



California Regional Water Quality Control Board

San Francisco Bay Region



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Arnold Schwarzenegger
Governor

Date: SEP 29 2006
File No. 1210.57 (MTC)

TO: Sewer System Authorities (attached list)

SUBJECT: Impact of Statewide Sanitary Sewer Overflow Requirements (State Water Board Order No.2006-003) on SF Bay Water Board Sewer System Authorities

This letter is to notify you, as a Sanitary Sewer Collection System Agency, that new statewide sanitary sewer overflow (SSO) requirements were recently adopted by the State Water Resources Control Board (State Water Board) on May 2, 2006. These General Waste Discharge Requirements (SSO WDR) are applicable to federal and state agencies, municipalities, counties, districts, and other public entities that own or operate sanitary sewer systems greater than one mile in length that collect and/or convey untreated or partially treated wastewater to a publicly-owned treatment facility in the State of California.

The SSO WDR contains a schedule for sanitary sewer collection system agencies to accomplish the following:

1. Apply for coverage under the new statewide system – November 2, 2006
2. Begin regular reporting to a new statewide electronic reporting system – May 2, 2007
3. Develop sewer system management plans – see below for deadlines.

Bay Area collection system agencies should continue to report SSOs through the SF Bay Water Board's existing electronic reporting system up through May 1, 2007; on May 2, 2007, they should switch over to the statewide system. Bay Area collection system agencies will still submit their Annual Reports to the SF Bay Water Board by March 15th of each year. Your agency is required to enroll in the statewide electronic reporting system, and State Water Board staff will provide you with enrollment instructions.

SF Bay Water Board and the Bay Area Clean Water Agencies staffs have been meeting with State Water Board staff over the last couple of years, prior to the adoption of the new statewide requirements, to ensure that as much as possible that requirements of the new statewide SSO WDR are compatible with the SSO control program in place in the SF Bay Region. However, there are some differences between the programs that we would like to bring to your attention. Please refer to the attachment, which shows a *summary* comparison of the two programs.

We would like to especially call your attention to the deadlines associated with submittal of your Sewer System Management Plan (SSMP). For the SF Bay Water Board, the deadlines established by the July 7, 2005, letter to your agency still apply and are listed in the following table:

Required Schedule for SSMP Elements

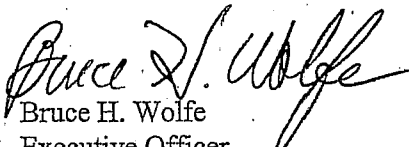
SSMP Element	Required Completion Date
<ul style="list-style-type: none"> • Goals • Organization • Overflow Emergency Response Plan • Fats, Oils, and Grease (FOG) Control Program 	August 31, 2006
<ul style="list-style-type: none"> • Legal Authority • Measures and Activities • Design and Construction Standards 	August 31, 2007
<ul style="list-style-type: none"> • Capacity Management • Monitoring, Measurement, and Program Modifications • SSMP Audits 	August 31, 2008

Although the contents of SSMP elements are slightly different between the regional and statewide programs, it is recommended that only one SSMP be developed, with information required by both programs incorporated. It is satisfactory to use the SF Bay Water Board SSMP element headings for the documentation.

The State Water Board, in cooperation with the California Water Environment Association, is currently in the process of developing training materials and workshops for the new statewide program. It is anticipated that this training will start in Fall 2006, and that SF Bay Area trainings will be conducted in early 2007. It is important that collection system agencies participate in these trainings since the statewide reporting system differs somewhat from the SF Bay Water Board's existing program.

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

Attachment: List of Sewer System Authorities
 Comparison of Statewide SSO WDR with SF Bay Water Board Program



**Summary Comparison of Statewide SSO WDR with
 SF Bay Water Board SSO Control Program Requirements
 (this is not an exhaustive list)
 August 23, 2006**

1. Definition of a Sanitary Sewer Overflow

SF Bay Water Board Program	Statewide SSO WDR
<ul style="list-style-type: none"> • Overflows or releases of untreated or partially treated wastewater that reach waters of the <u>State</u> • Overflows or releases of untreated or partially treated wastewater that do not reach waters of the <u>State</u> • Wastewater back-ups into buildings that are caused by a problem in the collection system agency's sewer line 	<ul style="list-style-type: none"> • Overflows or releases of untreated or partially treated wastewater that reach waters of the <u>United States</u> • Overflows or releases of untreated or partially treated wastewater that do not reach waters of the <u>United States</u> • Wastewater back-ups into buildings that are caused by a problem in the collection system agency's sewer line

2. Application Process

SF Bay Water Board Program	Statewide SSO WDR
<ul style="list-style-type: none"> • Submit "Questionnaire" to obtain password for electronic reporting, prior to 12/1/04. • Submit Forms for SSMP Completion. 	<ul style="list-style-type: none"> • Submit Notice of Intent (NOI) and fee for coverage under SSO WDR 6 months after adoption date of May 2, 2006, which is November 2, 2006. • Permit coverage is effective after approval by State Water Board. • Register with CIWQS to obtain username and password for reporting. • Submit questionnaire for reporting within 30 days of registering. • Submit Forms for SSMP Completion.

3. Prohibitions

SF Bay Water Board Program	Statewide SSO WDR
<ul style="list-style-type: none"> • None specified. 	<ul style="list-style-type: none"> • Any SSO that results in a <u>discharge of untreated or partially treated wastewater to waters of the United States</u> is prohibited. • Any SSO that results in a discharge of untreated or partially treated wastewater that <u>creates a nuisance</u> as defined in California Water Code Section 13050(m) is prohibited.

4. Enforcement Discretion

SF Bay Water Board Program	Statewide SSO WDR
<ul style="list-style-type: none"> • None specified. 	<p>In any enforcement action, the State and/or Regional Water Boards will consider the appropriate factors under the duly adopted State Water Board Enforcement Policy. Consistent with the Enforcement Policy, the State and/or Regional Water Boards must consider the Enrollee's efforts to contain, control, and mitigate SSOs when considering the California Water Code Section 13327 factors. In assessing these factors, the State and/or Regional Water Boards will also consider whether:</p> <ul style="list-style-type: none"> (i) The Enrollee has complied with the requirements of the SSO WDR, including requirements for reporting and developing and implementing a SSMP; (ii) The Enrollee can identify the cause or likely cause of the discharge event; (iii) There were no feasible alternatives to the discharge, such as temporary storage or retention of untreated wastewater, reduction of inflow and infiltration, use of adequate backup equipment, collecting and hauling of untreated wastewater to a treatment facility, or an increase in the capacity of the system as necessary to contain the design storm event identified in the SSMP. It is inappropriate to consider the lack of feasible alternatives, if the Enrollee does not implement a periodic or continuing process to identify and correct problems. (iv) The discharge was exceptional, unintentional, temporary, and caused by factors beyond the reasonable control of the Enrollee; (v) The discharge could have been prevented by the exercise of reasonable control described in a certified SSMP for: <ul style="list-style-type: none"> • Proper management, operation and maintenance; • Adequate treatment facilities, sanitary sewer system facilities, and/or components with an appropriate design capacity, to reasonably prevent SSOs (e.g., adequately enlarging treatment or collection facilities to accommodate growth, infiltration and inflow (I/I), etc.); • Preventive maintenance (including cleaning and fats, oils, and grease (FOG) control);

	<ul style="list-style-type: none"> • Installation of adequate backup equipment; and • Inflow and infiltration prevention and control to the extent practicable. <p>(vi) The sanitary sewer system design capacity is appropriate to reasonably prevent SSOs.</p> <p>(vii) The Enrollee took all reasonable steps to stop and mitigate the impact of the discharge as soon as possible.</p>
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5. Sewer System Management Program - Elements

SF Bay Water Board Program	Statewide SSO WDR
<ul style="list-style-type: none"> • Ten required elements to be developed over three years: <ul style="list-style-type: none"> ○ Goals ○ Organization ○ Emergency Response Plan ○ FOG Control Program ○ Legal Authority ○ Measures and Activities ○ Design and Construction Standards ○ Capacity Management ○ Monitoring, Measurement, and Program Modifications ○ SSMP Audits 	<ul style="list-style-type: none"> • Eleven required elements to be developed over three years: <ul style="list-style-type: none"> ○ Goal ○ Organization ○ Legal Authority ○ Operation and Maintenance Program ○ Design and Performance Provisions ○ Overflow Emergency Response Plan ○ FOG Control Program ○ System Evaluation and Capacity Assurance Plan ○ Monitoring, Measurement, and Program Modifications ○ SSMP Audits ○ Communications Plan (new)

←→ Double-head arrows indicate comparable sections

6. Sewer System Management Program - General

SF Bay Water Board Program	Statewide SSO WDR
<ul style="list-style-type: none"> • SSMP element does not need to be addressed if not applicable. • Exceptions to elements for small communities. 	<ul style="list-style-type: none"> • SSMP element does not need to be addressed if not applicable. • No exceptions for small communities. • SSMP must be stamped by a "Professional." • SSMP must be approved by governing board at a public meeting.

7. FOG Control Program

SF Bay Water Board Program	Statewide SSO WDR
<ul style="list-style-type: none"> • Each wastewater collection system agency shall evaluate its service area to determine whether a FOG control program is needed. If so, a FOG control program shall be developed as part of the SSMP. If an agency determines 	<p>Each Enrollee shall evaluate its service area to determine whether a FOG control program is needed. If an Enrollee determines that a FOG program is not needed, the Enrollee must provide justification for why it is not needed. If FOG is</p>

<p>that a FOG program is not needed, the agency must provide justification for why it is not needed.</p>	<p>found to be a problem, the Enrollee must prepare and implement a FOG source control program to reduce the amount of these substances discharged to the sanitary sewer system. This plan shall include the following as appropriate:</p> <ul style="list-style-type: none"> (a) An implementation plan and schedule for a public education outreach program that promotes proper disposal of FOG; (b) A plan and schedule for the disposal of FOG 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 FOG generated within a sanitary sewer system service area; (c) The legal authority to prohibit discharges to the system and identify measures to prevent SSOs and blockages caused by FOG; (d) Requirements to install grease removal devices (such as traps or interceptors), design standards for the removal devices, maintenance requirements, BMP requirements, record keeping and reporting requirements; (e) Authority to inspect grease producing facilities, enforcement authorities, and whether the Enrollee has sufficient staff to inspect and enforce the FOG ordinance; (f) An identification of sanitary sewer system sections subject to FOG blockages and establishment of a cleaning maintenance schedule for each section; and (g) Development and implementation of source control measures for all sources of FOG discharged to the sanitary sewer system for each section identified in (f) above.
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8. Reporting Program - Initiation

SF Bay Water Board Program	Statewide SSO WDR
<ul style="list-style-type: none"> • Electronic reporting is ongoing now. • Regional electronic reporting will cease when statewide electronic reporting begins. 	<ul style="list-style-type: none"> • Electronic reporting will begin on May 2, 2007, for Region 2.

9. Reporting Program - Conditions

SF Bay Water Board Program	Statewide SSO WDR
<ul style="list-style-type: none"> • 24-Hour reporting on Long Form for: <ul style="list-style-type: none"> ○ Any SSO greater than or equal to 1,000 gallons, ○ Any SSO that may imminently and substantially endanger human health, or ○ Any SSO that causes fish kills. • 10-Day Reporting on Short Form for all other SSOs greater than 100 gallons • Annual Report – all SSOs (including those less than 100 gallons) • Private lateral SSOs – voluntary reporting on separate database • If not SSOs, no reporting 	<ul style="list-style-type: none"> • Report as soon as possible but not later than 3 days following SSO for: <ul style="list-style-type: none"> ○ Any SSO greater than or equal to 1,000 gallons; ○ Results in a discharge to a drainage channel and/or surface water; or ○ Discharge to a storm drainpipe that was not fully captured and returned to the sanitary sewer system <ul style="list-style-type: none"> ○ 15 days for final report • 30-Day reporting for all other SSOs • No annual reports • Private lateral SSOs – voluntary reporting but NOT separate database • Must report each month, even if no SSOs.

10. Record Keeping

SF Bay Water Board Program	Statewide SSO WDR
<ul style="list-style-type: none"> • Keep records of SSOs for three years. 	<ul style="list-style-type: none"> • Keep records of SSOs for a minimum of five years from the date of the SSO. • Records shall be made available for review upon State or Regional Water Board staff's request. • Details of information to be maintained are listed in the Monitoring and Reporting Program for the SSO WDR.