

MEMORANDUM OF AGREEMENT

BETWEEN THE STATE WATER RESOURCES CONTROL BOARD AND THE CALIFORNIA WATER ENVIRONMENT ASSOCIATION

Regarding

TRAINING REGARDING REQUIREMENTS SET FORTH IN GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS

This Memorandum of Agreement (MOA) memorializes the understanding of the State Water Resources Control Board (State Water Board) and the California Water Environment Association (CWEA) (collectively, the Parties) regarding training of representatives of sanitary sewer system agencies regarding compliance with Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, State Water Resources Control Board Order No. 2006-0003 (the WDR).

I. Recitals

- (a) The WDR requires owners and operators of publicly owned sanitary sewer systems of over one mile in length to, among other things, report sanitary sewer overflows (SSOs) using an online database owned and maintained by the State Water Board and develop and implement Sewer System Management Plans (SSMPs).
- (b) The WDR includes a Sewer System Management Plan Time Schedule (the "SSMP Schedule") in Section D.15 of the WDR, and provides, in footnotes 1 and 2 to the SSMP Schedule (the "Footnotes"), various deadline extensions. These various deadlines under the SSMP Schedule were extended under a July 1, 2006 memorandum of agreement between the Executive Director of the State Water Board and CWEA to provide statewide training.
- (c) CWEA commenced providing training on the SSO reporting pursuant to the MOA on October 31, 2006. As of October 31, 2007, CWEA conducted 44 electronic reporting workshops in which 1,216 people were trained. Ninety-one percent of the participants rated the training received as "good" or "excellent."
- (d) CWEA commenced providing SSMP development training workshops on July 12, 2007. As of October 31, 2007, CWEA had conducted 18 SSMP development training sessions in which 562 people were trained. Ninety-five percent of the participants rated the training received as "good" or "excellent."
- (e) As of November 21, 2007, 1,058 collection agencies had enrolled for coverage under the WDR. The State Water Board estimates that another 88 agencies are required to obtain coverage under the WDR.

- (f) The parties agree that training of sewer system agency representatives regarding SSO reporting and SSMP development has assisted in increasing awareness and achieving compliance with requirements of the WDR.
- (g) The Parties agree that the Training Program has achieved the following goals:
- Helped to ensure successful implementation of the WDR within the time schedule outlined in the WDR, as modified by WDR footnotes 1 and 2;
 - Facilitated collection of consistent, accurate, and timely data using the State Water Board on-line reporting system;
 - Facilitated timely development of effective SSMPs; and
 - Reduced the volume of inquiries to the State Water Board from sanitary sewer system agencies regarding WDR interpretation and compliance.
- (h) Additional training is needed to ensure continued compliance with the WDR as agencies experience turnover in personnel and as agencies continue with SSMP development and revision and as agencies continue to enroll. Additional training will also assist in assuring consistent and fair implementation of the WDR by the Regional Water Boards.
- (i) Public awareness and understanding of the causes and approaches to addressing SSOs, including their role in contributing to and reducing SSOs, is very helpful for compliance.
- (j) The parties agree that some database modifications are required in order to ensure consistent, accurate and representative reporting.
- (k) The parties agree that sanitary sewer system agencies as a whole will benefit from learning the results of electronic reporting of SSOs on a systematic and ongoing basis.

II. The Training Program

A. Goals

The Parties agree that the training should be designed and implemented using best practices of adult learning to provide participants with:

- A general understanding of the WDR requirements.
- Skills to report data using the State Water Board electronic reporting system, including understanding database fields and what constitutes valid values, definitions of terms, and an overview of methods of gathering the data that must be reported.
Knowledge of the Monitoring and Reporting Program (MRP), including roles and responsibilities for data submitters and Enrollees' authorized representatives, reporting requirements, definition of terms, report declarations, required information, and mandated timeframes.
- Knowledge of the components and timeframes for SSMP development and implementation.

B. Key Training Elements

The parties agree that the training program shall include the following components:

- An overview presentation of key WDR requirements.
- Hands-on exercises or examples and demonstrations of the data base functionality.
- A training manual for each attendee that meets the training goals above.
- An evaluation tool to gauge training program effectiveness and to provide a basis for modifying the training program as needed to improve effectiveness.
- A web-hosted application interface simulation available to each participant.
- A feedback mechanism to relay significant questions that come up during the training sessions to the State Water Board so that they can be addressed in a Question and Answer document and/or by modifying the online database.

III. Roles and Responsibilities of the Parties

A. CWEA shall do all of the following:

- Continue to provide training to representatives of enrolled agencies and Regional Water Board staff regarding the SSO WDR, including:
 - Continue electronic SSO reporting training at regularly scheduled CWEA conferences, events and on as needed basis
 - Continue SSMP development training at regularly scheduled CWEA conferences, events and on as needed basis
 - Develop and offer focused training sessions on particular aspects of SSMP development
 - Respond to training needs that emerge by developing new training and/or including additional topics in existing training
 - Provide an electronic Listserve for the collection system agencies to share problems, solutions, and successes.
 - Offer a resource center on the CWEA website, including examples of SSMPs that agencies have developed, sample ordinances, etc.
- Consider developing and offering a web site to inform the public about SSOs that links to the State Water Board's web site.
- As resources allow, provide outreach to and support training for small/disadvantaged communities to assist with compliance, including:

Offering training scholarships to agency personnel in small/disadvantaged communities to assist with compliance

Offering modified training courses that are shorter in duration

Offering web-based training

Providing training through local CWEA sections.

Provide input to assist State in developing indices and metrics for effectiveness

- Consider providing analysis of SSO reports to the industry.

B. The State Water Board shall do all of the following:

- **Modify database as appropriate and subject to resource constraints to address, at a minimum, the following:**

Multiple spill report issue

- **Short term measures: (1) Modify public reports to clarify that submitted reports identify spill locations not unique events (2) provide explanatory language on public reports regarding potential for multiple spill locations per event.**

Long term measure: work towards changing the database programming from location-based to event-based.

Work with the industry through the SSO public user group to design and prioritize systematic reports which will be compiled to address the number and type of SSOs, the amount of SSO volume /recovered/unrecovered/reached receiving waters, the most common causes of SSOs, the most common/effective recovery approaches, the average number of SSOs per mile of collection system, the average gallons of untreated wastewater spilled per mile of collection system, trends over time, and the number of agencies that have not enrolled.

As needed to address other concerns/issues that may arise that compromise the goal of accurate and consistent data.

The State Water Board will recommend that Regional Water Board SSO program staff attend at least one workshop for information and training purposes, Regional Water Board and State Water Board staff will make all reasonable efforts to attend workshops to support the training effort.

Provide support for a public awareness/information/education web site that may be developed and maintained by CWEA, including:

Allowing the CWEA website to link to the State Water Board website at appropriate points, including the point of public access to SSO reports.

Reviewing for accuracy information to be posted to the website.

Consulting with CWEA regarding the wording on the public reporting segment of the State Water Board website.

- Assist in identifying training needs to improve use of the SSO reporting system, and the development and implementation of SSO reduction and SSO mitigation/recovery practices.
- Work with CWEA to develop meaningful indices based on reports and analysis and metrics to measure effectiveness of WDR.
- Recommend to the Regional Water Boards that SSO WDR training for small/disadvantaged communities be added to the Regional Board's approved Supplemental Environmental Project list and recommend that Regional Water Board's consider allowing administrative civil liability and mandatory minimum penalties to be directed toward the training SEP when appropriate.
- Continue to provide CWEA and its contractors access to information before and during the course of the training in order for CWEA to produce and update a current application interface simulation.
- Continue to provide CWEA and its contractors access to the online database sandbox environment for testing and training, as well as supporting documentation on the database, provided, however, that the State Water Board has the absolute right to deny, restrict, or revoke any person's access to the online database and all its environments under any circumstances.

Continue to commit staff resources to review training materials and provide timely feedback, including providing assistance as needed in interpreting the intent of the WDR in order that the training materials may reflect this intent, respond to requests forwarded by moderators from the Listserve and participate in regular conference calls with the CWEA Training Task Force.

Review the list of agencies receiving enforcement notices and send a letter regarding availability of training through CWEA on a quarterly basis.

- Provide a functional and responsive help desk to receive and respond to inquiries from agencies regarding the WDR.
- Provide timely feedback to CWEA on the quality of inputs into the online reporting system.
- Provide agency contact information to CWEA on a timely basis.

IV. Ownership of Documents

CWEA retains all right, title and interest in and to the training materials, including derivative works made therefrom, whether or not protectible under U.S. Copyright law, with the exception of a Question and Answer Guidance document developed by the State Water Board. CWEA grants a non-exclusive perpetual license to the State Water Board to use the training materials for the sole and exclusive purpose of training State Water Board and Regional Water Board staff.

V. Disclaimer of Guarantee

Nothing in this MOA shall be construed as a promise or guarantee by CWEA regarding the interpretation of the training materials by the participants, nor for the actions of the participants in actual data entry or compliance with the WDR.

VI. Term

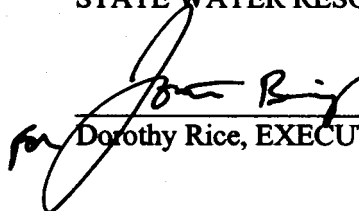
This MOA will terminate on December 27, 2009, unless extended by mutual consent of the Parties.

Amendments

This MOA may be amended at any time with the written approval of both Parties.

2/28/08


STATE WATER RESOURCES CONTROL BOARD



Dorothy Rice, EXECUTIVE DIRECTOR

February 15, 2008

CALIFORNIA WATER ENVIRONMENT
ASSOCIATION



Maura Bonnarens, PRESIDENT