

EXECUTIVE OFFICER SUMMARY REPORT
December 13, 2006

- ITEM: 6
- SUBJECT: Waste Discharge Requirements: Sewage Collections Agencies in the San Diego Region. The Regional Board will consider adoption of an Order that will augment State Water Board Order No. R9-2006-003-DWQ and supersede current Regional Board Order No. 1996-004 reaffirming the Regional Board's prohibition of sanitary sewer overflows. (Tentative Order No. R9-2006-0121) (Joann Cofrancesco)
- PURPOSE: To adopt tentative Order No. R9-2006-0121, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*.
- PUBLIC NOTICE: To comply with a CWC section 13167.5(a) requirement to provide notice and a period of at least 30 days for public comment prior to adoption of waste discharge requirements, copies of the revised tentative Order were mailed on November 3, 2006 to the federal and local sewer collection agencies and to all known interested parties and agencies. The tentative Order also was made available for public review at the Regional Board office and posted on the Regional Board's website on November 6, 2006.
- DISCUSSION: This item, initially presented to the Regional Board at its October 11, 2006 meeting, has been continued to today's meeting to satisfy the 30-day public notice requirement.
- State Water Resource Control Board Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*, prescribes minimum requirements to prevent sanitary sewer overflows (SSOs) from publicly owned/ operated sanitary sewer systems. This Order allows each regional board to issue more stringent or more prescriptive Waste Discharge Requirements (WDRs) for sanitary sewer systems.
- Since 1996, this Regional Board has regulated sewage collection agencies under Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Agencies*.

Order No. 96-04 goes beyond the State Board Order by prohibiting all sewage spills, unlike the State Board Order that only prohibits those sewage spills that either reach surface water or cause a nuisance conditions. Consequently, Order No. 96-04 has provided strong incentive for collection agencies to implement effective spill prevention measures. In addition, Order No. 96-04 has required more timely reporting of significant spills than the State Board Order, which allows up to three-days to report significant spills. Compliance by the Region's sewage collection agencies with Order No. 96-04 has resulted in a dramatic decrease in the number and magnitude of sewage spills in the Region. The number of sewage overflows, for example, has dropped from over 600 reported in 1999 to 266 reported last year.

On the other hand, State Board Order No. 2006-003-DWQ establishes a state-wide system for electronic reporting of sewage spills. The Order also provides a fuller description of the requirements for Sewer System Management Plans, addressing the goals and organization of the program, the components of an operation and maintenance program, the elements of an overflow emergency response plan, a system evaluation and capacity assurance plan, and if necessary, a special program for control of fats, oils and greases.

Tentative Order No. R9-2006-0121 would eliminate duplication of reporting spills by the sewage collection agencies to both the State Board and directly to the Regional Board. Tentative Order No. R9-2006-0121 would also continue this Regional Board's policy to prohibit all sewage spills and continue 24-hour notification of all sewage spills that are equal to or greater than 1,000 gallons and/or reach surface water. In addition, tentative Order No. R9-2006-0121, would add a requirement for Sewage Collection Agencies to report any private sanitary sewer overflow that they become aware of. This requirement would allow the Regional Board to begin tracking the number of spills from private SSOs, which would give an indication of the magnitude of the problem and the threat of the discharges to public health and the environment.

On October 11th, the Regional Board suggested several changes that would clarify the findings, definitions, and reporting requirements. The enclosed revised tentative Order addresses those suggestions as follows:

- 1) Clarifies that Agencies, who were not previously regulated under Order No. 96-04, are subject to the State Board Order and the Tentative Order. (see Finding No. 5 on page 2)
- 2) Clarifies that agencies are required to report all known private lateral sewage spills, but are not responsible for the cause, clean-up, or repair of private lateral sewage spills. (see Finding No. 11 on page 3)
- 3) Clarifies that each Agency shall report all SSOs in accordance with the Monitoring and Reporting Program No. 96-04 until the Sewage Collection Agency notifies the Regional Board that they can successfully report the SSOs to the State Water Resource Control Board Online SSO System. (see Monitoring and Reporting Program Requirements, Section C.1, on page 5)
- 4) Modifies the definitions and terms in the Tentative Order to correspond with the language in the State Board Order. (see Definitions, Section A, on page 5)
- 5) Adds an additional prohibition from the Basin Plan and reinforces the need to retain the strict prohibition. (see Finding No. 7.g on page 2)
- 6) Clarifies the monitoring and reporting required under this Tentative Order. (see Monitoring and Reporting Program Requirements, Section C, on page 5)
- 7) Corrects typographical errors.

To date, two comment letters to the Tentative Order have been received. Response to comments will be provided in the supplemental package.

LEGAL CONCERNS:

none

SUPPORTING DOCUMENTS:

- 1) Transmittal letter to Dischargers for the Revised Tentative Order
- 2) Revised Tentative Order R9-2006-0121
- 3) Comment Letters Received:
 - a. Fallbrook Public Utilities District/ Downey Brand Attorneys LLP, November 22, 2006
 - b. United States Marine Corps, November 29, 2006

RECOMMENDATION:

Adoption of Tentative Order No. R9-2006-0121 is recommended.