



# California Regional Water Quality Control Board

## San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties

Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Public Comment  
Sanitary Sewer System WDRs  
Deadline: 5/13/11 by 12 noon

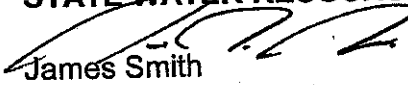


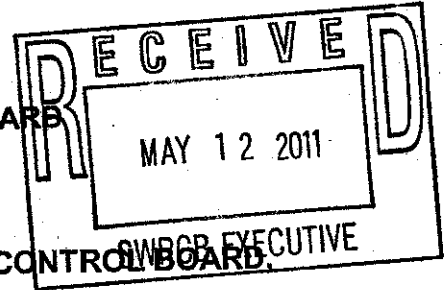
Linda S. Adams  
Secretary for  
Environmental Protection

Arnold Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>

TO: Jeanine Townsend  
Clerk to the Board  
STATE WATER RESOURCES CONTROL BOARD

FROM:   
James Smith  
Assistant Executive Officer  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION



DATE: May 13, 2011

SUBJECT: Comments on Draft Order No. 2011-XX-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), appreciates the opportunity to comment on Tentative Order No. 2011-XX-DWQ (Draft WDRs). Please consider the following comments pertaining to Private Laterals, Prohibitions, Sewer System Management Plans and the Monitoring and Reporting Requirements.

### Private Laterals

The San Diego Water Board supports the addition of mandatory reporting of private lateral sewage discharges (PLSDs). PLSDs are a potential threat to public health and the environment, and requiring the sewage collection agencies to report all known PLSDs is reasonable and a first step toward development of a regulatory approach for reducing PLSDs throughout the State.

Since February 2007 the San Diego Water Board has been requiring sewage collection agencies to report all category 1 and category 2<sup>1</sup> PLSDs in accordance with Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*. During the period from March 2007 through March 2011, 805 public sanitary sewer overflows (SSOs), and 796 PLSDs were reported by the sewerage agencies within our region. So it is safe to say that PLSDs are occurring with the same frequency as SSOs within our region.

<sup>1</sup> Category 1 PLSDs are defined in the Monitoring and Reporting Program as "All discharges of wastewater resulting from a failure in a privately owned sewer lateral that: A) Equal or exceed 1000 gallons; or any volume of wastewater that discharges to a drainage channel tributary to a surface water of the state; or any volume of wastewater that reaches a storm drainpipe and is not fully captured and returned to the sanitary sewer system or not otherwise disposed of properly...". Category 2 PLSDs are defined as "All other discharges of wastewater resulting from a failure in a privately owned sewer lateral."

While the volume of sewage discharged as a result of a PLSD is generally much less than that of a public SSO, PLSDs can be a significant threat to public health and to the beneficial uses of our waters of the State. During the period of March 2007 through March 2011, there were 294 PLSDs equal to or exceeding 1,000 gallons of sewage discharged, or resulting in a discharge to surface waters, or discharging to a storm drain system without being fully recovered (category 1 PLSD). These category 1 PLSDs resulted in the total discharge of 770,260 gallons of sewage, of which 562,490 gallons were not recovered and were released to the environment. The mandatory reporting of PLSDs is crucial to obtaining a better understanding of the extent and nature of these discharges and their potential effects on the beneficial uses of our States waters.

Reporting of known PLSDs is reasonable and a first step toward development of a regulatory approach for reducing the public health and environmental threats posed by these discharges. This reporting will provide valuable information regarding the overall impact of PLSDs on water quality throughout the State.

### **Prohibitions**

The Draft WDRs should include a strict prohibition on all overflows from a sewer agency's collection system. On May 9, 1996, the San Diego Water Board adopted Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Agencies*, which contained the following prohibition:

"The discharge of sewage from a sanitary sewer system at any point upstream of a sewage treatment plant is prohibited."

This strict prohibition is necessary to implement requirements in the Federal Clean Water Act, California Water Code, and the Water Quality Control Plans (Basin Plans) for the water boards. For instance, Water Code Section 13260 prohibits the discharge of waste to land prior to the filing of a report of waste discharge and subsequent issuance or waiver of waste discharge requirements. Additionally, the Basin Plan for the San Diego Region contains the following two prohibitions applicable to the matter at hand:

"The discharge of waste to land, except as authorized by waste discharge requirements or the terms prescribed in California Water Code Section 13264 is prohibited."

"The discharge of waste in a manner causing flow, ponding, or surfacing on lands not owned by the discharger is prohibited, unless the discharge is authorized by the Regional Board."

The Draft WDRs prohibition should be revised to prohibit all discharges from collection systems upstream of a sewage treatment plant, as they are a potential threat to public health, a nuisance, and have the potential to impact groundwater and surface water beneficial uses.

### **Sewer System Management Plans and Monitoring and Reporting Program**

The Sewer System Management Plan (SSMP) requirements for the Overflow Emergency Response Plan contained in Section D.12 (f) of the draft WDRs should be strengthened to require a baseline of monitoring data and environmental analysis for spills impacting surface waters. This required monitoring and impact analysis should be tied with strengthened Monitoring and Reporting Plan (MRP) requirements.

The Overflow Emergency Response Plan requirements contain ambiguous language stating that:

"The program shall also specify steps to minimize or correct any adverse impact on the environment resulting from SSOs including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the discharge."

Recent high volume sewage discharges within the San Diego Region suggest that many sewerage agencies are woefully unprepared to undertake any water quality monitoring or environmental impact analysis when a high volume SSO occurs. In some cases dischargers forego doing any monitoring, citing the fact that the WDRs do not currently require them to do it. If water quality monitoring does occur, in most cases it is focused on ocean water quality and beach closures, not on the surface waters first impacted by the discharge. This lack of planning on the part of the discharger has hampered our ability to accurately assess potential or direct impacts to receiving waters and their beneficial uses.

The lack of monitoring requirements in the WDRs necessitates the Regional Water Boards to issue Investigative Orders requiring additional monitoring and environmental impact analysis well after a large spill event. Thus the window to acquire time sensitive data on the impacts of the discharge is lost.

The Draft WDRs should, at a minimum, specify that sewerage agencies shall develop a detailed monitoring plan for discharges to surface waters that have the potential to impact beneficial uses, including but not limited to, contact water recreation (REC-1), non-contact water recreation (REC-2), cold freshwater habitat (COLD), warm freshwater habitat (WARM), municipal and domestic supply (MUN), agricultural supply (AGR), industrial service supply (IND), rare, threatened or endangered species (RARE), marine habitat (MAR) and estuarine habitat (EST). The WDRs should specify that the following parameters be analyzed: dissolved oxygen, ammonia and indicator bacteria such as total coliform, fecal coliform or enterococci or *e. coli*.

While all SSOs do not necessitate additional and accelerated monitoring and environmental impact analysis, it seems reasonable that for high volume SSOs, or SSOs involving a 303(d) impaired water body or environmentally sensitive area, MRP section C.5 should be strengthened to require water quality monitoring.

The San Diego Water Board suggests that for sewage spills between 50,000 and 100,000 gallons water quality monitoring should be required for the parameters listed above. Monitoring should occur down gradient of the spill site and at a reference point above the spill area.

For spills of over 100,000 gallons, or spills into environmentally sensitive areas, additional monitoring should be required to assess the potential or direct impacts to the affected water. This assessment should include an analysis of the potential short and long term impacts of the discharge on public health, animal and plant communities (including sensitive and/or endangered species), and on the overall ecosystem downstream of the discharge.

## **Conclusion**

The San Diego Water Board recognizes the Statewide SSO WDRs as the primary mechanism for establishing minimum requirements for the prevention of SSOs. Complementary requirements have been adopted in our Order No. R9-2007-0005 because the Statewide SSO Order alone was less protective of water quality than the regulatory mechanism established in our region since 1996. If the Draft WDRs are strengthened to require mandatory reporting of known PLSDs, to prohibit all sewage overflows upstream of a treatment facility, and to require water quality monitoring in the MRP, the playing field would be leveled for dischargers Statewide.

If you have any questions regarding these comments or require further information, please contact myself or Christopher Means at (858) 627-5581 or [cmeans@waterboards.ca.gov](mailto:cmeans@waterboards.ca.gov).

jgs:jch:cm