

UPDATE

PROPOSED STATEWIDE SANITARY SEWER SYSTEMS

GENERAL ORDER DEVELOPMENT

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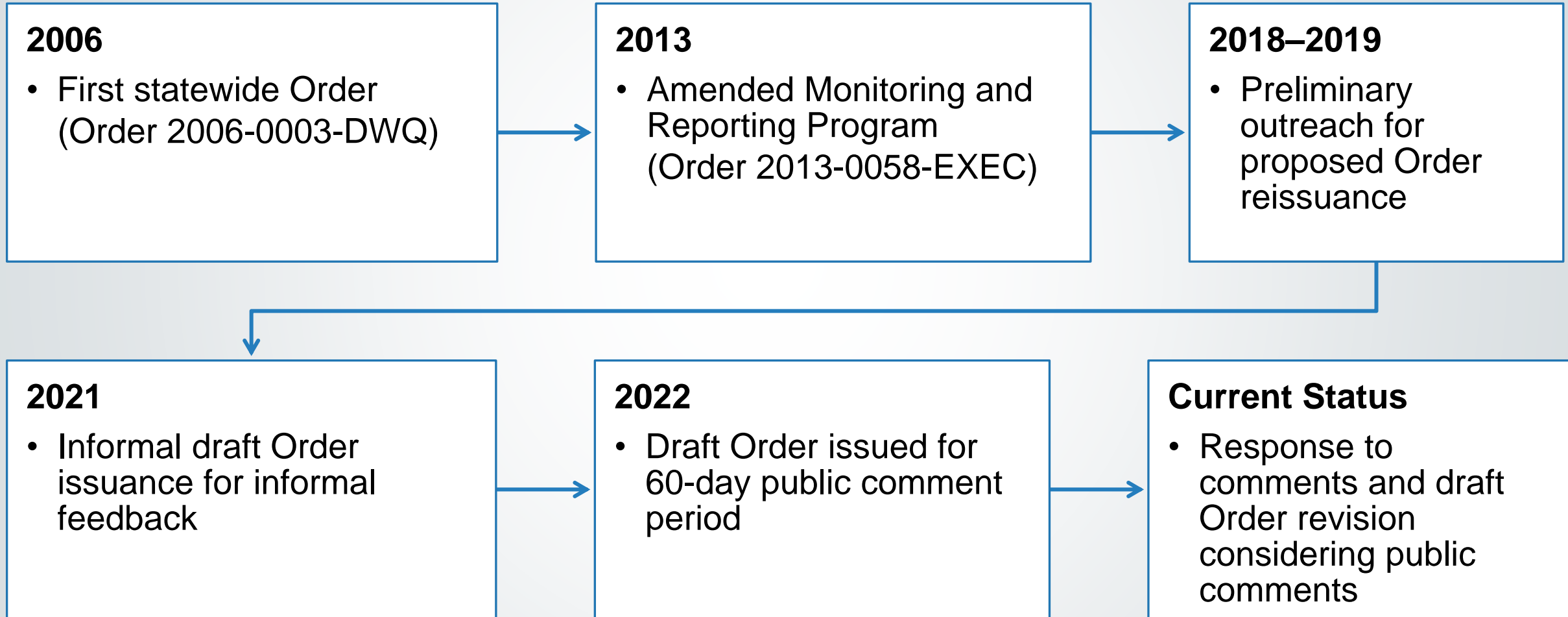
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Statewide NPDES Wastewater Program Manager

CWEA Collection Systems Committee Meeting
July 23, 2022



2

Background



3

Summary of Public Comments

31 Public
Comment
Letters

537
Comments

24
Comment
Categories

Next Steps through Fall 2022

1

Fall 2022
Issue proposed Order
And
Responses to Comments
(minimum of 30-days prior to
December 2022 Board
meeting)

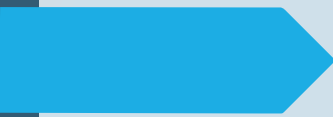
2

After issuance of Proposed
Order
Staff will hold a public
workshop and conduct
focused outreach to answer
questions about the:
Proposed Order,
Adoption Process, and
Order Implementation

3

State Water Board
consideration of adoption
December 2022
Board meetings are remote
and in-person
Interested parties have
opportunity to express
continued concerns directly to
the Board

The proposed Effective Date of the new Order is 120 days after adoption.



Summary of Major Public Comments



6

NPDES Permit vs Waste Discharge Requirements Order (WDRs)

California Coastkeeper Alliance Comment

Reissue the General Order as a hybrid NPDES permit/waste discharge requirements, to regulate spills into waters of the United States

Sanitation Agency Representatives Comments

- Continue regulating sewer systems with waste discharge requirements.
- Enrollees in violation of NPDES permit requirements are subject to third party lawsuits.

7

Proposed Order Effective Date



Proposed Effective Date: 120 days after adoption



Public Comments: Extend the Effective Date to 180 days to allow additional time for compliance

Order Effective Date is not the due date of required submittals:

- Individual due dates for updated Spill Emergency Response Plan, Sewer System Management Plan updates, and other requirements will be clarified.

Proposed New Prohibition 4.1.

Section 4.1. Discharge of Sewage from a Sanitary Sewer System

Draft Order Language:

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.

Public Comments:

- Remove the proposed new prohibition.
- The terms “potential to discharge”, “promptly” and “cleaned up” are not defined.
- The prohibition triggers third-party lawsuit for a discharge that may not occur.



Sewer System Management Plan Certification

Section 5.3. Certification of Sewer System Management Plan and Plan Updates

Draft Order Language:

If a Legally Responsible Official is not a Grade II (or higher) certified operator or a professional engineer, then a second Plan certification is required by:

Grade II Certified Collection System Operator; or

Grade II Certified Wastewater Treatment Plant Operator (employed at treatment plant serving collection system); or

Professional Engineer registered through the California Department of Consumer Affairs.

Public Comments:

- Remove the requirement for Plan certification by a Class II certified operator or professional engineer.
- Require operator input during Plan audits.

Category 1 Spill Definition

Section 5.13.1. Individual Spill Notification, Monitoring and Reporting

2006 Order Definition: Discharges of untreated or partially treated wastewater of any volume resulting from an enrollee's sanitary sewer system failure or flow condition that:

- Reach surface waters

Proposed Definition: A spill of any volume of sewage from or caused by a sanitary sewer system that results in a discharge to:

- Waters of the United States

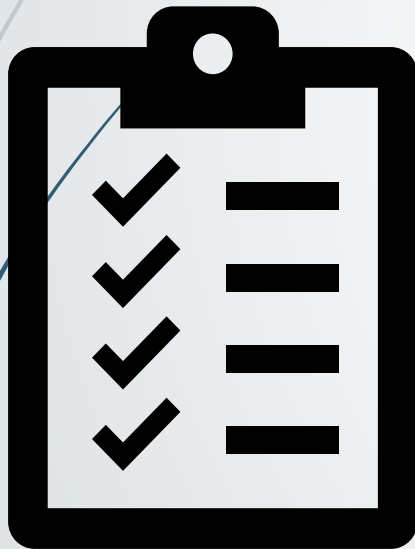
Public Comments:

- Change the definition to include all spills to surface waters.
- Clarify that spills to drainage conveyance systems that are fully cleaned up are not Category 1 spills.



Reduced Reporting for Category 4 Spills (Less than 50-gallons)

Section 5.18. System-Specific Reduced Reporting



Draft Order Language:

Qualified enrollees may receive system-specific reduced reporting for Category 4 spills by maintaining onsite recordkeeping, in place of public reporting into CIWQS.

Public Comments:

- Strengthen definition of Category 4 spills, to ensure small spills do not threaten surface waters
- Allow all agencies to report less than 50-gallon spills in the Annual Report
- Modify the “No-Spills” Certification to exclude Category 4 Spills

Receiving Water Quality Sampling Timeframe

for spills of >50,000 Gallons to Waters of the U.S.

Section E1-2.3.3. Receiving Water – Water Quality Sampling and Analysis

Draft Order Language:

The enrollee shall conduct receiving water quality sampling and analysis, as soon, as possible, but not later than 12 hours after the enrollee's knowledge of potential discharge to a water of the United States.

Public Comments:

- ▶ Maintain existing Order requirement of 48-hours
 - 12 hours not enough for lab analysis for bacterial indicators



Receiving Water Field Testing Requirement

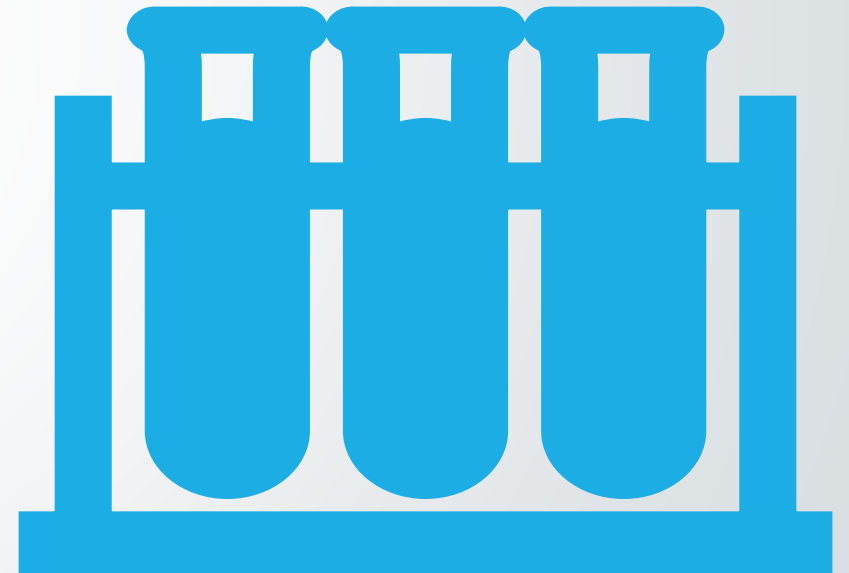
Section E1-2.3.2. Receiving Water Field Sampling

Draft Order Language:

For spills to surface waters, conduct receiving water field sampling for: pH, turbidity, temperature, and dissolved oxygen.

Public Comments:

- ➔ Remove field testing requirement
 - High compliance cost
 - No established timeline for testing
 - Procurement of new field-testing equipment
 - Delayed spill response and cleanup efforts
 - Costly training on instruments calibration and use



Officially Required Due Dates Per 2006 Order Sewer System Management Plan and Audits

Population	Officially Required Original SSMP Due Date	Audit Due Date*	Audit Due Date*	SSMP Update Due Date	SSMP Update Due Date	Proposed Order SSMP Update Due Date
> 100,000	5/2/2009	5/2/2011	5/2/2013	5/2/2014	5/2/2019	5/2/2025
100,000 to 10,000	8/2/2009	8/2/2011	8/2/2013	8/2/2014	8/2/2019	8/2/2025
10,000 to 2,500	5/2/2010	5/2/2012	5/2/2014	5/2/2015	5/2/2020	5/2/2026
< 2,500	8/2/2010	8/2/2012	8/2/2014	8/2/2015	8/2/2020	8/2/2026

* Audits are due every two years from the original SSMP due date

Next Steps

1

Fall 2022
Issue Proposed Order

Responses to Comments

Public staff-level workshop
and outreach

2

State Water Board
consideration of Order
adoption

(tentatively scheduled for
December 6/7, 2022
Board Meeting)

3

Existing Enrollee continuation
of regulatory coverage
60-days prior to Order
Effective Date

Continuation of Existing Regulatory Coverage Electronic Certification Process

- ▶ Simple electronic process in CIWQS for transition to new Order
 - ▶ **60 days** prior to the Effective Date of the Order.
- ▶ Legally Responsible Official must certify continued coverage for each system (each WDID).
- ▶ Legally Responsible Official will receive an automated CIWQS-generated Notice of Applicability email confirming continuation of regulatory coverage for each system
- ▶ Regulatory coverage under the 2006 Order will cease on the Effective Date of the new Order.

Thank you

Proposed General Order and related information available at:

https://www.waterboards.ca.gov/water_issues/programs/ssol/

Subscribe to Lyris e-mail list for updated email notifications:

https://www.waterboards.ca.gov/resources/email_subscription/swrcb_subscribe.html

