for the lapsed requirements.

The Enrollee's reporting of a justification for not conducting a timely Update does not justify non-compliance with this General Order. The Enrollee shall:

- Complete the late Update as required in this General Order; and

- [Comply with subsequent Update requirements and due dates.](#)

14. The Reporting Certification requirements should not require Legally Responsible Officials to certify past reports submitted by others (Page 21).

The draft SSS-WDR requires Legally Responsible Officials to certify compliance for “all” spill reporting as well as “other submitted reports and plans.” It is only appropriate for the Legally Responsible Official to certify the actual document being submitted, not other documents that may have been previously submitted by others.

[Page 21]

5.9. Reporting Certification

The Legally Responsible Official shall electronically certify, on the Enrollee’s behalf, all applications, reports, the Sewer System Management Plan(s) and corresponding updates, and other information submitted electronically into the online CIWQS Sanitary Sewer System Database, as follows:

“I certify under penalty of perjury under the laws of the State of California that the electronically submitted information was prepared under my direction or supervision [in compliance with the Statewide Sanitary Sewer Systems Order](#). Based on my inquiry of the person(s) directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information. ~~Additionally, I certify that: (1) reporting and notification of all sanitary sewer spills and/or discharges, and (2) other submitted reports and plans, comply with the Statewide Sanitary Sewer Systems General Order.”~~

15. Modify the System Capacity language for internal consistency, and to allow for a reasonable approach to capital improvements (Pages 23-24).

Section 5.10 of the draft SSS-WDR requires Enrollees to provide adequate hydraulic capacity within the permitted system. We request minor changes to the language in this section for internal consistency with other concepts of the draft SSS-WDR. These changes will also facilitate a reasonable approach to capital improvement planning that acknowledges that not all spills are preventable – extreme weather events may still result in capacity-related spills.

The draft SSS-WDR does not define an “appropriate” design storm. Instead, each Enrollee is required to consider “updated” design storm conditions when assessing capacity under Element 8.2 of the SSMP. For consistency with Element 8.2 of Attachment D, a neutral word such as “designated,” “updated,” or “identified” should be substituted for “appropriate” in Section 5.10.

Section 5.10 should also note that not all spills are preventable, as noted elsewhere in the draft SSS-WDR. For example, Section 3.2.3 of the SSS-WDR states that “Many spills are preventable through proactive attention on sanitary sewer system management.” The requested markup is shown below.

[Page 21]

5.10. System Capacity

The Enrollee shall maintain the system capacity necessary to convey: (1) base flows during dry weather conditions, and (2) wet weather peak flows [consistent with designated](#) ~~per the appropriate~~

design storms. The Enrollee shall implement capital improvements to provide adequate hydraulic capacity to:

- Meet or exceed the design criteria as defined in the Enrollee’s System Evaluation and Capacity Assurance element of its Sewer System Management Plan; and
- Prevent, to the extent feasible, system capacity-related spills, and adverse impacts to the treatment efficiency of downstream wastewater treatment facilities.

16. Requirements related to the Electronic Service Area Boundary Map should be edited to reflect typical map file features and to clarify when updates are needed (Pages 23-24).

The draft SSS-WDR requires Enrollees to submit an electronic service area boundary map in a geospatially-located file format such as a Geographic information System (GIS) file. Items like a scale and orientation (north arrow) are typically not included in this file format, as they would automatically be added by an end user at the State Water Board as part of routine GIS mapping. Similarly, streets and jurisdictional boundaries would typically not be included in this file format. We believe that it would be simplest for State Water Board staff to use the file if it simply contains the service area boundary information, and nothing else. It is typical practice for GIS users to add on other layers (such as County boundaries) as needed.

To prevent duplicate and conflicting data, the geospatial location of wastewater treatment facilities should be provided directly by permitted wastewater treatment facilities, not by the Enrollees. The reference to “three” formats should also be simplified, as the draft text allows for “Other updated formats.” It also would be helpful to include the link to the State Water Board’s webpage where WDID numbers for wastewater treatment plants should be included, as some smaller enrollees may not know where to locate this.

Based on feedback from State Water Board staff at the February 2022 workshops, our understanding is that the electronic boundary map is to be updated as part of the Annual Report, if needed. This information should be added to the draft SSS-WDR for clarity.

The requested markups are shown below.

[Pages 23-24]

5.14. Electronic Sanitary Sewer System Service Area Boundary Map

Within 12 months of the Effective Date of this General Order for continuing Enrollees, or within 12 months of the Application for Enrollment approval date for new Enrollees, an Enrollee must submit into the online CIWQS Sanitary Sewer System Database an up-to-date electronic spatial map, digitized at a minimum scale of 1:24,000, of the Enrollee’s sewer system service area boundaries, for each system identified by a WDID number. An Enrollee of a disadvantaged community that may need assistance developing an electronic map to comply with this requirement, may contact State Water Board staff for assistance at SanitarySewer@waterboards.ca.gov.

The map must include the following elements:

- A scale;
- A north arrow;

- ~~• Major streets, city and county boundaries, and other landmarks necessary to appropriately identify location of service area boundaries; and~~
- ~~• Location of wastewater treatment facility(ies) that treats system waste if in same sewer service boundary.~~

The Enrollee shall also provide the WDID of the wastewater treatment facility(ies) that treats system waste, which can be found at this web address: [SWRCB link].

The electronic map must use one of the following ~~three~~ formats:

[Pages E1-13 and E1-14]

3.4. Annual Report (Previously termed as Collection System Questionnaire in General Order 2006-0003-DWQ)

...

The Annual Report (an Annual Report update) must address the following items:

- Updated sewer system service area boundaries and system service area (square miles), which shall be submitted per section 5.14 (Electronic Sanitary Sewer System Service Area Boundary Map) if the sewer system service area boundary has changed;

17. Maintain discretionary enforcement for factors beyond the reasonable control of Enrollees (Page 27).

The 2006 Order allows the State Water Board or Regional Water Board to consider whether the discharge was “exceptional, unintentional, temporary, and caused by factors beyond the reasonable control of the Enrollee.” We respectfully request that the list of acceptable considerations for enforcement continue to reflect the concept that some spills will inevitably occur due to factors beyond the reasonable control of the Enrollee.

6.1.6. Water Boards’ Considerations for Discretionary Enforcement

Consistent with the State Water Board Enforcement Policy, when considering Water Code section 13327 factors, the State Water Board or a Regional Water Board may consider the Enrollee’s efforts to contain, control, clean up, and mitigate spills. In assessing the factors, the State Water Board or the applicable Regional Water Board will consider:

...

- The spill duration and factors beyond the reasonable control of the Enrollee causing the event.

18. The Sewer System Management Plan Availability requirements should be clarified for Enrollees (Page 30).

The draft SSS-WDR requires Sewer System Management Plans to be available on an Enrollee’s “homepage,” which usually means the primary website of an agency (for example, <http://waterboards.ca.gov>). Large and medium agencies often post their Sewer System Management Plan in a prominent location elsewhere on the website in a location directly related to wastewater operations. Likewise, they commonly are available through the agencies’ homepage search tool, plus internet search capabilities have also made these documents easier to locate online than in the past, so we respectfully request the requirement to place it on the “homepage” be modified. We also request additional changes to this section to correct two minor issues:

- The phrase “accessible to the public” may be misconstrued to specifically refer to compliance with the Americans with Disabilities Act. The phrases “available to the public” and “maintained for public inspection” are suggested replacements.
- Specifying that uploading through CIWQS is an acceptable path for making Sewer System Management Plans available to the public, as State Water Board discussed and noted at the February 2022 workshop. Some Enrollees, including very small or private Enrollees, may not have a website.

[Page 30]

6.4 Sewer System Management Plan Availability

The Enrollee’s updated Sewer System Management Plan must be maintained [for public inspection](#) at the Enrollee’s offices and facilities and must be available [to the public through CIWQS or prominently identified](#) on the Enrollee’s internet [website homepage in a format accessible to the public](#).

19. The definition of laterals should be revised to reflect the variability among Enrollees (Page A-2).

The boundaries between upper and lower laterals vary widely among Enrollees. Some jurisdictions use property lines, some use sidewalk clean-outs, and some use curb lines as the boundary between upper and lower lateral. These also vary when sewer lines are included in easements granted to the Enrollee or have more than a single discharger using the lateral. The proposed markup below is needed to capture the variability in the definitions of upper and lower laterals.

[Page A-2]

Lateral (including Lower ~~and Lower~~ and Upper Lateral)

A lateral is an underground segment of pipe that transports sewage from a building or property (residential, commercial, or industrial) to a sanitary sewer system main in a street or easement.

A lower lateral [can be defined as](#) ~~is~~ the portion of the lateral located between: (1) the sanitary sewer system main, and (2) either the property line or the boundary of an established easement.

An upper lateral [can be defined as](#) ~~is~~ the portion of the lateral from the building or property, to a clean out closest to the property line or boundary of an established easement.

[Upper and lower lateral boundary definitions are subject to determination by local jurisdiction codes and ordinances.](#)

20. Redundant Spill Emergency Response Plan Requirements should be removed (Page D-6) .

The Spill Emergency Response Plan requires a post-spill assessment of spill response activities, and the Spill Emergency Response Plan would be reviewed as part of a Sewer System Management Plan Update. There is no need for the Spill Emergency Response Plan to be reviewed annually when it already must be reviewed upon the adoption of the draft SSS-WDR, after major spills, and every six years as part of the SSMP update.

The language also suggests edits for clarity, and to align this section with the language in Section 5.11 (which uses the term “prevent/minimize spill volume”).

[Page D-6]

6. SPILL EMERGENCY RESPONSE PLAN

The Plan must include a ~~developed~~ Spill Emergency Response Plan to assure immediate detection and response to spills to reduce spill volumes and collect information for prevention of future spills. The Spill Emergency Response Plan must include procedures to:

...

- Contain a spill and prevent/minimize discharge to waters of the State or any drainage conveyance system;

...

- Conduct post-spill assessments of spill response activities;

...

- ~~Review and assess the Spill Emergency Response Plan Annually.~~

21. Requirements found within the Sewer System Management Plan Element 4 (Operation and Maintenance Program) and Element 8 (System Evaluation and Capacity Assurance and Capital Improvements) should be better aligned, and duplicative language removed (Pages D-4 to D-9).

We appreciate that State Water Board staff have retained the structure of the 2006 Order's SSMP requirements. With the expanded responsibilities for certain elements, we recommend streamlining of some of the new duplicative prioritization requirements in Element 4 and Element 8 of the SSMP. While Element 4.3 contains requirements related to prioritization of capital improvements, Element 8 is a more appropriate location for this information related to capital planning and capacity, given Element 8's particular focus on condition assessment, risk, and prioritization of corrective actions. As for the other portions of Element 4.3, they could be consolidated into the prior provision, and so accordingly, we respectfully request the draft SSS-WDR be revised to remove equivalent requirements in two different locations. One possible solution to address this duplication is shown below (i.e., consolidate requirements in Element 8 to the extent feasible). Another possible solution would be to consolidate requirements related to rehabilitation and replacement in Element 4.

Proposed language is shown below. The overall approach is to :

- Retain the reference to visual and CCTV inspections from Element 4.3 by moving it to Element 4.2.
- Move most other Element 4.3 requirements related to prioritization of capital improvements and interagency coordination to Element 8, where similar requirements are already found. Retain the section requiring coordination, which is necessary to prioritize rehabilitation and replacement projects.
- Remove internally redundant requirements in Element 8 (for example, the introduction includes all of the elements in 8.1, 8.2, 8.3, and 8.4, which is not necessary).
- Remove oddly specific language in Element 8.3 that refers to Infiltration and Inflow, bank erosion, and low-lying pump stations. According to the overall logic of Element 8, Element 8.3 should be a more general reference to identifying corrective actions.

[Pages D-4 to D-5]

4.2. Preventive Operation and Maintenance Activities

A scheduling system and a data collection system for routine preventive operation and maintenance activities conducted by staff and contractors. The scheduling system must schedule: (1) routine inspection and maintenance activities, and (2) higher-frequency

inspections and maintenance of known problem areas. [The procedures should include regular visual and closed-circuit television \(CCTV\) inspections of manholes and sewer pipes.](#) The data collection system must document data from routine inspection and maintenance activities, and higher-frequency inspections and maintenance of high-risk infrastructure conditions.

4.3. Rehabilitation and Replacement

[Procedures for joint coordination between operation and maintenance staff, and engineering staff/consultants to prioritize](#) ~~Sewer system rehabilitation and replacement (See also Element 8.3) procedures to prioritize short-term and long-term rehabilitation actions that address deficiencies that pose a high risk of spills. The procedures must include:~~

- ~~• Regular visual and closed-circuit television (CCTV) inspections of manholes and sewer pipes;~~
- ~~• A method for prioritizing capital improvements addressing high risk system and deficiencies;~~
- ~~• Joint coordination between operation and maintenance staff, and engineering staff/consultants during planning, design, and construction of capital improvement projects; and~~
- ~~• Interagency coordination with other impacted utility agencies.~~

[Pages D-7 to D-9]

8. SYSTEM EVALUATION AND CAPACITY ASSURANCE AND CAPITAL IMPROVEMENTS

The Plan must provide procedures and activities for the Enrollee to assess system condition and capacity, and prioritize rehabilitation actions to address:

- Local / regional climate change impacts;
- Environmental impacts;
- Change in waste flow rates and system users;
- Customer use of household and commercial products; and
- Other current and forecasted system-specific impacts that threaten the sewer system.

~~The Sewer System Management Plan must include a system evaluation that includes:~~

- ~~• Routine evaluation and assessment of system conditions;~~
- ~~• Capacity assessment and design criteria;~~
- ~~• Identification of risk and prioritization of corrective actions; and~~
- ~~• A capital improvement plan.~~

...

8.3. Identification of Risk and Prioritization of Corrective Action

The findings of the [Preventative Operation and Maintenance Activities \(Element 4.2\)](#), condition assessments [\(Element 8.1\)](#) and capacity assessments [\(Element 8.2\)](#) must be used to [identify and prioritize corrective actions.](#) ~~consider infiltration and inflow, bank erosion (in canyons and along coastal bluffs), and inundation of low-lying pump stations.~~ The prioritization of corrective actions must [also](#) consider ~~the ranking and measurement of risk based on~~ the severity of the consequences of potential spills.

22. The Capital Improvement Plan requirements should be generalized to accommodate the capital planning practices of all Enrollees (Page D-9).

The information requested in Element 8.4 of the Sewer System Management Plan is unreasonably detailed and creates a prescriptive structure. For example, the Sewer System Management Plan should not need to identify interim milestones for planning and design; doing so implies that an Enrollee must also adhere to these interim milestones, which is not appropriate, especially if/when circumstances arise (e.g., emergencies or identification of higher-priority projects) that would significantly alter milestones and associated capital expenditures. The language in the draft SSS-WDR also ignores that agencies regularly update their Capital Improvement Plans based on condition assessments and operational issues. Meanwhile, Enrollees that are small agencies or small-scale private systems will naturally use a simplified approach to capital planning compared to larger agencies. Suggested simplified language is shown below. The main elements -- scope, schedule, and budget – have been retained but cannot be unyieldingly prescriptive.

[Page D-9]

8.4. Capital Improvement Plan

The capital improvement plan must include the following items:

- ~~Project schedules with interim milestones for planning, design, and construction;~~
- ~~Project schedules, including c~~Completion dates for all portions of the capital improvement program, updated consistent with the Sewer System Management Plan update, and
- Internal and external project funding sources ~~for each project including:~~
 - ~~Local accounts that will provide the necessary local resources,~~
 - ~~Necessary local board or company budget approvals,~~
 - ~~Necessary planning, design and construction staff and contractor, and~~
 - ~~Breakdown of resources allocated to various capital improvement projects.~~

23. The SSMP Elements should maintain a distinction between the Operation and Maintenance Program (Element 4) and source control programs (Element 7) (Page D-7).

The original intent of Element VII (FOG Control Program) in the 2006 Order was to address the specific areas where, for some sewer systems, fats, oils, and grease (FOG) can become a significant cause for stoppages but are correctable using accepted Food Service Establishment (FSE) source control measures. The draft SSS-WDR expands this section beyond FOG. While we are not opposed to the addition of rags and debris, root control does not belong in Element 7, as it is already addressed in Element 4. Roots are not controllable through public outreach and/or source control. Residential FOG, non-FSE commercial FOG, and wipes (a form of “rags and debris”) are the main elements that would benefit from a public outreach campaign.

In contrast, roots are best addressed by Enrollees through the knowledge of historical records and an effective O&M program (Element 4). Element 4.2 already requires higher-frequency inspections and maintenance of known problem areas, such as areas with root intrusion. The requested markup to retain the distinction between source control (Element 7) and O&M (Element 4) is shown below.

The markup below also allows additional flexibility for Enrollees to develop system-specific control programs, as appropriate, rather than mandating that all Enrollees include all of the suggested items in the list. For example, a small private Enrollee would probably not develop a public education program. This suggested language was copied from the 2006 Order. “All” is removed from the last bullet so that Enrollees have the flexibility to prioritize the most likely sources of FOG in their service area.

Finally, the markup below standardizes references to a “program.” It is confusing to refer to “A plan” that is distinct from “The Plan” (“The Plan” means the entire SSMP).

7. SEWER PIPE BLOCKAGE CONTROL PROGRAM

The Plan must include procedures to evaluate the Enrollee's service area and identify and address system-specific pipe blockages caused by ~~roots~~, fats, oils, grease, rags, and debris. The ~~procedures must include, at minimum:~~ Plan shall include the following, as appropriate:

- ~~An implementation plan and schedule for~~ a public education and outreach program that promotes proper disposal of pipe-blocking substances;
- ~~A plan and schedule~~ Strategies for the disposal of pipe-blocking substances generated within the sanitary sewer system service area. This may include a list of acceptable disposal facilities and/or additional facilities needed to adequately dispose of substances generated within a sanitary sewer system service area;
- ~~A plan to identify, document and address system areas/components prone to root intrusion potentially resulting in system backup, failure and/or exfiltration;~~
- The legal authority to prohibit discharges to the system and identify measures to prevent spills and blockages;
- Requirements to install grease removal devices (such as traps or interceptors), design standards for the removal devices, maintenance requirements, best management practices requirements, recordkeeping and reporting requirements;
- Authority to inspect grease producing facilities, enforcement authorities, and whether the Enrollee has sufficient staff to inspect and enforce the fats, oils, and grease ordinance;
- An identification of sanitary sewer system sections subject to fats, oils, and grease blockages and establishment of a cleaning schedule for each section; and
- Implementation of source control measures for ~~all~~ sources of fats, oils, and grease reaching the sanitary sewer system for each section identified above.

24. Requirements related to spill response that are due by the Effective Date of the draft SSS-WDR should be consolidated, and Enrollees should have at least 180 days to comply (Page D-10).

There are a several sections of the draft SSS-WDR that will require Enrollees to take action in between the adoption date and the effective date of the draft SSS-WDR in order to comply with the new Order. The most significant of these is updating the Spill Emergency Response Plan, which is a requirement within the main body of the draft SSS-WDR (Section 5.12, Page 22) and one of the SSMP elements (Element 6, Attachment D, page D-6). We estimate that a compliance period of at least 180 days will be needed to allow all 1,100+ Enrollees time to complete these necessary updates.

The SSMP Communication Program (Element 11, Attachment D, page D-10) also contains requirements related to spill emergency response that are redundant with those in Element 6. To avoid Enrollees having to update both Element 6 and Element 11 of their SSMPs by the effective date, and to avoid duplicative requirements in general, we request that the spill response protocols be removed from Element 11. The requested markup is shown below. If needed, the deleted text could be adapted and re-inserted in Element 6.

In addition, the reference to "laterals" should be removed, because it unreasonably broadens the scope of the communication program compared to the 2006 Order. The 2006 Order requires communication

with “**systems** that are tributary and/or satellite to the Enrollee’s sanitary sewer system.” Not all Enrollees have a mechanism for directly contacting individual lateral owners; adding such a requirement would be inappropriate and burdensome. Public outreach related to FOG, rags, and debris is already included in Element 7.

We suggest referencing both owners and operators because, in some cases, systems are operated by a different entity than the owner. The reference to “private and public” should be removed because it does not add any information to the draft SSS-WDR – all systems are either private or public.

[Page D-10]

11. COMMUNICATION PROGRAM

The Plan must include procedures for the Enrollee to communicate with:

- The public for:
 - o Spills and discharges resulting in closures of public areas, or that enter a source of drinking water, and
 - o The development, implementation, and update of its Plan, including opportunities for public input to Plan implementation and updates.
- Owners/operators of ~~private and public lateral~~/systems that connect into the Enrollee’s system, including satellite systems, for system operation, maintenance, and capital improvement-related activities; ~~and~~
- ~~Stormwater, drinking water and other utility agencies for collaborative emergency spill response during and after a spill to immediately stop the spill, prevent/minimize a discharge to waters of the State, and clean up spill areas.~~

25. Receiving Water Visual Observations should only be required for spills greater than 50,000 gallons that enter waters of the State (Page E1-4).

This edit would make the draft SSS-WDR consistent with the 2013 Monitoring and Reporting Program (Order No. WQ 2013-0058-EXEC).

[Page E1-4]

2.3.1. Receiving Water Visual Observations

Through visual observations and use of best available spill volume-estimating techniques and field calculation techniques, the Enrollee shall gather and document the following information for spills greater than 50,000 gallons discharging to surface waters:

26. The Order should more precisely describe the number of receiving water quality samples to be collected. The timeframe for sampling and analysis should acknowledge the potential for delays due to access and safety constraints (Page E1-5).

The draft SSS-WDR requires receiving water sampling for bacteria and ammonia at three locations: Upstream (RSW-001U), Downstream (RSW-001D), and at the initial point where sewage enters the receiving water (RSW-001). The description of the number of receiving water samples required to be

collected is vague. The Order refers to three samples, which presumably means to collect one sample at each of the three locations per day.

The 2006 Order provides Enrollees with 48 hours to sample receiving waters, but the draft SSS-WDR reduces this timeframe to just 12 hours. We respectfully request that this timeframe be adjusted to at least 24 hours, which will still be twice as fast as currently required. For some spills – particularly those for which knowledge of the spill occurs in the evening – the 12-hour requirement will be infeasible. Moreover, there are a variety of legitimate safety and access concerns which will prevent Enrollees from complying with the 12-hour timeframe to collect the requested samples. To avoid creating a hazardous condition, the text should acknowledge that field crews do not need to undertake sampling if conditions are unsafe. A safety and access exception is already found in Section 2.4 of Attachment E1, so this edit is merely for clarity.

Additionally, the suggested revisions below also indicates that analysis (as distinct from sample collection) does not need to be completed right away. Only sample collection is required within 12 hours (per the draft) or 24 hours (per the markup).

[Page E1-5]

2.3.3. Receiving Water – Water Quality Sampling and Analysis

~~To capture the impact of~~ For sewage spills estimated to be 50,000 gallons or more to a surface water, the Enrollee shall conduct the following receiving water quality sampling ~~and analysis~~, as soon as possible. ~~Unless safety or access exceptions apply (Section 2.4), sampling shall be conducted~~, but no later than ~~24 hours~~ 12 hours after the Enrollee’s knowledge of potential discharge to a surface water ~~of the United States~~:

- ~~Collect~~ Three receiving water samples, each day of the duration of the spill, per the Water Quality Sampling Specification in section 2.3.4. (Water Quality Sampling Specifications) of this Attachment, ~~and~~ at each of the ~~three~~ receiving water sampling locations in section 2.3.5. (Receiving Water Sampling Locations) of this Attachment;

27. Drainage Conveyance System sampling point DCS-001 should be removed from the draft SSS-WDR. It appears to have been included in error (Page E1-6).

Attachment E identifies sampling location DCS-001 to represent sampling of drainage conveyance system flow. However, the text of the order does not call out sampling this location. The water quality of sewage is well-established, and no justification for sampling is provided. The sampling location may have been included in error.

[Page E1-6]

~~Sampling of Drainage Conveyance System (DCS) Flow~~

Sampling Location	Sampling Location Description
DCS-001	A point where a representative sample of the drainage water in a drainage conveyance system, before the drainage conveyance system flow discharges into a receiving water.

28. Extraneous requirements for Category 3 and Category 4 spill report should be removed (Page E1-11).

The requirements for Category 3 and 4 spill reports should not be identical to the Category 1 and 2 spill reports. For example, there will not be a need to identify the impacted water body(s) since Category 3 and 4 spills do not reach surface waters.

[Page E1-11]

3.2. Monthly Certified Spill Reporting for Individual Category 3 and Category 4 Spills

...

~~5. Did the spill directly or indirectly (via a drainage conveyance system) discharge into a water of the State?~~

...

~~8. Estimate of the spill volume that discharged to waters of the State, and spill volume not recovered from a drainage conveyance system;~~

...

~~23. Name and type of water body(s) impacted; and~~

~~24. If discharged to a surface water, visual inspection of water body, narrative description, and photographs of impacted water body(s).~~

29. Except for voluntary notification of privately-owned spills, all notifications should occur through the Office of Emergency Services. Erroneous references to notifying the State Water Board through an online CIWQS Sanitary Sewer System Database should be removed (Pages E2-1, E2-2).

The spill reporting notification requirements shown in Table E2-1 and E2-2 erroneously refer to notification to the State Water Board through an online CIWQS Sanitary Sewer System Database. State Water Board staff confirmed at the February 2022 workshops that these references are erroneous, as no such requirement is listed within the earlier sections of the draft SSS-WDR. Section 1.1 of Attachment E1 requires 2-hour notification to the California Office of Emergency Services.

[Pages E2-1 and E2-2]

Table E2-1

Spill Requirement	Due	Method
Notification	<p>...</p> <ul style="list-style-type: none"> • For Category 1 spills of 1,000 gallons or greater, notify California Office of Emergency Services and obtain a notification control number; and • For all Category 1 spills, notify the State Water Board through the online CIWQS Sanitary Sewer System Database. 	<p>2. https://ciwqs.waterboards.ca.gov (Section 1 of Attachment E1)</p>

Table E2-2

Spill Requirements	Due	Method
Notification	<p>...</p> <ul style="list-style-type: none"> • Notify the State Water Board through the online CIWQS Sanitary Sewer System Database. 	<p>2. https://ciwqs.waterboards.ca.gov (Section 1 of Attachment E1)</p>

		Not applicable
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30. Maintain the General Order as a WDR rather than changing it to an NPDES permit.

We are aware that some stakeholders have advocated refashioning the SSS-WDR into an NPDES permit. While we are confident that the State Water Board has committed to moving forward with the SSS-WDR as Waste Discharge Requirements, we note that a shift to an NPDES model would require a complete re-drafting and re-framing of its requirements due to how the provisions would become enforceable by third parties. This would take significant time, effort, and resources from both the Water Boards and stakeholders. As such, we concur with the overall approach used in the draft SSS-WDR to regulate sanitary sewer systems using Waste Discharge Requirements rather than an NPDES permit. Sanitary sewer systems in California should continue to be regulated using the State Water Board’s authority under the Porter-Cologne Water Quality Control Act, so no change to the draft SSS-WDR is requested.

31. Correct Minor and Typographical Errors

Page No.	Section No.	Current Draft Language	Proposed language	Rationale
1	Table 1	A sanitary sewer system is a system that is designed to convey sewage, including but not limited to, pipes, manholes, pump stations, syphons , wet wells,	A sanitary sewer system is a system that is designed to convey sewage, including but not limited to, pipes, manholes, pump stations, siphons , wet wells,	Use the spelling of “siphons” as used in other parts of WDR.
5	1.	Sewage spilled from a sanitary sewer system threatens public health, beneficial uses of waters of the State, and the environment.	Sewage spilled from a sanitary sewer system may threaten public health, beneficial uses of waters of the State, and the environment.	This change will mirror the conditional language in the 2006 Order (page 1, paragraph 2). A small volume of sewage spilled or one that is cleanup up or one that is intercepted (that does not reach surface waters) is not a threat.
8	3.1.2	A discharge of raw or partially treated sewage	A discharge of untreated or partially treated sewage	As listed in the definitions, “Sewage is untreated or partially treated domestic, municipal, commercial and/or industrial waste (including sewage sludge) conveyed in a sanitary sewer system.” The word “raw” is not used anywhere else in the order.
11	3.2.2	Inadvertently generate trash, including plastics;	Inadvertently release trash, including plastics;	Spills do not generate trash. They may release trash that is already present within the sanitary sewer system.
13	3.2.3	Finding 3 of the previous Order, 2006-0003-DWQ states: “...discharges that may impact waters of the State... the likelihood of an SSO [sewer system overflows]...”	Finding 3 of the previous Order, 2006-0003-DWQ states: “...discharges that may affect waters of the State... the likelihood of an SSO [sanitary sewer overflows]...”	This section is structured as a quotation from the 2006 Order, but two of the excerpts are not direct quotations from the 2006 Order. The proposed correction corrects the misquotations.

Page No.	Section No.	Current Draft Language	Proposed language	Rationale
14	3.2.3	Community impacts , including but not limited to: - Power outages; - Vandalism; and - Contractor-caused or other third party-caused damages.	Community- based causes , including but not limited to: - Power outages; - Vandalism; and - Contractor-caused or other third party-caused damages.	Power outages, vandalism, and third-party damages are potential causes of spills, not impacts.
14	3.2.4	Not all, yet many sanitary sewer systems leak, causing underground exfiltration (exiting) of sewage from the system.	Portions of some sanitary sewer systems may leak, causing underground exfiltration (exiting) of sewage from the system.	The wording in the draft SSS-WDR is awkward and potentially misleading. It is currently not known whether exfiltration is common or rare around the State. Also, if and when sanitary sewer systems leak, only a portion of the system would be leaking.
14	3.2.5	rainfall- induced infiltration	rainfall- dependent inflow and infiltration	The phrase used by sanitary sewer agencies is “rainfall-dependent inflow and infiltration,” rather than “rainfall-induced infiltration.” The meaning is the same, but it would be more accurate to use the industry term.
18	5.3	The Legally Responsible Official shall upload its Sewer System Management Plan and subsequent updated Plans in the online CIWQS Sanitary Sewer System Database.	The Legally Responsible Official shall upload or provide an electronic link to its Sewer System Management Plan and subsequent updated Plans in the online CIWQS Sanitary Sewer System Database.	CIWQS has a file size limit for upload. State Water Board staff noted at the public workshops held in February 2022 that providing a link is an acceptable alternative.

Page No.	Section No.	Current Draft Language	Proposed language	Rationale
20	5.5	Findings from the Enrollee’s Year 3 and Year 6 local program audits ; and	Findings from the Enrollee’s -prior two SSMP Audits ; and	Audits are not necessarily lined up within the SSMP cycle, so the terms “Year 3” and “Year 6” are ambiguous and potentially confusing. The so-called “Year 3” audit may be conducted 2 years after an updated SSMP is issued, for example. Also, it would be internally consistent to use SSMP Audit rather than “local program audit.” This deletion is also noted in Comment # 13 of this attachment.
20	5.5	During the time period in between Plan updates, the Enrollee shall continuously document changes to its Sewer System Management Plan in a change log attached to the Plan .	During the time period in between Plan updates, the Enrollee shall document significant changes to its Sewer System Management Plan in a change log created per Attachment D, Element 9 (Monitoring, Measurement and Program Modifications) .	This change will ensure the language in the draft SSS-WDR mirrors the 2006 Order, which calls for documenting “significant program changes” (Page 15, paragraph 14). The requirement to continuously document changes implies SSMP changes are made on a frequent and regular basis, while most SSMP changes are made infrequently -- typically after an SSMP Audit or just prior to the SSMP Update. Although less significant changes could occur more frequently (e.g., changes to a phone number or one staff member), documenting every minute change would not be constructive.

Page No.	Section No.	Current Draft Language	Proposed language	Rationale
22	5.11	The Enrollee shall generate the graph in CIWQS,	The Enrollee may generate the graph in CIWQS,	The Legally Responsible Official should not be legally required to certify output from CIWQS, as the internal workings of the system are not under the control of the Legally Responsible Official. While using CIWQS is a much-appreciated option, the Enrollee should also have the option of generating their own graph, if desired.
22	5.12	Disinfecting publicly accessible areas while preventing toxic discharges to waters of the State.	Cleaning publicly accessible areas while preventing toxic discharges to waters of the State.	Some Regional Water Boards do not allow use of disinfecting chemicals due to the risk of impacting waterways. Typical practice is to wash down the affected areas with potable water, which may have been what was meant by “disinfection.” A more generic word such as “cleaning” would be more appropriate.

Page No.	Section No.	Current Draft Language	Proposed language	Rationale
27	6.1.5	In the event that a spill enters into a drainage conveyance system, the Enrollee shall take all feasible steps to prevent discharge of sewage entering into drainage conveyance systems (including flood control channels or structures) to waters of the State by blocking the drainage conveyance system, removing the sewage from the drainage conveyance system, and sanitizing the system in a manner that does not inadvertently impact beneficial uses in the downstream receiving water body.	In the event that a spill enters into a drainage conveyance system, the Enrollee shall take all feasible steps to prevent discharge of sewage from that drainage conveyance systems (including flood control channels or structures) to waters of the State by implementing the Spill Emergency Response Plan in the SSMP , blocking the drainage conveyance system, removing the sewage from the drainage conveyance system, and cleaning the system in a manner that does not inadvertently impact beneficial uses in the downstream receiving water body.	<p>This section requires the Enrollee to block the drainage conveyance system to prevent the spill from entering the receiving water body but does not require any coordination with the municipal stormwater agency regarding how to block the drainage conveyance system to prevent other unintended consequences, such as flooding, that could result from a blockage of the system. Element 6 of the SSMP requires a Spill Emergency Response Plan, which includes pre-planned coordination and collaboration with storm drain agencies. In recognition of these overlapping requirements, an express reference to the Spill Emergency Response Plan would be useful in this section.</p> <p>Consistent with the previous comment in this table, “sanitizing” implies the use of disinfecting chemicals. The word “cleaning” is preferable. The suggested change from “entering into that drainage conveyance system” to “from that drainage conveyance system” is for clarity.</p>
27	6.1.5	...impact beneficial uses in the downstream receiving water body	...impact beneficial uses in the receiving water body to which the drainage conveyance system discharges	The draft SSS-WDR could be misinterpreted. The proposed edit clarifies that the drainage conveyance system is not an upstream receiving water body.

Page No.	Section No.	Current Draft Language	Proposed language	Rationale
D-5	4.3	A method for prioritizing capital improvements addressing high risk system and deficiencies;	Remove “ and ”	Typographical error
E1-11	3.1.4	<p>3.1.4. Amended Certified Spill Reports for Individual Category 1 and Category 2 Spills</p> <p>The Enrollee shall update or add additional information to a certified Spill Report within 90 calendar days of the spill end date by amending the report or by adding an attachment to the Spill Report in the online CIWQS Sanitary Sewer System Database. The Enrollee shall certify the amended report.</p> <p>After 90 days, the Enrollee shall contact the State Water Board at SanitarySewer@waterboards.ca.gov to request to amend a Spill Report. The Legally Responsible Official shall submit justification for why the additional information was not reported within the Amended Spill Report due date.</p>	None	Section 3.1.4 is redundant and should be removed. Identical language applying to all spill reports (not just Category 1 and 2 spill reports) is already found in Section 3.4 of Attachment E.

Page No.	Section No.	Current Draft Language	Proposed language	Rationale
E1-14	3.5	<ul style="list-style-type: none"> Number of upper and lower service laterals connected to system, Estimated number of upper and lower laterals owned and/or operated/maintained by the Enrollee, Portion of laterals that is Enrollee’s responsibility, 	<ul style="list-style-type: none"> Number of upper and lower service laterals connected to system, Estimated number of upper and <u>/or</u> lower laterals owned and/or operated/maintained by the Enrollee, Portion of laterals that is Enrollee’s responsibility, 	When counting the number of laterals connected to the system, there is no need to differentiate between upper and lower laterals. There is just one connection point for each lateral. If the Enrollee owns a portion of the lateral (i.e., that portion lying in the public-right-of-way), then some laterals can be identified as consisting of an upper and lower lateral.
E1-16	3.6	Notify its corresponding Regional Water Board (see Attachment F (Criteria for Equivalent Collection System Operator Certification Program)) of the justification for the lapsed requirements.	Notify its corresponding Regional Water Board (<u>see Attachment G - Regional Water Quality Control Board Contact Information</u>) of the justification for the lapsed requirements.	The wrong attachment is cited. Attachment G, not Attachment F, contains the contact information for Regional Water Quality Control Boards.
11, 21	3.1.6, 5.7	<p>“full compliance”</p> <p>“full implementation”</p>	<p>“full compliance”</p> <p>“full implementation”</p>	<p>For the purposes of enforcement, these terms are redundant. “Compliance” is the same as “full compliance.”</p> <p>“Implementation” is the same as “full implementation.”</p> <p>The phrase “full implementation” in Section 5.7 may have been intended to imply that the governing entity shall allocate resources for long-range elements identified in the SSMP. However, a governing entity cannot allocate funds or make commitments beyond their normal fiscal cycle.</p>

Page No.	Section No.	Current Draft Language	Proposed language	Rationale
D-2	All	Sewer System Management Plan (Plan)	Sewer System Management Plan (Plan) (SSMP)	Maintain consistency with body of WDR or use "SSMP" throughout. Use of the phrase "The Plan" is confusing because it is generic and there are so many other Plans associated with the SSMP and cited in the WDR. There are over 50 places where the entire phrase "Sewer System Management Plan" could be replaced by "SSMP".
D-2	1.2	The Plan Introduction section must include a schedule for the Enrollee to update the Plan, including the schedule for conducting local audits. The schedule must include milestones for incorporation of activities addressing prevention of sewer spills.	The Plan Introduction section must include a schedule for the Enrollee to update the Plan, including the schedule for conducting local audits. The schedule must include milestones for incorporation of activities addressing prevention of sewer spills.	It is unclear what is meant by "Activities addressing prevention of sewer spills." The audit and SSMP update schedules should be sufficient for this section. Additionally, it would be impossible to know in advance what activities/measures will be recommended in the Audit, or to know what timeframe they can be incorporated into the SSMP.
D-3	2	The name of the Legally Responsible Official	The name of the Legally Responsible Official(s)	Some agencies will have more than one Legally Responsible Official.
D-3	2	Chain of communication for reporting spills from receipt of complaint or other information, including the person responsible for reporting spills to the State and Regional Water Boards and other agencies, as applicable. (For example, county health officer, county environmental health agency, and State Office of Emergency Services.)	None, delete in its entirety	This information is already required in the Spill Emergency Response Plan (Element 6 of the SSMP) and should not be included twice.

Page No.	Section No.	Current Draft Language	Proposed language	Rationale
D-3	2	...the local Sewer System Management Plan the local Sewer System Management Plan...	Delete "local," as the SSMP is for the Enrollee's specific sewer system.
D-2, D-5	Intro	"Updated operations" (D-2) "Updated Training" (D-2) "Updated Map" (D-4) "Updated Design and Construction Standards" (D-5)	"Updated operations" (D-2) "Updated Training" (D-2) "Updated Map" (D-4) "Updated Design and Construction Standards" (D-5)	The adjective "updated" is superfluous. Agencies will submit what they are currently using, which is the updated version. All of the elements of the SSMP must be updated on the 6-year cycle, not just those labeled "Updated."
E1-2	1.1	<ul style="list-style-type: none"> The Enrollee has knowledge of the spill; and Notification can be provided without substantially impeding cleanup or other emergency measures. 	<ul style="list-style-type: none"> <u>Notification is possible</u>; The Enrollee has knowledge of the spill; and Notification can be provided without substantially impeding cleanup or other emergency measures. 	Please restore the language from the 2013 Monitoring and Reporting Program stating that notification to OES is only required if notification is possible.
E1-3	1.2	<ul style="list-style-type: none"> Estimated spill rate from the system (gallons per minute); Estimated discharge rate (gallons per minute) directly into waters of the State or indirectly into a drainage conveyance system; 	<ul style="list-style-type: none"> <u>If ongoing</u>, estimated spill rate from the system (gallons per minute); <u>If ongoing</u>, estimated discharge rate (gallons per minute) directly into waters of the State or indirectly into a drainage conveyance system; 	The spill rate would only available if the spill is still ongoing at the time that OES was notified.
E1-3	1.2	Description of water body impact and/ or potential impact to beneficial uses	Description of water body impact and/ or potential impact to beneficial uses	This information is not in the 2013 Monitoring and Reporting Program, and should be removed because it is redundant with the other information being provided. It is also unreasonable to expect collection system workers to classify beneficial uses.
E1-6	2.3.4	Sampling analysis must be conducted...	<u>Sample</u> analysis must be conducted...	Typographical error
E1-8, E1-11	3.1.1, 4. & 3.2, 4.	"The total spill volume fully recovered"	"The total spill volume fully recovered"	Fully recovered is redundant with recovered, as used in this section.

Page No.	Section No.	Current Draft Language	Proposed language	Rationale
E1-12	3.2, 14.	All information provided in Draft Category 1 Spill Report, with verification, or necessary modification based on subsequently acquired information after submittal of draft report;	None, delete in its entirety	This is a typographical error. There are no draft Category 1 spill reports for Category 3 and 4 spills.
E1-14	3.5	The Enrollee’s Legally Responsible Official must shall...	The Enrollee’s Legally Responsible Official must shall...	Redundant
E1-15	3.5	Actions taken to address system deficiencies	Actions taken to address system deficiencies.	This type of narrative information belongs in the audit, not in the annual report. The Annual Report should be kept as simple as possible.
E1-16	4.3	“Spill Reports ”	“Spill <u>Records</u> ”	This section describes records, not spill reports.
E1-16	4.3	“Spill event complaint ” ... “ complainant ”	“Spill event <u>notification</u> ” ... <u>notifier</u>	Use neutral terminology
E1-17	4.6	4.6. Sewer System Management Plan Implementation Records The Enrollee shall maintain records documenting the Enrollee’s implementation of its Sewer System Management Plan, including documents supporting its Sewer System Management Plan audits, corrections, modifications and updates to the Sewer System Management Plan.	4.6. Sewer System Management Plan Implementation Records The Enrollee shall maintain records documenting the Enrollee’s implementation of its Sewer System Management Plan, including documents supporting its Sewer System Management Plan audits, corrections, modifications and updates to the Sewer System Management Plan	Audit records are addressed in Section 4.7, which immediately follows. The audit record retention requirements should not be listed twice.
E1-17	4.7	The Enrollee shall maintain, at minimum, the following records pertaining to its Sewer System Management Plan audits, and other local sewer system program audits:	The Enrollee shall maintain, at minimum, the following records pertaining to its Sewer System Management Plan audits, and other local sewer system program audits:	It is unclear what other audits are being referenced.

Page No.	Section No.	Current Draft Language	Proposed language	Rationale
F-1	5.	"...to all candidates"	"...for all candidates"	Typographical error