

EXECUTIVE OFFICER SUMMARY REPORT
October 11, 2006

- ITEM: 6
- SUBJECT: The Regional Board will consider adoption of an Order concerning sewage collection agencies currently enrolled under Regional Board Order No. 96-04 and the transition to the recently adopted statewide general Order No. 2006-0003-DWQ (*Joann Cofrancesco*)
- PURPOSE: To consider comments regarding tentative Order No. R9-2006-0121, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*, which would augment State Water Resource Control Board Order No. 2006-0003-DWQ.
- PUBLIC NOTICE: Copies of the tentative Order were mailed on October 4, 2006 to the federal and local sewer collection agencies and to all known interested parties and agencies. Copies were made available for public review at the Regional Board office and posted on the Regional Board's website on October 4, 2006. This notification does not satisfy the requirements pursuant to the California Codes – Government Code Section 11125 for the Regional Board to take an action on this item at today's meeting.
- DISCUSSION: 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 was recently adopted by the State Board to be the primary regulatory mechanism for sanitary sewer systems statewide, but it 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 predated US/EPA's, the State Board's and other regional

boards programs addressing sewage 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.

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.

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.

The replacement of Order No. 96-04 with 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 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.

Although not a requirement, this Regional Board usually provides a copy of tentative waste discharge requirements to the discharger and other interested persons at least 30 days prior to the date that it takes action on the document. The sewage collection agencies has had less than ten business days to review and comment on tentative Order No. R9-2006-0121 and it is not critical that the Regional Board adopt this Order at today's meeting.

The background and rationale for the tentative Order will be discussed at today's meeting. Based upon input from the Regional Board and comments from representatives of the sewage collection agencies, modifications to the tentative Order could be made prior to the item being brought back to the Regional Board at a future meeting.

LEGAL CONCERNS:

none

SUPPORTING
DOCUMENTS:

- 1) Transmittal letter to Dischargers
- 2) Tentative Order R9-2006-0121
- 3) State Water Resource Control Board Order No. 2006-0003-DWQ
- 4) Order No. 96-04

RECOMMENDATION:

A recommendation will be made at the conclusion of today's discussion.