Date: July 7, 2005
File No. 1210.57 (MTC)

TO: Sewer System Authorities (attached list)

SUBJECT: New Requirements for Preparing Sewer System Management Plans

This letter is to notify you, as a Sanitary Sewer Collection System Agency, that you are required to prepare a Sewer System Management Plan (SSMP) pursuant to Section 13267 of the California Water Code. The enclosed SSMP Development Guide should be used to develop your plan, which will contain the following ten elements:

1. Goals
2. Organization
3. Overflow Emergency Response Plan
4. Fats, Oils, and Grease (FOG) Control Program
5. Legal Authority
6. Measures and Activities
7. Design and Construction Standards
8. Capacity Management
9. Monitoring, Measurement, and Program Modifications
10. SSMP Audits

As indicated in the attached guide, if you believe any element of this program is not applicable to your agency, your SSMP does not need to address it, but an explanation in the SSMP should be provided, indicating why that element of the SSMP is not applicable. Failure to prepare and maintain an SSMP will subject you to monetary liabilities that may be imposed by the San Francisco Bay Regional Water Quality Control Board (Regional Water Board). The following paragraphs provide some background and further details on the requirements and liabilities.

Background
This requirement is the result of a collaborative effort between the Bay Area Clean Water Agencies (BACWA) and the Regional Water Board to reduce and prevent sanitary sewer overflows. Over the past two years, BACWA and Regional Water Board staff met to develop...
draft SSMP guidelines. In 2004, six workshops were held for collection system agencies to present the draft SSMP guidelines and refine the contents for a comprehensive sanitary sewer overflow (SSO) control program for the region. This program comprises two components: 1) electronic reporting of SSOs; and, 2) development and implementation of SSMPs. The requirement for electronic SSO reporting began on December 1, 2004. The enclosed SSMP Development Guide incorporates input from collection system agencies in the San Francisco Bay Area.

Response Form
The first step of the process for developing your SSMP is to return a completed copy of the attached SSMP Form A to the Regional Water Board, to indicate that you have received this letter, understand the requirements, and intend to comply. There is a space on the form for feedback about the regional SSO control program. The Regional Water Board will continue working with BACWA to ensure successful implementation of this program.

Schedule
Individual elements of the SSMP are required to be completed according to the schedule shown below:

<table>
<thead>
<tr>
<th>SSMP Item</th>
<th>Required Completion Date</th>
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<tbody>
<tr>
<td>• Goals</td>
<td>August 31, 2006</td>
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<td>• Organization</td>
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<td>• Emergency Response Plan</td>
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<td>• FOG Control Program</td>
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<td>August 31, 2007</td>
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<td>• Measures and Activities</td>
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<td>• Design and Construction Standards</td>
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<tr>
<td>• SSMP Audits</td>
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</table>

Notification to Regional Water Board of Completed SSMP Elements
You must notify the Regional Water Board when you complete each set of SSMP elements. Use the attached forms as follows:
• Use SSMP Form B-1 to indicate completion of the first set of SSMP elements
• Use SSMP Form B-2 to indicate completion of the second set of SSMP elements
• Use SSMP Form B-3 to indicate completion of the third and last set of SSMP elements

Applicability to NPDES Permitted Facilities
For Publicly-Owned Treatment Works (POTWs) whose discharges are regulated in NPDES permits, and who also operate sanitary sewer systems, any requirement for development of an SSMP in your NPDES permit should be considered fulfilled using the requirements outlined in this letter.

Annual Reports for Reporting of SSOs
As indicated in a previous letter from the Regional Water Board dated November 15, 2004, the first annual report for your agency’s SSO control activity is due March 15, 2006, and should cover 13 months from December 1, 2004, through December 31, 2005. Subsequent annual reports are due March 15th, and should contain information for the preceding 12-month calendar year. Additional detail on requirements for annual reports will be forwarded to your agency later this year.

Basis for Requirement and Liabilities
Because SSOs are a threat to water quality, you should be aware that this letter establishes formal requirements for technical information pursuant to California Water Code Section 13267. Failure to respond, late response, or incomplete response may subject you to civil liability imposed by the Water Board to a maximum of $1,000 per day. Any revisions of the request set forth must be confirmed in writing by Regional Water Board staff.

State-wide SSO Control Program
The State Water Resources Control Board (State Water Board) has recently begun the development of a state-wide SSO control program. Regional Water Board and BACWA representatives are working with State representatives to ensure compatibility between the Regional and State programs. In the event the State program has additional requirements beyond the Regional program, these elements will need to be incorporated into the SSMP. Collection System agencies will be notified of any new requirements as they occur. Currently, the State Water Board’s proposed SSMP has a more aggressive development and implementation time schedule.
Sewer System Authorities (attached list)
Page 4

Questions
If your agency has questions about program requirements or SSMPs, please contact Michael Chee at mchee@waterboards.ca.gov or (510) 622-2333.

Sincerely,

Bruce H. Wolfe
Executive Officer

Attachments:
- Sanitary Sewer Authorities Mailing List
- SSMP Form A: Notification Form To Indicate Receipt of Letter Requiring the Development of an SSMP
- SSMP Form B-1: Notification Form To Indicate Completion of First Set of Sewer System Management Plan (SSMP) Elements
- SSMP Form B-2: Notification Form To Indicate Completion of Second Set of Sewer System Management Plan (SSMP) Elements
- SSMP Form B-3: Notification Form To Indicate Completion of Third (and Final) Set of Sewer System Management Plan (SSMP) Elements
- Fact Sheet – Requirements For Submitting Technical Reports Under Section 13267 of the California Water Code

Enclosure:
Sanitary Sewer Management Plan (SSMP) Development Guide
<table>
<thead>
<tr>
<th>Name</th>
<th>Title/Position</th>
<th>Address</th>
<th>City, CA</th>
</tr>
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<tr>
<td>Chris McAuliffe</td>
<td>U.S. Filter</td>
<td>601 Canal Blvd.</td>
<td>Richmond, CA 94804</td>
</tr>
<tr>
<td>Jeff Brown</td>
<td>City of Hercules</td>
<td>111 Civic Drive</td>
<td>Hercules, CA 94547</td>
</tr>
<tr>
<td>Andy Morrison</td>
<td>Collection Service Manager</td>
<td>Union Sanitary District 5072 Benson Road</td>
<td>Union City, CA 94587</td>
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<tr>
<td>Michael C. Cameron</td>
<td>General Manager</td>
<td>Oro Loma Sanitary District 2600 Grant Avenue</td>
<td>San Lorenzo, CA 94580</td>
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<tr>
<td>Rob Fowler</td>
<td>Dublin San Ramon SD</td>
<td>7051 Dublin Blvd.</td>
<td>Dublin, CA 94568</td>
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<tr>
<td>Maura A. Bonnarens</td>
<td>EBMUD</td>
<td>MS#702</td>
<td>Oakland, CA 94623</td>
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<td>Henry Yee</td>
<td>City of Berkeley</td>
<td>2180 Milvia Street</td>
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<tr>
<td>Larry Rosenberg</td>
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<td>120 Vista Avenue</td>
<td>Piedmont, CA 94611</td>
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<tr>
<td>Stanley Townsend</td>
<td>Director of Public Works</td>
<td>City of Calistoga, Dept. of Public Works 1232 Washington Street Calistoga, CA 94515</td>
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</tr>
<tr>
<td>Sam Mehta</td>
<td>City and County of San Francisco</td>
<td>P.O.Box 8097</td>
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<td>E.J. Shalaby</td>
<td>Maintenance Supervisor</td>
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<td>Steve Beal</td>
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<td>Alex Ameri</td>
<td>Deputy Director/Utilities</td>
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<td>Hayward, CA 94541</td>
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<td>General Manager</td>
<td>Castro Valley Sanitary District 21040 Marshall Street</td>
<td>Castro Valley, CA 94546</td>
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<td>Richard Lagomarsino</td>
<td>Lead Utility Operator</td>
<td>City of Pleasant</td>
<td>3333 Busch Road Pleasanton, CA 94588</td>
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<td>Maurice Kaufman</td>
<td>City Engineer</td>
<td>City of Emeryville</td>
<td>1333 Park Avenue Emeryville, CA 94608</td>
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<td>Don Moore</td>
<td>Joint Treatment Plant Yountville Town</td>
<td>6550 Yount Street</td>
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<td>Mark Adams</td>
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<td>Chuck Weir</td>
<td>East Bay Dischargers Authority</td>
<td>2651 Grant Avenue</td>
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<td>Water Pollution Control Plant Manager</td>
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<td>City of Livermore</td>
<td>101 West Jack London Blvd. Livermore, CA 94551</td>
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<td>Ann Chaney</td>
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<td>City of Albany-City Hall 1000 San Pablo Avenue</td>
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<td>Engineering Division Manager</td>
<td>City of Oakland</td>
<td>250 Frank Ogawa Pl Suite 4314 Oakland, CA 94612</td>
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<td>Jonathan Goldman</td>
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<td>Andy Ellicock</td>
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<td>Scott Munns</td>
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<td>Tim O'Day</td>
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<td>Marin County SD #5</td>
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<td>Tom Roberts</td>
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<td>Barry Hogue</td>
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<td>Al Petrie</td>
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<td>Robert Simmons</td>
<td>General Manager</td>
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<td>Brian O'Neill</td>
<td>General Superintendent</td>
<td>Golden Gate National Recreational Area</td>
<td>Fort Mason Building 201</td>
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<tr>
<td>Ed Marlow</td>
<td>Interim Assistant City Manager</td>
<td>Department of Public Works</td>
<td>501 Main Street</td>
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Dylan Radke
Attorney
CS Land WWTP
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SSMP Form A:
Notification Form To Indicate Receipt of Letter Requiring the Development of an SSMP

Return this form to the Regional Water Quality Control Board at the following address by August 31, 2005. You may email a PDF file of this form, mail the form, or fax the form.

Attention: Michael Chee
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA  94612
Email:  mchee@waterboards.ca.gov
Fax:  (510) 622-2460

Name of Agency ________________________________________________________
Agency Contact Person ___________________________________________________
Contact Person Phone Number _____________________________________________
Contact Person Email ____________________________________________________

Certification:

I certify that my agency has received the July 2005 letter requiring the development of a Sanitary Sewer Management Plan (SSMP), including the enclosure titled, “Sewer System Management Plan (SSMP) Development Guide.” I understand the nature of the requirements and intend to comply by the deadlines indicated.

_________________________________________  ______________________
Signature of Responsible Agency Representative                      Date

______________________________________________________________
Print Name and Title

We also welcome your comments about the San Francisco Bay Area SSO Control Program:

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
SSMP Form B-1: Notification Form To Indicate Completion of First Set of Sewer System Management Plan (SSMP) Elements

Return this form to the Regional Water Quality Control Board at the following address by August 31, 2006. You may email a PDF file of this form, mail the form, or fax the form.

Attention: Michael Chee
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
Email: mchee@waterboards.ca.gov
Fax: (510) 622-2460

Name of Agency ________________________________________________________

Agency Contact Person ___________________________________________________

Contact Person Phone Number _____________________________________________

Contact Person Email ____________________________________________________

<table>
<thead>
<tr>
<th>SSMP Item</th>
<th>Required Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Goals</td>
<td>August 31, 2006</td>
</tr>
<tr>
<td>• Organization</td>
<td></td>
</tr>
<tr>
<td>• Emergency Response Plan</td>
<td></td>
</tr>
<tr>
<td>• FOG Control Program</td>
<td></td>
</tr>
</tbody>
</table>

Certification:

I certify that my agency has completed the Sewer System Management Plan (SSMP) elements as specified above. The document(s) comprising these elements are on file at our agency’s offices.

_________________________________________  ______________________
Signature of Responsible Agency Representative                      Date

____________________________________________________________
Print Name and Title
SSMP Form B-2:
Notification Form To Indicate Completion of Second Set of
Sewer System Management Plan (SSMP) Elements

Return this form to the Regional Water Quality Control Board at the following address by August 31, 2007. You may email a PDF file of this form, mail the form, or fax the form.

Attention: Michael Chee
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA  94612
Email: mchee@waterboards.ca.gov
Fax: (510) 622-2460

Name of Agency ________________________________________________________

Agency Contact Person ___________________________________________________

Contact Person Phone Number _____________________________________________

Contact Person Email ____________________________________________________

Second Set of SSMP Elements

<table>
<thead>
<tr>
<th>SSMP Item</th>
<th>Required Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Legal Authority</td>
<td>August 31, 2007</td>
</tr>
<tr>
<td>• Measures and Activities</td>
<td></td>
</tr>
<tr>
<td>• Design and Construction Standards</td>
<td></td>
</tr>
</tbody>
</table>

Certification:

I certify that my agency has completed the Sewer System Management Plan (SSMP) elements as specified above. The document(s) comprising these elements are on file at our agency’s offices.

_________________________________________  ______________________
Signature of Responsible Agency Representative                      Date

______________________________________________________________
Print Name and Title
San Francisco Bay Regional Water Quality Control Board
Sanitary Sewer Overflow Control Program

**SSMP Form B-3:**
Notification Form To Indicate Completion of Third (and Last) Set of Sewer System Management Plan (SSMP) Elements

Return this form to the Regional Water Quality Control Board at the following address by August 31, 2008. You may email a PDF file of this form, mail the form, or fax the form.

Attention: Michael Chee
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
Email: mchee@waterboards.ca.gov
Fax: (510) 622-2460

Name of Agency _______________________________________________________

Agency Contact Person _________________________________________________

Contact Person Phone Number ____________________________________________

Contact Person Email __________________________________________________

**Third Set of SSMP Elements**

<table>
<thead>
<tr>
<th>SSMP Item</th>
<th>Required Completion Date</th>
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</thead>
<tbody>
<tr>
<td>• Capacity Management</td>
<td>August 31, 2008</td>
</tr>
<tr>
<td>• Monitoring, Measurement, and Program Modifications</td>
<td></td>
</tr>
<tr>
<td>• SSMP Audits</td>
<td></td>
</tr>
</tbody>
</table>

Certification:

I certify that my agency has completed the Sewer System Management Plan (SSMP) elements as specified above. The document(s) comprising these elements are on file at our agency’s offices.

_________________________________________  ______________________
Signature of Responsible Agency Representative                      Date

______________________________________________________________
Print Name and Title
Fact Sheet – Requirements For Submitting Technical Reports
Under Section 13267 of the California Water Code

What does it mean when the regional water board requires a technical report?

Section 13267 of the California Water Code provides that “…the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged…waste that could affect the quality of waters…shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires”.

This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?

Providing the required information in a technical report is not an admission of guilt or responsibility. However, the information provided can be used by the regional water board to clarify whether a given party has responsibility.

Are there limits to what the regional water board can ask for?

Yes. The information required must relate to an actual or suspected discharge of waste, and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The regional water board is required to explain the reasons for its request.

What if I can provide the information, but not by the date specified?

A time extension can be given for good cause. Your request should be submitted in writing, giving reasons.

Are there penalties if I don’t comply?

Depending on the situation, the regional water board can impose a fine of up to $1,000 per day, and a court can impose fines of up to $25,000 per day as well as criminal penalties. A person who submits false information is guilty of a misdemeanor.

Do I have to use a consultant or attorney to comply?

There is no legal requirement for this, but as a practical matter, in most cases the specialized nature of the information required makes use of a consultant and/or attorney advisable.

What if I disagree with the 13267 requirement and the regional water board staff will not change the requirement and/or date to comply?

You have two options: ask that the regional water board reconsider the requirement, or submit a petition to the State Water Resources Control Board. See California Water Code sections 13320 and 13321 for details.

If I have more questions, who do I ask?

Requirements for technical reports normally indicate the name, telephone number, and email address of the regional water board staff person involved at the end of the letter.

April, 2005

1 All code sections referenced herein can be found by going to www.leginfo.ca.gov