

**STAFF RESPONSE TO PUBLIC COMMENTS
TO
DRAFT STATEWIDE SANITARY SEWER SYSTEMS GENERAL ORDER
ISSUED ON JANUARY 31, 2022**

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INTRODUCTION

On January 31, 2022, State Water Resources Control Board (State Water Board) staff issued a draft statewide Sanitary Sewer Systems General Order (draft Order) for a 60-day public comment period. The draft Order served as the draft reissuance of the existing statewide general waste discharge requirements, Order 2006-0003-DWQ.

The State Water Board received 31 public comment letters from the interested parties, addressing the following categories. State Water Board staff considered all comments. This Response to Comments document provides a summary of similar comments under each comment category, and a State Water Board staff response. Comments are organized into the following 25 categories.

Category Number	Comment Category
0.	Existing Order
1.	General
2.	Definition of Sanitary Sewer Systems and Enrollees
3.	Regulatory Coverage
4.	Findings
5.	Prohibitions
6.	Legally Responsible Official
7.	Sewer System Management Plan Implementation and Update
8.	System Resilience
9.	Reporting Certification
10.	System Performance Analysis
11.	Spill Emergency Response Plan
12.	Notification, Monitoring, and Reporting
13.	Service Area Boundary Maps
14.	Voluntary Reporting of Private Spills and California Governor's Office of Emergency Services Notification
15.	System Specific Reduced Reporting for Category 4 Spills
16.	Operation and Maintenance
17.	Enforcement Provisions and Violations
18.	Licensing and Certification
19.	Definitions
20.	Implementation
21.	California Integrated Water Quality System (CIWQS)
22.	Exfiltration
23.	Design and Performance Provisions
24.	Comments from Ewers Engineering, Inc.

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COMMENTERS AND ASSOCIATED COMMENT LETTERS

Public comment letters submitted by the following commenters are available at the following web portal:

File Transfer Portal URL: <https://ftp.waterboards.ca.gov/>

Username: DWQ-SanitarySewerOrder-FTP

Password: gAw9Las3pGspp0aRfp

Comment Letter	Comment Numbers	Commenters	Representative(s)
1	1.01 – 1.40	Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works	Jared Voskuhl
2	2.01 – 2.40	Bay Area Clean Water Agencies	Mary Cousins for Lorien Fono
3	3.01 – 3.04	California Polytechnic State University, San Luis Obispo	Erin Winett
4	4.01 – 4.16	Stakeholders Implementing Total Maximum Daily Loads in the Calleguas Creek Watershed	Ewelina Mutkowska
5	5.01 – 5.40	Causey Consulting	Paul H. Causey
6	6.01 – 6.65	Central Valley Clean Water Association	Debbie Webster
7	7.01 – 7.06	California Coastkeeper Alliance	Cody Phillips
8	8.01 – 8.02	Costa Mesa Sanitary District	Scott Carroll
9	9.01 – 9.19	Department of Defense	Jessica Palmer
10	10.01 – 10.04	Ephraim Bushong	Ephraim Bushong
11	11.01 – 11.21	Fischer Compliance LLC	James Fischer
12	12.01 – 12.10	Holmes International	Kenneth T. Holmes
13	13.01 – 13.36	Inland Empire Utilities Agency	Lucia Diaz
14	14.01 – 14.09	Irvine Ranch Water District	Paul A. Cook
15	15.01 – 15.05	Leucadia Wastewater District	Robin Morishita
16	16.01 – 16.09	City of Los Angeles-Los Angeles Sanitation and Environment	Hassan Rad
17	17.01 – 17.07	Los Angeles County Sanitation Districts	Erika Bensch
18	18.01 – 18.03	City of National City	Carla Hutchinson

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19	19.01	City of Pomona	Chris Diggs
20	20.01 – 20.03	City of Poway	Tracy Beach
21	21.01 – 21.11	The Regents of the University of California	Sarah Quiter
22	22.01 – 22.37	Rodeo Sanitary District	Steven S. Beall
23	23.01 – 23.36	Ross Valley Sanitary District	Steven M. Moore
24	24.01 – 24.07	Rural County Representatives of California	Leigh Kammerich
25	25.01 – 25.04	Sacramento Area Sewer District Sacramento Regional County Sanitation District	Carolyn Balazs
26	26.01 – 26.41	City of Sacramento	Kevin Guerra
27	27.01 – 27.03	San Francisco Public Utilities Commission	Greg Norby
28	28.01 – 28.37	Sonoma County Water Agency	Kevin Booker
29	29.01 – 29.06	Tamalpais Community Services District	Steffen Bartschat
30	30.01 – 30.07	West Valley Sanitation District	Edward H. Oyama
31	31.01 – 31.10	Ewers Engineering, Inc.	Chris Ewers

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Response to Comments

Comment Number(s)	Comment Category 0: Existing Order
<p>16.02 30.01</p>	<p><u>Commenters:</u> City of Los Angeles – Los Angeles Sanitation and Environment West Valley Sanitation District</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board retain the existing statewide Order which has been effective in reducing the number of Category 1 sewer spills since the adoption of the current Order. The draft Order is overly prescriptive and will burden municipalities with unnecessary recordkeeping without a significant reduction in the number of spills.</p> <p><u>Response:</u> During the 16 years in effect, data reported into CIWQS indicates that the existing Order has been effective in reducing the number of sewer spills, an important progress towards protecting waters of the State from discharges of sewage. State Water Board staff acknowledges the investments many sanitation agencies have made to reduce sewer system spills. However, spills continue to occur, and not all spills that occur are reported, leaving data gaps in the public database. The draft Order addresses spill containment and cleanup, thus reduced impacts of sewage spills on our water resources and the environment.</p> <p>The draft Order continues the regulatory structure implemented for the 1100+ public sanitary sewer systems enrolled under the existing Order and provides emphasis on the further reduction of spills through prioritization of system management activities to proactively prevent spills that would otherwise have a high consequence to public health and beneficial uses of receiving waters.</p> <p>The draft Order is not prescriptive. A statewide general order with prescriptive requirements is not appropriate for the required management of individual sanitary sewer systems that have unique system features and that operate under unique conditions. Therefore, the draft Order continues to require that each enrollee sets forth its own system management, operations and maintenance</p>

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	<p>procedures to ensure compliance with updated regulations and Water Board resolutions that address:</p> <ul style="list-style-type: none"> • Climate change, • Safe drinking water and sanitation for all Californians, • Water conservation, • Public access to quality data, and • Disproportional pollution affecting diverse communities. <p>The draft Order additionally includes updated monitoring and reporting frequencies for submittal of data that brings forth valuable information for the State and Regional Water Board’s enforceability in protecting waters of the State.</p> <p>The effectiveness of a statewide general order regulating sewage spills is critical for the protection of public health and the protection of beneficial uses of waters of the State. Many sewer systems within the State have improved performance since the adoption of the existing Order 16 years ago. The draft Order updates the current regulations to address increased demand for safe surface water and groundwater drinking water supplies, and other State and Regional Water Board priorities.</p>
<p>Comment Number(s)</p>	<p>Comment Category 1: General</p>
<p>1.01, 1.09</p> <p>2.09</p>	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies</p>

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<p>5.01 13.01, 13.05 14.01 15.01 21.01 22.01 23.01 28.01</p>	<p>Causey Consulting Inland Empire Utilities Agency Irvine Ranch Water District Leucadia Wastewater District The Regents of the University of California Rodeo Sanitary District Ross Valley Sanitary District Sonoma County Water Agency</p> <p><u>Comment Summary:</u> The commenters’ primary concerns with the previous informal staff draft Order have been mostly resolved. Commenters appreciate the Water Boards staff’s collaborative effort to develop the draft Order and look forward to continuing the dialogue with the State Water Board to finalize and adopt the draft Order.</p> <p><u>Response:</u> The high degree of outreach and preliminary discussions has allowed staff and interested parties to focus on critical regulatory issues for ongoing sanitary sewer system management. Staff is appreciative of all interested parties that continued to provide feedback during informal staff discussions and formal Board communications.</p> <p>Through consideration of public comments, the draft Order has been modified to:</p> <ul style="list-style-type: none"> • Clarify requirements, thus enhancing enforceability, and • Further reduce proposed reporting requirements while maintaining reporting of information needed to address spills to waters of the State.
	<p>Comment Category 1.1: Supporting Draft Order</p>
<p>24.01 26.01</p>	<p><u>Commenters:</u> Rural County Representatives of California City of Sacramento</p>

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<p>30.02</p>	<p style="text-align: center;">West Valley Sanitation District</p> <p><u>Comment Summary:</u> The commenters state that many of the concerns with the informal staff draft Order have generally been resolved. The commenters appreciate the clarity of the Order. An overriding request of the commenters is that any change made to the statewide Order be done for the purpose of improving the statewide Order’s clarity and enforceability without placing an undue administrative burden or excessive demands on the maintenance staff and those smaller collection system agencies that are extremely resource-challenged.</p> <p><u>Response:</u> The draft Order has been revised to provide further clarity. The CIWQS database system will be enhanced, per the requirements in the reissued Order, to:</p> <ul style="list-style-type: none"> • Provide enrollees further information regarding due dates, • Facilitate reporting, • Increase public accessibility to data, and • Provide automated notifications to the Regional Water Board staff. <p>The high degree of outreach and preliminary discussions during the Order development allowed staff and interested parties to focus on critical regulatory issues for ongoing sanitary sewer system management. The draft Order has been revised to provide additional clarity and enforceability, with a focus on only maintaining requirements that bring forth necessary actions to human health, and to enforce the Order against spills that impact water quality.</p>
<p>6.15 11.01</p>	<p><u>Commenters:</u> Central Valley Clean Water Association Fischer Compliance LLC</p> <p><u>Comment Summary:</u> The Central Valley Clean Water Association supports the change in the draft Order that requires the Sewer System Management Plan to be formally updated every six years, as it allows for cost of compliance savings.</p>

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	<p>Fischer Compliance LLC supports many of the new requirements proposed in the draft Order, including the transparency and clarification of the Water Boards' authority, the optional regulatory oversight by the Regional Water Boards for privately-owned sewer systems (often negatively impacting professionally managed public systems), and the reduction of agency costs for compliance by extending timelines for Sewer System Management Plan updates and audits.</p> <p>Response: During the development of this Order, a high level of attention was placed on the cost of Order compliance; the draft Order maintains requirements that are needed for the enforceability of required sewer system management, and for the enforcement of sewer spills from regulated systems.</p> <p>The usefulness of the data collected during the initial 16-year implementation period of Order 2006-0003-DWQ was evaluated. The information collected during the first 16 years of statewide regulations of sewer systems has brought forth valuable information for the initial stage of a statewide sanitary sewer regulatory program. The draft Order decreases the reporting requirements established in Order 2006-0003-DWQ to allow for the addition of critical sewer system planning and management requirements that will further reduce the amount of sewage spilled to waters of the State.</p>
<p>2.01 13.03 15.05 17.01 19.01 22.06 23.05 25.01 26.02 29.01, 29.06</p>	<p>Commenters: Bay Area Clean Water Agencies Inland Empire Utilities Agency Leucadia Wastewater District Los Angeles County Sanitation Districts City of Pomona Rodeo Sanitary District Ross Valley Sanitary District Sacramento Area Sewer District Sacramento Regional County Sanitation District City of Sacramento Tamalpais Community Services District</p>

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<p>30.02, 30.03</p>	<p style="text-align: center;">West Valley Sanitation District</p> <p><u>Comment Summary:</u> The commenters support the comments and implementation recommendations provided in Comment Letter 1.</p> <p><u>Response:</u> Please see responses provided to Comment Letter 1.</p>
<p>4.15</p>	<p><u>Commenter:</u> Stakeholders Implementing Total Maximum Daily Loads in the Calleguas Creek Watershed</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water Board:</p> <ul style="list-style-type: none"> • Include language to Section 6.1.6 to incentivize collection system agencies' cooperation and collaboration with stormwater agencies through participation in special studies or monitoring; • Include a provision in the draft Order that will require agencies to identify human waste sources for systems near waterbodies with a bacteria/pathogen Total Maximum Daily Load or Clean Water Act section 303(d) listing; and • Allow the State Water Board to consider an agency's engagement in monitoring, studies, and corrective actions to address bacteria exceedances when determining discretionary enforcement actions for spills. <p><u>Response:</u> Cooperative and collaborative special studies and monitoring is typically conducted on a region-specific or watershed-specific bases, to address the applicable Regional Water Board requirements. Similarly, total maximum daily loads are developed and adopted by a Regional Water Board. The identification of sources contributing to the waterbody-specific impairment, is the conducted at a regional level.</p> <ul style="list-style-type: none"> • The draft Order is not the appropriate regulatory Order to incentivize cooperative agency monitoring for reduced discretionary enforcement. Studies and monitoring for impaired water bodies and watersheds are region-specific and sub watershed-specific, and conducted on a regional basis, not a statewide basis.

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	<ul style="list-style-type: none"> • The Regional Water Board identifies the sources of waterbody impairment in each of its total maximum daily loads. The Regional Water Board has the authority to incentivize or order a sanitation agency to participate in monitoring and regional studies to identify if a nearby sanitary sewer is contributing to a bacteria/pathogen impairment of a Clean Water Act 303(d) listed water body. • The Regional Water Board and the Office of Enforcement consider an agency’s engagement in monitoring, studies, and corrective actions to address bacteria exceedances when determining discretionary enforcement actions for spills. <p>The draft Order has not been revised.</p>
<p>4.16</p>	<p><u>Commenter:</u> Stakeholders Implementing Total Maximum Daily Loads in the Calleguas Creek Watershed</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water Board:</p> <ul style="list-style-type: none"> • Include in the Order a “force majeure” provision that addresses “an event that could not have been anticipated by, and is beyond the control of, the enrollee, including an act of God; earthquake, flood, wildfire or other natural disaster; civil disturbance or strike; fire or explosion; pandemic; declared war within the United States; embargo; or other event of similar import and character”; and • Include a provision that would allow the enrollee to notify the State Water Board of non-compliance due to natural disasters and provide a schedule for compliance. This will allow enrollees to request extensions of time or waiver of requirements in response to the extreme conditions. <p><u>Response:</u> The draft Order already addresses the commenter’s concern.</p> <p>The requirements in the draft Order intentionally address current-forecasted and future-forecasted impacts from pandemics, wildfires, and extreme weather events. The specifications of the draft Order (referred to as Provisions in the comment) require an enrollee to conduct the appropriate</p>

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	<p>planning for emergency response, system assessments, and operations and repairs, to address, among other conditions, unsafe conditions described in this comment.</p> <p>Section 6.1.6. (Water Boards' Considerations for Discretionary Enforcement) and 6.1.7. (Enforcement Discretion Based on Reporting Compliance) of the Provisions in the draft Order provides the applicable Regional Water Board to take in account spill-specific conditions, which includes conditions outside of the Enrollee's control, for its enforcement discretion. The draft Order requires the reporting of the cause of spill, and the monitoring of conditions during and after a spill, providing the necessary information for the Regional Water Board to consider in its discretionary enforcement of a subject spill.</p> <p>The draft Order has not been revised.</p>
6.01, 6.12	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water Board:</p> <ul style="list-style-type: none"> • Include language and compliance timelines provided in their comment letter, because the draft Order represents a significant departure from the statewide Order adopted in 2006. The 60-day comment period is not enough time to evaluate the draft Order. • Fully consider and respond to this round of public comments and issue a revised draft Order for additional public review and comments before the final draft Order is presented to the State Water Board for adoption. <p><u>Response:</u> Starting in 2018, State and Regional Water Board staff gathered interested party input, provided numerous public workshops, and facilitated numerous focused discussions. In 2021, staff issued an informal draft Order and conducted additional public workshops and focused discussions. The Board is providing responses to public comments. The modifications made to the draft Order are outgrowths of public comments; therefore, a subsequent public comment period is not necessary. Interested parties are provided the opportunity for oral comments directly to the State Water Board during the board meeting conducted for consideration of Order adoption.</p>

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The draft Order has been revised per many of the recommended language changes in the public comments. The draft Order has been revised to further clarify requirement timelines. The due dates for various reports and plans in the draft Order are either a continuation of the timelines implemented in Order 2006-0003-DWQ, or are independent due dates per a specified due date.

The draft Order continues the same procedure initiated in Order 2006-0003-DWQ for development of enrollees' initial sewer system management plan. The existing Order requires the Enrollee to update its sewer system management plan every five years. The proposed Order requires an existing Enrollee to update its existing sewer system management plan every six years, starting from the last due date that Order 2006-0003-DWQ required the enrollee to conduct its last plan update.

Many enrollees have not kept track of the date the existing Order required their initial sewer system management plan submittal and the subsequent five-year plan update due dates. State Water Board staff have provided a Sewer System Management Plan and Audit Due Dates Look Up tool for enrollees of Order 2006-0003-DWQ on the Sanitary Sewer Spill Reduction Program website: [Sanitary Sewer Overflow Reduction Program | California State Water Resources Control Board](#).

The draft order has been revised to clarify the Sewer System Management Plan Update due dates for enrollees currently regulated under Order 2006-0003-DWQ. Section 3.7. (proposed Order section 3.11.) Sewer System Management Plan Reporting Requirements of Attachment E of the draft Order has been further clarified to include Sewer System Management Plan Update due dates. The Sewer System Management Plan Update due dates for all continuing enrollees are (at the earliest) May 2, 2025, and (at the latest) August 2, 2026, per the tiered Plan development timetable introduced in Order 2006-0003-DWQ.

Likewise, the existing Order required the enrollee to conduct an internal audit of its local sewer system management plan and implementing program every two years. In addition to the extended six-year sewer system plan update intervals, the draft Order extends the requirement for a local audit to every three years. Similarly, the local audit due dates in the draft Order are based on the required audit due dates of the existing Order; The draft Order states that each enrollee's next

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	<p>audit period is three years from its last audit due date. The above-mentioned Look Up toll provides enrollee-specific Plan Update dates and audit due dates.</p> <p>Additionally, the CIWQS database will be enhanced to provide the upcoming plan and audit due dates, based on the last required due dates per Order 2006-0003-DWQ.</p>
11.02	<p><u>Commenter:</u> Fischer Compliance LLC</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water Board continues providing crucial technical resources to support this important program moving forward and to avoid an “adopt and walk away” policy after the draft Order is finalized.</p> <p><u>Response:</u> The State and Regional Water Boards provide staff to implement all Water Board adopted orders and provide customer service to individual enrollees regulated by the orders. Water Board staff are dedicated to implementing and enforcing the proposed Order reissuance. State Water Board staff also partners with the California Water Environment Association for the necessary training for enrollees and their staff to implement the Order.</p> <p>To address the technical assistance needs of disadvantaged communities to comply with this Order, further technical assistance opportunities through the Water Boards and industry associations will be explored.</p>
13.02	<p><u>Commenter:</u> Inland Empire Utilities Agency</p> <p><u>Comment Summary:</u> The commenter states that the Enrollee is making the investments needed to maintain and improve its systems to meet and exceed all known regulatory requirements. The commenter understands the importance of supporting the overarching goal of the draft Order – to minimize sewer spills and associated environmental impacts.</p> <p><u>Response:</u> Investments made by existing enrollees to maintain and improve their systems, is acknowledged.</p>

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13.04	<p><u>Commenters:</u> Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District Sonoma County Water Agency Tamalpais Community Services District</p>
22.06	
23.05	
28.06	
29.06	
	<p><u>Comment Summary:</u> The commenters support the comments provided in Comment Letter 1, submitted by the Bay Area Clean Water Agencies, the California Association of Sanitation Agencies, the Central Valley Clean Water Association, and the Southern California Association of Publicly Owned Treatment Works. Comment Letter 1 recommends that the State Water Board:</p> <ul style="list-style-type: none"> • Establish an implementation committee; • Delay the effective date of the draft Order to at least 180 days after the adoption date; • Provide compliance assistance to small and disadvantaged community systems; <p><u>Response:</u></p> <ul style="list-style-type: none"> • The recommendation to establish a statewide Order implementation committee is appropriate for consideration. The State Water Board looks to professional associations and consultants to provide the facilitation and leadership of an implementation committee. Water Board staff will be available to participate in committee discussions and recommendations. • The proposed Order effective date has been modified to 150 days after Order adoption. The proposed effective date has been extended to accommodate the timing needs for State Water Board staff to enhance CIWQS to implement the future newly adopted Order. As explained in above Responses to Comments, due dates for plans and reports in the draft Order are not affiliated with the Effective Date of the Order.

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	<ul style="list-style-type: none"> • Further technical assistance is needed for disadvantaged communities, and technical assistance opportunities through the Water Boards and industry associations will continue to be explored.
14.02	<p><u>Commenter:</u> Irvine Ranch Water District</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water Board:</p> <ul style="list-style-type: none"> • Define “potential to discharge to waters of the State” and “potential to discharge to a water of the United States;” • Clarify audit requirements during the transition from the current Order to the adopted Order; • Match reduced reporting requirements with system size; • Revise section 6.2.’s Professional Licensing and Certification terms to match those used by the California Water Environmental Association; • Adjust the water sampling and analysis language to reflect the fact that analysis may require more than 12 hours to complete; • Clarify that water sampling and analysis is required when technically possible and safe; and • Match the safety and access exception to similar requirements in other State Board permits. <p><u>Response:</u> The draft Order has been revised to address the commenter’s seven recommendations above, as follows:</p> <ul style="list-style-type: none"> • An added definition in Attachment A of the Order, defining the term “potential” in the context of “potential to discharge”. The draft Order already includes definitions for waters of the State” and waters of the United States.

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	<ul style="list-style-type: none"> • Clarification that the next local audit due date for existing enrollees is three years from the last required audit due date in the Order 2006-0003-DWQ; State Water Board staff has provided a Sewer System Management Plan and Audit Due Dates Look Up tool for enrollees of Order 2006-0003-DWQ on the Sanitary Sewer Spill Reduction Program website: Sanitary Sewer Overflow Reduction Program California State Water Resources Control Board. • Removal of reduced reporting requirements; • Clarification that the water sampling requirement within the 12 hours of the start of a spill, is for the water sampling only, with the results of the corresponding laboratory analysis to be submitted with the required reporting; • Clarification of exceptions to field monitoring requirements to address personnel safety, similar to requirements in other State Board orders.
14.09	<p><u>Commenter:</u> Irvine Ranch Water District</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water Board revise the draft Order to improve clarity and mitigate against compliance challenges.</p> <p><u>Response:</u> The draft Order has been revised to clarify compliance requirements, including the following clarifications to minimize misinterpretation of the Order and prevent compliance challenges:</p> <ul style="list-style-type: none"> • Organization of the Order, including monitoring and reporting requirements (Attachment E1) as part of the Order; • Definition of terms (Attachment A); • Findings regarding the applicability of the Clean Water Act and the Water Code; • Clarification of vague terms used in Order 2006-0003-DWQ; • Clarification of due dates and details for notification, monitoring, reporting and recordkeeping requirements (Section 5 of the Order, and Attachments D, E1, E2, and F).

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21.02	<p><u>Commenter:</u> The Regents of the University of California</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water Board further consider the significant differences between sewer systems of varying sizes and operations and adds more flexibility into the final Order for smaller systems to better facilitate their paths towards compliance. The commenter suggests that sanitary sewer systems on university and institution campuses are different than typical sewer systems enrolled under the statewide Order. The draft Order’s one-size-fits-all requirements are unsustainable for small collection systems.</p> <p><u>Response:</u> Sewer systems on university campuses and serving other large institutions are different than municipal sewer systems that serve municipal communities. The draft Order requires the Enrollee to establish sewer system management procedures and protocols that are per the size and complexity of each individual system.</p> <p>Smaller systems should not be regulated with a lower threshold than larger systems, as sewer systems for all communities should be managed, operated, and maintained in a manner that protects public health and water quality. The draft Order contains the same non-prescriptive requirements for all sewer systems enrolled in the Order, regardless of size. The draft Order places the responsibility on the Enrollee to develop local program procedures that address system-specific size and complexity.</p>
<p>Comment Number(s)</p>	<p>Comment Category 1.2: NPDES vs. Waste Discharge Requirements (WDRs)</p>
7.01	<p><u>Commenter:</u> California Coastkeeper Alliance</p> <p><u>Comment Summary:</u> The commenter states that because the 2006 statewide Order effectively regulates discharges into waters of the United States, the State Water Board should re-issue the 2006 statewide Order as a joint NPDES/WDRs to promote statewide consistency.</p> <p>The State Water Board’s duties under the Clean Water Act, and of sound public policy, require this statewide Order to be issued as an NPDES/WDRs Order. Consistent with its Clean Water Act</p>

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authority, the State Water Board already issues NPDES permits to regulate discharges to waters of the United States. According to other State Water Board orders and public website information: “If you discharge pollutants from a point source to a water of the United States you need an NPDES permit.”

The commenter identifies the following policy and practical administrative reasons why the statewide Order must be re-issued as an NPDES/WDRs instead of solely WDRs:

- The draft Order regulates discharges to waters of the United States like an NPDES permit without the benefits of the NPDES program.
- The Regional Water Boards already regulate many sanitary sewer systems under an NPDES permit. Therefore, issuing the statewide Order as a joint NPDES/WDRs promotes statewide consistency.
- The State Water Board already has systems in place to manage the jurisdictional hurdles of a joint general NPDES/WDRs permit; and
- Permit requirements sufficient to protect waters of the United States will also protect waters of the State.

Response: Waste discharge requirements are the appropriate regulatory mechanism to implement statewide prohibitions of sewage spills, and to require local sewer system management, operations, and repairs. The draft Order is not a permit to discharge; therefore, implementing an NPDES permit that permits a discharge of waste to waters of the United States, is not applicable.

Some regional boards combine the regulations of sewer systems within the same NPDES permit as the associated wastewater treatment plant; however, Regional Water Boards are not issuing NPDES permits solely regulating sewer system spills. The draft Order does not prevent a Regional Water Board to take further actions in regulating sewer systems as deemed necessary by the discretion of that Board.

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1.02, 1.39	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District City of Sacramento Sonoma County Water Agency</p>
2.02, 2.39	
5.02, 5.39	
13.35	
22.36	
23.35	
26.40	
28.36	
	<p><u>Comment Summary:</u> The commenters recommend the State Water Board:</p> <ul style="list-style-type: none"> • Continue regulating sanitary sewer systems using Waste Discharge Requirements (WDRs). The streamlining of the statewide Order requirements reduces the administrative and financial burden of its implementation, especially for the large number of small and very small agencies. • Do not shift the statewide Order to an NPDES permit that would require a complete redrafting of the order and the statewide Order would become enforceable by third parties. The shift would take significant time, effort, and resources from both the Water Boards and stakeholders. <p><u>Response:</u> Waste discharge requirements are the appropriate regulatory mechanism to implement statewide prohibitions of sewage spills, and to require local sewer system management, operations, and repairs.</p>

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	<p>Although not an NPDES permit, as provided in Section 6. (Provisions) of the Order, a violation of the Clean Water Act prohibition of sewage spills to a water of the United States is subject to a third-party lawsuit.</p>
<p>7.03</p>	<p><u>Commenter:</u> California Coastkeeper Alliance</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board reissue the statewide Order as a joint NPDES/ Waste Discharge Requirements (WDRs). This would comply with the requirements of the Clean Water Act and ensure that California benefits from the NPDES program. The benefits include:</p> <ul style="list-style-type: none"> • Community engagement, and • Technology forcing requirements. <p>The commenter states that the statewide Order regulates point source discharges into waters of the United States, without the benefits of the NPDES program. The core of the draft Order is Section 4. Prohibitions, which contains discharge prohibitions; but despite these discharge prohibitions, the draft Order acknowledges that spills to surface waters, including waters of the United States, will occur and regulates accordingly.</p> <p>The draft Order contains provisions to address sanitary sewer overflows, including those to waters of the United States, because these overflows are widespread and consistently occur throughout the State. The CIWQS database shows that over 400 million gallons of sewage, spill from sewer systems, and 76 percent of total spill volume has reached surface waters. While the statewide Order completely prohibits overflow events, the data shows that sewer system point sources are consistently discharging, often into waters of the United States.</p> <p>The statewide Order requires enrollees to develop a Sewer System Management Plan. The Plan has three main requirements:</p> <ul style="list-style-type: none"> • Proper management, operation and maintenance of enrollee’s sanitary sewer systems,

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- Reduction and prevention of spills, and
- Containment and mitigation of spills that do occur.

The terms of the statewide Order make it a goal for enrollees to reduce spills, not to eradicate spills, and to mitigate when spills occur. The first goal is a nearly direct copy of the federal requirement applicable to all NPDES permits, that enrollees must properly operate and maintain all facilities and systems.

Similar to an NPDES permit, the draft Order contains provisions acknowledging that spills to waters of the United States will occur and mandates that enrollees manage their systems to reduce and mitigate these spills. Instead of using WDRs to regulate sanitary sewer system discharges into waters of the United States,

The Clean Water Act was designed to engage communities in a way the Porter-Cologne Act was not. Specifically, two benefits of the NPDES program are: (1) the public notice and public comment requirements for management plans, and (2) community enforcement opportunities. By issuing the draft Order as a joint NPDES/WDRs, the State Water Board gains the benefit of Californians that engage with their local sanitary sewer system agency and enforce permit requirements put in place specifically to protect the community's beneficial uses of water. The NPDES program is designed to regulate with discharge requirements that drive system performance and improvements, that adapt with technological advancements.

Response: See Response to comment 7.01 above. The Clean Water Act public participation requirements are not the sole requirements for an effective sanitary sewer system program. The Porter-Cologne Act also includes requirements for public participation. For example, Water Code section 13167.5 requires notice and a 30-day public comment period prior to the adoption of waste discharge requirements. The State Water Board Office of Enforcement has a well-developed program for requiring compliance with the existing sanitary sewer systems General Order (Order 2006-0003-DWQ) and the program will continue if the State Water Board adopts the proposed Order. Community enforcement opportunities will continue to exist under the Clean Water Act citizen suit provisions where spills to waters of the United States occur in violation of the proposed Order and the Clean Water Act.

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7.04	<p><u>Commenter:</u> California Coastkeeper Alliance</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board issue the statewide Order as an NPDES/Waste Discharge Requirements (WDRs) to promote statewide consistency.</p> <p>The 2006 statewide Order was issued as a general order to create a unified statewide approach for the reporting and database tracking of spills and to establish consistent and uniform requirements for development and implementation of Sewer System Management Plans. However, not all sanitary sewer systems have consistent and uniform requirements. The State Water Board is only applying the United States Environmental Protection Agency's Publicly Owned Treatment Works definition to some sanitary sewer systems. The definition not applying to all enrollees, is important because California regulates publicly owned treatment works through individual NPDES permits. Therefore, the sewer systems that have been grouped within publicly owned treatment works are subject to both federal NPDES requirements and the statewide Sanitary Sewer Systems General Order.</p> <p>There are two main effects because of this:</p> <p>First, this regulatory structure creates inconsistent obligations even within the same regional water board jurisdiction. Systems that are grouped with publicly owned treatment works are subject to both the statewide Sanitary Sewer System General Order and obligations under 40 CFR part 122.41, while all other systems are subject only to the statewide Order. If the statewide Order was issued as an NPDES permit, all sanitary sewer systems within the same region would be subject to the same requirements, and the State Water Board could implement methodologies for uniform compliance with both the statewide Order and 40 CFR part 122.41. Implementing the respective methodologies supports one of the foundational reasons to issue a statewide General Order - for statewide consistency.</p> <p>Second, this concretely demonstrates that the NPDES program can require zero discharge for sanitary sewer systems. NPDES permits regulate discharges to waters of the United States, and it is well accepted that technology-based effluent limitations can include zero discharge effluent limitations. In fact, some wastewater treatment facility NPDES permits note that sewage discharges can never comply with the Clean Water Act while others simply prohibit all sanitary</p>
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	<p>sewer overflows. This shows the extent to which the NPDES program can regulate California’s sanitary sewer systems.</p> <p>The wastewater treatment facility NPDES permits vary based on region, and it is not always apparent whether these NPDES permits incorporate the terms and conditions of the statewide Order. The NPDES permit mandates compliance with the statewide Order, and substitutes compliance with the statewide Order for compliance with the NPDES permit. This implies that the terms of the statewide Order are incorporated into the NPDES permits, and that this structure makes it unclear whether the terms of the statewide Order, including aspects like the Sewer System Management Plan, are incorporated into the requirements of certain NPDES permits.</p> <p>Response: See Response to comment 7.01 above. Adoption of an NPDES permit/WDRs is not necessary to promote statewide consistency in the regulation of sanitary sewer systems. The proposed Order has been developed with input from diverse stakeholders and Regional Water Boards staff to ensure consistent regulation of all sanitary sewer systems regulated by this statewide Order.</p>
7.05	<p>Commenter: California Coastkeeper Alliance</p> <p>Comment Summary: The commenter recommends the State Water Board issue the statewide Order as an NPDES/Waste Discharge Requirements (WDRs). There is no jurisdictional hurdle to cover all relevant sanitary sewer systems. At various times in workshops and meetings related to development of the draft Order, staff and others have commented that by issuing the statewide Order as a non-NPDES permit, the statewide Order is able to cover all collection systems in the State, not just those that discharge to waters of the United States. There seems to be a concern that if the State Water Board reissued the statewide Order as a joint NPDES/Waste Discharge Requirements permit, the statewide Order would only apply to collection systems that have spills that reach waters of the United States, and a different permit would be required for systems in areas where spills do not reach waters of the United States. However, this important jurisdictional step is not a major obstacle.</p> <p>The State Water Board has already developed and implemented tools in other contexts to ensure that a joint NPDES/WDRs permit general order covers all potential enrollees, not just those that</p>

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	<p>discharge to waters of the United States. For example, the notice of non-applicability provision within the Industrial General Storm Water Permit allows enrollees to indicate whether their facility is located in basins or other physical locations that are not hydrologically connected to waters of the United States. Similarly, the notice of non-applicability provision in the Drinking Water System Discharges General Order asks potential enrollees whether “discharges from the drinking water system do not discharge to a water of the United States”.</p> <p>Response: See Response to Comment 7.01 above. Adoption of an NPDES permit/WDRs is not analogous to issuing a notice of non-applicability for the NPDES Industrial Stormwater General Permit or the NPDES Drinking Water Systems Discharge General Order. A notice of non-applicability is a statement that the permit is not applicable and therefore the relevant activity will not be regulated by the permit in question.</p>
7.06	<p>Commenter: California Coastkeeper Alliance</p> <p>Comment Summary: The commenter recommends the State Water Board:</p> <ul style="list-style-type: none"> • Require entities to certify if they are in a basin or physical location which is not hydrologically connected to waters of the United States, and if not, they will not be given a NPDES permit number and instead will be issued a non-NPDES permit number. This makes it a simple matter of checking a box to determine which sanitary sewer systems have discharged into waters of the United States and the type of permit number they will be issued. Regardless of the permit number issued, the functional result will be the same. • Adopt the Order as a joint NPDES/WDRs permit order. The jurisdictional requirements of the Clean Water Act do not create excessive administrative difficulties for staff if the State Water Board reissues the statewide Order as a joint NPDES/WDRs permit order. The State Water Board has already created tools for other joint NPDES/WDR general orders specifically to avoid these difficulties. <p>The requirements sufficient to protect waters of the United States will protect waters of the State. During public workshops with the State Water Board, State Water Board staff indicated that an</p>

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	<p>NPDES/Waste Discharge Requirements Order will not be sufficiently protective of waters of the State. The staff concern is unfounded for two reasons:</p> <p>First, any technical requirements sufficient to protect waters of the United States will protect waters of the State. The requirements within the statewide Order are not based on the waterbody types at-risk. The statewide Order mandates the actions sanitary sewer systems must take to prevent wastewater from escaping their systems.</p> <p>Second, there are many general permits which protect both waters of the United States and waters of the State. Some examples include the Industrial General Stormwater, Small Municipal Separate Storm Sewer Systems General Permit, and the Caltrans Municipal Stormwater Permit. A joint NPDES/WDRs can require enrollees to protect both waters of the United States and waters of the State. Any technical requirements that are sufficient to protect waters of the United States would also protect waters of the State.</p> <p>Response: The commenter provides factual examples of State Water Board NPDES permits that protect both surface water quality and groundwater quality. Federal NPDES requirements for protection of beneficial uses in waters of the United States are not sufficient to protect groundwater. The characteristics of surface water and groundwater can be quite different.</p>
<p>Comment Number(s)</p>	<p>Comment Category 1.3: Terms Used to Refer to Receiving Waters</p>
<p>4.04</p>	<p>Commenter: Stakeholders Implementing Total Maximum Daily Loads in the Calleguas Creek Watershed</p> <p>Comment Summary: The commenter recommends that the State Water Board clarify the use of "drainage conveyance" in the draft Order. Whenever the term "drainage conveyance system" is used in relationship to "receiving waters", it is described as "discharging to" the receiving waters, rather than using terms like "tributary" or "downstream receiving waters."</p>

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	<p><u>Response:</u> The draft Order has been revised to remove reference to a drainage conveyance system as a “tributary” to a receiving water body, and to clarify that a drainage conveyance system “discharges” to a receiving water body.</p>
<p>6.02</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water Board:</p> <ul style="list-style-type: none"> • Delay the effective date for at least 180 days for certain provisions. • Consider staged compliance deadlines for specific parts of the Order to allow both new and existing enrollees to prioritize different planning efforts. • Release a revised draft Order for another public comment period, to allow interested parties additional review and participation. <p>The new requirements in the draft Order are extensive and each enrollee will need a substantial time period and staff resources to come into compliance with the draft Order, if adopted without significant changes.</p> <p><u>Response:</u></p> <ul style="list-style-type: none"> • The due dates of the required Enrollee-specific deliverables in the draft Order are not associated with the effective date of the Order. The draft Order has been revised to clarify all deliverable due dates, and eliminate unintended association between the effective date of the Order and due dates of required deliverables. The proposed effective date of the draft Order has been changed from 120 days to 150 days after the Order adoption, for purposes of CIWQS upgrades. • Due dates for different deliverables do not need to be further staggered. The draft Order maintains the existing regulatory structure of Order 2006-0003-DWQ; the draft Order builds on the staggered due dates established in Order 2006-0003-DWQ for sewer system management plan updates and local audits. The draft Order extends the due dates for both the Plan

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	<p>updates and the local audits by one additional year. The continuation of the existing due dates coupled with the reduction of Plan update/audit frequencies, provides for existing enrollees' Sewer System Management Plan updates to be due between May 2, 2025 and August 2, 2026, depending on system size. Local audits remain on the same schedule with a reduced frequent of every three years.</p> <ul style="list-style-type: none"> • State Water Board staff and interested parties have participated in in-depth discussions during the last four years of Order development (since 2018). Public comments received during the formal 60-day public comment period in 2022, and informal feedback received regarding the informal draft Order issued in 2021, are well coordinated among industry association representatives and other interested parties. The State Water Board received numerous public comments from individual agencies stating that they uphold the public comments submitted by their industry association(s). Therefore, further time is not needed for interested parties to coordinate with member agencies. • The commenter states that it has fully participated in the stakeholder process between the issuance of the informal draft and the draft released in January 2022, and has spent a significant amount of time and resources to compare the proposed Order language to the existing requirements under the 2006 Order. State Water Board staff has provided numerous opportunities for interested party participation, coordination, and reviews. Staff conducted numerous public workshops and focused stakeholder meetings that provided robust discussion of the regulatory impacts of the Order requirements. Additionally, staff facilitated meetings that provided combined discussions with sanitary agency representatives and nongovernmental organization representatives. The State Water Board received numerous public comments from industry association representatives and individual agencies, expressing appreciation for the in-depth outreach and collaboration provided by Board staff to develop the draft Order.
6.09, 6.18	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water Board revise Attachment D to provide an adequate compliance period for enrollees to comply with any new Sewer System Management Plan requirements.</p>

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	<p>The commenter also recommends the State Water Board revise the Order to allow more time for existing enrollees to comply with the new or expanded elements. A compliance period was provided in the 2006 statewide Order, which included up to 51 months (4-1/2 years) for small systems. New enrollees had a one-year compliance period to adopt the Sewer System Management Plan.</p> <p>Response: Section 5. Specifications, of the draft Order requires an enrollee of Order 2006-0003-DWQ to update its Sewer System Management Plan update within six years from its last official due date (per Order 2006-0003-DWQ schedule). Based on the staggering of Plan development/update requirements in Order 2006-0003-DWQ, the resulting Sewer System Management Plan update due-dates range from May 2, 2025 to August 2, 2026, with the enrollees serving larger populations required to comply with the earlier due dates and the enrollees serving smaller populations required to comply with the later due dates. The draft Order has been revised to further clarify the due dates of all required deliverables.</p>
<p>Comment Number(s)</p>	<p>Comment Category 1.5: Cost of Compliance</p>
<p>24.07</p>	<p>Commenter: Rural County Representatives of California</p> <p>Comment Summary: The commenter recommends the State Water Board:</p> <ul style="list-style-type: none"> • Prepare a formal economic analysis to quantify the cost-benefit outcomes of the proposed new requirements and quantify the additional local resources needed to comply with the additional mandates. Many public agencies have invested considerable resources to reduce the number of sanitary sewer spills in accordance with the 2006 statewide Order. • Treat successful public agencies with impunity from compliance burdens under the draft reissuance. <p>Response: Compliance with an Order does not support removing the need for the requirements.</p>

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	<p>The draft Order implements existing sewage spill prohibitions and requires local system management to prevent, and continue preventing spills. The draft Order continues to require an enrollee to address continuously changing climate and other conditions that impact sanitary sewer utilities; therefore, an enrollee that has considerably reduced spills from its system(s) is required to continue the successful system management, operations and repairs as required in the Order.</p> <p>The draft Order has not been revised.</p> <p>A formal economic analysis providing a cost-benefit analysis is not required for a Board action for the adoption of waste discharge requirements. Regardless, State Water Board staff considered compliance cost ranges for enrollees; the level of compliance costs with the draft Order depends on each enrollee's level of compliance with Order 2006-0003-DWQ. (Enrollees that have invested in updated sewer systems have less further investments for Order compliance; enrollees that have not invested in the maintenance of their systems may have higher costs.)</p> <p>It is infeasible for State Water Board staff to quantify existing local resources and additional local resources of the 1100+ enrolled sewer system statewide. The following overarching qualitative environmental and water quality benefits associated with the minimization of sewage spills has been considered, including the reduction of:</p> <ul style="list-style-type: none">• Threat to public health potentially causing disease and illnesses through exposure to untreated bacteria, virus• Nuisances to the community• Threat to beneficial uses of state waters due to untreated toxic pollutant discharged in concentrations above water quality standards to protect beneficial uses.• Threat to drinking water sources• Public agencies' cost burden of responding to, and cleaning up spills, and repairing its system.• The inequity of pollution discharged in, and in the vicinity of, underserved populations.
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	Lastly, as provided in Section 6., Provisions, of the draft Order, the applicable Regional Water Quality Control Board holds the authority for discretionary enforcement.
Comment Number(s)	Comment Category 1.6: Assistance for Small/Disadvantaged Communities
1.08 2.08 5.09 6.11 12.04	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting Central Valley Clean Water Association Holmes International</p> <p><u>Comment Summary:</u> The commenters recommend that the State Water Board provide compliance assistance to small and disadvantaged communities to comply with the proposed new changes in the draft Order as follows:</p> <ul style="list-style-type: none"> • Provide template documents of sewer system management plans, audit reports and annual reports, • Increase funding for sewer system capital improvements through the Clean Water State Revolving Fund, and • Provide planning grants to small, disadvantaged communities and small severely disadvantaged communities for assistance in resiliency planning required by the draft Order. <p>Since resiliency planning is a new requirement for the collection system world, compliance requires technical, geological, and hydraulic skills that will be challenging for even the most sophisticated and well-financed agencies to execute. The State Water Board should provide grant</p>

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	<p>assistance for small and disadvantaged agencies if they are expected to produce a technically respectable and compliant response to this requirement. One potential source of financial support could be the technical assistance funds in the 2021 legislatively appropriated monies for wastewater infrastructure or another revenue stream such as the 2022-2023 Clean Water State Revolving Fund Intended Use Plan.</p> <p><u>Response:</u> Additional Order implementation tools and funding are needed for disadvantaged communities to comply with the Order. The State Water Board, Division of Financial Assistance continues to provide funding assistance, in the form of low-interest loans and grants, for compliance with regulatory orders. The Division additionally provides planning grants for wastewater facilities regulated by a Water Board water quality order.</p> <p>There is a need for guidance documents and tools. However, a standard template will only provide partial assistance, as a template will not provide the detailed content that must be specific to the individual sewer system. It is encouraged for information sharing among technical industry associations, consultants and other organizations that have experience and examples of sewer system management plan elements that serve small community needs.</p>
6.11	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water Board:</p> <ul style="list-style-type: none"> • Provide compliance assistance for small agencies to comply with the draft Order requirements. • Offer staging or reconsider the timelines for some or all of the new requirements contained in the draft Order. • Minimize the changes from the 2006 statewide Order. <p><u>Response:</u></p>

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	<ul style="list-style-type: none"> • The State Water Board has acknowledged, through resolutions and initiatives, the technical and funding assistance needs of disadvantaged and underserved communities. • The draft Order continues the established staged timeline of the existing Order for Sewer System Management Plan-related and local audit-related requirements. • The draft Order builds on the requirements of Order 2006-0003-DWQ for clarity and enforceability.
11.17	<p><u>Commenter:</u> Fischer Compliance LLC</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water Board:</p> <ul style="list-style-type: none"> • Offer direct capital and additional technical assistance grants for agencies <100 miles and/or located within Environmental Justice/Low Income areas and to help them improve in infrastructure, identify challenges, and facilitate ongoing enrollee compliance. <p><u>Response:</u> Please see the above responses to similar comments.</p>
Comment Number(s)	Comment Category 1.8: Order Effective Date
1.07, 1.33 2.07, 2.33 5.08, 5.33 13.29 16.03	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting Inland Empire Utilities Agency City of Los Angeles - Los Angeles Sanitation and Environment</p>

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<p>21.10 22.30 23.29 26.34 28.06, 28.30</p>	<p>Regents of the University of California Rodeo Sanitary District Ross Valley Sanitary District City of Sacramento Sonoma County Water Agency</p>
	<p><u>Comment Summary:</u> The commenter recommends that the State Water Board:</p> <ul style="list-style-type: none"> • Provide enrollees at least 180 days after the effective date to comply. There are several sections of the draft Order that will require enrollees to take actions in between the adoption date and the effective date of the draft Order, in order to comply with the new Order. The most significant of these is updating the Spill Emergency Response Plan. • Remove the spill response protocols from Element 11. The Communication Program contains requirements related to spill emergency response that are redundant with those in Element 6. This avoids Enrollees updating both Element 6 and Element 11 of their Sewer System Management Plan by the effective date, and to avoid duplicative requirements in general. • Remove the references to “laterals” because it unreasonably broadens the scope of the Communication Program, compared to the 2006 statewide Order. The 2006 statewide Order requires communication with “systems that are tributary and/or satellite to the enrollee’s sanitary sewer system.” Not all enrollees have a mechanism for directly contacting individual lateral owners; adding such a requirement would be inappropriate and burdensome. Public outreach related to fats, oils, grease, rags, and debris is already included in Element 7. • Remove references to “private and public” because it does not add any information to the draft Order. All systems are either private or public. Recommend referencing both owners and operators because, in some cases, systems are operated by a different entity than the owner. • Focus on eliminating preventable spills and reducing unavoidable spills. • Maintain the current statewide Order and make only minor changes.

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- Delay the effective date to comply with the Order 180 days after the adoption of the Order.

Referencing both enrollees and operators because, in some cases, systems are operated by a different entity than the enrollees. The references to “private and public” be removed because it does not add any information to the draft Order all systems are either private or public.

Response: See the following responses in the order of the above comments, as follows:

- The proposed effective date of the Order has been revised from 120 days to 150 days to allow modifications to CIWQS to facilitate Order implementation. Note that the effective date of the Order is not the required date for submittals. The draft Order has also been revised to require existing enrollees to update and implement their existing Spill Emergency Response Plan, within six months of the adoption date of the Order.
- The draft Order has been revised.
- The draft Order has been revised.
- The draft Order has been revised.
- The draft Order aligns with the requested focus on eliminating preventable spills and reducing unavoidable spills. Regional Water Boards have enforcement discretion to address impacts to sewer systems that are out of the Enrollee’s control.
- A revised draft Order is still necessary.
- See first response above regarding Order effective date.

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<p>6.06, 6.10 9.03 11.07 17.07 24.04 30.07</p>	<p><u>Commenters:</u> Central Valley Clean Water Association Department of Defense Fischer Compliance LLC Los Angeles County Sanitation Districts Rural County Representatives of California West Valley Sanitation District</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board:</p> <ul style="list-style-type: none"> • Delay the effective date of the Order to 180 days after the statewide Order adoption because there are a significant number of new requirements in the draft Order especially for small agencies that do not have dedicated staff or contracting resources. Extend the effective date of the statewide Order beyond the proposed 120-days to ensure continuation of regulatory coverage for existing enrollees. • Ensure there is enforcement discretion, technical assistance and satisfactory outreach measures in place that would not result in de facto trigger for current enrollees (especially smaller agencies) to become “new applicants.” <p><u>Response:</u></p> <ul style="list-style-type: none"> • The proposed effective date of the Order has been revised from 120 days to 150 days to allow modifications to CIWQS to facilitate Order implementation. Note that the effective date of the Order is not the required date for submittals. The draft Order has also been revised to clarify due dates for required submittals. • The CIWQS database will be enhanced to provide a simplified electronic process for existing enrollees to continue regulatory coverage under the new Order. The electronic process solely requires the Legally Responsible Official certification that the enrollee is choosing to continue its current regulatory coverage for its sewer systems currently enrolled in the 2006 Order. Existing enrollees can start the continuation of coverage certification within 60-days prior to the effective date of the Order. State Water Board staff will provide customer service, within
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	<p>the certification timeframe, to enrollees that need assistance with the simplified electronic procedures.</p> <p>The simplified steps for each existing enrollee continuation of regulatory coverage under the reissued Order should not be construed as time-intensive and costly requirements.</p>
<p>Comment Number(s)</p>	<p>Comment Category 1.9: Typographical Changes</p>
<p>1.40</p> <p>2.40</p> <p>5.40</p> <p>13.36</p> <p>22.37</p> <p>23.36</p> <p>26.41</p> <p>28.37</p>	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works</p> <p>Bay Area Clean Water Agencies Causey Consulting Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District City of Sacramento Sonoma County Water Agency</p> <p><u>Comment Summary:</u> The commenters have identified typographical errors and proposed language modifications to the draft Order as provided in the following individual comment letters: 1, 2, 5,13, 22, 23, 26, and 28.</p> <p><u>Response:</u> State Water Board staff appreciate the identification of typographical errors in the draft Order. The draft Order has been revised addressing the necessary corrections.</p>

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	The commenters' suggested Order language modifications have been considered. The draft Order has been revised incorporating the recommended modifications that align with staff responses to corresponding public comments.
Comment Number(s)	Comment Category 1.10: Commentary
6.19	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board revise the Sewer System Management Plan Introduction section to provide a general description of the local sewer system management program and discuss Plan implementation and updates.</p> <p><u>Response:</u> Section 1. (Sewer System Management Plan Goal and Introduction) of Attachment D of the draft Order has not been revised to remove the detailed system-specific information needed by the Enrollee and the Regional Water Board to implement and enforce the Sewer System Management Plan.</p> <p>Section 3.7. (now proposed as section 3.11. Sewer System Management Plan Reporting Requirements) of Attachment D of the draft Order has been revised to include Sewer System Management Plan Update due dates.</p>
6.20	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board revise the Sewer System Management Plan Introduction section (Attachment D, Section 1.2.) to include a schedule of milestones for incorporation of activities addressing prevention of sewer spills and schedule for conducting local audits.</p> <p><u>Response:</u> The draft Order provides the required due dates for the uploading and certification of required plans and reports. Section 1.2 (Sewer System Management Plan Update Schedule) of Attachment D of the draft Order requires each enrollee to include a schedule for updating its Plan, including the schedule for conducting its internal audits. The system-specific schedule must</p>

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	include milestones for the Enrollee’s incorporation of system-specific activities addressing prevention of sewer spills.
Comment Number(s)	Comment Category 2: Definition of Sanitary Sewer Systems and Enrollees
1.18 2.18 5.18 13.14 22.15 23.14 26.19 28.15	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District City of Sacramento Sonoma County Water Agency</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board restore the language of the 2006 Order with regards to the enrollment threshold of one (1) mile of system length so that it remains clear that the threshold applies to an individual public system and is not meant to be a cumulative of short systems that together add up to a mile or greater.</p> <p><u>Response:</u> The draft Order has been revised. The applicable language reads as follows, in context:</p> <p><i>An Enrollee is a public or private entity that has obtained approval for regulatory coverage under this General Order, including:</i></p> <ul style="list-style-type: none"> • <i>A federal or state agency, municipality, special district, or other public entity that owns and/or operates one or more sanitary sewer systems:</i> <ul style="list-style-type: none"> ○ <i>greater than one (1) mile in length (each individual sanitary sewer system);</i>

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	<ul style="list-style-type: none"> ○ <i>one (1) mile or less in length where the State Water Board or a Regional Water Board requires regulatory coverage under this Order, or</i> ● <i>A private company that owns and/or operates a sanitary sewer system of any size where the State Water Board or a Regional Water Board requires regulatory coverage under this Order.</i> <p><i>For purpose of this Order, a sanitary sewer system includes only systems owned and/or operated by the Enrollee.</i></p>
<p>6.13 25.04</p> <p>26.04 27.01, 27.02</p>	<p><u>Commenters:</u> Central Valley Clean Water Association Sacramento Area Sewer District Sacramento Regional County Sanitation District City of Sacramento San Francisco Public Utilities Commission</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board:</p> <ul style="list-style-type: none"> ● Modify the Sanitary Sewer System definition listed on page 1 of the draft Order and to add the definition to Attachment A. The following modified language should be added to the Order: "For purposes of this Order, sanitary sewer systems include only those systems owned or operated by the enrollee." ● Clarify that the Sanitary Sewer System Definition only applies to separate sanitary sewer systems and not combined sewer systems. Combined sewer system is already covered under separate NPDES permit Order R5-2020-0039. <p><u>Response:</u> The draft Order has been revised. See response to comment directly above.</p>

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9.02	<p><u>Commenter:</u> Department of Defense</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water Board revise its current definition of Enrollee so that it does not enable disparate treatment of public and private enrollees. Under Clean Water Act Section 313 (the Federal sovereign immunity waiver), the Department of Defense is subject to and must comply with all state and local requirements respecting control and abatement of water pollution in the same manner and to the same extent as any nongovernmental entity. The commenter states that the definition of “Enrollee” in the draft Order does not establish requirements for the Department of Defense that are in the same manner and to the same extent as any nongovernmental entity, since the Department’s sanitary sewer systems would be subject to the regulation if they total more than 1-mile in length.</p> <p>Per federal regulations, the draft definition of “Enrollee” is not applicable to all enrollees required to enroll in the Order – specifically private systems are subject to the Order "where the State Water Resources Control Board or a Regional Water Quality Control Board requires regulatory coverage under this order, and the sewer system is not regulated under separate waste discharge requirements issued by a Regional Water Quality Control Board." This definition does not satisfactorily resolve the sovereign immunity "discrimination" issue discussed in a March 29, 2007 letter from the Navy to the State Water Resources Control Board which can be provided again upon request.</p> <p><u>Response:</u> The draft Order will be revised. The applicable language will read as follows, in context:</p> <p><i>An Enrollee is a public or private entity that has obtained approval for regulatory coverage under this General Order, including:</i></p> <ul style="list-style-type: none">• <i>A federal or state agency, municipality, special district, or other public entity that owns and/or operates one or more sanitary sewer systems:</i><ul style="list-style-type: none">○ <i>greater than one (1) mile in length (<u>each individual sanitary sewer system</u>);</i>○ <i>one (1) mile or less in length where the State Water Board or a Regional Water Board requires regulatory coverage under this Order, or</i>
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	<ul style="list-style-type: none"> • <i>A <u>federal agency</u> or <u>Private company</u> that owns and/or operates a sanitary sewer system of any size where the State Water Board or a Regional Water Board requires regulatory coverage under this Order.</i> <p>See response to comment 9.04.</p>
<p>Comment Number(s)</p>	<p>Comment Category 3: Regulatory Coverage</p>
<p>9.04</p>	<p><u>Commenter:</u> Department of Defense</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board address the concern that the federal government is not subject to requirements to control the discharge pollutants to “waters of the state” absent a clear and unequivocal waiver of sovereign immunity. The Order requires all enrollees to comply with: “federal and state prohibitions of discharge of sewage to waters of the State, including federal waters of the United States.” The federal government complies with requirements prescribed by the Clean Water Act governing discharges to “waters of the United States.” This issue was addressed previously in a May 12, 2011 letter from the Department of Defense to the State Water Board which can be provided again upon request.</p> <p><u>Response:</u> The Clean Water Act waiver of sovereign immunity provision specifies that the federal government, if it causes the discharge or runoff of pollutants, shall be subject to the control and abatement of water pollution in the same manner as any nongovernmental entity (Clean Water Act section 313). None of the relevant terms, e.g., “discharge,” “pollutants,” or “pollution” are limited to impacts on waters of the United States. For example the definition of “pollution” in the Clean Water Act refers to the alteration of the chemical, physical, biological and radiological integrity of water – not just waters of the United States. 33 USC sec.1362(19).</p> <p>However, because the resolution of this issue is not clear and unequivocal the State Water Board will assume Congress, in Clean Water Act section 313, did not waive sovereign immunity with respect to discharges to waters of the State that are not waters of the United States (for example, groundwater) until the courts provide further guidance. Depending on the specific situation, it is possible that other federal waivers of sovereign immunity could apply to impacts to waters of the</p>

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	<p>State that are not waters of the United States (for example, groundwater) from sanitary sewer systems.</p>
<p>16.01</p>	<p><u>Commenter:</u> City of Los Angeles - Los Angeles Sanitation and Environment</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board clarify the Order to state that only those responsible for operating and managing a sewer system are subject to the Order, and not those that contractually provide wastewater conveyance and treatment services to the operators and managers of the sewer system.</p> <p><u>Response:</u> The draft Order identifies an Enrollee as the entity that owns and/or operates the system. The Enrollee is the regulated entity that must comply with this Order for its systems. Therefore, the Enrollee is responsible for its contractors compliance/noncompliance with the requirements of this Order for its enrolled sewer systems.</p>
<p>27.03</p>	<p><u>Commenter:</u> San Francisco Public Utilities Commission</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board modify Section 6.3 by clarifying the intent of the State Water Board to allow Regional Water Boards to continue regulating combined sewer systems through Waste Discharge Requirements (WDRs) implementing the specific provisions of the Combined Sewer Overflow Policy.</p> <p><u>Response:</u> Section 2.1 (Requirements for New Regulatory Coverage) of the Order has been revised to include the following language:</p> <p style="padding-left: 40px;"><i>Unless required by a Regional Water Board, a public agency that owns a combined sewer system subject to the Combined Sewer Overflow Control Policy (33 U.S. Code § 1342(q)), is not required to enroll, under this Order, the portions of its sanitary sewer system(s) that collects combined sanitary wastewater and stormwater.</i></p>

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Comment Number(s)	Comment Category 3.1: Continuation of Existing Regulatory Coverage
6.14	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board provide clarity to Attachment B of the Order as to the terminology used to categorize various classes of enrollees, their respective requirements when they vary, and to update the application for enrollment.</p> <p>The concern is that enrollees which are enrolled under the 2006 Order that fail to recertify become a “New Applicant.” Although the draft Order is clear that a new application package would be required to be submitted and approved along with new application fees paid, there are other requirements in the draft Order where it is unclear how requirements and due dates for enrollees falling into this category would work. Additionally, it is unclear whether a current enrollee that fails to recertify will be considered a “new enrollee” or how a “new enrollee” transitions to an “enrollee” and is no longer considered “new.”</p> <p><u>Response:</u> Order 2006-0003-DWQ is no longer in effect on and after the date that the newly adopted Order becomes effective. Therefore, as of the effective date of the newly adopted Order, enrollees previously covered under Order 2006-0003-DWQ that do not perform the expedited transfer of regulatory coverage, will be without coverage.</p>
Comment Number(s)	Comment Category 3.2: New Regulatory Coverage Process
1.19 2.19 5.19	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting</p>

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<p>13.15 22.16 23.15 26.20 28.16</p>	<p>Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District City of Sacramento Sonoma County Water Agency</p> <p>Comment Summary: The commenters recommend the State Water Board clarify that the intention of the 60 days in the application process is that the application package must be submitted at least 60 days prior to commencing and/or assuming operation and maintenance responsibilities of a sanitary sewer system.</p> <p>Response: The draft Order has been revised to state: “<u>No later than</u> Within 60 days prior to commencing and/or assuming operation and maintenance responsibilities of a sanitary sewer system...” Therefore, for example, if an Enrollee is to assume operation and maintenance responsibility of a system on August 5, 2023, the application package, as detailed in the draft Order, must be submitted to the State Water Board per the instructions of the draft Order, prior to June 7, 2023.</p>
<p>Comment Number(s)</p>	<p>Comment Category 4: Findings</p>
<p>24.06</p>	<p>Commenter: Rural County Representatives of California</p> <p>Comment Summary: The commenter recommends the State Water Board remove references to Waters of the United States in the draft Order to provide greater regulatory certainty for enrollees. The United States Environmental Protection Agency is in the early stages of redrafting the Waters of the United States regulations, and that it could be several months before a final rulemaking is adopted.</p> <p>Response: The draft Order has been revised to refer to either “surface waters” or “waters of the State”; both terms include waters of the United States.</p>

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Comment Number(s)	Comment Category 5: Prohibitions
<p>1.03, 1.10</p> <p>2.03, 2.10</p> <p>5.03, 5.10</p> <p>13.06</p> <p>16.08</p> <p>17.03</p> <p>21.03</p> <p>22.03, 22.07</p> <p>23.02, 23.06</p> <p>24.02</p> <p>26.11</p> <p>28.03, 28.07</p> <p>29.02</p>	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting Inland Empire Utilities Agency City of Los Angeles - Los Angeles Sanitation and Environment Los Angeles County Sanitation Districts The Regents of the University of California Rodeo Sanitary District Ross Valley Sanitary District Rural County Representatives of California City of Sacramento Sonoma County Water Agency Tamalpais Community Services District</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board remove Prohibition 4.1. from the draft Order. The proposed prohibition does not expand the State Water Board's enforcement authority and instead adds vagueness to the prohibitions, which will lead to confusion and inconsistent reporting and enforcement. The proposed prohibition is ambiguous; whether a spill has “potential to discharge to a water of the State” and what counts as “promptly” and “cleaned up” are not defined in the draft Order. The proposed prohibition establishes liability and third-party lawsuit for a discharge that does not occur, and that the prohibition is an</p>

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	<p>unreasonable prohibition, as all sanitary sewer systems have deficiencies with the potential to discharge, even in the most well-run system.</p> <p>Response: The draft Order has been revised to include a definition of the term “potential” to address the commenters’ concern regarding interpretation for compliance purposes. The word “promptly” is used per the English definition – such as “immediately” and “without delay”.</p> <p>A well-managed sewer system has the potential to spill. The proposed Prohibition 4.1 was established to ensure that the spills do not reach a surface water during the spill, or that the remaining solids and pollutants are not left in the environment, such as in a drainage conveyance system, and washed into a water of the State under a future flow condition.</p> <p>The proposed Prohibition 4.1 will not establish liability and third-party lawsuits for a discharge that does not occur. In fact, compliance with Prohibition 4.1 prevents a discharge to a surface water, thus preventing a spill to surface waters that is subject to third party liability.</p>
<p>Comment Number(s)</p>	<p>Comment Category 6: Legally Responsible Official</p>
<p>1.11</p> <p>2.11</p> <p>5.11</p> <p>13.07</p> <p>22.08</p> <p>23.07</p> <p>26.12</p> <p>28.08</p>	<p>Commenters: Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District City of Sacramento Sonoma County Water Agency</p>

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Comment Summary: The commenters recommend the State Water Board:

- Strengthen the qualifications for a Legally Responsible Official and remove the requirement for Sewer System Management Plans to have secondary certification by an Operator or Professional Engineer. Instead, require operator input during the Sewer System Management Plan audits required once every 3 years (Pages 17-19, 31).
- Revise qualification standards that are known to have been tested in litigation and are reliable in their usage and that one such standard is found in the Occupational Safety and Health Administration (OSHA) regulations, which should suffice as a referent for use by the Water Board.
- Allow the Legally Responsible Official to be responsible for determining the level of technical assistance that is required to certify the Plan.
- In lieu of having operators certify the Plan, increase the level of engagement with operations staff when developing the Plan and the Plan internal audits, which State Water Board staff explained at the public workshop held on February 23, 2022 was the motivation for adding this requirement.

The necessary qualifications to be a Legally Responsible Official will vary widely depending on the size and complexity of the sewer system. However, the proposed language in Section 5.1 contains only generalized suggestions of qualified personnel who might assume the role of an agency's Legally Responsible Official. The section should be revised to:

OSHA 29 CFR 1926.32(m) defines a qualified person as an individual "who, by possession of a recognized degree, certificate or professional standing, or who by extensive knowledge, training and experience, has successfully demonstrated his ability to solve or resolve problems relating to the subject matter, the work, or the project."

Job levels specified (Certified Grade II "Operator") are not typically responsible for planning, engineering, or management, and the Sewer System Management Plan is a management

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	<p>planning document. Furthermore, this requirement will be a compliance burden on small systems, which may not have a certified operator or Professional Engineer on staff.</p> <p>Response: The draft Order has been revised. The requirement for the Sewer System Management Plans to have secondary certification by a certified operator or a professional engineer has been removed, and the requirement for operator input during the Sewer System Management Plan audits required once every 3 years has been added. Additionally, the role and responsibilities of the Legally Responsible Official have been further strengthened .</p>
3.01	<p>Commenter: California Polytechnic State University, San Luis Obispo</p> <p>Comment Summary: The commenter recommends the State Water Board clarify Section 5.3 of the draft Order that includes requirements for the Legally Responsible Official and, if the Legally Responsible Official does not hold one of the listed certifications, a secondary certification of all Plans and Plan updates.</p> <p>Response: The draft Order has been revised to address this comment.</p>
3.03	<p>Commenter: California Polytechnic State University, San Luis Obispo</p> <p>Comment Summary: The commenter recommends that the State Water Board recognize that not all enrollees have certified operators or professional engineers. The draft Order requires that a Legally Responsible Official have responsibility over management of the enrollee’s entire sanitary sewer system. In most cases, these officials are not Professional Engineers. A Professional Engineer outside of their organization must be hired to review and certify the compliance of written plan. Having to do so for any and all minor administrative updates will be difficult and result in unnecessary financial burden.</p> <p>Response: The draft Order has been revised to address this comment.</p>

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<p>9.12</p>	<p><u>Commenter:</u> Department of Defense</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board match the elements of Legally Responsible Official between Section 5.1 and Attachment A. The definition of Legally Responsible Official in Attachment A does not include the elements of Legally Responsible Official presented in first paragraph of Section 5.1.</p> <p><u>Response:</u> Section 5.1 of the draft Order provides the requirements for the designation of a Legally Responsible Official. Attachment A of the draft Order provides the definition of the Legally Responsible Official. The draft Order has not been revised.</p>
<p>11.09</p>	<p><u>Commenter:</u> Fischer Compliance LLC</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board:</p> <ul style="list-style-type: none"> • Provide flexibility in the designation of a Legally Responsible Official. • Require training to qualify as a Legally Responsible Officials. • Provide the option of allowing industry subject matter experts with best practice experience and working knowledge to train Legally Responsible Officials and not require only one entity. • Require agencies to certify that outside Legally Responsible Officials (contractors) are approved to act on their behalf for situations where the Legally Responsible Officials are not actually employed by the Enrollee. • Require that any violations involving Legally Responsible Officials should be presented to local governing boards in open public forum. <p><u>Response:</u> The draft Order has been revised to provide flexibility in the designation of a Legally Responsible Official.</p>

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	<p>The draft Order requires the Enrollee to provide training to its staff and contractors regarding the pertinent Order requirements. The draft Order has not been revised.</p> <p>The Enrollee holds the local responsibility to: (1) manage its contractors and ensure all staff and contractors are trained accordingly, and (2) hold effective communication within its agency, including communication of enforcement matters with its local governing board. The draft Order has not been revised.</p>
21.04	<p><u>Commenter:</u> The Regents of the University of California</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water Board adds the following criteria to the list of examples for Legally Responsible Official: “An environmental water quality program manager serving an educational institution”. This additional language will not only serve the commenter, but likely all other educational institutions throughout the state. The current draft criteria do not accommodate the commenter's system of governance and would not allow qualified staff to serve as a Legally Responsible Official unless the Order is revised.</p> <p><u>Response:</u> Instead of adding additional criteria, the draft Order has been revised to strengthen the qualifications of a Legally Responsible Official based on sewer system management and operation knowledge, education, and expertise.</p>
Comment Number(s)	Comment Category 7: Sewer System Management Plan Implementation and Update
1.21 2.21 5.21	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting</p>

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13.17	Inland Empire Utilities Agency
22.18	Rodeo Sanitary District
23.17	Ross Valley Sanitary District
26.22	City of Sacramento
28.18	Sonoma County Water Agency
<p>Comment Summary: The commenters state that the language in Sections 5.2, 5.5, and 5.7 of the Order, place requirements directly on the Enrollee’s governing entity. The draft Order should place procedural requirements on the Enrollee or on the Sewer System Management Plan itself. The comments provide the following example of accepted language from Order 2006-0003-DWQ:</p>	
<p><i>This SSMP must be approved by the Enrollee’s governing board at a public meeting.</i></p>	
<p>The comments recommend the following revision to the draft Order language:</p>	
<p><i>The <u>updated Plan shall be approved by the Enrollee’s governing entity</u>, shall approve the updated Plan.</i></p>	
<p>Response: Section 5.2 (Sewer System Management Plan Development and Implementation) of the draft Order stated:</p>	
<p><i>The governing entity of a new Enrollee shall adopt its Sewer System Management Plan;</i></p>	
<p>The commenters recommend changes to this statement as follows:</p>	
<p><i>The <u>updated Plan shall be approved by the Enrollee’s governing entity</u>, shall approve the updated Plan.</i></p>	
<p>The difference between the commenter-suggested language and the revised draft Order language is:</p>	
<p>(1) the use of “passive voice” and active voice” in the sentence structure; and</p>	

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	<p>(2) the use of “approve” and “adopt” as the action to be taken by the Enrollee’s governing entity.</p> <p>The proposed Order will be revised (through late changes) to read:</p> <p style="text-align: center;"><i>The governing entity of the new Enrollee shall adopt <u>approve</u> its Sewer System Management Plan.</i></p> <p>All requirements in the draft Order are written in active-voice sentence structure. Therefore, the draft Order has not been revised to use the passive-voice sentence structure recommended by the commenters in the specified sections.</p> <p>Section 5.7 of the draft Order has been revised to address the commenters’ concern per the above comment.</p>
<p>1.22</p> <p>2.22</p> <p>5.22</p> <p>13.18</p> <p>22.19</p> <p>23.18</p> <p>26.23</p> <p>28.19</p> <p>30.06</p>	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District City of Sacramento Sonoma County Water Agency West Valley Sanitation District</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board provide a grace period of 6-12 months to be applied in the submission of Sewer System Management Plan audits</p>

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	<p>and updates after the effective date of the Order. Existing enrollees under the 2006 Order will have difficulty scheduling upcoming Sewer System Management Plan audits and updates because of conflict with the effective date of the draft Order. For example, a new Plan update and/or audit may be due immediately prior to the adoption and effective date of the draft Order. There is insufficient time to update the Plan again by the time the draft Order is in effect.</p> <p>Response: The draft Order does not place the Effective Date of the Order as the due date of the Sewer System Management Plan update and audit. The proposed submittal due dates continue to be based on the due dates established in Order 2006-0003-DWQ, with an extended one-year period for Sewer System Management Plan updates (from five years to six years), and for audits (from two years to three years).</p> <p>The draft Order has been revised to further clarify the submittal due dates. The Plan update due dates for all continuing enrollees are (at the earliest) May of 2025, providing approximately two years from the proposed Effective Date of the Order.</p>
<p>1.27</p> <p>2.27</p> <p>4.10</p> <p>5.27</p> <p>13.23</p> <p>22.24</p> <p>23.23</p> <p>26.28</p> <p>28.24</p>	<p>Commenters: Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works</p> <p>Bay Area Clean Water Agencies</p> <p>Stakeholders Implementing Total Maximum Daily Loads in the Calleguas Creek Watershed</p> <p>Causey Consulting</p> <p>Inland Empire Utilities Agency</p> <p>Rodeo Sanitary District</p> <p>Ross Valley Sanitary District</p> <p>City of Sacramento</p> <p>Sonoma County Water Agency</p>

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	<p><u>Comment Summary:</u> The commenters recommend the State Water Board revise the Sewer System Management Plan as follows:</p> <ul style="list-style-type: none"> • Use the phrase "available to the public" and "maintained for public inspection" as suggested replacements due to the possibility of misconstruing with the Americans with Disabilities Act. • Specify that uploading Plans through CIWQS is an acceptable path for availability to the public. • Revise the requirement to place Plans on the "homepage to allow agencies to post plans in a prominent location elsewhere on the website. This makes it easier for internet searches. <p><u>Response:</u> The draft Order has been revised accordingly.</p>
<p>3.02, 3.04</p>	<p><u>Commenter:</u> California Polytechnic State University, San Luis Obispo</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board clarify what constitutes as a major or minor update to the Sewer System Management Plan. This is needed so that the Legally Responsible Official can properly certify changes to the Plan. It is unclear what constitutes as a major or minor update to the Sewer System Management Plan.</p> <p><u>Response:</u> The draft Order does not distinguish between a major and minor update to the Sewer System Management Plan. The draft Order requires the Legally Responsible Official to certify each Plan Update every six years.</p> <p>Section 5.5 (Six-Year Sewer System Management Plan Update) of the draft Order requires that the Plan Update includes a summary of revisions included in the Plan Update, based on internal audit findings. During the time period in between Plan updates, the Enrollee must continuously document changes to it Sewer System Management Plan, in a Change Log attached to the Plan. The draft Order does not require the Legally Responsible Official to certify changes logged in the Change Log in between Plan Updates.</p>

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<p>6.07</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board recognize that there is an aggressive requirement for new enrollees to certify the Sewer System Management Plan within 12 months of obtaining coverage under the draft Order. This requirement contrasts to the 4-year timeframe allowed to develop the Plan under the 2006 Order and small systems may have difficulty complying with the proposed timeframe for the Plan development.</p> <p><u>Response:</u> The Sewer System Management Plan is the foundational document for the management, operation and maintenance of a system and the development and certification of the Plan is to be held in high priority. Order 2006-0003-DWQ provided a first-time statewide requirement for over 1000 public agencies to develop Sewer System Management Plans. The staggered timeframe in Order 2006-0003-DWQ for the development of a Sewer System Management Plan was necessary, then, to address the new industry requirement. Today, industry consultants knowledgeable in the preparation of system-specific sewer system management plans, are available for a new Enrollee to comply with the 12-month due date. The draft Order has not been revised.</p>
<p>6.16</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board recognize the concern that part of the audit process in the Specifications of the draft Order is to modify changes to the Sewer System Management Plan.</p> <p>The changes described in the draft Order require funds be immediately available or budgeted to address changes or the enrollee may be subject to enforcement. This requirement differs from the 2006 Order which requires the enrollee to allocate adequate resources for the operation, maintenance, and repair of its system by establishing a proper rate structure, accounting, and auditing procedures. This approach is concerning in that it minimizes the Plan and the various programs as a planning tool and is especially less effective for smaller agencies.</p>

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	<p><u>Response:</u> The requirements in the draft Order are established for the Enrollee to direct the necessary local budget to address the findings in the audit, while concurrently not placing prescriptive budgeting requirements on the Enrollee. The draft Order has not been revised.</p>
<p>6.57</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board remove the new language in Section 9 of Attachment D in the draft Order: "The Plan must include an Adaptive Management section that addresses Plan-implementation effectiveness and the steps for necessary Plan improvement." The language does not add to the clarity of the Order and recommends keeping the existing language of the 2006 Order.</p> <p><u>Response:</u> As provided in the draft Order, the Sewer System Management Plan is a living document that must be kept updated through adapted management. The draft Order has not been revised.</p>
<p>10.01</p>	<p><u>Commenter:</u> Ephraim Bushong</p> <p><u>Comment Summary:</u> The commenter, as a certified Grade III Wastewater Treatment Plant Operator, states that they have an issue with the Sewer System Management Plan update.</p> <p><u>Response:</u> This comment is noted.</p>

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Comment Number(s)	Comment Category 7.1: Condition Assessment, Capacity Assurance and Capital Improvements
<p>1.24</p> <p>2.24</p> <p>5.24</p> <p>13.20</p> <p>22.21</p> <p>23.20</p> <p>26.25</p> <p>28.21</p>	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works</p> <p>Bay Area Clean Water Agencies</p> <p>Causey Consulting</p> <p>Inland Empire Utilities Agency</p> <p>Rodeo Sanitary District</p> <p>Ross Valley Sanitary District</p> <p>City of Sacramento</p> <p>Sonoma County Water Agency</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board substitute the term "appropriate" for a neutral term such as "designated," "updated," or "identified" in Section 5.10. The draft Order does not define an "appropriate" design storm. Instead, each enrollee is required to consider "updated" design storm conditions when assessing capacity under Element 8.2 of the Sewer System Management Plan.</p> <p><u>Response:</u> The draft Order has been revised to further clarify the design storm requirements.</p>

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1.31	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works</p>
2.31	<p>Bay Area Clean Water Agencies</p>
4.11	<p>Stakeholders Implementing Total Maximum Daily Loads in the Calleguas Creek Watershed</p>
5.31	<p>Causey Consulting</p>
13.27	<p>Inland Empire Utilities Agency</p>
22.28	<p>Rodeo Sanitary District</p>
23.27	<p>Ross Valley Sanitary District</p>
26.10, 26.32	<p>City of Sacramento</p>
28.28	<p>Sonoma County Water Agency</p>
<p><u>Comment Summary:</u> The commenters recommend that the State Water Board:</p> <ul style="list-style-type: none"> • Generalize the Capital Improvement Plan requirements to accommodate variations in capital planning practices. • Revise Section 8.4 of the Sewer System Management Plan because it is unreasonably detailed and creates a prescriptive structure that may not align with the capital improvement planning process of all agencies. Specifically, the interim milestones for planning and design create burdensome requirements that an enrollee may be unable to meet due to emergencies that significantly alter milestones and associated capital expenditures. 	
<p><u>Response:</u> Section 8.4 of Attachment D of the draft Order has been revised accordingly.</p>	

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<p>6.51, 6.52, 6.53, 6.54</p>	<p><u>Commenters:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board maintain the existing requirement per the 2006 Order and to modify the list of actions to prioritize as a list of actions to consider instead. The draft Order requires procedures to be developed to identify and address priority actions in comparison to the 2006 Order that only requires procedures to evaluate priority actions. This modification will lead to a reallocation of resources.</p> <p><u>Response:</u> The draft Order has not been revised.</p>
<p>6.55</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board revise the language in Section D.8.3 from "must" to "should" because it adds a requirement.</p> <p><u>Response:</u> For clarification and enforceability, all elements of the draft Order that are intentional requirements include the words "shall" and "must". All elements that are suggestions include wording such as "should". The requirements in the subject section of Attachment D of the draft Order are intentional requirements. The draft Order has not been revised.</p>
<p>6.56</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water Board allow the inclusion of unfunded projects in the Sewer System Management Plan similar to the Plan in the 2006 Order. The Sewer System Management Plan is used as a tool to request funding. Under the draft Order, the Plan would require all projects to be fully funded. The new requirement limits the scope of Capital Improvement Projects that may otherwise have been added.</p> <p><u>Response:</u> The draft Order does not restrict the documentation of future planned projects that are not yet funded. The draft Order has not been revised.</p>

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<p>7.02</p>	<p><u>Commenter:</u> California Coastkeeper Alliance</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board:</p> <ul style="list-style-type: none"> • Add exfiltration to the list of requirements of the assessment mandate described in Section 8.1 of the draft Order so there is no question that areas of sewer systems vulnerable to exfiltration in high-risk areas are prioritized during the system evaluation. The draft Order only requires enrollees take mitigation and monitoring action if sewage reaches a surface water but does not require specific exfiltration monitoring and management criteria within Section 8.1 of an enrollee’s Sewer System Management Plans. • Add porose substrate, known faults, and unconfined aquifers to the list of high-risk areas defined in Section 8.1 of the draft Order. This addition would prioritize condition assessments for system areas where exfiltration is likely to travel underground either through porose substrate or along fault lines and when systems lie above aquifers which lack the protection of a sealing aquitard layer. <p><u>Response:</u> Section 8.1 (System Evaluation and Condition Assessment) in Attachment D of the draft Order requires the Enrollee to utilize observations/evidence of system conditions that may contribute to sewage exiting the system that has the potential to enter into a water of the State. The proposed requirement addresses the prioritization of system rehabilitation or repair of compromised components that may be contributing to exfiltration of sewage.</p> <p>The draft Order places the prioritization of corrective actions on sewage that potentially reaches a water of the State, to ensure that local funds are not spent on mitigating underground exfiltration of sewage that does not have a pathway to a water of the State.</p>
<p>9.15</p>	<p><u>Commenter:</u> Department of Defense</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water Board revise the draft Order for formal risk assessment and remedial prioritization to be a recommendation, not a requirement. The commenter states that for smaller sewer agencies or agencies with limited</p>

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	<p>resources, the cost of a formal risk assessment and remedial prioritization efforts may not yield commensurate benefits if the local resources to be used for the risk assessments are shared with the resources for system operations.</p> <p>Response: The draft Order does not require a formal risk assessment. Section 8.1 (System Evaluation and Condition Assessment) in Attachment D of the draft Order requires enrollees to include procedures in the Sewer System Management Plan for prioritizing system condition assessments in areas that hold high consequences if spills occur.</p>
12.10	<p>Comment: Holmes International</p> <p>Comment Summary: The commenter recommends the State Water Board remove the second bullet in Section 8.1 of the draft Order: "Are within the vicinity of a receiving water with a bacterial-related impairment on the most current Clean Water Act section 303(d) List to determine if sanitary sewer system exfiltration is potentially contributing to the impairment."</p> <p>Response: The subject bullet in Section 8.1 of Attachment D of the draft Order has been revised to further clarify that spills in the vicinity of receiving waters impaired for bacteria, hold a high consequence to the further impairment of the subject receiving water.</p>

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Comment Number(s)	Comment Category 7.2: Communication and Coordination Requirements
<p>1.33</p> <p>2.33</p> <p>5.33</p> <p>13.29</p> <p>22.30</p> <p>23.29</p> <p>26.34</p> <p>28.30</p>	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District City of Sacramento Sonoma County Water Agency</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board remove the spill response protocols from section 11. Communication Program of Attachment D because it contains requirements redundant with section Element 6. Spill Emergency Response Plan.</p> <p><u>Response:</u> The draft Order has been revised to address this comment.</p>
<p>6.04</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board keep the language of the 2006 Order or to modify the language regarding an enrollee to update the proposed Sewer System Management Plan's expanded requirements to link to ordinances, service agreements, or other legal procedures to ensure access during spill events.</p> <p><u>Response:</u> The draft Order has not been revised.</p>

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<p>6.23</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends that, in section 3. Legal Authority of Attachment D, the State Water Board use the term "gain" or "obtain" access for requirements to ensure access (especially private) to storm sewer systems during spill events.</p> <p><u>Response:</u> Section 3 (Legal Authority) of Attachment D of the draft Order has not been revised. The use of the words “gain access” or “obtain access” are vague and do not equate to the requirement for the Enrollee to coordinate with storm sewer agencies to ensure that the Enrollee has access to storm sewer systems during spill events.</p>
<p>6.24</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board identify what to do when easement agreements do not exist but are necessary for access for maintenance. The new requirement in the draft Order could be costly and require many years to obtain. Enrollees should be required to develop and implement a plan to address the easement agreements since it will be costly and immediate compliance may not be possible.</p> <p><u>Response:</u> The draft Order requires the Enrollee to obtain the necessary easements for its management, operation, and maintenance of its system areas in which the Enrollee does not own the land. The draft Order requires the Enrollee to set forth jurisdiction-specific procedures for acquiring necessary easements. The draft Order has not been revised.</p>

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<p>6.27</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board:</p> <ul style="list-style-type: none"> • Clarify that the Rehabilitation and Replacement Plan requirements must include a Capital Improvement Plan that addresses proper management and protection of the infrastructure assets. • Provide a time schedule for implementing the short- and long-term plans plus a schedule for developing the funds needed for the Capital Improvement Plan. <p><u>Response:</u> Adding prescriptive requirements, as recommended in this comment, in a statewide general Order regulating a large number of unique sewer systems is not appropriate. The Order requires the Enrollee to make the system-specific determinations. The draft Order has not been revised.</p>
<p>6.62</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board revise the draft Order to not require procedures for all aspects of the Communication Program. Require communication for spills for moderate to significant impacts.</p> <p><u>Response:</u> The draft Order has not been revised.</p>
<p>6.63</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board keep the Sewer System Management Plan language in the 2006 Order language for clarity purposes.</p> <p><u>Response:</u> The draft Order provides the further clarity requested by numerous interested parties throughout the development of the Order. The draft Order has not been revised.</p>

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<p>6.64</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board keep the 2006 Order language regarding lateral connections into an enrollee's system. The draft Order expands the Communication Program to private and public lateral/systems. This would change the current plan many agencies are implementing.</p> <p><u>Response:</u> The draft Order has been revised to address this comment.</p>
<p>6.65</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board remove repetitive sections in requirements for collaborative emergency spill response during and after a spill.</p> <p><u>Response:</u> The draft Order has been revised to address this comment.</p>
<p>11.19</p>	<p><u>Commenter:</u> Fischer Compliance LLC</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board include all 2006 Order requirements (Provision D.13(xi) for Communications [including evidence/records of communication for agencies with agreements in place]).</p> <p><u>Response:</u> The draft Order includes the same requirements as the existing Order, Provision D.13.(xi), without requiring the Enrollee to develop a separate plan for communications.</p>

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Comment Number(s)	Comment Category 7.3: Sewer System Management Plan Audits
1.20 2.20 5.20 9.19 12.01, 12.05, 12.06 13.16 18.02 20.02 22.17 23.16 26.21 28.17	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting Department of Defense Holmes International Inland Empire Utilities Agency City of National City City of Poway Rodeo Sanitary District Ross Valley Sanitary District City of Sacramento Sonoma County Water Agency</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board:</p> <ul style="list-style-type: none"> • Remove requirement that Audits be submitted into CIWQS since they are easily available upon request and intended for internal use and not for public viewing. • Remove requirement that internal audit reports submitted into CIWQS are available to the public. Deficiencies published to the public before a Sewer System Management Plan is updated could trigger lawsuits before the agencies have time to address the issues.

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	<ul style="list-style-type: none"> • Add language in the draft Order to specify that the audits will not be available for public viewing. <p><u>Response:</u> The intention of the reporting requirements including audit reports is for increased:</p> <ul style="list-style-type: none"> • Regional Board staff accessibility to the information, reducing the need for unnecessary compliance inspections to monitor compliance, and • Enrollee’s accountability to addressing priority audit findings. <p>State Water Board staff acknowledges the need to maintain submitted audit reports in a CIWQS module that is not readily accessible to the public. The CIWQS database will be enhanced accordingly.</p>
6.61	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board keep the existing language of the 2006 Order for Attachment D, Section 10. Internal Audits. The proposed order would require new procedures to be added to the Sewer System Management Plan to conduct audits and the modification would be major.</p> <p><u>Response:</u> The draft Order intentionally places increased focus on the local audit procedures as being the key tool for the Enrollee to identify ongoing changing impacts on the system due to climate change and other system-specific and infrastructure-impacting conditions. The draft Order has not been revised.</p>

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11.08	<p><u>Commenter:</u> Fischer Compliance LLC</p> <p><u>Comment Summary:</u> The commenter states that the State Water Board should ensure enforcement equity among enrollees by setting civil liabilities (monetary penalties) for enrollees that do not comply with the General Order. The commenter states that enrollees will benefit from the State Water Board implementing its Enforcement Policy and taking the following actions:</p> <ul style="list-style-type: none">• Provide an option in CIWQS for enrollees to upload Sewer System Management Plan Audits for added transparency to reduce the need for unnecessary compliance inspections to monitor compliance.• Provide an option in CIWQS for enrollees uploading of Plan change logs (annually) into CIWQS to facilitate transparency and reduce the need for unnecessary compliance inspections to monitor compliance.• Consider requiring Audits to include capital projects/spending over audit cycle.• Consider requiring Audits to check for “Plan effectiveness and compliance with all elements” as stated in 2006 Order.• Consider requiring Audits to evaluate any non-compliance for non-discharge violations (notification, reporting).• Consider requiring Operation & Maintenance “sign-offs” by operations manager/supervisor for both Plan Audits and updates including strategies, priorities and decision making for Capital Improvement Program covering audit cycles.• Consider requiring Plan Audits/findings to be and presented to locale governing boards in public meetings for ensuring ongoing resources/support for system Legally Responsible Officials, supervisors, and managers.
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	<ul style="list-style-type: none"> • Enhance CIWQS email alerts to warn agencies nearing non-compliance milestones for Plan Audits/updates. • Require enrollees to maintain their Plans in “track changes” format (available on request) to transparency and the need for onsite inspections. <p><u>Response:</u> Enforcement-related recommendations provided by the commenter interfere with Regional Water Board discretion on enforcement of the statewide waste discharge requirements. Audit-related administrative and formatting recommendations provided by the commenter are too prescriptive.</p> <p>State Water Board staff agrees with the need for proactive electronic alerts to enrollees to inform them about upcoming due dates. The CIWQS database will be enhanced to provide proactive compliance alert messages to the Legally Responsible Official.</p>
14.04	<p><u>Commenter:</u> Irvine Ranch Water District</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board make the Audit requirements flexible during first year of implementation. An extension should be included if an enrollee has an audit update due within the first year of the effective date of the Order if they are required to perform an audit update per the 2006 Order's requirements that year.</p> <p><u>Response:</u> The required audit due dates in the draft Order have been clarified, showing that an existing Enrollee’s next audit, three years from the audit due date per Order 2006-0003-DWQ, is no sooner than May 2, 2024.</p>

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<p>15.03</p>	<p><u>Commenter:</u> Leucadia Wastewater District</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board allow operations staff to review and agree with the Audit findings and recommendations or signing a statement such as an "Audit Reviewed by Operations" in the Audit. This would be appropriate instead of certifying the Sewer System Management Plan.</p> <p><u>Response:</u> The draft Order has been revised to include the following statement in Section 5.4 (Sewer System Management Plan Audit) of the draft Order: "The Enrollee shall submit a complete audit report that includes a statement that sewer system operators' input on the audit findings has been considered."</p>
<p>17.05</p>	<p><u>Commenter:</u> Los Angeles County Sanitation Districts</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board reset the Sewer System Management Plan Audit and Plan updates.</p> <p>The Sewer System Management Plan update section seems to insinuate that the timelines between the Audit and update should line up by stating that the updated Sewer System Management Plan must include "findings from the enrollee's Year 3 and Year 6 local program audits." The Order states that it would not be possible to include findings from the Year 6 audit in the Plan update because it would not have occurred by then.</p> <p>If this is not the intention of the State Board, then make the needed clarifications.</p> <p><u>Response:</u> The draft Order has been revised accordingly.</p>

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Comment Number(s)	Comment Category 7.4: Sewer System Maps
1.15	<u>Commenters:</u> Bay Area Clean Water Agencies
2.15	California Association of Sanitation Agencies
4.09	Southern California Alliance of Publicly Owned Treatment Works
5.15	Central Valley Clean Water Association
6.25	Bay Area Clean Water Agencies
9.06, 9.13	Stakeholders Implementing Total Maximum Daily Loads in the Calleguas Creek Watershed
13.11	Causey Consulting
18.01	Central Valley Clean Water Association
20.01	Department of Defense
22.12	Inland Empire Utilities Agency
23.11	City of National City
26.16	City of Poway
28.12	Rodeo Sanitary District
	Ross Valley Sanitary District
	City of Sacramento
	Sonoma County Water Agency
	<p><u>Comment Summary:</u> The commenters recommend the State Water Board:</p> <ul style="list-style-type: none"> Remove the requirement that an up-to-date map of the sanitary sewer system be included in Sewer System Management Plan. The 2006 Order requires that enrollees “Maintain an up-to-date map of the sanitary sewer system, showing all gravity line segments and manholes, pumping facilities, pressure pipes and valves, and applicable stormwater conveyance facilities.” The new requirement is infeasible for three reasons: logistical concerns, jurisdictional separation of system data, and security concerns. Since enrollees must maintain

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	<p>up-to-date maps, the information is always available to State Water Board staff at their specific request.</p> <ul style="list-style-type: none"> • Restore the term “applicable” for stormwater conveyance facilities, as used in the 2006 Order, since some portions of the stormwater system may have no interaction with the sanitary sewer system. <p>Response: Section 4.1 (Updated Map of Sanitary Sewer System) of Attachment D of the draft Order has been revised.</p>
<p>Comment Number(s)</p>	<p>Comment Category 7.5: Sewer System Management Plan Elements</p>
<p>1.30 2.30 4.06 5.30 13.26 22.27 23.26 26.31 28.27</p>	<p>Commenters: Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Stakeholders Implementing Total Maximum Daily Loads in the Calleguas Creek Watershed Causey Consulting Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District City of Sacramento Sonoma County Water Agency</p> <p>Comment Summary: The commenters recommend that the requirements found within the Sewer System Management Plan Element 4 (Operation and Maintenance Program) and Element 8 (System Evaluation and Capacity Assurance and Capital Improvements) should be better</p>

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	<p>aligned and that duplicative language be removed (Pages D-4 to D-9). This would include streamlining some of the new duplicative prioritization requirements in Element 4 and Element 8 of the Sewer System Management Plan, and removing the equivalent requirements found in the two different sections.</p> <p>Response: The draft Order has been revised to remove the duplicative requirements in Element 4 of the Sewer System Management Plan, Operation and Maintenance Program Element, and maintain the requirements in the corresponding Element 8 of the Sewer System Management Plan elements.</p>
<p>1.32</p> <p>5.32</p> <p>13.28</p> <p>22.29</p> <p>23.28</p> <p>26.33</p> <p>28.29</p>	<p>Commenters: Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Causey Consulting Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitation District City of Sacramento Sonoma County Water Agency</p> <p>Comment Summary: The commenters recommend that the State Water Board:</p> <ul style="list-style-type: none"> • Maintain a distinction between the Operation and Maintenance Program (Element 4) and source control programs (Element 7) in the Sewer System Management Plan. Root control does not belong in Element 7 as it is already addressed in Element 4. Roots are not controllable through public outreach and/or source control. Residential Fats, Oils, and Grease, non-Food Service Establishment commercial Fats, Oils, and Grease, and wipes (a form of “rags and debris”) are the main elements that would benefit from a public outreach

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	<p>campaign, and roots are best addressed by enrollees through the knowledge of historical records and an effective Operations and Maintenance program (Element 4).</p> <ul style="list-style-type: none"> • Allow additional flexibility for enrollees to develop system-specific control programs. Removing the “All” from the last bullet provides enrollees the flexibility to prioritize the most likely sources of Fats, Oils, and Grease in their service area. • Clarify the reference of "A plan," which is distinct from “The Plan. See the commenters markup which standardizes references to a “program.”” <p>Response: Section 4 (Operations and Maintenance Program) of Attachment D of the draft Order addresses operation and maintenance of the Enrollee’s overall system. Section 7 of the draft Order addresses specific attention on tree roots, as tree roots in sewer systems have become increasingly problematic with drought and water conservation measures. The draft Order has been revised to address the above comment.</p>
4.05	<p>Commenter: Stakeholders Implementing Total Maximum Daily Loads in the Calleguas Creek Watershed</p> <p>Comment Summary: The commenters recommend the State Water Board:</p> <ul style="list-style-type: none"> • Clarify language in the draft Order to support more effective planning, coordination, and collaboration in the development of the Sewer System Management Plan. The draft Order contains requirements for the Plan development that are in some cases duplicative or inconsistent. Some requirements are overly specific and may be challenging to implement or cause security concerns that can be addressed in ways other than the draft Order. • Include modifications which are included in Attachment 1 and other conforming edits be made throughout the draft Order. <p>Response: The draft Order has been revised to address the comment accordingly.</p>

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<p>6.03</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board return to the former language of the 2006 Order for specific provisions to reduce the burden of updates to Plans and the ongoing effort required to implement and update these new requirements.</p> <p>In many cases, the draft Sanitary Sewer Systems General Order would impose substantially different and more onerous requirements on planning efforts that will take considerable time and effort. The changes are extensive and will place a significant compliance burden on agencies, particularly small agencies (less than 100 miles of sewer pipelines) that serve disadvantaged communities with limited resources. Some specific examples of where the change in language between the 2006 Order occur are mandatory Sewer System Management Plan requirements. The draft Sanitary Sewer Systems General Order significantly expands upon the mandatory requirements for Plans and will necessitate significant revisions by enrollees.</p> <p><u>Response:</u> The requirements in the Sewer System Management Plan have increased to address the necessary system-specific impacts due to climate change, population changes, aging infrastructure, and other factors listed in the Order. The draft Order has not been revised.</p>
<p>6.05</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water Board:</p> <ul style="list-style-type: none"> • Return to the language used from the 2006 Order for D.4.3 Rehabilitation and Replacement, D.7 Blockage Control Program, D.8 System Evaluation and Capacity Assurance and Capital Improvements. • Return to the language from the 2006 Order for other sections identified in Attachment 1 that include a new requirement for "procedures" or "protocols" in place of a requirement to prepare or evaluate the needed action to be included in the Plan.

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	<ul style="list-style-type: none"> Define the term “procedures” in the draft Sewer System Management Plan. Procedures are not defined so enrollees won’t know how to comply or what is intended. Enrollees will have to expend significant resources to revise their Plans to come into compliance with these new, vague provisions. <p><u>Response:</u> The draft Order has been revised per the above comment.</p> <p>The draft Order incorporates the language of the Sewer System Management Plan elements in Order 2006-0003-DWQ as identified in the comment above, and builds on the existing language for further clarification.</p> <p>A definition for “procedures” has not been included in the draft Order. The draft Order intentionally does not provide specific or prescriptive requirements for how the Enrollee is to manage, operate and maintain its unique system. The draft Order is written for the Enrollee to use its discretion for the level of prescriptiveness in its procedures in its Sewer System Management Plan, the scale of the system’s size and complexity.</p>
6.21	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water recognize the concern that the Plan Introduction section may require significant compliance effort by enrollees. This information is already required to be submitted as part of the Annual Report (Questionnaire).</p> <p>Enrollees are now required to provide a description of the enrollee-owned assets and service area. This description includes but is not limited to: location; service area boundary; population and community served; system size; structures diverting stormwater to the sewer system; data management systems; sewer system ownership and maintenance responsibilities; estimated number or percent of residential, commercial, and industrial connections; and unique service boundary conditions and challenges. Additionally, the Plan Introduction section requires reference to the enrollee’s up-to-date map of its sanitary sewer system.</p> <p><u>Response:</u> The information in the Sewer System Management Plan and the information in the Annual Report, have different purposes. The Sewer System Management Plan is to be</p>

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	<p>implemented by the Enrollee; therefore, the information in the Plan is for the purpose of local system management, operations and maintenance. The purpose of the Annual Report is for the Water Boards staff collection of system-specific and program-wide data, and therefore needs to be submitted as data into the CIWQS database. The draft Order has not been revised.</p>
<p>6.22</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board return to the existing language or clarify that only one document (which may be a template) can be attached. The draft Order requires that the Plan must include copies or an electronic link to the enrollee’s current sewer system use ordinances, service agreements, and/or other legally binding procedures to demonstrate that the enrollee possesses the necessary legal authority. This significantly expanded section could be onerous for service agreements and may have privacy or other legal ramifications. The 2006 Order only requires a demonstration rather than copies or links.</p> <p><u>Response:</u> The Sewer System Management Plan requirements build off of the existing Plan requirements in Order 2006-0003-DWQ. The draft Order does not require multiple copies of the Plan to be submitted. The draft Order requires electronic submittal. The draft Order has not been revised.</p>
<p>6.26</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board:</p> <ul style="list-style-type: none"> • Keep the original language for the entire Sewer System Management Plan and that portions of it that were intentionally moved to the Capital Improvement Program do not need to be duplicated. Currently, the Sewer System Management Plan must include a plan which identifies, prioritizes, and implements. The draft Order states that the Plan must include procedures to prioritize actions. This change fundamentally requires rewriting the Plan and that the 2006 Order is clear on implementation. The draft Order focuses on processes and methods instead of implementation.

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	<ul style="list-style-type: none"> • Address the sewer system rehabilitation and replacement procedures by prioritizing short-term and long-term rehabilitation actions that address high-risk deficiency spills. The level of effort to implement such procedures is unknown. <p>Response: The draft Order intentionally builds off the existing structure and wording of Order 2006-0003-DWQ to eliminate the need for Enrollees to rewrite existing Plans. The additional planning requirements address system-specific system resilience needs. The draft Order has not been revised, with the exception of the removal of the term “high-risk” throughout the requirements of the Order.</p>
6.42	<p>Commenter: Central Valley Clean Water Association</p> <p>Comment Summary: The commenter recommends that the State Water Board:</p> <ul style="list-style-type: none"> • Keeps the existing language in Order 2006-0003-DWQ that requires the Enrollee to evaluate and determine the need for a Fats, Oil and Grease program, rather than the proposed requirements, including procedures, to address Fats, Oils and Grease. The existing language to “evaluate” and “determine” the need is appropriate for prioritization. • Meets with collection system operators and clean water association representatives to determine where to address other pipe blocking issues as appropriate, and not be duplicative in the Order. Although pipe blocking substances other than Fats, Oils, and Grease may be appropriate for a system, they also may be addressed in other portions of the program or require a different approach. <p>Response: It is acknowledged that industry associations have an important role in advancing current efforts to address pipe blocking issues experienced by numerous Enrollees.</p> <p>The draft Order intentionally places requirements for an enrollee to place system-specific attention on tree roots, as tree roots in sewer systems have become increasingly problematic with drought and water conservation measures. The draft Order has been revised to address the above comment. The procedures in Section 7 of Attachment D of the draft Order have been</p>

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	<p>modified to separate the activities to address tree roots, from the activities to address source control for pipe blockages.</p>
<p>6.43, 6.44, 6.45, 6.46, 6.47, 6.48, 6.49, 6.50</p> <p>12.09</p>	<p><u>Commenters:</u> Central Valley Clean Water Association</p> <p>Holmes International</p> <p><u>Comment Summary:</u> The commenters recommend removing Section 7. (Blockage Control Program) in Attachment D of the draft Order. The draft Order adds procedures to address blockage control, including root intrusion in addition to fats, oils and grease. Fats, oils, and grease control may be a public education and outreach program, but the same may not be true for other pipe blockage substances identified in Section 7 of Attachment D. The commenters also state that the requirements in Section 7 are duplicative of other requirements in the draft Order.</p> <p><u>Response:</u> Section 7 in Attachment D of the draft Order intentionally requires the Enrollee to place system-specific attention on tree roots, as tree roots in sewer systems have generally, and are expected to, become increasingly problematic with drought and water conservation measures. The procedures in Section 7 in Attachment D of the draft Order have been revised to separate the activities that address tree roots, from the activities that address source control for pipe blockages caused by fats, oils and grease. The title of Section 7 has been renamed to reflect the separation of a root-control program from other sewer pipe blockage control programs.</p> <p>Section 7 additionally states that, if the Enrollee determines that a program is not needed, the Enrollee shall provide justification in its Plan for why a program is not needed.</p>

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<p>6.58, 6.60</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board keep the existing language of Element 9. (Monitoring, Measurement and Program Modifications) of Order 2006-0003-DWQ. The proposed modifications in the draft Order are unclear. Element 9 of Order 2006-0003-DWQ was more effective while the draft Order is more prescriptive.</p> <p><u>Response:</u> The requirements in Section 9 (Monitoring, Measurement and Program Modifications) in Attachment D of the draft Order are not more prescriptive. Section 9 maintains the same language as the corresponding requirements in Element 9 of Order 2006-0003-DWQ, requiring the Enrollee to manage, operate and maintain its system per system-specific needs. However, Section 9 in Attachment D has been revised to add clarity.</p>
<p>Comment Number(s)</p>	<p>Comment Category 8: System Resilience</p>
<p>21.06</p>	<p><u>Commenter:</u> The Regents of the University of California</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board revise Section 8.1 to make the Sewer System Management Plan requirements relevant to the size and infrastructure of a given sanitary sewer system.</p> <p>The resilience requirements in Attachment D, Section 8.1, of the draft Order are relevant to larger systems and would have a disproportionate impact on very small collection systems like those at universities. Universities do not have resources to annually perform a system evaluation and condition assessment, and the requirement for evaluation and condition assessment, and prioritization of high-risk areas nearby receiving waters with a bacteria total maximum daily load, will have financial and administrative impacts on smaller systems.</p> <p><u>Response:</u> The draft Order does not require an Enrollee to conduct system evaluations and assessments of the entire system, each year. The draft Order requires that each Enrollee include system-specific procedures in its sewer system management plan to identify and justify the percentage of its system to be assessed each year. The draft Order requires the Enrollee to</p>

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	prioritize the condition assessment of system areas of high environmental consequences if spills occur, including system areas in the vicinity of receiving waters with a bacteria impairment.
Comment Number(s)	Comment Category 9: Reporting Certification
1.23 2.23 5.23 13.19 22.20 23.19 26.24 28.20	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District City of Sacramento Sonoma County Water Agency</p> <p><u>Comment Summary:</u> The commenters recommend that the State Water Board eliminate the Reporting Certification requirements that require Legally Responsible Officials to certify past reports submitted by others. The draft Order requires Legally Responsible Officials to certify compliance for “all” spill reporting as well as “other submitted reports and plans,” and the Legally Responsible Official should certify the actual document being submitted, not other documents that may have been previously submitted by others.</p> <p><u>Response:</u> The proposed Order has been revised to address the commenter’s concern. The proposed penalty of perjury language has been revised for the Legally Responsible Official to specifically certify the information being in the submittal pertaining to the certification.</p>

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<p>9.18</p>	<p><u>Commenter:</u> Department of Defense</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board removes the monthly "No Spills" certification requirement (Attachment E.1 Section 3.3) as it seems unnecessary given the positive spill reporting requirements.</p> <p><u>Response:</u> The information provided in a reporting of "No Spills" brings forth the Enrollee's certified statement that zero spills have occurred from its system during the monthly reporting period. The reporting of zero spills is not equivalent to no reporting at all, as recommended by the commenter.</p> <p>The spill reporting data gathered in CIWQS since 2007 includes gap in spill reporting, and includes potentially-false "No Spills" reports. A spill into a water of the State is an unauthorized discharge of waste. The State Water Board considers the submittal of false and intentionally inaccurate "No spills" reporting as a serious matter that may involve enforcement. The draft Order has not been revised.</p>
<p>10.02, 10.03, 10.04</p>	<p><u>Commenter:</u> Ephraim Bushong</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board allow a supervisor or manager who is a certified collection system operator or an engineer to certify Sewer System Management Plans because Water and Wastewater Treatment Plant Operators have no knowledge of Collections Systems.</p> <p>The duties and certificates of a certified collection system operator are not the same as a wastewater treatment plant operator. Requiring certification of a Sewer System Management Plan by either a certified collection system operator or a wastewater treatment plant operator undermines both of these certificates and jobs. Wastewater treatment plant operators treat the incoming wastewater once it is received at the treatment plant and have no control of the Sanitary Sewer System operation and maintenance. Most Wastewater Treatment Plant Operators are not supervisors or managers and should not be held responsible for signing a document that they have no knowledge of. The draft Order is asking basic operators to do a</p>

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	<p>supervisor or management position duties. Wastewater Treatment Plant Operators should not be held responsible because they have no idea of what they would be signing off on.</p> <p>Response: During the development of this Order, certified operators and the California Water Environment Association representatives provided feedback regarding the need to incorporate a role for system operators to be involved in the sewer system management planning. The draft Order was responsive to the certified operators that provided feedback, including the certified wastewater treatment plant operators that operate both the collection and the treatment facilities that are under the same ownership.</p> <p>Due to a sewer system operator’s unique field knowledge that differs from engineers and managers, the State Water Board continues to uphold the need for certified operators to serve primary roles in the management, operations, and maintenance of California’s sewer systems; however, the State Water Board understands the concern expressed through public comments regarding difficulty for some agencies to acquire certified operators, and the increased regulatory-related responsibility that certified operators may not want to bear. To address the concern, the draft Order has been revised to remove the proposed requirement for a certified operator to provide a co-approval to the Sewer System Management Plan.</p>
<p>12.03 15.02</p>	<p>Commenters: Holmes International Leucadia Wastewater District</p> <p>Comment Summary: The commenters recommend the State Water Board:</p> <ul style="list-style-type: none"> Remove the requirements for certification or registration of Legally Responsible Officials or secondary Plan certification by a Grade II operator or a professional engineer. The Grade II certification requirements will not yield the results the State Water Board is trying to achieve. Hiring certified operators will be a problem and this requirement will become an unfunded mandate for small communities and agencies which may have only one small maintenance crew or cannot find or afford certified Grade II operators. The Legally Responsible Official should be someone in a management position for the community or the agency regardless of certification or registration especially for small agencies.

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	<ul style="list-style-type: none"> Remove the requirement to have a secondary person certify the Plan because is redundant. <p>Response: Section 5.1 (Designation of Legally Responsible Official) and section 5.3 (Certification of Sewer System Management Plan and Plan Updates) of the draft Order, have been revised per public comments.</p>
16.07	<p>Commenter: City of Los Angeles - Los Angeles Sanitation and Environment</p> <p>Comment Summary: The commenter recommends the State Water Board remove Section 5.3. Certification of Sewer System Management Plans requirement from the draft Order and maintain the 2006 Order language that requires the Legally Responsible Official who is responsible for certifying an agencies Plans be “certified by a person designated, for a municipality, state, federal or other public agency, as either a principal executive officer or ranking elected official, or by a duly authorized representative of that person...”</p> <p>The new requirement that Sewer System Management Plans must be certified by either a Grade II Certified Collection System Operator, a Grade II Wastewater Treatment Plant Operator, or a Professional Engineer if the Legally Responsible Official is not certified is not necessary. The Managers in charge of each collection system are the most qualified and responsible individuals regarding managing sewage spills and the conveyance system; however, the job classification for the positions held by current Legally Responsible Officials does not require Professional Engineer licenses or Grade II certifications.</p> <p>Response: Section 5.1 (Designation of Legally Responsible Official) and section 5.3 (Certification of Sewer System Management Plan and Plan Updates) of the draft Order, have been revised per public comments.</p>
21.05	<p>Commenter: The Regents of the University of California</p> <p>Comment Summary: The commenter recommends the State Water Board revise Section 5.3 of the draft Order to give small sanitary sewer systems, like those of educational institutions, the option to forgo the secondary certification requirements and use their Legally Responsible Official</p>

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	<p>to certify the Plan if the institution does not employ a certified collection system operator or professional engineer with sewer system expertise.</p> <p>Universities do not have certified collection system operators or professional engineers with expertise in sewer system management and it would be costly to hire a third party solely to certify the Sewer System Management Plan and any Plan updates. The campus Legally Responsible Official has the pertinent day-to-day operational and management oversight of its local conveyance system and would be well-positioned to certify the Plan.</p> <p>Response: Section 5.1 (Designation of Legally Responsible Official) and section 5.3 (Certification of Sewer System Management Plan and Plan Updates) of the draft Order, have been revised per public comments.</p>
29.03	<p>Commenter: Tamalpais Community Services District</p> <p>Comment Summary: The commenter recommends the State Water Board strengthen the qualifications for a Legally Responsible Official and remove the requirement for Sewer System Management Plans certification by a certified operator or a professional engineer. Require operator input during the Plan audits due once every 3 years.</p> <p>Response: Section 5.1 (Designation of Legally Responsible Official), section 5.3 (Certification of Sewer System Management Plan and Plan Updates), and section 5.4 (Sewer System Management Plan Audits) of the draft Order, have been revised per public comments .</p>

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Comment Number(s)	Comment Category 10: System Performance Analysis
11.05	<p><u>Commenter:</u> Fischer Compliance LLC</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board revise Section 3.1.5 as follows: “To help facilitate ongoing success, biannual reviews to the State Water Board will be conducted to evaluate the ongoing performance of this Order including effectiveness in reducing spills and reporting on statewide compliance and enforcement.” The revised requirement will improve transparency, monitoring of the successes and challenges of the reissued Order, improve compliance, and reduce need for enforcement.</p> <p><u>Response:</u> During the implementation of Order 2006-0003-DWQ, State Water Board staff conducted routine review of the State Water Board’s sanitary sewer overflow reduction program, to identify the overall collective performance of regulated sewer systems. The staff workload included collecting and analyzing information, preparing a report and providing corresponding public agenda informational items to the State Water Board. The purpose of this effort was to evaluate the Board’s (then) new statewide regulatory program for sanitary sewer systems.</p> <p>Since 2006, the State Water Board sanitary sewer system regulatory program has evolved into a fee-based program funded by the Waste Discharge Permit Fund; Water Board staff resources dedicated to implementing the statewide Order are paid for through enrollee annual fees only. To minimize fee increases to public agencies, in 2014, the Division of Water Quality ceased dedicating staff resources to collecting and preparing the information for a collective program-wide report and Board informational item that was not bringing forth new valuable information for staff to conduct its regulatory work, as follows:</p> <ul style="list-style-type: none"> • Determining individual enrollee compliance and discretionary enforcement per the State Water Board Enforcement Policy, • Determining performance of specific systems,

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	<ul style="list-style-type: none"> • Providing technical assistance to individual enrollees. <p>The statewide CIWQS database has been enhanced over the last 16 years of the State Water Board sanitary sewer system program, providing the necessary data and transparency of enrollee performance to the public. The draft Order provides for increased transparency of public information.</p> <p>Finding 3.1.5 of the draft Order has not been revised per the commenter’s request.</p>
25.03	<p><u>Commenter:</u> Sacramento Area Sewer District Sacramento Regional County Sanitation District</p> <p><u>Comment Summary:</u> The commenters recommend that the State Water Board develops a method to measure an enrollee’s performance considering asset type. Enrollees are required to identify asset types when reporting spills in CIWQS, but the asset information is not utilized when summarizing the overall performance of an enrollee or when establishing target spill rates. Section 5.11 of the draft Order requires the enrollee to perform a 10-year running System Performance Analysis and create the CIWQS-generated graph. The graph does not distinguish spill amounts caused by main lines vs lower laterals vs other asset types (i.e., manholes, pump stations, and force mains). As a result, comparisons with other agencies’ performance are not accurate.</p> <p><u>Response:</u> The draft Order has been revised to separate reporting of spills from laterals, for purposes expressed in this comment.</p>

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Comment Number(s)	Comment Category 11: Spill Emergency Response Plan
<p>1.29</p> <p>2.29</p> <p>4.07</p> <p>5.29</p> <p>6.41</p> <p>13.25</p> <p>22.26</p> <p>23.25</p> <p>26.30</p> <p>28.26</p>	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Stakeholders Implementing Total Maximum Daily Loads in the Calleguas Creek Watershed Causey Consulting Central Valley Clean Water Association Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District City of Sacramento Sonoma County Water Agency</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board:</p> <ul style="list-style-type: none"> Remove the redundant requirements from the Spill Emergency Response Plan on page D-6 of the draft Order. There is no need for the Spill Emergency Response Plan to be reviewed annually when it already must be reviewed upon the adoption of the draft Order, after major spills, and every six years as part of the Sewer System Management Plan update. Align Section 5.11 which includes the phrase "prevent/minimize spill volume" and Section 6 on page D-6 which includes the phrase "prevent spill volume."

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	<p><u>Response:</u></p> <ul style="list-style-type: none"> • The Spill Emergency Response Plan includes the critical procedure the enrollee must take during the unexpected event of a spill, and upholds proposed requirements to ensure the enrollee is prepared to immediately and properly respond to a spill upon knowledge that a spill is occurring, per its own updated Plan. The effort to ensure the Spill Emergency Response Plan is updated is a necessary effort to protect human health and water quality. An updated Plan must capture new information that was not available during the last update, including procedures for the use of new equipment and methods, updated coordinated procedures with other agencies and response professionals, and lessons/successes learned during previous spills or spill drills. The draft Order has not been revised to address this comment. • Section 6 (Spill Emergency Response Plan) of Attachment D of the draft Order has been revised to include the phrase “prevent/minimize”.
<p>4.08</p>	<p><u>Commenter:</u> Stakeholders Implementing Total Maximum Daily Loads in the Calleguas Creek Watershed</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board:</p> <ul style="list-style-type: none"> • Revise Section 6.1.5 to simply refer to implementation of the Spill Emergency Response Plan to prevent or minimize discharges to receiving waters from the drainage conveyance systems, rather than only requiring blocking the drainage conveyance system. Section 6.1.5 includes specific requirements for addressing spills to drainage conveyance systems but does not require any communication or coordination with the municipal stormwater agencies. • Revise Attachment D, Section 6 to require the Spill Emergency Response Plan to include methods for cleaning and disinfecting drainage conveyance systems, in alignment with requirements in Section 6.1.5 and 5.12. Attachment D, Section 6 requires that the Spill Emergency Response Plan includes coordination and collaboration with municipal stormwater

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	<p>agencies but does not include specific direction regarding cleaning and sanitizing drainage conveyance systems after a spill.</p> <ul style="list-style-type: none"> • Revise both Section 6.1.5 and Attachment D, Section 6 to explicitly require the notification of the municipal stormwater agency when a spill occurs. <p><u>Response:</u> Section 6 of the draft Order includes Provisions (information provided to implement and enforce the Order), versus Section 5, Specifications (requirements the Board places on the enrollee).</p> <p>The Spill Emergency Response Plan should include methods in which the drainage conveyance system agency agrees upon, for the cleaning and disinfecting of its drainage conveyance systems. A drainage conveyance system owner is responsible for discharges to waters of the State from its conveyance system; therefore it is critical that coordinated pre-spill planning occurs, between the sewer system owner responsible for the spill, and the conveyance system owner in which the spill enters - and that procedures are included in the Spill Emergency Response Plan. The draft Order has been revised accordingly.</p>
6.33	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board revise Section 6 (Spill Emergency Response Plan) of Attachment D from “to assure immediate detection and response to spills” to “to promptly detect and respond to spills.” This will avoid confusion.</p> <p><u>Response:</u> The draft Order has been revised to address this comment.</p>

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<p>6.35</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board retain the 2006 Order language with regards to the Emergency Response Plan requirement to contain a spill and prevent discharge to waters of the State or any drainage conveyance system. The draft Order language could alter some response procedures, especially if a spill can be contained, recovered, and cleaned in a drainage conveyance system.</p> <p><u>Response:</u> The draft Order has not been revised.</p>
<p>6.36, 6.37</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board:</p> <ul style="list-style-type: none"> • Modify Section 6 of Attachment D by keeping language from the 2006 Order because the proposed language is subject to interpretation. 2006 Order language states the following: “minimize or correct any adverse impact on the environment”. The draft Order language states the following: “Minimize and remediate public health impacts and adverse <u>impacts on beneficial uses of waters of the State:</u>” • Revise the Spill Emergency Plan to address the new requirements in the Communication Plan. The new requirements minimize and remediate public health impacts and adverse impacts on beneficial uses of waters of the State. <p><u>Response:</u> The draft Order has not been revised.</p>
<p>6.38</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter states that the proposed Spill Emergency Response Plan based on the Communication Plan’s requirements to implement pre-planned coordination and</p>

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	<p>collaboration with storm drain agencies and other utility agencies/departments prior, during, and after a spill event – may require enrollees to edit their existing Spill Emergency Response Plan.</p> <p>Response: It is acknowledged that the proposed requirements for pre-planned coordination and collaboration with utility agencies/departments, will require enrollees to update their existing Spill Emergency Response Plan.</p>
<p>9.11</p>	<p>Commenter: Department of Defense</p> <p>Comment Summary: The commenter recommends the State Water Board revise the Spill Emergency Response Plan to exclude the requirement for "immediate" spill detection because immediate detection is not an achievable standard.</p> <p>Response: Section 6 (Spill Emergency Response Plan) of Attachment D of the draft Order has been revised. The word "immediate" has been replaced with the word "prompt".</p>
<p>11.20</p>	<p>Commenter: Fischer Compliance LLC</p> <p>Comment Summary: The commenter recommends the State Water Board include in the draft Order all existing Order requirements for critical spare parts since this is a very important element needed for ensuring adequate spill response prevention and readiness. This requirement will facilitate Sewer System Management Plan effectiveness, improve compliance, and reduce the need for enforcement.</p> <p>Response: Section 4.4 (Equipment Inventory, previously section 4.5) of Attachment D of the draft Order builds on the corresponding requirements in Order 2006-0003-DWQ, and has been revised as follows to address this comment:</p> <p><i>An inventory of sewer system equipment, including the identification of critical replacement and spare parts.</i></p>

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Comment Number(s)	Comment Category 12: Notification, Monitoring, and Reporting
<p>1.16</p> <p>2.16</p> <p>5.16</p> <p>13.12</p> <p>22.13</p> <p>23.12</p> <p>26.17</p> <p>28.13</p>	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District City of Sacramento Sonoma County Water Agency</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board revise Attachment E Sections 2 and 3 of the draft Order. Global Positioning System coordinates for the boundaries of spill spread should not be required (Page E1-4).</p> <p>Due to access constraints, it is not always feasible in the field to collect Global Positioning System coordinates for the boundaries of spill spread because a spill can spread overland and form what is described in Global Positioning System terms as a multi-point polygon, which for all practical purposes cannot be measured because a spill is a dynamic event subject to random changes in direction and elevation. A spill may affect several sections of a sanitary sewer system (e.g., a backup out of two manholes from one obstructed pipeline). Spills into moving waters do not have a defined boundary and that small spill volumes will have a very small spread. Obtaining accurate Global Positioning System boundaries will be particularly impractical for these spills. A sketch or photograph would be appropriate for small spills.</p>

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	<p>It is feasible and appropriate for enrollees to upload Global Positioning System coordinates for key spill features, such as the location of failure points or the location of discharge to surface waters. By contrast, documenting “known spill boundaries” using Global Positioning System coordinates is not appropriate as a universal requirement when there are enforcement consequences for non-compliance.</p> <p><u>Response:</u> The draft Order has been revised to address this comment.</p>
<p>6.34</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board remove the requirement in the Spill Emergency Response Plan that requires compliance with the notification, monitoring, and reporting requirements of this draft Order. This requirement is already required in the Monitoring and Reporting, so it is redundant.</p> <p><u>Response:</u> The draft Order has not been revised.</p>
<p>6.39</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter states that the monitoring and reporting section of the existing and proposed Order both require post-spill assessment to determine the nature of the spill and the effectiveness of the spill response activities. This varies based on the category of spill. Some modification of the Sewer System Management Plan will be needed to address the new Category 4 spills.</p> <p><u>Response:</u> It is acknowledged that the Emergency Spill Response Plan must address response to all size spills. The new Category 4 for spills less than 50 gallons was introduced to reduce reporting requirements of smaller spills. The Sewer System Management Plan must be modified to respond to Category 4 spills.</p>

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<p>6.40</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter states that the new requirement to document and report spill events would require modification of the Sewer System Management Plan even though the monitoring and reporting section of the existing and draft Order both require documentation of spills depending on the category of spills.</p> <p><u>Response:</u> The draft Order has not been revised.</p>
<p>11.18</p>	<p><u>Commenter:</u> Fischer Compliance LLC</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board incorporate the 2006 Order notification and reporting requirements listed in Amended Municipal Regional Stormwater Permit, Order No. 2013-0058-EXEC into Attachment E-2 of the draft Order.</p> <p><u>Response:</u> The draft Order has not been revised.</p>
<p>11.21</p>	<p><u>Commenter:</u> Fischer Compliance LLC</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board include procedures (for monitoring large spills) to be in place to ensure agencies are regularly trained, prepared, and not relying solely on support from local health departments or other outside agencies for fulfilling these requirements.</p> <p><u>Response:</u> The draft Order requires the Enrollee to train all personnel and contractors for its compliance with the requirements of the Order. The draft Order has not been revised.</p>

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15.04	<p><u>Commenter:</u> Leucadia Wastewater District</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board ensure the list of minimum mandatory information in Section 3, Reporting Requirements of Attachment E1 accurately reflect the requirements of the spill categories and mirror the data requirements and sequencing in CIWQS.</p> <p>The commenter states the following occurrences as examples:</p> <ul style="list-style-type: none">• Section 3.1.1. of Attachment E - Bullets 7 and 8 are out of sequence.• Section 3.1.2. of Attachment E - Bullets 3 and 9 are out of sequence.• Section 3.2. of Attachment E - Bullets 6, 7, 8, and 9 are out of sequence.• Bullets 22, 23, and 24 should be deleted since it is not required because, by definition, Category 3 and Category 4 spills do not reach surface waters.• Section 3.5. - CIWQS format does not allow for entering the average age of major components nor the age of pump stations for the fifth bullet. Bullets 11 and 12 are out of sequence. <p><u>Response:</u> The CIWQS database will be modified to implement the reporting requirements of the different spill categories in the adopted Order, including the sequencing of the information.</p>
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26.06	<p><u>Commenter:</u> City of Sacramento</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board:</p> <ul style="list-style-type: none">• Clarify the draft Order spill monitoring and reporting requirements for spills that discharge to land and that are fully contained. Edit Category 2, 3 and 4 spill response requirements so that it is clear to operators that some spills (i.e., spills to land that do not reach a water of the State) do not require Office of Emergency Services notification and do not require receiving water monitoring. Category 2 and 3 spills under the 2013 Monitoring and Reporting Program were never spills to surface waters, so there was no need for this differentiation.• Redefine Category 1 spills as spills discharged to surface waters of the State or United States, where spill-specific monitoring and receiving water monitoring is required.• Update Table E2-2 and Table E2-3 to show that receiving water quality monitoring and Office of Emergency Services reporting is not required for spills that do not reach a surface water of the State, or a surface water of the United States. It is currently very confusing to interpret and train operators on when receiving water monitoring and when Office of Emergency Services reporting are required since it does not match with the spill category definition. <p><u>Response:</u> Please see the following responses to each bulleted comment:</p> <ul style="list-style-type: none">• The draft Order has been revised to clarify the monitoring and reporting requirements for spills that do not reach a surface water (category 2, 3 and 4).• The Category 1 spill definition has been revised to include spills to surface waters, not waters of the United States.• Per Water Code section 13271, the Office of Emergency Services notification is required for spills of 1000 gallons or greater to waters of the State which includes surface waters of the State and groundwater.
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Comment Number(s)	Comment Category 12.2: Categories 1 & 2 Spills
<p>1.12</p> <p>2.12</p> <p>4.02, 4.03</p> <p>5.12</p> <p>13.08</p> <p>22.09</p> <p>23.08</p> <p>26.05, 26.07, 26.13</p> <p>28.09</p>	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Stakeholders Implementing Total Maximum Daily Loads in the Calleguas Creek Watershed Causey Consulting Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District City of Sacramento Sonoma County Water Agency</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board:</p> <ul style="list-style-type: none"> • Clarify the definition of a Category 1 spill with language that specifies that spills to drainage conveyance systems that are fully cleaned up are not Category 1 spills. • Replace the term “tributary” with the phrase “that discharges.” The phrase “tributary to Waters of the United States” is problematic because it is ambiguous whether a spill would actually need to reach surface water to count as a Category 1 spill. • Remove references to drainage conveyance systems in the definition of Category 1 spills. • Edit the Category 2 spill response table so that it is clear to operators that some spills (i.e., spills to land that do not reach a water of the State) do not require Office of Emergency

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	<p>Services notification and do not require receiving water monitoring. The Category 2 spills under the 2013 Monitoring and Reporting Program were never spills to surface waters, so there was no need for this differentiation.</p> <ul style="list-style-type: none"> • Remove the distinction between “Surface Waters” and “Waters of the United States” during the immediate phases of spill response and reporting. The recognizes that enforcement consequences may ultimately differ for the two types of spills. • Remove the distinction between "Surface Waters" and “Waters of the United States” for the purposes of monitoring and reporting for Category 1 spills. <p><u>Response:</u> The draft Order has been revised with the exception of removing reference to drainage conveyance systems for Category 1 spills.</p>
16.05	<p><u>Commenter:</u> City of Los Angeles - Los Angeles Sanitation and Environment</p> <p><u>Comment Summary:</u> The commenters recommend that the State Water Board:</p> <ul style="list-style-type: none"> • Remove definition of Category 1 spills in Section 5.13.1. Individual Spill Notification, Monitoring and Reporting of the draft Order. • Maintain the spill categories and definitions found in the 2006 Order. The 2006 Order provides more protection by regulating spills of any volume that reach surface waters, regardless of whether the surface water is covered under the Waters of the United States rule. The federal definitions to Waters of the United States and tributaries to Waters of the United States are nuanced and consistently subject to litigation <p><u>Response:</u> The draft Order has been revised.</p>

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<p>21.07</p>	<p><u>Commenter:</u> The Regents of the University of California</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board:</p> <ul style="list-style-type: none"> • Revert Category 1 spills criteria to that set forth in the 2013 Monitoring and Reporting Program. Identifying “Waters of the United States” is an unreasonable expectation for enrollees because most sewer system operators are not qualified to make an official jurisdictional determination. Identification can take weeks or even months. • If the State Water Board retains the reference to “Waters of the United States” for Category 1 spill criteria, strike the phrase “or a drainage conveyance system tributary to waters of the United States” in the first bullet. This phrase is unnecessary because tributaries are also defined as “Waters of the United States,” and is therefore duplicative. See 40 C.F.R. 230.3(s)(5) (pre-2015 regulatory definition). <p><u>Response:</u> The draft Order has been revised.</p>
<p>Comment Number(s)</p>	<p>Comment Category 12.3: Category 3 Spills</p>
<p>1.37</p> <p>2.37</p> <p>5.37</p> <p>13.33</p> <p>22.34</p> <p>23.33</p> <p>26.38</p>	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District</p>

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<p>28.34</p>	<p style="text-align: center;">City of Sacramento Sonoma County Water Agency</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board remove the requirements for Category 3 and 4 spill reporting. These requirements are extraneous. The requirements for Category 3 and 4 spill reports should not be identical to the Category 1 and 2 spill reports. For example, there will not be a need to identify the impacted water body(s) since Category 3 and 4 spills do not reach surface waters and should not have the same reporting requirements as Category 1 & 2 spills.</p> <p><u>Response:</u> The draft Order has been revised.</p>
<p>16.06</p>	<p><u>Commenter:</u> City of Los Angeles - Los Angeles Sanitation and Environment</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board remove monthly spill reporting for Category 3 and Category 4 spills from the draft Order and maintain the spill Categories and definitions found in the 2006 Order. The new definitions create an arbitrary distinction between small spills less than 1,000 gallons and very small spills less than 50 gallons with no benefit to the current reporting system or subsequent reduction in spills. The addition of a new Category 4 for spills less than 50 gallons will necessitate redefining the category of spills that occurred in the past and reclassifying previous data so that it can be queried under the new definitions.</p> <p><u>Response:</u> The draft Order has been revised.</p>

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Comment Number(s)	Comment Category 12.4: Category 4 Spills
<p>1.13</p> <p>2.13</p> <p>4.14</p> <p>5.13</p> <p>13.09</p> <p>22.10</p> <p>23.09</p> <p>26.14</p> <p>28.10</p>	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Stakeholders Implementing Total Maximum Daily Loads in the Calleguas Creek Watershed Causey Consulting Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District City of Sacramento Sonoma County Water Agency</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board:</p> <ul style="list-style-type: none"> • Delete Section 5.18 on page 25. • Delete references to Category 4 in Section 3.2 on page E1-11. • Include a requirement to report on Category 4 spills in the annual report Section 3.5 starting on page E1-13. • Delete Category 4 from Table E2-3 on page E2-3. Include a new table to describe the requirements for Category 4 spills in the draft Order.

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	<p>All agencies should be allowed to report Category 4 Spills in the Annual Report rather than monthly if Category 4 spills are truly less of a threat to be reported annually. The proposed use of performance metrics to identify a subset of enrollees that qualify for reduced reporting is not scalable statewide due to the variety of enrollees (i.e., system size).</p> <p>A standardized approach to reporting Category 4 spills includes a stricter definition of Category 4 spills to ensure that any spill categorized as a Category 4 does not threaten water quality of surface waters, “No spill” certification that is edited to exclude Category 4 spills, and details for reporting requirements within the Annual Report.</p> <p><u>Response:</u> The draft Order has been revised to reduce reporting for spills less than 50 gallons, to quarterly monitoring, for all enrollees.</p>
24.03	<p><u>Commenter:</u> Rural County Representatives of California</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board reduce reporting for all enrollees for Category 4 spills. The addition of new Category 4 spills is unnecessary, too stringent, and will do little to negate added costs of compliance to report small spills.</p> <p><u>Response:</u> The draft Order has been revised.</p>
30.04	<p><u>Commenter:</u> West Valley Sanitation District</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board grant all enrollees permission to report Category 4 spills within annual reports rather than through CIWQS monthly reports or continue using the existing three spill categories. The draft Order’s proposed incentive system for the benefit of reduced CIWQS reporting is complex, overly rigorous, and difficult to achieve by most enrollees.</p> <p><u>Response:</u> The draft Order has been revised.</p>

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Comment Number(s)	Comment Category 12.5: Receiving Water Visual Observations
<p>1.34</p> <p>2.34</p> <p>5.34</p> <p>13.30</p> <p>22.31</p> <p>23.30</p> <p>26.35</p> <p>28.31</p>	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District City of Sacramento Sonoma County Water Agency</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board require that receiving water visual observations only be required for spills greater than 50,000 gallons that enter Waters of the State to be consistent with the 2013 Monitoring and Reporting Program (Order No. WQ 2013-0058-EXEC).</p> <p><u>Response:</u> The draft Order has not been revised.</p>

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Comment Number(s)	Comment Category 12.6: Receiving Water Sampling
<p>1.05</p> <p>2.05</p> <p>5.05</p>	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board remove the requirements for receiving water field testing from the draft Order.</p> <p>The new receiving water field testing requirements found in Section 2.3.2 of Attachment E will result in significant equipment and labor costs for enrollees. Despite this expense, the resultant data may not be useable for enforcement. Compliance with water quality objectives for turbidity and other parameters is based on an observed difference compared to background conditions, which exceeds the scope of the proposed sampling in the Sanitary Sewer Systems General Order.</p> <p><u>Response:</u> The draft Order has been revised in response to this comment.</p>
<p>1.17</p> <p>2.17</p> <p>4.17</p>	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Stakeholders Implementing Total Maximum Daily Loads in the Calleguas Creek Watershed</p>

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<p>5.17 9.17 13.13 17.04 22.14 23.13 26.09, 26.18 28.14</p>	<p>Causey Consulting Department of Defense Inland Empire Utilities Agency Los Angeles County Sanitation Districts Rodeo Sanitary District Ross Valley Sanitary District City of Sacramento Sonoma County Water Agency</p> <p>Comment Summary: The commenters recommend the State Water Board remove the proposed “Receiving Water Field Sampling” in Section 2.3.2 including any table references because the testing has a high cost of compliance and will not aid in enforcement (Page E1-5).</p> <p>Attachment E of the draft Order requires three types of receiving water monitoring: (1) visual observations in Section 2.3.1, (2) field testing of pH, turbidity, dissolved oxygen, and temperature in Section 2.3.2, and (3) grab samples for laboratory analysis of ammonia and bacteria in Sections 2.3.3 and 2.3.4. The field-testing requirement in Section 2.3.2 is new and would result in wasted staff time and resources with no tangible benefits to water quality or to the enforceability of the draft Order. The draft Order does not establish a timeline for conducting the testing nor does it suggest a location for conducting the testing. Every single enrollee would need to procure new field-testing equipment for pH, turbidity, dissolved oxygen, and temperature; and would need to train their sewer system maintenance staff in the use of this equipment. Turbidity, dissolved oxygen, and pH probes are quite sensitive, and they require frequent calibration (for some instruments, a new calibration is required prior to each sampling event). Sewer system maintenance crews are not trained laboratory technicians, and the data collected is unlikely to be reliable even if it is collected with the best of intentions. Calibration of receiving water test equipment could unreasonably delay spill response and cleanup efforts. This will significantly increase the cost of compliance for enrollees for procurement, training, and frequent instrument calibration.</p> <p>Properties of untreated sewage are well-established, and enforcement staff can assess the threat to receiving water quality based on such information. There is no demonstrated need for</p>
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	<p>receiving water testing results, and it can be removed without jeopardizing the enforceability of the draft Order.</p> <p>Most significantly, the objectives for the field-testing parameters are commonly based on a detected difference from background condition which is normally established by sampling executed as an ongoing program rather than a one-time event such as a spill. This, in turn, makes the proposed data unusable for enforcement. By contrast, for ammonia and bacteria, the grab sampling parameters required by the 2013 Monitoring and Reporting Program and in the draft Order are expressed as an absolute number (mg/L or MPN/100 mL). Ammonia and bacteria data are therefore of high value, especially given the relative ease of collecting grab samples in the field because they can be used to establish whether a spill resulted in exceedance of a water quality objective. For pH, dissolved oxygen, temperature, and turbidity, the opposite is true: the objectives are based on a detected difference from background conditions, so the proposed receiving water testing has no practical use.</p> <p>The commenter states that enrollees could elect to conduct receiving water field testing at their own initiative, as the draft Order already includes "use of water quality and biological monitoring" as one of the considerations for discretionary enforcement. If the field-testing requirement is included, allow testing for dissolved solids as an alternative field test for turbidity.</p> <p>Turbidity sensors are typically complete separate meters, and the turbidity meters have a much higher cost than meters for total dissolved solids. Using visual monitoring of plumes in conjunction with total dissolved solids would provide equivalent measure of turbidity.</p> <p><u>Response:</u> Section 2.3.2 (Receiving Water Field Sampling) in Attachment E1 of the draft Order has been deleted in response to this comment.</p>
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1.35	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies</p> <p>4.12 Stakeholders Implementing Total Maximum Daily Loads in the Calleguas Creek Watershed</p> <p>5.35 Causey Consulting</p> <p>9.17 Department of Defense</p> <p>13.31 Inland Empire Utilities Agency</p> <p>17.04 Los Angeles County Sanitation Districts</p> <p>22.32 Rodeo Sanitary District</p> <p>23.31 Ross Valley Sanitary District</p> <p>26.36 City of Sacramento</p> <p>28.32 Sonoma County Water Agency</p>
	<p><u>Comment Summary:</u> The commenters recommend the State Water Board:</p> <ul style="list-style-type: none"> • Describe in the draft Order the number of receiving water quality samples to be collected. The timeframe for sampling and analysis should acknowledge the potential for delays due to access and safety constraints (Page E1-5). The draft Order requires receiving water sampling for bacteria and ammonia at three locations: Upstream (RSW-001U), Downstream (RSW-001D), and at the initial point where sewage enters the receiving water (RSW-001). The description of the number of receiving water samples required to be collected is vague. The draft Order refers to three samples, which presumably means to collect one sample at each of the three locations per day. • Adjust the timeframe for receiving water sampling to 24 hours. The 2006 Order provides enrollees with 48 hours to sample receiving waters, but the draft Order reduces this

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timeframe to 12 hours. For some spills, particularly those for which knowledge of the spill occurs in the evening, the 12-hour requirement will be infeasible. Moreover, there are a variety of legitimate safety and access concerns which will prevent enrollees from complying with the 12-hour timeframe to collect the requested samples. To avoid creating a hazardous condition, the text should acknowledge that field crews do not need to undertake sampling if conditions are unsafe. A safety and access exception is already found in Section 2.4 of Attachment E1, so this edit is merely for clarity.

- Clarify that analysis (as distinct from sample collection) does not need to be completed right away. The draft Order implies that sample analysis must be completed within 12 hours. It is presumed that the intent was to require sample collection, but not analysis, within this timeframe. The collection and analysis of samples within 12 hours would likely be infeasible and would be particularly challenging if the spill occurs on a weekend or holiday when laboratories may not be open. Additionally, receiving water sampling should only be required when there is sufficient base flow in the receiving water.

Response: See responses below per the order of the above comments:

- Section 2.3.3. (Receiving Water – Water Quality Sampling and Analysis, changed to section 2.3.2 in the proposed Order) of Attachment E1 of the draft Order, has been revised. The description of the three required surface water sampling locations and frequency, for each day of the duration of the spill, has been clarified.
- The draft Order has not been revised. The requirement for water quality sampling remains to be conducted no later than 12 hours after the Enrollee’s knowledge of a sewage spill in which an estimated 50,000 gallons or greater are discharged into a surface water.
- Section 2.3.3 (Receiving Water – Water Quality Sampling and Analysis, changed to section 2.3.2 in the proposed Order) of Attachment E1 of the draft Order, has been revised. The requirement for the subsequent laboratory analysis within the same 12-hour time frame has been removed.

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1.36	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies</p> <p>4.12 Stakeholders Implementing Total Maximum Daily Loads in the Calleguas Creek Watershed</p> <p>5.36 Causey Consulting</p> <p>13.32 Inland Empire Utilities Agency</p> <p>22.33 Rodeo Sanitary District</p> <p>23.32 Ross Valley Sanitary District</p> <p>26.37 City of Sacramento</p> <p>28.33 Sonoma County Water Agency</p>
<p><u>Comment Summary:</u> The commenters recommend the State Water Board remove Drainage Conveyance System sampling point DCS-001. It appears to have been included in error (Page E1-6). Attachment E identifies sampling location DCS-001 to represent sampling of drainage conveyance system flow. However, the text in the draft Order does not call out sampling this location. The water quality of sewage is well-established, and no justification for sampling is provided.</p>	
<p><u>Response:</u> The purpose of receiving water sampling location DCS-001 (drainage collection system discharge location 001) is to collect the quality of the discharge from the drainage conveyance system, that contains combined sewage and drainage water, prior to the commingled conveyance system discharge entering the receiving water. The quality of discharge exiting the drainage conveyance system at the discharge location is not the known quality of sewage spilled from the sewer system, as the sewage is intermingled with storm sewer system flow.</p>	

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	<p>The sampling at location DCS-001 has not been removed from the draft Order. Attachment E1, Sections, 2.3.3, 2.3.5., and 3.1.5. of the draft Order have been revised to correlate the reporting of the DCS-001 sampling results in the appropriate spill report.</p>
<p>4.13</p>	<p><u>Commenter:</u> Stakeholders Implementing Total Maximum Daily Loads in the Calleguas Creek Watershed</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board:</p> <ul style="list-style-type: none"> • Remove Section 2.3.2 of Attachment E1 on page E1-5. • Remove the Drainage Conveyance System monitoring location DCS-001 table in Section 2.3.5 of Attachment E1 on page E1-6. • Modify Section 2.3.3 of Attachment E1 on page E1-5 to clarify the number of samples via text suggestion. <p><u>Response:</u> See responses below per the order of the above comments:</p> <ul style="list-style-type: none"> • Section 2.3.2 (Receiving Water Field Sampling) in Attachment E of the draft Order, has been deleted. • Section 2.3.5 (Receiving Water Sampling Locations, changed to section 2.3.4 in the proposed Order) of Attachment E1 of the draft Order, has been revised to clarify the Drainage Conveyance System sampling location, DCS-001, from “sampling of drainage conveyance system flow” to “sampling of flow in drainage conveyance system prior to discharge”. • Section 2.3.3 (Receiving Water – Water Quality Sampling and Analysis, changed to section 2.3.2 in the proposed Order) of Attachment E1 of the draft Order, has been revised. The description of the three required surface water sampling locations and frequency, for each day of the duration of the spill, has been clarified.

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<p>8.01, 8.02</p>	<p><u>Commenter:</u> Costa Mesa Sanitary District</p> <p><u>Comment Summary:</u> The commenter states that conducting water quality sampling and analysis 12 hours after knowledge of potential discharge to a water of the United States will be difficult to comply with because of limited sampling hours provided by private laboratories. Laboratory hours are not available 24 hours a day, seven days a week.</p> <p>The commenter recommends the State Water Board reject the proposed Section 2.3.3 revision Receiving Water - Water Quality Sampling and Analysis due to laboratory limited hours. Continue the past practice of the 2006 Order that requires enrollees to conduct receiving water quality sampling and analysis, as soon as possible, but no later than 48 hours after the enrollee's knowledge of potential discharge to a water of the United States.</p> <p><u>Response:</u> Section 2.3.3 (Receiving Water – Water Quality Sampling and Analysis, changed to section 2.3.2 in the proposed Order) of Attachment E1 of the draft Order, has been revised. The requirement for water quality sampling remains to be conducted no later than 12 hours after the Enrollee's knowledge of a potential discharge of an estimated 50,000 gallons or greater, to a surface water. The requirement for the subsequent laboratory analysis within the same 12-hour time frame has been removed.</p>
<p>9.16</p>	<p><u>Commenter:</u> Department of Defense</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board add a trigger to Section 2.3.2 field analysis requirement for spills that discharge to surface waters of the State. In the draft Order, there is no trigger for spill size that will burden enrollees with the cost of field meters and calibration supply purchases for field vehicles as well as training field personnel on both calibration and use of the field meters. Revise Section 2.3.2 to state: "For spills of 1,000 gallons or greater that discharge into a surface water of the State..."</p> <p><u>Response:</u> Section 2.3.2 (Receiving Water Field Sampling) in Attachment E1 of the draft Order, has been deleted to address this comment and other comments received.</p>

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14.07	<p><u>Commenter:</u> Irvine Ranch Water District</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board:</p> <ul style="list-style-type: none">• Revise Section 2.3.3 to read: "To capture the impact of sewage spills estimated to be 50,000 gallons or more to a surface water, the enrollee shall initiate the following receiving water quality sampling and analysis, as soon as practicable, but no later than 12 hours after the enrollee's knowledge of potential discharge to a water of the United States:"• Require two receiving water samples at each location, if flows of the waters of the United States are available to test during the duration of the spill, per the Water Quality Sampling Specification in section 2.3.4 (Water Quality Sampling Specifications), and at the receiving water sampling locations in section 2.3.5. (Receiving Water Sampling Locations) of Attachment E1." <p>Water quality sampling and analysis should be completed when there is a likely discharge to a water of the United States and that the sampling should occur reasonably close to an enrollee becoming aware of the discharge. Section 2.3.3 of Attachment E1 states that "the enrollee shall conduct receiving water quality sampling and analysis, as soon as possible, but no later than 12 hours after the enrollee's knowledge of a potential discharge." The list of types of sampling includes bacterial indicators which cannot be analyzed within 12-hours. Some types of samples can take days to analyze. The commenter states that they have a long history in Orange County of working closely with the county health care agency to provide data and information as soon as possible so that appropriate action can be taken to protect public health.</p> <p><u>Response:</u> Section 2.3.3 (Receiving Water – Water Quality Sampling and Analysis, changed to section 2.3.2 in the proposed Order) of Attachment E1 of the draft Order, has not been revised per the suggested edits. The requirement for water quality sampling remains to be conducted no later than 12 hours after the Enrollee's knowledge of a potential discharge of an estimated 50,000 gallons or greater, to a surface water. The section language has been revised to clarify the number of samples and sampling locations.</p>
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<p>14.08</p>	<p><u>Commenter:</u> Irvine Ranch Water District</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water Board:</p> <ul style="list-style-type: none"> • Limit the requirement to collect receiving water samples where there are sufficient flows within a receiving water and where it is physically possible and safe to collect the sample. • Revise Section 2.3.5 to the following: "The enrollee shall, where there are sufficient flows within a receiving water and where it is physically possible and safe to do so, collect receiving water samples at the following locations." • Amend the Order to provide greater clarity as to what the State Board considers to be DSC-001, RSW-001 and RSW-001U sampling locations. • Replace, in order to improve clarity and mitigate against compliance challenges, Section 2.4's language with the language similar to the safety and access exceptions included in Section XI.C.g.a.ii of the Statewide General Permit for Stormwater Discharges Associated with Industrial Activities. Recommended revision: "If the enrollee encounters access restrictions resulting from attempted access outside of scheduled facility operating hours or unsafe dangerous weather conditions, such as flooding or electrical storms, that prevents its compliance with spill response requirements or monitoring requirements in this General Order, the enrollee shall provide documentation of access restrictions and/or safety hazards dangerous weather conditions in the corresponding required report." <p><u>Response:</u> See above corresponding responses. The draft Order has been revised.</p>
<p>18.03 20.03</p>	<p><u>Commenters:</u> City of National City City of Poway</p> <p><u>Comment Summary:</u> The commenters recommend that the State Water Board:</p>

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	<p>Revise draft order to make an exception for enrollees who collect samples within the 12-hour period, but the sample cannot be analyzed within the holding time due to laboratory closures. In this scenario, the following language should be added: “If the analytical laboratory is closed or unable to accept samples for bacterial analysis on weekends, holidays, or if the sample is provided too close to the end of operation hours, then samples will be collected at the nearest possible time to allow for sampled constituents to be processed within the holding times when the laboratories are open.”</p> <p>Sewage spills estimated to be 50,000 gallons or more to a surface water require water quality sampling and analysis, as soon as possible, but not later than 12 hours after the enrollee’s knowledge of potential discharge to a water of the United States (Attachment E1 Section 2.3.3).</p> <p>The draft Order proposed that enrollees collect three receiving water samples for each day of the duration of the spill and the first sampled must be collected within 12 hours after knowledge of the spill. This language to be too restrictive due to the short holding time for bacterial samples and the limited availability of laboratory services to process these samples. Laboratories are closed or unable to accept samples for bacterial analysis on weekends, holidays, and too close to the end of daily operating hours. On occasions, samples may be collected within the 12-hour period following knowledge of the spill, however the samples will not be able to be processed within the holding time for all constituents due to lab closures. Laboratories are closed and unable to accept samples for bacterial analysis on weekends and holidays. As an example, laboratories are closed on December 24th and December 25th. If a spill occurs on either of these days, then the 6-hour holding time for Enterococcus, Total Coliform, and Fecal Coliform, will be exceeded since the earliest day the sample can be analyzed will be December 26th at 8am. In this scenario, only the Ammonia samples would still be able to be processed since the holding time is 28 days.</p> <p><u>Response:</u> The draft Order has been revised to address this comment.</p>
21.09	<p><u>Commenter:</u> The Regents of the University of California</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board:</p>

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	<ul style="list-style-type: none"> • Remove the receiving water field sampling requirements in the draft Order. This requirement would require an enrollee to purchase expensive instruments and train staff on how to use the instruments and would interfere with spill response. In addition, the requirement applies to spills of any size such that a one-gallon spill could trigger the need to conduct field sampling. It is especially burdensome on smaller systems to expect staff to conduct receiving water field sampling every time a one-gallon spill to surface waters occurs. In addition, the receiving water location is often not representative of immediate discharge conditions. For example, any overflow from collection systems enters and commingles with the adjacent Phase I MS4 for miles before it even reaches receiving water. There would be no value in requiring staff to conduct receiving water field sampling in this instance because any elevated readings would not be definitively from the respective collection system. The extra effort involved to sample for pH, turbidity, temperature, and dissolved oxygen will result in little practical benefit because this data cannot be used for enforcement purposes where water quality objectives rely upon background concentrations. • If the State Water Board retains the field sampling requirement, revise to align with the water quality sampling requirement in the subsequent section. Section 2.3.3 applies to spills that are a minimum of 50,000 gallons. The same 50,000-gallon threshold should apply to the field sampling requirement as well. • Clarify the required frequency of this sampling and that there is no mention of daily, weekly, or a single grab sample. <p><u>Response:</u> The draft Order has been revised to address this comment.</p>
<p>22.05 23.04 28.05 29.04</p>	<p><u>Commenters:</u> Rodeo Sanitary District Ross Valley Sanitary District Sonoma County Water Agency Tamalpais Community Services District</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board remove the requirements for receiving water field testing from the draft Order. The new receiving water field</p>

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	<p>testing requirements found in Section 2.3.2 of Attachment E will be costly for them. Review comment Number 8 in Attachment A of commenter’s letter for complete details.</p> <p><u>Response:</u> The draft Order has been revised to address this comment.</p>
<p>30.05</p>	<p><u>Commenter:</u> West Valley Sanitation District</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board remove the requirements for receiving water field testing from the draft Order.</p> <p>New receiving water field testing requirements found in Section 2.3.2 of Attachment E1 in the draft Order will be costly and will not achieve any tangible benefit to water quality or enforceability of the Order. The requirement to perform field testing of receiving water for pH, turbidity, dissolved oxygen, and temperature, for all Category 1 spills will not provide accurate or meaningful data if the spill volume is too small, the receiving water flow is voluminous or too swift, or if the measurements are delayed. Maintenance staff must place a higher priority on work responding to the spill emergency, restoration of flow in the system, containment of the spill, and site cleanup. Receiving water field testing will be secondary priority.</p> <p><u>Response:</u> The draft Order has been revised to address this comment.</p>

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Comment Number(s)	Comment Category 12.7: Annual Report
<p>6.08 9.08</p>	<p><u>Commenters:</u> Central Valley Clean Water Association Department of Defense</p> <p><u>Comment Summary:</u> The commenters recommend that the State Water Board revise Section 5.14 of the draft Order to provide new enrollees 12 months to submit annual report and every April 1 thereafter.</p> <p>The draft requirement requires new enrollees to submit an initial Annual Report within 30 days of obtaining an CIWQS account. The data required for the Annual Report is extensive and requires a considerable amount of effort to initially describe and track. The timing and need for this information before development of a Sewer System Management Plan should be considered and included in a reasonable compliance table. 30 days is not sufficient or feasible for new enrollees to obtain and submit accurate information. The requested revision would ensure accuracy of system information submitted in the annual report by allowing enrollees the same time period for Plan development leading to the first annual report. If increased basic system information is needed that the information is included in the application for enrollment.</p> <p><u>Response:</u> The draft Order has not been revised. The initial Annual Report contains foundational information about the Enrollee and its sewer system which a system owner already has the information, and does not need 12 months to acquire and complete.</p>
<p>6.08 9.08 11.11</p>	<p><u>Commenters:</u> Central Valley Clean Water Association Department of Defense Fischer Compliance LLC</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board require existing “Collection System Questionnaire” fields for new “Annual Report” (see Amended MRP, Order No. 2013-0058-EXEC) and to require additional fields as needed for further improving compliance</p>

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and reduce the need for onsite inspections. These changes benefit stakeholders by leveling out the playing field for agencies in compliance and the Water Boards by encouraging compliance and reduced need for inspections/enforcement.

The information reported in the annual report is established in the Sewer System Management Plan (including technical system information like miles of system gravity and force mains; number of upper and lower service laterals connected to system; estimated number of upper and lower laterals owned and/or operated/maintained by the enrollee; portion of laterals that is enrollee's responsibility; average age the major components of system infrastructure; number and age of pump stations; estimated total miles of the system pipeline not accessible for maintenance and more).

Response: Section 5.13.2 of the draft Order requires the enrollee to annually update information that mirrors the information collected through the Collection System Questionnaire required of the Order 2006-0003-DWQ. CIWQS will be updated to maintain all current information previously submitted by enrollees regulated by Order 2006-0003-DWQ, allowing an enrollee to simply update information annually (not re-enter information). New enrollees will be required to initially enter the information after enrollment, then update the information annually, accordingly.

The Annual Report information includes system-specific information addressing: service area, system assets and performance, and other information necessary for the Water Boards to evaluate the enrollee's annual compliance with the Order. The purpose of the enhanced annual reporting (replacement of a "questionnaire" with a report) is to provide Regional Water Boards with information that is typically reviewed and/or gathered during an on-site inspection, allowing Regional Board staff to be more strategic in selecting the priority of staff's on-site system inspections.

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Comment Number(s)	Comment Category 13: Service Area Boundary Maps
<p>1.25</p> <p>2.25</p> <p>5.25</p> <p>13.21</p> <p>22.22</p> <p>23.21</p> <p>26.26</p> <p>28.22</p>	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District City of Sacramento Sonoma County Water Agency</p> <p><u>Comment Summary:</u> The commenters recommend that the State Water Board:</p> <ul style="list-style-type: none"> • Remove the requirements for inclusion of detailed elements, including scale, north arrow, and streets that serve as jurisdictional boundaries; Simplify the reference to the electronic map formats. • To prevent duplicative and conflicting data, the geospatial location of wastewater treatment facilities should be provided directly by the permitted wastewater treatment agency. Remove the requirement that the service area boundary map includes the location of wastewater treatment facility(ies) that treat system waste if in same sewer service boundary. Instead require the Enrollee to provide the waste discharge identification (WDID) number of the wastewater treatment facilities. The draft Order should include a link to a State Water Board webpage where WDID numbers for wastewater treatment plants can be identified. • Update the electronic boundary map as part of the Annual Report if needed.

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	<p><u>Response:</u></p> <ul style="list-style-type: none">• The purpose for requiring submittal of an electronic spatial map for the sewer system service area boundary, is for use by other Water Board programs to spatially identify unserved and underserved communities for wastewater assessment needs. The map scale, north arrow, and streets that serve as jurisdictional boundaries, and the specified electronic formats, are needed to conduct the above task. The three electronic formats proposed in the draft Order are the current accepted formats identified by the State Water Board’s Division of Information Technology staff. The draft Order has not been revised.• The purpose of requiring the location of a wastewater treatment plant within a service area, is to bring forth information to assist in identifying:<ul style="list-style-type: none">○ Treatment facilities that serve satellite systems and that are available to serve adjacent areas that may be consolidated for sewer service; and○ The necessary future sewer and treatment capacity if/when a nearby septic tank-community is served by the Enrollee’s sewer system and downstream treatment plant. Providing only the WDID number does not identify the location of the wastewater treatment plant in reference to the sanitary sewer system.• The draft Order has been revised to require submittal of an updated service area boundary map in the Annual Report, if the service area boundary has changed.
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<p>9.09</p>	<p><u>Commenter:</u> Department of Defense</p> <p><u>Comment Summary:</u> The commenter suggests including text that allows the uploaded map to be a Portable Document Format generated from a source file of one of the listed formats.</p> <p><u>Response:</u> The draft Order has not been revised. The Geographical Information System format is needed for combining the data with GIS data from other Water Board programs, to determine unserved and underserved communities.</p>
<p>Comment Number(s)</p>	<p>Comment Category 14: Voluntary Reporting of Private Spills and California Governor’s Office of Emergency Services Notification</p>
<p>1.38</p> <p>2.38</p> <p>5.38</p> <p>13.34</p> <p>22.35</p> <p>23.34</p> <p>26.08, 26.39</p> <p>28.35</p>	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District City of Sacramento Sonoma County Water Agency</p> <p><u>Comment Summary:</u> The commenters recommend that the State Water Board:</p> <ul style="list-style-type: none"> Remove the erroneous references to notifying the State Water Board through an online CIWQS Sanitary Sewer System Database.

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	<ul style="list-style-type: none"> Require that all notifications occur through the Office of Emergency Services except for voluntary notification of privately-owned spills. <p>The commenter also states that State Water Board staff confirmed at the February 2022 workshops that these references are erroneous.</p> <p>Response: The notification requirements in Attachment E1 and E2 of the draft Order have been revised.</p>
<p>Comment Number(s)</p>	<p>Comment Category 15: System Specific Reduced Reporting for Category 4 Spills</p>
<p>1.04</p> <p>2.04</p> <p>5.04</p> <p>22.04</p> <p>23.03</p> <p>28.04</p> <p>29.05</p>	<p>Commenters: Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting Rodeo Sanitary District Ross Valley Sanitary District Sonoma County Water Agency Tamalpais Community Services District</p> <p>Comment Summary: The commenters recommend that the State Water Board:</p> <ul style="list-style-type: none"> Include a statement that Category 4 spills pose a low threat to water quality. Permit all enrollees to report Category 4 spills within annual reports rather than monthly reports.

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	<p><u>Response:</u> The draft Order has not been revised to add the commenters' recommended statement. Category 4 spills may pose a threat to water quality.</p> <p>The draft Order has been revised to reduce reporting of spills that are less than 50 gallons (proposed as Category 4 spills), to quarterly reporting, applicable to all Enrollees. The proposed System Specific Reduced Reporting for Category 4, as proposed in the draft Order, has been removed.</p>
<p>9.10</p>	<p><u>Commenter:</u> Department of Defense</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board:</p> <ul style="list-style-type: none"> • Make revisions so that all enrollees automatically qualify for reduced reporting of Category 4 Spills based on their known low risk to public health, the environment, and to the cost of compliance associated with increased reporting requirements. • The incentive program should be applied to a reduced annual fee (% discount) or some other clear benefit for an enrollee. <p><u>Response:</u></p> <ul style="list-style-type: none"> • The draft Order has been revised to remove Section 5.18. (System-Specific Reduced Reporting). • The annual fees are established through a State Water Board action to update the existing Fee Schedule for waste discharge requirements. A board-adopted water quality order (such as the draft Order) is not the appropriate vehicle to address the reduction of annual fees. The draft Order has not been revised per the commenter's corresponding recommendation.
<p>14.05</p>	<p><u>Commenter:</u> Irvine Ranch Water District</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water Boards:</p>

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	<ul style="list-style-type: none"> • Revise Section 5.18 (System-Specific Reduce Reporting) of the draft Order. To align the reduced reporting requirements with the 3-year audit periods, the specified system specific performance should be maintained for a minimum of three years, instead of five years. • The commenter has provided suggested edits to Section 5.18 (see commenter’s letter). <p>Response: The draft Order has been revised to remove Section 5.18. (System-Specific Reduced Reporting).</p>
21.08	<p>Commenter: The Regents of the University of California</p> <p>Comment Summary: The commenter recommends the State Water Board:</p> <ul style="list-style-type: none"> • Allow all enrollees to be eligible for reduced reporting of Category 4 spills under Section 5.18, not just those enrollees that meet the system-specific performance criteria. The performance criteria requires that at least 50% of the enrollee’s operation and maintenance workforce is certified in Collection System Maintenance through the California Water Environment Association or an equivalent certification program. Many educational institutions and small sanitary sewer systems cannot meet this criterion and will likewise be unable to meet this staffing requirement. The criterion should be removed or revised to accommodate smaller systems. If the goal of Section 5.18 is to incentivize enrollees with reduced reporting if they have fewer and smaller spills, it defeats the purpose to exclude the very systems most likely to benefit from reduced reporting-- smaller collection systems. If, however, the State Water Board desires to retain the performance criteria in Section 5.18, then the draft Order should be revised to include different performance criteria applicable to smaller sewer systems, so that such systems can be eligible for the same incentive as larger systems. <p>Response: The draft Order has been revised.</p>

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Comment Number(s)	Comment Category 16: Operation and Maintenance
6.28	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board change the terms “must cover” to “should cover” in Section 4.4. Training from Attachment D. Other changes to this section in the draft Order in this section will result in unknown impacts. There will likely be edits to the Sewer System Management Plan to incorporate the modified language and that the impact will likely vary between agencies.</p> <p><u>Response:</u> The draft Order has not been revised. The use of the words “should cover” in place of “must cover”, changes the training requirements in the draft Order to be optional rather than a requirement.</p>
6.29	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter states that the requirement in Section 4.5 (Equipment Inventory System) of Attachment D of the draft Order, for the Enrollee to have a “system to track and manage the inventory of system equipment and replacement parts”, may be significant for smaller enrollees. The requirements will likely require smaller enrollees to revise their sewer system management plans.</p> <p><u>Response:</u> The draft Order has been revised to remove the word “system”, yet it maintains the requirements for an inventory – similar to the existing Order.</p>
6.59	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter addresses Section 9 (now titled Monitoring, Measurement and Program Modifications) of Attachment D of the draft Order, regarding the Sewer System Management Plan implementation. The commenter discusses the requirement for the Enrollee to</p>

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	<p>address the effectiveness of the system operations and maintenance, and identify Plan deficiencies. The commenter states that the enrollees will be impacted as they now must update their sewer system management plans to assess the Plan effectiveness.</p> <p>Response: Section 9 of Attachment D of the draft Order has been revised per the corresponding requirements in the existing Order.</p>
<p>Comment Number(s)</p>	<p>Comment Category 17: Enforcement Provisions and Violations</p>
<p>1.26</p> <p>2.26</p> <p>5.26</p> <p>13.22</p> <p>22.23</p> <p>23.22</p> <p>26.27</p> <p>28.23</p>	<p>Commenters: Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District City of Sacramento Sonoma County Water Agency</p> <p>Comment Summary: The commenters recommend the State Water Board:</p> <ul style="list-style-type: none"> • Maintain discretionary enforcement for factors beyond the reasonable control of enrollees. The 2006 Order allows the State Water Board or Regional Water Board to consider whether the discharge was “exceptional, unintentional, temporary, and caused by factors beyond the reasonable control of the enrollee.”

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	<ul style="list-style-type: none"> • Ensure that the list of acceptable considerations for enforcement should continue to reflect the concept that some spills will inevitably occur due to factors beyond the reasonable control of the enrollee. <p>Response: The draft Order has not been revised. Section 6 (Provisions) of the draft Order provides factors that a Regional Water Board may consider when exercising its discretion of enforcement on a spill and noncompliance with this Order, including factors that are beyond the control of the enrollee. A Regional Water Board is not limited to basing its enforcement discretion to the factors in this Order.</p>
11.06	<p>Commenter: Fischer Compliance LLC</p> <p>Comment Summary: The commenter recommends the State Water Board incorporate language in the draft Order requiring bi-annual review of statewide citizen Clean Water Act enforcement actions against agency collection systems (including review of all 60-day notices received by the Water Boards) in an open public meeting before the State Water Board. Incorporating the language helps agencies better understand the scope of ongoing statewide enforcement and provides improved compliance along with reduced need for enforcement.</p> <p>Response: The draft Order has not been revised to incorporate commenter’s recommendation . Clean Water Act enforcement, and other discretionary enforcement, are actions of the applicable Regional Water Board; Additionally, dedicating fixed staff resources towards the above recommended effort will divert State and Regional Water Board staff time otherwise dedicated to enforcement workload.</p>

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<p>11.10</p>	<p><u>Commenter:</u> Fischer Compliance LLC</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board formalize compliance/enforcement incentives for Operator Certification (reduced “Culpability” if >50% staff hold collection system certifications). Formalization benefits agencies requiring or incentivizing operator certification and provides improved compliance, as well as reduced penalties taken for enforcement.</p> <p><u>Response:</u> The draft Order has not been revised to include formalized compliance/enforcement incentives for operator certification. Section 6. (Provisions) of the draft Order provides enforcement-related culpability factors that a Regional Water Board may consider during its determination of discretionary enforcement.</p>
<p>11.12</p>	<p><u>Commenter:</u> Fischer Compliance LLC</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board:</p> <ul style="list-style-type: none"> • Require liability policy/assessments for small spills and non-discharge violations for notification/reporting using a “Fix-it-Ticket” approach to resolve the ongoing tens of thousands of outstanding violations. • Provide incentives to lower culpability with enforcement policy, utilization of “other factors as Justice May Require” in the policy matrix for collection systems that maintain lower lateral responsibilities since they often have many more spills and higher spill metrics. • Require notices of violations, inspection reports, and other enforcement documentation issued to enrollees that be presented to local governing boards in open public forums to help agencies further address noncompliance and obtain necessary supports.

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	<p>These recommendations benefit stakeholders and the Water Boards by leveling out the playing field in compliance and aids agencies unable to obtain support for more resources. There is also improved compliance and reduced need for enforcement.</p> <p>Response: The draft Order has not been revised to incorporate the commenter’s recommendations. The commenter’s recommendations pertain specifically to Water Board informal and formal enforcement actions. The above comments are best suited to be address through the State Water Board Enforcement Policy and spill-specific Regional Water Board discretion, not within the statewide Order.</p>
<p>Comment Number(s)</p>	<p>Comment Category 18: Licensing and Certification</p>
<p>9.05</p>	<p>Commenter: Department of Defense</p> <p>Comment Summary: The commenter recommends the State Water Board remove the requirement that Federal Government Installation’s Sewer System Management Plan be only certified by a Professional Engineer registered in California. Federal Installations have Registered Engineers in other states that oversee the Sewer System Management Plan and implementation within the plan. The certifications should be allowed by Professional Engineers registered in any State.</p> <p>Response: Section 5.3 (Certification of Sewer System Management Plan and Plan Updates) of the draft Order has been revised to address the commenter’s concern.</p>

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<p>14.06</p>	<p><u>Commenter:</u> Irvine Ranch Water District</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board revise bullet one of Section 6.2 of the draft Order to match the certifications to the terms used by the California Water Environmental Association: "Certified Grade II Collection System Maintenance <u>Certification</u> operator issued by the California Water Environment Association, or an equivalent certification program per the criteria specified in Attachment F (Criteria for Equivalent Collection System Operator Certification Program) of this General Order"</p> <p><u>Response:</u> The draft Order has been revised; Section 6.2 (Professional Licensing and Certification) of the draft Order has been removed, to correspond with the removal of requirements for certified operators in the proposed Order.</p>
<p>24.05</p>	<p><u>Commenter:</u> Rural County Representatives of California</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board remove the requirement for Legally Responsible Officials to be certified operators because the requirement is overreaching and unsupported in certain situations. The consequences of criminal penalties may effectively chill recruiting and retaining a qualified workforce to fulfill the responsibilities of maintaining sanitary sewer systems.</p> <p><u>Response:</u> The draft Order does not require that the Legally Responsible Official be a certified operator. The draft Order requires that, if the Legally Responsible Official is not a certified operator or professional engineer, the sewer system management plan must be certified by a certified operator or a professional engineer. However, per this comment and other public comments, the draft Order has been revised to remove the requirement for the sewer system management plan to be certified by a certified operator or professional engineer.</p>

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Comment Number(s)	Comment Category 19: Definitions
<p>1.28</p> <p>2.28</p> <p>5.28</p> <p>9.01</p> <p>13.24</p> <p>22.25</p> <p>23.24</p> <p>25.02</p> <p>26.29</p> <p>28.25</p>	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting Department of Defense Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District Sacramento Area Sewer District Sacramento Regional County Sanitation District City of Sacramento Sonoma County Water Agency</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board revise the definition of laterals to reflect variability among enrollees, since boundaries between upper and lower laterals vary among enrollees. The commenter suggests that the language is revised to read: "Lower Laterals owned by the enrollee." This change would put federal enrollees on more equivalent footing with other enrollees to report such spills voluntarily since federal facilities own both the upper and lower laterals. Owning lower laterals increases the quantity and miles of pipe an enrollee is responsible to maintain. There are four times as many operating lower laterals than main lines and more susceptible to blockages due to their size.</p> <p><u>Response:</u> The draft Order has been revised to further clarify the definition of laterals, per ownership and operational responsibilities identified in ordinances. The draft Order has also been revised to separate the reporting requirements for spills from Enrollee-owned and/or -operated</p>

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	<p>laterals (through recordkeeping and annual reporting), from the reporting of spills from the main portion of the sewer system.</p> <p>This Order regulates spills from Enrollee owned/operated sewer systems. The draft Order intentionally provides non-prescriptive requirements to address the wide variability of sewer system (including laterals) ownership and operations.</p>
<p>4.01</p>	<p><u>Commenter:</u> Stakeholders Implementing Total Maximum Daily Loads in the Calleguas Creek Watershed</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board:</p> <ul style="list-style-type: none"> • Clearly define and use terms consistently throughout the draft Order. Distinguish between waters of the State, waters of the United States, groundwater, and surface waters so the enrollee to understand specific requirements. • Use the term "surface waters" as a catch all for receiving waters. <p><u>Response:</u> The draft Order has been revised to clarify that Category 1 spills are to “surface waters”, not to waters of the United States, thus removing the need for an Enrollee to distinguish if a surface water is a water of the United States. Additionally, the draft Order includes definitions for waters of the State, waters of the United States, and receiving waters.</p> <p>The draft Order has not been revised to use the term “surface water” for all receiving waters; the Order regulates spills to waters of the State, which include groundwater.</p>

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<p>6.17</p>	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board revise the definition of “resilience” in Attachment A to the following: "Resilience is the ability to recover from or adjust easily to adversity or change. Resiliency can be built by planning, preparing for mitigating, and adapting to changing conditions."</p> <p><u>Response:</u> The definition for Resilience, in the draft Order has been revised.</p>
<p>9.07</p>	<p><u>Commenter:</u> Department of Defense</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board include a standard definition for "full implementation" in the draft Order.</p> <p><u>Response:</u> The draft Order has not been revised to include a definition for “full implementation”.</p>
<p>9.14</p>	<p><u>Commenter:</u> Department of Defense</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board include a clear definition of vicinity or make clear that the Sewer System Management Plan can define vicinity for the specific enrollee.</p> <p><u>Response:</u> The draft Order has not been revised to include a detailed definition of the word “vicinity”. The Order regulates sewage spills that enter waters of the State. Attachment D (Sewer System Management Plan – Required Elements) of the draft Order has been revised to clarify that the Enrollee is required to set forth system-specific procedures appropriate to the subject system. System-specific factors to define the word “vicinity” include factors such as geology, terrain, slope, size of surrounding water bodies, etc.</p>

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<p>14.03</p>	<p><u>Commenter:</u> Irvine Ranch Water District</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board define the term "potential to discharge." There are many interpretations to this term within the management of the enrollee. A clear definition of the term would ensure consistency of what is considered a potential discharge to a water of the State and a water of the United States.</p> <p><u>Response:</u> A definition for "Potential to Discharge, Potential Discharge" has been added to Attachment A of the draft Order.</p>
<p>26.03</p>	<p><u>Commenter:</u> City of Sacramento</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board revise the definition of a drainage system to include pump stations and detention basins. These are major components the enrollee utilizes in their drainage conveyance system.</p> <p><u>Response:</u> The definition of a Drainage Conveyance System has been revised accordingly.</p>
<p>26.15 28.11</p>	<p><u>Commenters:</u> City of Sacramento Sonoma County Water Agency</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board:</p> <ul style="list-style-type: none"> • Simplify the definition and regulation of exfiltration by transferring these considerations into the Sewer System Management Plan's condition assessment provisions. • Include a specification defining when exfiltration is considered a spill.

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	<ul style="list-style-type: none"> Establish a stronger linkage with potential water quality impacts when prioritizing repairs. There should be a reasonable likelihood of exfiltration reaching a water of the State before repairs must be prioritized. <p>Response: The draft Order has been revised to clarify the definition of exfiltration, and to clarify the Order requirements to address sewage exiting the sewer system underground through system condition assessments and, if applicable, priority of repairs. The Order requires the Enrollee to consider system-specific factors, such as the amount of sewage exiting the system, potential containment, soil type, elevation level of the applicable groundwater aquifer, and the nature of the surrounding environment.</p>
<p>Comment Number(s)</p>	<p>Comment Category 20: Implementation</p>
<p>Comment Number(s)</p>	<p>Comment Category 20.1: Implementation Committee</p>
<p>1.06</p> <p>2.06</p> <p>5.07</p> <p>11.03</p> <p>17.06</p> <p>28.06</p>	<p>Commenters: Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting Fischer Compliance LLC Los Angeles County Sanitation Districts Sonoma County Water Agency</p> <p>Comment Summary: The commenters recommend the State Water Board allocate State Water Board staff time to participate in a formal implementation committee with stakeholders consisting of enrollees, consultants, member organizations, and other member organizations such as the California Rural Water Association. The purpose of the committee would be to develop guidance</p>

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	<p>and evaluate the success of the draft Order's requirements for spill response, CIWQS data management, annual reports, preparation of Sewer System Management Plans, auditing standards, and more. Distributing this guidance through formal training sessions offered by the member organizations and others will be beneficial for enrollees.</p> <p>The commenter supports Comment Letter 1's request for the creation of an implementation committee to guide current and new enrollees on complying with the new aspects of the draft Sanitary Sewer Systems General Order including spill response, CIWQS data management, annual reports, preparation of Sewer System Management Plans, auditing standards, and more. The reissuance of the draft Sanitary Sewer Systems General Order provides a good opportunity to offer training and educational materials.</p> <p>The commenter also supports the implementation recommendations provided in Comment Letter 1, to establish an implementation committee.</p> <p>Response: State Water Board staff has initiated its participation in implementation committees, established, and facilitated by the California Association of Sanitation Agencies, and looks forward to continued participation in other stakeholder efforts associated with increased Order compliance.</p>
11.04	<p>Commenter: Fischer Compliance LLC</p> <p>Comment Summary: The commenter recommends the State Water Board:</p> <ul style="list-style-type: none"> • Require a formal Waste Discharge Requirement (WDR) Implementation Committee to facilitate ongoing compliance and reduce violation. The requirement for the committee should define how the committee interacts with state/regional water board staff, seeks input from the industry/public to address ongoing program challenges, noncompliance, inspection findings, and enforcement cases. • Include the following language for Section 3.1.7: "To further encourage and promote compliance, improve operations and professionalism of collection system operators, a formal industry/public Implementation Committee will be administered for this General Order by the

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State Water Board.” These recommendations benefit stakeholders through reduced violations with use of compliance publications and smooth transition to the draft Order. These recommendations also benefit the Water Boards through improved compliance, reduced need for enforcement, a smooth transition to the draft Order, and technical assistance on spill reduction best practices feedback of new WDR performance.

Response: The regulatory structure and foundational elements of the draft Order are the same as in Order 2006-0003-DWQ. The CIWQS database will be enhanced to accommodate the changed elements in the Order. Staff supports partnering with consultants and industry associations to identify further necessary upgrades to the CIWQS database.

The Findings in the draft Order have not been revised to direct the use of Water Board staff. Due to continued concerns of increasing permit fees among all the Water Board regulatory programs, Water Board managers will continue prioritizing compliance inspections and Order enforcement, as follows:

- Assist with identifying funding and technical assistance for disadvantaged communities.
- Inspect individual regulated sewer systems and work directly with the enrollee to address compliance needs.
- Partner with the Clean Water Environment Association (through 2018 Memorandum of Agreement) to provide compliance training to all enrollees that participate in dedicated Sanitary Sewer Systems General Order compliance training workshops.

State Water Board staff looks to professional associations and consultants to continue leading a formal implementation committee. State Water Board staff will continue participating in such committee.

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Comment Number(s)	Comment Category 20.3: Guidance Documents
11.13	<p><u>Commenter:</u> Fischer Compliance LLC</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water Board require annual update of the Sanitary Sewer Overflow library which includes best practice documentation, Water Board collection system inspection reports, enforcement actions, case studies, and other prevailing industry standard practices/publications for sewer system Operation and Maintenance.</p> <p><u>Response:</u> The State Water Board website library is useful to provide transparency of information. Staff will update information provided on the online library.</p>
Comment Number(s)	Comment Category 21: California Integrated Water Quality System (CIWQS)
5.06	<p><u>Commenter:</u> Causey Consulting</p> <p><u>Comment Summary:</u> The commenter recommends that the State Water Board staff revitalize the Data Review Group to assist with the necessary CIWQS revisions to assure that they are appropriate, cost effective, and achievable by enrollees prior to the effective date of the Waste Discharge Requirements. The Group can assist the staff in understanding the necessary data to be submitted and certified and will assure that enrolled agencies input to the necessary and required information in the database is warranted and does not create additional costs for enrollee compliance.</p> <p><u>Response:</u> State Water Board Division of Information Technology staff, and Office of Information, Management and Analysis staff, are enhancing CIWQS for implementation of the new Order requirements as adopted by the State Water Board. State Water Board staff:</p>

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	<ul style="list-style-type: none"> • Are partnering with the California Water Environment Association to provide immediate compliance training workshops to enrollees, and • Provide ongoing customer service to individual enrollees and their consultants that encounter difficulty reporting or accessing compliance data in the online CIWQS database, and • Will address CIWQS issues that are reported by industry association representatives and consultants throughout the entire implementation of the Order. <p>Stakeholder review of CIWQS data, together with State and Regional Water Board enforcement staff, is important to assist the Regional Water Board staff in workload prioritization. Staff has already begun participating in Data Review-related stakeholder meetings led and facilitated through the California Association of Sanitation Agencies, to assist in the Association’s efforts to further serve their members/clients. Water Board staff that implement the statewide Order will continue participating in discussions and requests to further enhance CIWQS.</p>
11.14	<p><u>Commenter:</u> Fischer Compliance LLC</p> <p><u>Comment Summary:</u> The commenter recommends that CIWQS is programmed so it prevents an Enrollee from reporting “No Spills” if spills are reported in CIWQS for any given month(s).</p> <p><u>Response:</u> The “No Spill” reporting module in the CIWQS database will be enhanced to ensure that an enrollee cannot concurrently report “no spills” and individual spills, for any given month or quarter.</p>
11.15	<p><u>Commenter:</u> Fischer Compliance LLC</p> <p><u>Comment Summary:</u> The commenter recommends that, after enrollee submittal of its electronic service area boundary map, that the CIWQS system should be locked to prevent agencies from reporting spills outside of their designated sewer service area.</p>

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	<p>The commenter also recommends that the State Water Boards incorporate and implement the Water Quality Enforcement Policy when enforcing the General Order, to encourage the regulated community to anticipate, identify and correct violations.</p> <p>Response: The CIWQS database only allows the Legally Responsible Official(s) of each enrolled sewer system, or its designated Data Submitters, to report spill data from its system. CIWQS also receives voluntary reporting of observations of sewage spills from other systems.</p> <p>The CIWQS system will not be enhanced to restrict enrollees from reporting spill data outside of their service area. Although a spill may originate from a system in one service area, the spill may flow to a receiving water outside of its service area. Regional Water Board staff will use the information in the corresponding spill reports to identify the sewer system owner responsible for the spill.</p> <p>Additionally, the requirements in the draft Order for the enrollee to submit an electronic spatial map of its sewer system service area, is to bring forth information regarding communities served, and not served, by sewer systems throughout the State. Staff does not propose to integrate the electronic boundary maps into the CIWQS database for restrictions on spill reporting.</p>
11.16	<p>Commenter: Fischer Compliance LLC</p> <p>Comment Summary: The commenter recommends the State Water Board program CIWQS to formally delineate sewer systems with lower sewer lateral responsibilities when comparing spill performance metrics and other compliance metrics in public reports.</p> <p>Response: The draft Order has been revised to separate the reporting of lateral spills that do not reach a surface water. The spill data stored in CIWQS will now compare Enrollee compliance based on spill data for Category 1 through 4 spills, with reporting of lateral spills maintained separately.</p>

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Comment Number(s)	Comment Category 22: Exfiltration
<p>1.14</p> <p>2.14</p> <p>5.14</p> <p>13.10</p> <p>22.11</p> <p>23.10</p> <p>28.06</p>	<p><u>Commenters:</u> Bay Area Clean Water Agencies California Association of Sanitation Agencies Central Valley Clean Water Association Southern California Alliance of Publicly Owned Treatment Works Bay Area Clean Water Agencies Causey Consulting Inland Empire Utilities Agency Rodeo Sanitary District Ross Valley Sanitary District Sonoma County Water Agency</p> <p><u>Comment Summary:</u> The commenters recommend the State Water Board:</p> <ul style="list-style-type: none"> • Simplify the definition of exfiltration in Attachment A by removing examples of what can cause exfiltration. There should be a reasonable likelihood of exfiltration reaching a water of the State before repairs must be prioritized (Pages A-2, D-8). In the draft Order, Attachment A offers a precise definition of exfiltration: “the underground exiting of sewage from a sanitary sewer system.” However, Attachment A then includes additional examples in the definition which may cause exfiltration, but do not necessarily cause exfiltration in all cases. For example, corrosion results in exfiltration only if it becomes extreme enough to cause additional pipe failure. • Transfer the examples of what can cause exfiltration into the Sewer System Management Plan's condition assessment provision in Element 8.1. Its placement in the definition in Attachment A otherwise misrepresents the process of exfiltration and its impacts and uses terminology that does not align with current industry standards. For example, the prevalent industry terms are “offset” or “separated” joints, not “misaligned joints,” as in the definition.

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	<ul style="list-style-type: none"> • Include the specification about when exfiltration is a spill in the definition. The repetition would enhance the definition’s clarity. <p>The commenter supports the detailed comments provided in Comment Letter 1, which mirror the comments in Attachment A of its letter.</p> <p>Response: The draft Order has been revised per the commenters’ suggestion to simplify the definition of Exfiltration in Attachment A of the Order.</p> <p>Attachment A of the draft Order includes a definition of “spill.” and a definition for “exfiltration”. Sewage that exfiltrates from a system and meets the definition of a spill, is considered a spill. Sewage that exfiltrates from a system and meets the conditions of one or more prohibitions in the Order, is considered to be a violation of one or more prohibitions, even if the exfiltrated sewage does not meet the definition of a spill.</p> <p>The draft Order has been revised to further clarify that exfiltrated sewage leaving a sewer system, that does not meet the definition of a spill, is not to be reported per the individual spill reporting requirements in Attachment E1 of the Order. Attachment D of the draft Order includes requirements for identifying and addressing exfiltrated sewer through the Enrollee’s system condition assessments, and its prioritization and implementation of repairs and other preventive actions.</p>
<p>12.02, 12.07, 12.08 16.09</p>	<p>Commenters: Holmes International City of Los Angeles - Los Angeles Sanitation and Environment</p> <p>Comment Summary and Response: The commenters recommend the State Water Board:</p> <ul style="list-style-type: none"> • Revise the language or delete all references to exfiltration. Exfiltration is not a problem in most sanitary sewer systems and that the approach for determining if a sewer system is leaking and reaching surface waters is not the same as performing normal sewer pipeline condition assessment work, where the focus is on identifying internal structural and operational problems that could lead to sewer blockages and possible spills. Wastewater collection pipeline exfiltrating has not been observed. However, exfiltration in storm drainage

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pipelines has been observed, especially corroded storm drains constructed with corrugated metal pipe which is not a commonly used material for sewer pipelines. As a general rule, sanitary sewer pipelines are constructed deeper than storm drains, which makes the sanitary sewer systems more likely to experience infiltration rather than exfiltration.

Response: The draft Order has not been revised per the recommended deletion of Order content that addresses exfiltrated sewage. The draft Order addresses sewage spilled to waters of the State (surface water and groundwater). As in Order 2006-0003-DWQ, the draft Order requires each enrollee to develop and implement its own procedures for assessing its system condition.

As a general rule, sanitary sewer pipelines are constructed deeper than storm drains, which makes the sanitary sewer systems more likely to experience infiltration of groundwater. For sewer system infrastructure located in the vicinity of groundwater to where infiltration may occur, the system may also be vulnerable to conditions of sewage exiting that system and reaching groundwater – a water of the State.

- Remove from the Statewide Order the multiple references (if any) to exfiltration reaching surface waters. The non-governmental organizations will use these references in future civil lawsuits, claiming that exfiltration from sanitary sewers reached waters of the United States.

Response: The proposed regulation of sewage exiting a sewer system underground has not been removed from the draft Order because it is possible that a poorly maintained or failing system could have exfiltrated sewage that reaches surface waters. If the State Water Board chooses to keep the references to exfiltration, delete the third bullet in Section 8.1 of Attachment D, that states "Are within the vicinity of a receiving water with a bacterial-related impairment on the most current Clean Water Act section 303(d) List to determine if sanitary sewer system exfiltration is potentially contributing to the impairment." This bullet is an unfunded mandate that will require costly sampling and laboratory testing work which will disproportionately hurt small communities and agencies lacking the funds to gather data for the State without justification that exfiltration from their sewer systems is the likely cause of the bacterial-related impairments putting these waters on the 303(d) list.

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	<p><u>Response:</u> Section 8.1 of Attachment D of the draft Order has been partially revised.</p> <p>The subject language addressed in the comment is a condition for the Enrollee to consider in its prioritization of system management and repairs – This is a planning criterion that does not require costly sampling and laboratory analysis, and therefore is not an unfunded mandate.</p> <ul style="list-style-type: none">• Simplify the definition of exfiltration. The draft Order regulates Sanitary Sewer Overflows from collection systems. Exfiltration from a pipe is different than a Sanitary Sewer Overflow and should not be considered a spill or regulated as such. Sanitary Sewer Overflows are spills of sewage from sanitary sewer systems usually caused by roots, oil and grease blockage, infrastructure failure, or infiltration and inflow (I/I) leading to surcharged pipe conditions. Exfiltration is limited to areas where sewer elevations lie above the groundwater table. Sewers near surface water bodies generally are below the groundwater table, and infiltration, rather than exfiltration, will dominate in these areas. <p><u>Response:</u> The draft Order has been revised to simplify the definition of exfiltration.</p> <p>The draft Order further clarifies that the reissuance of Order 2006-0003-DWQ is a set of waste discharge requirements, and waste discharge requirements address the protection of waters of the state from sewage spill, regardless of whether the sewage reaches a water of State via a system overflow or exiting the system underground.</p> <p>Sanitary sewer systems more likely to experience infiltration of groundwater are located in the above vicinity, or below the groundwater table, to where groundwater infiltration may occur, the system may also be vulnerable to conditions of sewage exiting that system and reaching groundwater – a water of State.</p> <ul style="list-style-type: none">• Maintain the 2006 Order exfiltration language that has served very well in reducing spills statewide without the new exfiltration language found in the draft Order. <p><u>Response:</u> Order 2006-0003-DWQ does not contain language addressing exfiltration.</p>
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- Remove from the definition in the Order that states that the potential causes of exfiltration (cracks and/or corrosion in pipes, misaligned joints, or broken/failed infrastructure). The definition misrepresents exfiltration and its impacts. Most cracks, corrosion, offset joints, etc. do not lead to exfiltration, and any exfiltration that does occur is usually de minimis. Cracks, corrosion, offset joints, etc. only lead to significant exfiltration if extreme enough to cause additional pipe failure, which are rare events.

Response: The definition of Exfiltration in the draft Order has been partially revised. Requirements in the draft Order that address exfiltration, have been revised to focus on sewage exiting a sewer system underground and reaching a water of the State.
- Remove from Section 3.2.4 of the draft Order the section that adds additional vague and ambiguous language that exfiltration may threaten beneficial uses when it can enter into a compromised underground drainage conveyance system that discharges into a water of the United States, or into groundwater that is hydrologically connected to (feeds into) a water of the United States. Infiltration leading to a discharge to a Water of the United States or into groundwater that is hydrologically connected to a Water of the United States is a fact-specific determination dependent on site-specific conditions that must be considered in light of geology, climate, flow, slope, and more. Determining whether or not exfiltration of sewage from leaking pipes travels through the subsurface to waters of the State (surface or groundwater) is difficult to determine, costly to ascertain, and much less clear than determining whether a Sanitary Sewer Overflow has occurred.

Response: The commenter is referring to draft Order Finding 3.2.4., not an Order requirement. The finding addresses a potential pathway of sewage that exfiltrates underground. California’s hydrology of surface water and groundwater is interconnected in various parts of the state, depending on surface water flow, groundwater depth, and geological pathways that may be hydrologically connected under certain conditions. An additional potential avenue to underground sewage to a water of the United States is on lands that used to serve as long-term irrigated agricultural lands (and now have urban development) that have historic underground drains (installed to maintain drainage for agricultural root zones) that drain to surface waters.

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- Recognize that exfiltration from a leaking pipe where sewage remains in the subsurface, soil matrix, construction trench, or other underground infrastructure is not likely to reach a water of the State. There is no data or published studies in the literature that demonstrate, or even suggest, that exfiltration has directly contaminated surface waters. The pressure head below the sewer crown, which is typically the case in gravity flow sewer lines, exfiltration rates are minimal and that any solids present in sewage will plug the porous media beneath the pipe and rapidly decrease the exfiltration rate, and other constituents will be absorbed or degraded by biological activity. Minimum separation requirements for potable water supply distribution systems and sanitary sewers and vigilant application of cross-connection control programs make the opportunity for exfiltration to contaminate drinking water supplies very unlikely. Since exfiltration occurs underground and pollutants are quickly attenuated, the possibility of exfiltration causing a nuisance is also rather limited. From Fiscal Year 2010/11 to Fiscal Year 2019/20, the commenter mentions that 3,656 miles of sewer were inspected and assessed using Closed-Circuit Television, and ninety-six percent (96%) of the sewers assessed were in fair to excellent condition.

Response: The draft Order recognizes that exfiltration from a leaking pipe where sewage remains in the subsurface, soil matrix, construction trench, or other underground infrastructure, and that does not reach a water of the State, is not a spill to a water of the State.

The draft Order addresses exfiltration of sewage through condition assessments of the system, as described above by the commenter. If an Enrollee determines through its condition assessments that the system condition is fair or excellent, the draft Order does not require the Enrollee to take any further action.

- Encourage enrollees to replace and repair their sewers as needed. The definition of exfiltration in the draft Order is punitive in nature and may lead to a “spill” determination every time a sewer or lateral is repaired or replaced, and it will have the unintended consequence of impeding Closed-Circuit Television projects, as agencies will not be encouraged to discover cracks corrosion, etc. in fear of attached liability. The draft Order’s definition of exfiltration inadvertently penalizes agencies with exemplary spill prevention and reduction programs for the diligent operation and maintenance of their collection systems

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	<p>and will result in a substantial increase in the number spills reported, as pipe defects through their condition assessment program are detected. Additionally, spill reporting would be much more difficult as exfiltration is difficult to detect, quantify, and validate, and the start and end times and total volume spilled would be nearly impossible to accurately ascertain.</p> <p>Response: The draft Order requires an Enrollee to replace and repair its system per its own prioritization and planned capital improvements.</p> <p>The proposed regulation of sewage exiting a sewer system underground and reaching a water of the State is for the protection of beneficial uses of groundwater, and is per the Water Code. The proposed requirement is not based on punitive factors. The draft Order is not a permit to discharge sewage to a water of the State. The draft Order is an Order that prohibits sewage from entering a water of the State. The draft Order has not been revised.</p> <p>See responses above addressing the remainder of this comment.</p>
<p>17.02</p>	<p>Commenter: Los Angeles County Sanitation Districts</p> <p>Comment Summary: The commenter recommends the State Water Board:</p> <ul style="list-style-type: none"> • Revise Element 8.1 of the Sewer System Management Plan to prioritize rehabilitation and repair based on risk assessment rather than unproven potential for exfiltration. Bullet 5 requires that repairs of the collection system be prioritized based on "observations/evidence of system conditions that may contribute to sewage exiting the system that may be potentially entering into a water of the State." This is overly broad because the conditions that cause exfiltration result in impacts to groundwater are not well-understood. Prioritizing repairs based on the mere possibility that sewage may be exfiltrating and may potentially be entering groundwater would be in direct competition with the requirement in Element 4.3 of the Plan to prioritize capital improvements addressing high risk system deficiencies and would thereby shift resources away from areas of the system that have demonstrated higher priority for repair.

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- Revise Element 8.1 of the Plan to provide examples of system conditions that would be considered for repair such as "severe fractures and separated joints" and that the standard for prioritization of repair be based on exfiltrated sewage "having a reasonable likelihood of" entering into a water of the State. The revised language will help ensure that prioritization of repair projects to address exfiltration fit within the overall risk assessment framework and that enrollee sources are appropriately applied to warranted repairs based on genuine risk.

Response: The draft Order has been revised; Section 4.3 of Attachment D has been deleted, and Section 8. of Attachment D has been revised to address the conflicting prioritization of exfiltrated sewer.

The draft Order is a statewide general Order for a large variety of systems with differing sizes, age, management, local conditions, climate change impacts, and receiving waters. The draft Order intentionally places the non-prescriptive requirement for the Enrollee to prioritize its corrective actions based on the Enrollee's own "observations/evidence of system conditions that may contribute to sewage exiting the system that may be potentially entering into a water of the State." The draft Order has, however been revised to replace the phrase "may be potentially entering a water of the State", with "have the potential to enter a water of the State".

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21.11	<p><u>Commenter:</u> The Regents of the University of California</p> <p><u>Comment Summary:</u> The commenter recommends the State Water Board clarify to what evidence the State Water Board expects an enrollee to provide to prove that a hydrologic connection does or does not exist as required in Section 3.2.4. This Section states that exfiltrated sewage may “enter into groundwater that is hydrologically connected to (feeds into) a Water of the United States.” Any exfiltrated sewage that reaches a water of the United States constitutes a Category 1 spill. There are expedited reporting and other ramifications associated with Category 1 spills.</p> <p><u>Response:</u> Any sewage that reaches a water of the United States is a Category 1 spill, and that type of spill requires expedited reporting and investigations.</p> <p>The commenter is referring to draft Order Finding 3.2.4.; the finding is not an Order requirement, and does not require an Enrollee to prove that a hydrological connection exists or does not exist.</p> <p>The finding addresses potential pathways of sewage that exfiltrates underground. California’s hydrology of surface water and groundwater is interconnected in various parts of the state; some surface water bodies are considered losing or gaining streams, based on factors of the surface water flow, groundwater depth, and geological pathways that may hydrologically connectivity under certain conditions. An additional potential avenue to underground sewage to a water of the United States is on lands that used to serve as long-term irrigated agricultural lands (and now have urban development) that have historic underground drains (installed to maintain drainage for agricultural root zones) that drain to surface waters.</p>
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Comment Number(s)	Comment Category 23: Design and Performance Provisions
6.30	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends removing requirements in Section 5.1 of Attachment D of the Draft Order, for the Sewer System Management Plans updates to include updated design criteria, and construction standards and specifications, for the construction, installation, repair, and rehabilitation of existing and proposed system infrastructure components.</p> <p>The commenter states that the level of effort is unknown and will likely vary as to how much effort is needed to address the updating requirement as applied to infrastructure such as pipelines, pump stations, and other system appurtenances. The review of existing standards and updating the design may be a significant level of effort.</p> <p><u>Response:</u> Section 5.1 in Attachment D of the draft Order requires the enrollee to maintain updated design and construction standards and specifications for the installation, repair, and rehabilitation of existing and proposed system infrastructure. The requirements in Section 5 of the draft Order, are similar to the existing requirement in Element V. of Order 2006-0003-DWQ, in which enrollees should already be in compliance. The level of effort to comply with this requirement does vary per system size and complexity, and is intended to ensure capital improvement projects conducted on sewer systems contributes to system resilience per today's industry standards. The draft Order has not been revised.</p>

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6.31	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends removing the term "protocols" in Section 5.2 in Attachment D of the draft Order. The current proposed procedures and standards should be adequate. The draft Order adds the term "protocol" meaning "official procedures or system of rules which will likely require effort; however, the level is unknown.</p> <p><u>Response:</u> The word "protocol" has been removed from the draft Order to simplify the use of the word "procedures".</p>
6.32	<p><u>Commenter:</u> Central Valley Clean Water Association</p> <p><u>Comment Summary:</u> The commenter recommends removing Section 5.3 in Attachment D of the draft Order. Adapting to the new requirement includes a varying level of effort based on agencies and that the effort could be very significant. There would be a significant level of effort in the requirement for component specific evaluations.</p> <p><u>Response:</u> The draft Order has been revised.</p>

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Comment Number(s)	Comment Category 24: Comments from Ewers Engineering, Inc.
<p>31.01, 31.02, 31.03 31.04, 31.05, 31.06, 31.07, 31.08, 31.09, 31.10</p>	<p><u>Commenter:</u> Ewers Engineering, Inc.</p> <p><u>Comment Summary:</u> The commenter appreciates that the draft Order includes system resilience-building requirements. The commenter discusses the benefits of resilience-related requirements, and suggests that the State Water Board:</p> <ul style="list-style-type: none"> • Require system resilience to keep wastewater agencies out of headlines and court. • Revise the definition of “Resilience” in Attachment A of the Order. • Require resilience assessment components that include: “Standards, a Process, and Implementation resources to get it done”. • Define resilience assessment according to Risk Analysis and Management for Critical Asset Protection (RAMCAP) RAMCAPJ100-10. Require a structured approach for risk analysis and resilience assessment. Risk analysis should be a focused effort that prioritizes risks and quantifies risk into cost of an upset event. Resilience assessment should quantify the Orders’ cost/benefits. • Define small systems as 3,300-50,000 customers. Create a risk and resilience assessment form for small systems, or direct a State Water Board economist to calculate values of threat-asset pairs and countermeasures. <p><u>Response:</u> See responses below per the order of the above comment summary:</p> <ul style="list-style-type: none"> • The draft Order continues to include requirements for enrollees to address system resilience. • The definition for Resilience in Attachment A of the draft Order has been revised per this comment and other public comments.

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	<ul style="list-style-type: none">• The draft Order has not been revised. Due to the variation of system size and complexity regulated under this statewide Order, prescriptive requirements for system resilience planning due to the variation of resilience-impacting factors is not appropriate.• The draft Order has not been revised. Due to the variation of system size and complexity regulated under this statewide Order, a prescriptive structured approach in a statewide Order for a risk analysis and resilience assessment is not appropriate.• The draft Order has not been revised. Differentiating small systems from other systems, and providing a “one form (template) fits all” formal risk and resilience assessment, is not appropriate. The draft Order provides non-prescriptive requirements for each enrollee to conduct system-specific planning. A State Water Board economist would only be valuable if involved in evaluations that are system specific. Therefore, the draft Order has not been revised.
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