

January 22, 2013

Russell Norman
SSO Reduction Program
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

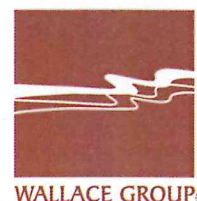
Re: Comments on the Proposed January 2013 Draft Monitoring and Reporting Program for the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems

Dear Mr. Norman:

Wallace Group appreciates the opportunity to comment on the proposed January 2013 Draft Monitoring and Reporting Program (MRP) for the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (SSS WDR).

Our organization assists several agencies with compliance with the SSS WDR through projects, such as Sewer System Management Plan (SSMP) audits and updates. We support a number of the changes to the SSS WDR MRP, such as the delineation of the two existing sanitary sewer overflow (SSO) categories into three SSO categories, the change to event-based reporting, and the update to the SSO notification section regarding contacting Cal EMA. However, we have comments in regards to other changes to the SSS WDR MRP, including:

- The private lateral sewage discharge (PLSD) definition should state that PLSDs are not caused by the Enrollee. Further clarification is recommended.
- The Notification and Reporting language in the Draft MRP is based on the time frame when the Enrollee becomes aware of the SSO. This should be revised to be based on when the Enrollee confirms the SSO is occurring by inspection.
- The water quality monitoring requirements may not be feasible due to storm, flood, or tsunami events, which could cause the SSO's impact to be undetectable within 48 hours or could create an unsafe sampling environment for Enrollee staff, and may not be feasible due to other critical staff activities during an emergency. The water quality monitoring requirements is also given two names: Water Quality Monitoring and SSO Monitoring Program. This is inconsistent and provides different interpretations. Furthermore, the proposed water quality monitoring requirements would require Enrollees without a State-certified lab to have contracts with State-certified labs as first responders to a SSO in order to sample for and analyze the required constituents with short hold times, such as pH, temperature, and dissolved oxygen, and most labs cannot perform these tests in the field since the State does not currently certify mobile labs.



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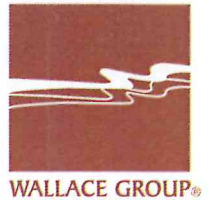
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- The proposed impact assessment is vague and does not clearly identify the State Water Resources Control Board's (SWRCB) expectations regarding the types (biological, human health, etc.) and extent of the short and long term impact assessment or the qualifications of consultants, which need to be hired to conduct the impact assessment. Most Enrollees' staffs are not qualified or trained to conduct the implied biological resources and human health impact assessment. Furthermore, the 120 day deadline for the impact assessment would require Enrollees to hire an on-call Biologist and human health expert, which limits resources that are needed to effectively respond to and mitigate SSOs. The requirement for submitting an Impact Assessment Report is not explicitly stated in the Draft MRP, and the Draft MRP should be revised to include the SWRCB's expectations for this report noting where and how this report is required to be submitted.
- Complaints that do not result in SSOs should not be required SSO records since they are not applicable.
- SSO informant contact information should only be available to and used by Enrollee staff in responding to and following-up with SSOs and should not be required in reports to the SWRCB. For some Enrollees, such as schools, providing this information conflicts with laws protecting student privacy. Furthermore, if the SSO leads to enforcement action by the SWRCB or RWQCB, the informant contact information becomes publicly available, which may conflict with privacy laws.
- The proposed MRP requires all documents referenced in the SSMP and the SSMP Audit to be publicly available online. This requirement is impractical since some of the referenced documents include an Enrollee's electronic work order system and SCADA reports. Information, such as an Enrollee's work orders and SCADA reports, should not be publicly available. Furthermore, SSMP Audit Reports should not be mandated to be publicly available online. This requirement should be revised to only require that the SSMP be publicly available online and should not require that all referenced documents or the SSMP Audit Report be available online.

We appreciate the opportunity to comment on the SSS WDR Draft MRP, and our detailed comments are attached. Please contact us with any questions.

Sincerely,

WALLACE GROUP

A handwritten signature in blue ink, appearing to read "John Wallace", written over the printed name "WALLACE GROUP".

John Wallace, PE

WATER RESOURCES CONTROL BOARD

ORDER NO. 2013-XXXX-EXEC

AMENDING MONITORING AND REPORTING PROGRAM
FOR
STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR
SANITARY SEWER SYSTEMS

The State of California, Water Resources Control Board (hereafter State Water Board) finds:

1. The State Water Board is authorized to prescribe statewide general Waste Discharge Requirements (WDRs) for categories of discharges that involve the same or similar operations and the same or similar types of waste pursuant to Water Code section 13263(i).
2. Water Code section 13193 *et seq.* requires the Regional Water Quality Control Boards (Regional Water Boards) and the State Water Board (collectively, the Water Boards) to gather comprehensive and specific SSO information and make this information available to the public, including but not limited to, SSO cause, estimated volume, location, date, time, duration, whether or not the SSO reached or may have reached waters of the State, response and corrective action taken, and an enrollee's contact information for each SSO event. An enrollee is defined as the public entity having legal authority over the operation and maintenance of, or capital improvements to, the sanitary sewer system.
3. Water Code section 13271, *et seq.* requires notification to the California Emergency Management Agency (Cal EMA, formerly the California Office of Emergency Services) for certain unauthorized discharges including SSOs.
4. On May 2, 2006, the State Water Board adopted Order No. 2006-0003-DWQ, "Statewide Waste Discharge Requirements for Sanitary Sewer Systems"¹ (hereafter SSS WDRs) to comply with Water Code section 13193 and to establish the framework for the statewide SSO Reduction Program.
5. Subsection G.2 of the SSS WDRs and the Monitoring and Reporting Program (MRP) adopted by the State Water Board on May 2, 2006 both provide that the Executive Director may modify the terms of the MRP at any time.
6. On February 20, 2008, the State Water Board Executive Officer revised the original MRP adopted by the State Water Board on May 2, 2006 to rectify early notification deficiencies to ensure that first responders are notified in a timely manner for SSOs discharged into waters of the state.
7. When notified of an SSO that reaches a drainage channel or surface water of the state, Cal EMA, pursuant to Water Code section 13271(a)(3), forwards the SSO notification information² to local government agencies and first responders including local public health officials and the applicable

¹ Available for download at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2006/wqo/wqo2006_0003.pdf

² Cal EMA Hazardous Materials Spill Reports available online at:

[http://w3.calema.ca.gov/operational/mal haz.nsf/\\$defaultview](http://w3.calema.ca.gov/operational/mal haz.nsf/$defaultview) and <http://w3.calema.ca.gov/operational/mal haz.nsf>

Regional Water Board. Receipt of notifications for a single SSO event from both the SSO reporter and Cal EMA is duplicative. To address this, the SSO notification requirements added by the February 20, 2008 MRP revision are being revised in this MRP revision.

8. In the February 28, 2008 MOA between the State Water Board and the California Water and Environment Association (CWEA), the State Water Quality Control Board committed to re-designing the CIWQS Online SSO Database to allow “event” based SSO reporting versus the original “location” based design. Revisions to this MRP and accompanying changes to the CIWQS Online SSO Database will implement this change by allowing for multiple SSO appearance points to be associated with each SSO event caused by a single asset failure.
9. In prior versions of this MRP, SSOs have been categorized as Category 1 or Category 2. This MRP implements changes to SSO categories by adding a Category 3 SSO type. This change will assist Water Board staff in evaluating high threat SSOs and assist enrollees in identifying SSOs that require Cal EMA notification.
10. Based on over six years of implementation of the SSS WDRs, the State Water Board concludes that the February 20, 2008 MRP must be updated to better advance the SSO Reduction Program³ objectives, assess compliance, and enforce the requirements of the SSS WDRs.

IT IS HEREBY ORDERED THAT:

Pursuant to the authority delegated by Water Code section 13267(f), Resolution No. 2002-0104, and Order No. 2006-0003-DWQ, the MRP for SSS WDRs No. 2006-0003-DWQ is hereby amended as shown in Attachment A.

Dated:

Thomas Howard
Executive Director

³ Statewide Sanitary Sewer Overflow Reduction Program information is available at:

http://www.waterboards.ca.gov/water_issues/programs/ssol/

ATTACHMENT A

WATER RESOURCES CONTROL BOARD ORDER NO. 2013-XXXX-EXEC AMENDING MONITORING AND REPORTING PROGRAM FOR STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS

This Monitoring and Reporting Program (MRP) establishes monitoring, record keeping, reporting and public notification requirements for Order No. 2006-0003-DWQ, "Statewide General Waste Discharge Requirements for Sanitary Sewer Systems" (SSS WDRs). The Executive Director may make revisions to this MRP at any time. These revisions may include a reduction or increase in the monitoring and reporting. All site specific records and data pursuant to the SSS WDRs and this MRP shall be complete and accurate and justified by evidence maintained by the enrollee. Failure to comply with this MRP may subject an enrollee to civil liabilities of up to \$5,000 a day per violation pursuant to Water Code section 13350 or may be referred to the Attorney General for civil action. The State Water Resources Control Board reserves the right to take any further enforcement action authorized by law.

Comment [s1]: [NEED Water Code 13268 citation for \$1,000 a day per violation]

A. SUMMARY OF MRP REQUIREMENTS

CATEGORIES	DEFINITIONS [see Section A on page 5 of SSS WDRs defining SSO]
CATEGORY 1	Discharges of untreated or partially treated wastewater of <u>any volume</u> resulting from an enrollee's sewer system failure or flow condition that: <ul style="list-style-type: none">Reaches a surface water and/or reaches a drainage channel tributary to a surface water; orReaches the separate municipal storm drain system and is not fully captured and returned to the sewer system or not otherwise captured and disposed of properly. Any volume of wastewater not recovered from the separate municipal storm drain system is considered to have reached surface water unless the storm drain system discharges to a dedicated groundwater infiltration basin (e.g., infiltration pit, percolation pond).
CATEGORY 2	Discharges of untreated or partially treated wastewater of <u>1,000 gallons or greater</u> resulting from an enrollee's sewer system failure or flow condition that <u>do not</u> reach surface water, a drainage channel, or the separate municipal storm drain system unless the entire SSO discharged to the storm drain system is fully recovered and disposed of properly.
CATEGORY 3	All other discharges of untreated or partially treated wastewater resulting from an enrollee's sewer system failure or flow condition.
PRIVATE LATERAL SEWAGE DISCHARGE (PLSD)	Discharges of untreated or partially treated wastewater resulting from blockages or other problems <u>within a privately owned sewer lateral</u> connected to the enrollee's sewer system or from other private sewer assets. PLSDs that the enrollee becomes aware of may be <u>voluntarily</u> reported to the CIWQs Online SSO Database.

Table 1 – Spill Categories and Definitions

Comment [WG2]: So it is not a PLSD if a blockage in the mainline causes a SSO in a residence? How would these events be recorded; as a Category 2 or 3 SSO? The PLSD definition should state that PLSDs are not caused by the Enrollee. Further clarification is recommended

ELEMENT	REQUIREMENT	METHOD
NOTIFICATION (see section B)	<ul style="list-style-type: none"> Within 2 hours of becoming aware of any Category 1 SSO greater than or equal to 1,000 gallons, notify California Emergency Management Agency (Cal EMA) 	Call Cal EMA at: (800) 852-7550
REPORTING (see section C)	<ul style="list-style-type: none"> Category 1 SSO: Submit Draft report within 3 business days of becoming aware of the SSO and certified within 15 calendar days of SSO end date Category 2 SSO: Submit Draft report within 3 business days of becoming aware of the SSO and certified within 15 calendar days of SSO end date Category 3 SSO: Submit Certified report within 30 calendar days of end of month in which SSO occurred SSO Technical Report within 45 calendar days after any Category 1 SSO of which 50,000 gallons or greater is not recovered from waters of state "No Spill" Monthly Report: Certify that no SSOs occurred within 30 calendar days of end of month in which no SSOs occurred Collection System Questionnaire: Update and Certify every 12 months 	Enter data into the <u>CIWQS Online SSO Database</u> (http://ciwqs.waterboards.ca.gov/), certified by sewer agency Legally Responsible Official(s).
WATER QUALITY MONITORING (see section D)	<ul style="list-style-type: none"> Water quality sampling and initiation of an impact assessment <u>within 48 hours</u> after initial SSO notification for Category 1 SSOs of which 50,000 gallons or greater is not recovered from waters of the state 	Water quality results are required to be uploaded into CIWQS for Category 1 SSOs of which 50,000 gallons or greater is not recovered from waters of the state
RECORD KEEPING (see section E)	<ul style="list-style-type: none"> SSO event records SSMP implementation and changes Information used to generate SSMP Audit(s) Records to document <u>Water Quality Monitoring</u> for SSOs 50,000 gallons or greater not recovered from surface waters of the State Collection system telemetry records if relied upon to document and/or estimate SSOs 	Self-maintained records shall be available during inspections or upon request.

Comment [WG3]: Change "when become aware" to "upon inspection" or "upon confirmation". Agency staff cannot always know the nature of the SSO from a phone call notification.

Comment [WG4]: This is unrealistic. Why 48 hours? During storm events, effects of the SSO could be undetectable after 48 hours. For large spills or small agencies, agency staff may be hard pressed to initiate monitoring and an impact assessment within 48 hours given other priorities in addressing the spill cleanup and remediation activities.

Comment [WG5]: What monitoring is required?

Table 2 – Notification, Reporting, Monitoring, and Record Keeping Requirements

B. SANITARY SEWER OVERFLOW NOTIFICATION REQUIREMENTS

Although State Water Resources Control Board (State Water Board) and Regional Water Quality Control Board (Regional Water Board) staff do not have duties as first responders, this MRP is an appropriate mechanism to ensure that the agencies that have first responder duties are notified in a timely manner in order to protect public health and beneficial uses.

1. For any SSO greater than or equal to 1000 gallons that results or may result in a discharge to a surface water of the state, either directly or by way of a drainage channel or separate municipal storm drain system, the enrollee shall, as soon as possible, but not later than two (2) hours after (A) that enrollee has knowledge of the discharge by discovery or receiving information from a public informant or other source(s), (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures, notify the California Emergency Management Agency (Cal EMA) and obtain a notification control number.
2. To satisfy SSO notification requirements for each applicable SSO, the enrollee shall provide, at a minimum, the following information to Cal EMA before receiving a control number:
 - i. Name of person notifying Cal EMA and direct return phone number.
 - ii. Estimated SSO volume discharged (gallons).
 - iii. If ongoing, estimated SSO discharge rate (gallons per minute).
 - iv. SSO Incident Description:
 - a. Brief narrative.
 - b. On-scene point of contact for additional information (name and cell number).
 - c. Date and time enrollee became aware of SSO.
 - d. Name of sewer system causing the SSO.
 - e. SSO cause (if known).
 - v. Indication of whether SSO has been contained.
 - vi. Indication of whether surface water is impacted.
 - vii. Name of surface water impacted by SSO, if applicable.
 - viii. Indication of whether a drinking water supply is or may be impacted by SSO.
 - ix. Any other known SSO impacts.
 - x. SSO incident location (address, city, state, and zip code).
3. Following the initial notification to Cal EMA and until such time that an enrollee submits a "certified" report into the CIWQS Online SSO Database, the enrollee shall provide updates to Cal EMA regarding the estimated volume of untreated or partially treated sewage discharged including any change(s) to known impact(s) to surface water(s).
4. Private Sewer Discharges (PLSDs): The enrollee is strongly encouraged to notify Cal EMA of discharges greater than or equal to 1,000 gallons of untreated or partially treated wastewater resulting from blockages or other problems within a privately owned sewer lateral or from other private sewer asset(s) that the enrollee becomes aware of.

Comment [WG6]: What does SWRCB and RWQCB consider substantial?

Comment [WG7]: What is considered an "update" to the estimated SSO volume? Is this simply the submitted Draft SSO Report in CIWQS and the Final, Certified SSO Report in CIWQS?

Comment [WG8]: Change "is strongly encouraged to" to "may" since it is not required.

C. **SANITARY SEWER OVERFLOW REPORTING REQUIREMENTS**

1. **CIWQS Online SSO Database Account:** All enrollees shall obtain a CIWQS SSO Online Database account and receive a “Username” and “Password” by registering through CIWQS. These accounts allow controlled and secure entry into the CIWQS Online SSO Database.
2. **SSO Mandatory Reporting Information:** For reporting purposes, if one SSO event results in multiple appearance points, the enrollee shall complete one SSO report in the CIWQS Online SSO Database, including location of the SSO failure point, blockage or location of the flow condition that caused the SSO and location(s) of all discharge points associated with the SSO event.
3. **SSO Categories**
 - i. **Category 1** – Discharges of untreated or partially treated wastewater of any volume resulting from an enrollee’s sewer system failure or flow condition that:
 - a. Reaches a surface water and/or reaches a drainage channel tributary to a surface water; or
 - b. Reaches the separate municipal storm drain system and is not fully captured and returned to the sewer system or not otherwise captured and disposed of properly. Any volume of wastewater not recovered from the separate municipal storm drain system is considered to have reached surface water unless the storm drain system discharges to a dedicated groundwater infiltration basin (e.g., infiltration pit, percolation pond).
 - ii. **Category 2** – Discharges of untreated or partially treated wastewater of 1,000 gallons or greater resulting from an enrollee’s sewer system failure or flow condition that does not reach surface water, a drainage channel, or the separate municipal storm drain system unless the entire SSO discharged to the storm drain system is fully recovered and disposed of properly.
 - iii. **Category 3** – All other discharges of untreated or partially treated wastewater resulting from an enrollee’s sewer system failure or flow condition.
4. **SSO Reporting Timeframes**
 - i. **Category 1 & Category 2 SSOs** – Except as provided above, all SSOs that meet the above criteria for Category 1 or Category 2 SSOs shall be reported as soon as: (1) the enrollee has knowledge of the discharge, (2) reporting is possible, and (3) reporting can be provided without substantially impeding cleanup or other emergency measures.
 - a. Draft reports for Category 1 & Category 2 SSOs shall be submitted to the CIWQS Online SSO Database as soon as possible but no later than 3 business days after the enrollee is made aware of the SSO by citizen complaint or discovery. Minimum information that shall be contained in the draft report for a Category 1 SSO shall include all information identified in section 8.i.a., below. Minimum information that shall be contained in the draft report for a Category 2 SSO shall include all information identified in section 8.i.c below.

Comment [WG9]: This language should be consistent throughout the MRP. “no later than” is used here, and “within” is used in the Table 2 on page 2 and subsections C.4.i.b., C.4.ii., C.4.iii., and C.5. on page 5.

- b. A final certified Category 1 or Category 2 report shall be completed through the CIWQS Online SSO Database within 15 calendar days of the end date of the SSO. Minimum information that shall be contained in the certified report for a Category 1 SSO shall include all information identified in section 8.i.b below. Minimum information that shall be contained in the certified report for a Category 2 SSO shall include all information identified in section 8.i.d below.
- ii. **Category 3 SSOs** – All SSOs that meet the above criteria for Category 3 SSOs shall be reported to the CIWQS Online SSO Database and certified within 30 days after the end of the calendar month in which the SSO occurs (e.g., all SSOs occurring in the month of February shall be entered into the database by March 30th). Minimum information that shall be contained in the draft and certified reports for a Category 3 SSO shall include all information identified in section 8.i.e below.
- iii. **“No Spill” Monthly Certification** – If there are no SSOs during the calendar month, the enrollee shall provide, within 30 days after the end of each calendar month, a “No-Spill” certification statement through the CIWQS Online SSO Database certifying that there were no SSOs for the designated month. If there are no SSOs during a calendar month and the enrollee reported a PLSD, the enrollee shall still submit a “No-Spill” certification for that month.
- iv. **Amended SSO Reports** – The enrollee may update or add additional information to a certified SSO report no later than 120 calendar days after the SSO end time by amending the report or by adding an attachment to the SSO report in the SSO Online Database. SSO reports certified in the SSO Online Database prior to the adoption date of this MRP may only be amended up to 120 days after the amendment date of this MRP.

5. **SSO Technical Report**

The enrollee shall submit and certify an SSO Technical Report in the CIWQS SSO Online Database within 45 calendar days of SSO stop date and time for any SSO in which 50,000 gallons or greater are not recovered from waters of the state. This report, which does not preclude the Water Boards from requiring a more detailed analysis if requested, shall include, at a minimum, the following:

i. **Causes and Circumstances of the SSO:**

- a. Complete and detailed explanation of how and when the SSO was discovered.
- b. Photographic evidence as required by subsection E.2.i of the this MRP, including photos that show the extent of the SSO, field crew response operations, and reveal site conditions after field crew SSO response operations have been completed.
- c. Diagram showing the SSO failure point, appearance point(s), and final destination(s).
- d. Detailed description of the methodology employed and available data used to calculate the volume of the SSO and any recovery amounts.
- e. Detailed description of the cause(s) of the SSO.
- f. Copies of original field crew records used to document the SSO.
- g. Historical maintenance records for the failure location.

Comment [WG10]: See Comment [WG9].

Comment [WG11]: This should be 730 calendar days (2 years) in order to correlate with the SSMP Audit. Also, some enforcement takes longer than 120 calendar days and leads to changes in how a SSO event was reported. What would happen in that situation?

Comment [WG12]: See Comment [WG9].

Comment [WG13]: Remove this requirement and keep it as part of the enforcement process like it is currently (i.e. via a 13267 letter from SWRCB or RWQCB).

Comment [WG14]: This is not a realistic deadline. Some of the requirements of the SSO Technical Report will require an agency to contract out the work, such as the Impact Assessment, and it takes more the 45 days to get a contract with a company and have it approved by one's Board and to have the contracted work completed and documented and finalized in a report.

Comment [WG15]: This is not a realistic requirement for small agencies, which only have one or two crewmembers responding to the SSO. It would substantially impede the containment, cleaning, and mitigation of a SSO if one of those crewmembers had to take photographs instead of respond to the SSO.

Comment [WG16]: This should state “Maintenance records for the failure location for the last five years” instead of “historical”, because that is all that is required to be kept on file.

ii. **Enrollee's Response to SSO:**

- a. Chronological narrative description of all actions taken by enrollee to terminate the discharge.
- b. Explanation of how the SSMP Overflow Emergency Response plan was implemented to respond and mitigate the SSO.
- c. Final corrective action(s) completed or projected, including a schedule for actions not yet completed.

iii. **Monitoring and Analysis of SSO:**

- a. Description of all water quality sampling activities conducted, including analytical results and evaluation of the results.
- b. Detailed location map for any subsequent water quality sampling and reference point(s).

Comment [WG17]: What water quality samples are required?

iv. **Impacts of SSO:**

- a. Name and contact information of the responsible person(s) conducting impact assessment.
- b. Description of impact assessment to evaluate short- and long-term impacts to beneficial uses required in this Amended MRP.

Comment [WG18]: This should be the company contracted to conduct the impact assessment.

Comment [WG19]: What is this impact assessment required to include? What impacts are being evaluated: biological, ecological, human health, etc.? What is the baseline for the impacted waterbody? How would the discharger establish a baseline for the impacted waterbody?

v. **Monitoring Information:**

- a. Narrative of impact assessment to evaluate short- and long-term impacts to beneficial uses of waters of the state.

Comment [WG20]: How is this different from the requirement above in subsection C.5.v.?

6. **Private Lateral Sewage Discharges**

Discharges of untreated or partially treated wastewater resulting from blockages or other problems within a privately owned sewer lateral connected to the enrollee sewer system or from private sewer system assets may be voluntarily reported to the CIWQs Online SSO Database.

Comment [WG21]: See note [WG2].

- i. The enrollee is also encouraged to provide notification to Cal EMA per section A above when a PLSD greater than or equal to 1,000 gallons has or may result in a discharge to surface water. For any PLSD greater than or equal to 1,000 gallons regardless of the spill destination, the enrollee is also encouraged to file a spill report as required by Health & Safety Code section 5410 et. seq. and Water Code section 13271 or, notify the responsible party that notification and reporting should be completed as specified above and required by state law.
- ii. If a private sewage discharge is recorded in the CIWQS Online SSO Database, the enrollee must identify the sewage discharge as occurring and caused by a private sewer system asset and a responsible party (other than the enrollee) should be identified, if known. Certification of PLSD reports by enrollees is not required.

Comment [WG22]: Change "is also encouraged to" to "may" since it is not required.

Comment [WG23]: Change "is also encouraged to" to "may" since it is not required.

Comment [WG24]: These codes require the spills to be reported if they go to any waters of the state. This does not apply for all SSOs greater than or equal to 1,000 gallons.

Comment [WG25]: Does the agency's response and reporting of the PLSD in CIWQS restrict count as the private party's notification and reporting of a PLSD that reaches a water of the state, as required by Health & Safety Code section 5410 et. seq. and Water Code Section 13271 and outlined above (subsection C.6.ii.)?

7. **CIWQS SSO Online Database Unavailability**

In the event that the CIWQS SSO Online Database is not available, the enrollee must also enter all required information into the CIWQS Online SSO Database as soon as the database becomes available.

Comment [WG26]: Are agencies no longer required to fax the SSO Report to RWQCB when CIWQS is unavailable?

8. **Mandatory Information to be Included in SSO Online Reporting**

All enrollees shall obtain CIWQS Online SSO Database accounts and receive a "Username" and "Password" by registering through the California Integrated Water Quality System (CIWQS) which can be reached at CIWQS@waterboards.ca.gov or by calling 1-866-792-4977, M-F, 8am to 5pm. These accounts will allow controlled and secure entry into the CIWQS Online SSO Database. Additionally, within thirty (30) days of receiving an account and prior to recording SSOs into the CIWQS Online SSO Database, all enrollees must complete a Collection System Questionnaire (Questionnaire). The Questionnaire shall be updated by all enrollees at least once every 12 months.

Comment [WG27]: How will agency staff know that CIWQS is available? Will they be notified? There should be a grace period of 24-48 hours. What if the SSO occurs on Friday afternoon or night? Is the agency staff supposed to constantly check CIWQS every hour throughout the weekend?

i. **SSO Reports**

At a minimum, the following mandatory information shall be included prior to finalizing and certifying an SSO report for each category of SSO:

- a. **Draft Category 1 SSOs:** At a minimum, the following mandatory information shall be included for a draft Category 1 SSO report:
 1. SSO Contact Information: Name, address, title and telephone number of enrollee contact person who can answer specific questions about this SSO;
 2. SSO Location Name.
 3. Location of the overflow event (SSO) by entering GPS coordinates. If a single overflow event results in multiple appearance points, each appearance point must be described in the SSO appearance point explanation field.
 4. Estimate of the volume of the overflow event (SSO).
 5. Estimated SSO volume that reached surface water, a drainage channel, or was not recovered from a storm drain.
 6. Estimated SSO amount recovered.
 7. Whether or not the SSO entered a drainage channel, surface water, or entered and was discharged from a structure.
 8. Whether or not the SSO was discharged to a municipal separate storm drain system.
 9. Whether or not the SSO volume discharged to a municipal separate storm drain system was fully recovered.
 10. Number of SSO appearance point(s).
 11. Description of SSO appearance point(s).
 12. SSO start date and time.
 13. Date and time of SSO notification or discovery.
 14. Estimated operator arrival time.
 15. Date and time Cal EMA was called.

16. Cal EMA control number.

- b. **Certified Category 1 SSOs:** At a minimum, the following mandatory information shall be included for a certified Category 1 SSO report:

1. All fields in section 8.i.a.
2. SSO destination(s).
3. SSO stop date and time.
4. SSO Causes (mainline blockage, roots, etc.).
5. SSO Failure Point (main, lateral, etc.).
6. Whether or not the spill was associated with a storm event.
7. Spill Response.
8. Spill response completion date.
9. Spill corrective action taken including steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow; and a schedule of major milestones for those steps.
10. Whether or not there is an ongoing investigation, the reasons for the investigation and the expected date of completion.
11. Did the SSO impact a beach?
12. Identification of whether or not health warnings were posted.
13. Name of beaches impacted. If no beach was impacted, NA must be selected.
14. Name of surface waters impacted.
15. If water quality samples were taken, identify parameters water quality samples analyzed for.
16. If water quality samples were taken, identify which regulatory agencies received sample results (if applicable). If no samples were taken, NA shall be selected.
17. List of methodology(ies) and type of data relied upon for estimations of SSO volume discharged and recovered.
18. For any Category 1 SSO of which 50,000 gallons or greater is not recovered from waters of state, attach SSO Technical Report and water quality sampling results to spill report.
19. SSO Certification. Upon SSO Certification, the Online SSO Database will issue a final SSO Identification (ID) Number.

- c. **Draft Category 2 SSOs:** At a minimum, the following mandatory information shall be included for a draft Category 2 SSO report:

1. All Items specified in section 8.i.a above for Draft Category 1 SSO, except items 15 and 16.

- d. **Certified Category 2 SSOs:** At a minimum, the following mandatory information shall be included for a certified Category 2 SSO report:

1. All Items specified in 8.i.b above for Certified Category 1 SSO except items 11-16 and 18.

- e. **Certified Category 3 SSOs**: At a minimum, the following mandatory information shall be included for a certified Category 3 SSO report:

1. All Items specified in 8.i.b above for Certified Category 1 SSO except items 7, 8, 10-16 and 18.

Comment [s28]: OE ok with this????

ii. **Reporting to Other Regulatory Agencies SSO**

These reporting requirements do not preclude an enrollee from reporting SSOs to other regulatory agencies pursuant to State law. These reporting requirements do not replace other Regional Water Board notification and reporting requirements for SSOs.

iii. **Collection System Questionnaire**

The required Collection System Questionnaire (Questionnaire) [see subsection G of the SSS WDRs] provides the Water Boards with crucial site-specific sewer system information needed to assess program effectiveness, compliance and enforcement. The Questionnaire will be updated on an annual basis to facilitate program implementation, compliance assessment, and enforcement response.

iv. **SSMP Availability**

The enrollee shall provide the publicly available internet website address in the CIWQS Online SSO Database where a downloadable copy of the SSMP and proof of local governing board approval of the SSMP is posted. If a downloadable copy of the SSMP, the governing board's approval, and all documents referenced in the SSMP are not posted on a publicly available internet website, the enrollee shall comply with the following procedures:

- a. Submit an electronic copy of its SSMP approved by its local governing board to the State Water Board, including proof of local governing board approval of both the SSMP and the program to implement the SSMP, as required by subsection D.14 of the Sanitary Sewer Order, within 30 days of that approval; and,
- b. Submit an electronic copy of its SSMP each time its SSMP is recertified by its local governing board, within 30 days of its recertification, unless a downloadable copy is posted online, to the following address:

State Water Resources Control Board
Division of Water Quality
Attn: SSO Program Manager
1001 I Street, 15th Floor, Sacramento, CA 95814

v. **SSMP Audit(s) Availability**

The enrollee shall provide the publicly available internet website address in the Questionnaire where a downloadable copy of the enrollee's SSMP Self Audit(s) is/are located. If downloadable copy/copies of the enrollee's SSMP Program Audit(s) is/are not publicly available on the internet, the enrollee shall submit an electronic copy of its SSMP Self Audit(s) to the State Water Board to the mailing address specified above.

Comment [WG29]: This requirement is impractical since some of the referenced documents include an Enrollee's electronic work order system and SCADA reports. Information, such as an Enrollee's work orders and SCADA reports, should not be publicly available. This requirement should be revised to only require that the SSMP be publicly available online and should not require that all referenced documents be available online.

Comment [WG30]: "and the program to implement the SSMP" should be removed. The previous paragraph states that the SSMP and proof of local governing board approval of the SSMP must be available online. If they are not available online, the agency should only be required to submit an electronic copy of those two documents to SWRCB.

Comment [WG31]: Is this within 30 days of the original SSMP approval? What about when this MRP is adopted and most agencies adopted their SSMP years ago? Should this state "within 30 days of the adoption of this MRP"?

Comment [WG32]: This is a mailing address. Should a CD with the SSMP be mailed to SWRCB every time the SSMP is recertified, or is there an email address to which the SSMP should be emailed to every time it is recertified?

Comment [WG33]: SSMP Audit Reports should not be mandated to be publicly available online. This requirement should be revised to only require that the SSMP be publicly available online and should not require that all referenced documents or the SSMP Audit Report be available online.

Comment [WG34]: Is this referencing the Collection System Questionnaire? Will that be available to the public through CIWQS? Currently it is not.

Comment [WG35]: Is this referring to all SSMP Audits or only the most recent SSMP Audit?

D. WATER QUALITY MONITORING REQUIREMENTS:

To comply with subsection D.7(v) of the SSS WDRs, the enrollee shall develop and implement a Water Quality Monitoring Program to assess impacts from large, unrecovered SSOs to waters of the state (hereafter, SSO Monitoring Program). The SSO Monitoring Program, shall, at a minimum:

1. Comply with Water Code section 13176 requiring analyses to be performed by an accredited or certified laboratory.
2. Require monitoring instruments and devices to implement the SSO Monitoring Program that are properly maintained and calibrated as necessary to ensure their continued accuracy.
3. Assess the impacts of SSOs in which 50,000 gallons or greater may have been discharged, but not recovered, to waters of the state, within 48 hours of initial agency notification of such a possible SSO from a complainant, informant, or through self-discovery (whichever is earliest).
4. Require water quality sampling for, at a minimum, the following constituents or SSOs in which 50,000 gallons or greater may have been discharged, but not recovered, to waters of the state:
 - i. pH, temperature, dissolved oxygen, ammonia, and appropriate bacteria indicator
5. Require completion of the impact assessment required in D(III) above, within 120 days of SSO end time.
6. Allow for additional monitoring should the Water Boards require it for an SSO(s) of any size.

E. RECORD KEEPING REQUIREMENTS:

At minimum, the following records shall be maintained by the enrollee for a minimum of five (5) years and shall be made available for review by the Water Boards during an onsite inspection or through an information request:

1. General Records: The enrollee shall maintain records to document compliance with all provisions of the SSS WDRs and this MRP for each sanitary sewer system(s) owned, including any required records generated by an enrollee's sanitary sewer system contractor(s).
2. SSO Records: The enrollee shall maintain records for each SSO, including but not limited to:
 - i. Photographic evidence for all SSOs to support all information certified by the Legally Responsible Official in CIWQS including volume estimates. Photographic evidence can be attached to the spill report in the CIWQS Online SSO Database or maintained with onsite SSO records.
 - ii. Complaint records documenting how the enrollee responded to all notifications of possible or actual SSOs, both during and after business hours, including complaints that do not result in SSOs. Each complaint record shall include the following information, at a minimum:
 - a. Date, time, and method of notification.

Comment [WG36]: This is too vague. Parameters, such as SSO volume, need to be given here to qualify what situations warrant this SSO Monitoring Program. Is the SSO Monitoring Program required for SSOs in which less than 50,000 gallons may have been discharged by not recovered to waters of the state, as stated in Table 2 on page 2?

Comment [WG37]: The water quality monitoring requirements is also given two names: Water Quality Monitoring and SSO Monitoring Program. This is inconsistent and provides different interpretations.

Comment [WG38]: This would require Enrollees without a State-certified lab to have contracts with State-certified labs as first responders to a SSO in order to sample for and analyze the required constituents with short hold times, such as pH, temperature, and dissolved oxygen, which most labs cannot perform in the field since the State does not currently certify mobile labs.

Comment [WG39]: This is unrealistic. Why 48 hours? During storm events, effects of the SSO could be undetectable after 48 hours. For large spills or small agencies, agency staff may be hard pressed to initiate monitoring and an impact assessment within 48 hours given other priorities in addressing the spill cleanup and remediation activities.

Comment [WG40]: The proposed impact assessment is vague and does not clearly identify the SWRCB's expectations regarding the types (biological, human health, etc.) and extent of the short and long term impact assessment or the qualifications of consultants, which need to be hired to conduct the impact assessment. Most Enrollee staff is not qualified or trained to conduct the implied biological resources and human health impact assessment. Furthermore, the 120 day deadline for the impact assessment would require Enrollees to hire an on-call Biologist and human health expert, which limits resources that are needed to effectively respond to and mitigate SSOs. The requirement for submitting an Impact Assessment Report is not explicitly stated in the Draft MRP, and the Draft MRP should be revised to include the SWRCB's expectations for this report noting where and how this report is required to be submitted.

Comment [WG41]: This is not a realistic requirement for small agencies, which only have one or two crewmembers responding to the SSO. It would substantially impede the containment, cleaning, and mitigation of a SSO if one of those crewmembers had to take photographs instead of respond to the SSO.

Comment [WG42]: Remove "including complaints that do not result in SSOs." The SWRCB does not need this information.

- b. Date and time the complainant or informant first noticed the SSO.
 - c. Narrative description describing the complaint.
 - d. A statement from the complainant or informant, if they know, of whether or not the potential SSO may have reached waters of the state.
 - e. Name, address, and contact telephone number of the complainant or informant reporting the potential SSO (if not reported anonymously)
 - f. Follow-up return contact information for each complaint received (if not reported anonymously).
 - g. Final resolution of the complaint.
 - h. Work service request information used to document all feasible and remedial actions taken to comply with section D.7 of the SSS WDRs.
- iii. Records documenting steps and/or remedial actions undertaken by enrollee, using all available information to comply with section D.7 of the SSS WDRs.
 - iv. Records documenting how any estimation(s) of volume(s) discharged and recovered (if applicable) were calculated.
3. Records documenting SSMP changes, attached to the SSMP, showing all changes made to the SSMP since its last certification, indicating when a subsection(s) of the SSMP was changed and/or updated and who authorized the change or update.
 4. All records necessary to demonstrate compliance with all mandatory elements specified in subsection D.13 of the SSS WDRs, including any information used by the enrollee to justify non-applicability of any SSMP element(s) and information used to support SSMP Audit(s).
 5. **Sanitary Sewer System Electronic Monitoring Records:** Sanitary sewer system electronic monitoring records relied upon for documenting SSO events and/or estimating SSO volume discharged, including but not limited to:
 - i. Supervisory Control and Data Acquisition or SCADA records.
 - ii. Alarm system(s) records.
 - iii. Flow monitoring device(s) records or other instruments used to estimate waste water levels, flow rates and/or volumes.

Comment [WG43]: The complainant or informant may not know the definition of the waters of the state and could provide inaccurate information if asked this questions. The complainant or informant should only be asked what the situation is, and the agency should be responsible for following up. A phone record of that conversation should be all that SWRCB requires.

Comment [WG44]: SWRCB does not need this information. Once the SSO is reported to an agency, that agency is responsible for the SSO; not the complainant/informant.

If SWRCB or RWQCB plans to follow-up with the complainant/informant during enforcement efforts, this follow-up could be months to one to two years after the occurrence of the SSO. The information provided by the complainant/informant at that time could, therefore, be inaccurate due to their newer statements being based on memory; not documented reports from the day of the event.

For some Enrollees, such as schools, providing this information conflicts with laws protecting student privacy. Furthermore, if the SSO leads to enforcement action by the SWRCB or RWQCB, the informant contact information becomes publicly available, which may conflict with privacy laws.

The SWRCB and RWQCB do not need this information, because the LRO is responsible for the information provided through initial notifications and reporting in CIWQS. What is the point of having LROs and having required reports if you do not trust or use them?

Comment [WG45]: Keeping these records for the five years per the record retention requirements will be impractical and costly for all agencies. In addition, some electronic records are not maintained by these systems (i.e., alarm statuses).

F. **CERTIFICATION**

1. All information required by the Sanitary Sewer Order to be reported into the CIWQS SSO Online Database shall be certified by a person designated as described in subsection J of the Sanitary Sewer Order.
2. Any person designated to report to the CIWQS SSO Online Database shall be registered to certify reports in accordance with the CIWQS' protocols for reporting.
3. The enrollee shall maintain continuous coverage by a designated person capable of certifying reports in CIWQS. Any changes to a Legally Responsible Official (LRO) or Data Submitter (DS), including deactivation or a change to the LRO or DS's contact information, shall be

submitted by the enrollee to the State Water Board within 30 days of the change by calling 866-792-4977 or emailing help@ciwqs.waterboards.ca.gov.

4. Other enrollee employees or contractors may enter draft data into the CIWQS SSO Online Database on behalf of the enrollee if authorized by the designated person and the State Water Board. However, only designated persons registered to certify reports may certify reports in CIWQS.
5. The registered designated person shall certify all required reports under penalty of perjury laws of the state as stated in the SSO Online Database at the time of appropriate certification(s).

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of an order amended by the Executive Director of the State Water Board.

Jeanine Townsend
Clerk to the Board