

**SSO ORDER REVIEW PUBLIC MEETING ORAL COMMENTS
SEPTEMBER 29, 2009 OAKLAND MEETING**

TOPIC	ORGANIZATION	COMMENTS
Applicability/Enrollment	California Coastkeeper Alliance	Suggested requiring combined sewer systems to be covered under the SSO General Order since these facilities have large wet weather overflows.
Applicability/Enrollment	USEPA, Region 9	Combined sewer systems should be covered under SSO General Order and should be complying with it today as the Order stands. Urges the State Water Board to require coverage of these systems now. Suggested that Private Lateral Sewage Discharge (PLSD) reporting should be mandatory. Also suggested State Board should examine sewage spills that cause building backups, including evaluation of their public health risk/impact to determine whether these types of spills need to be further regulated in the SSO General Order.
Applicability/Enrollment	City of Santa Cruz	Agency has traditionally been reporting PLSDs to local health department for over 15 years. Suggested CIWQS reporting should be streamlined and some information eliminated such as pipe size, etc since much of this information is often unknown.
Applicability/Enrollment	City/County of SF	Commented that combined sewer systems should not be covered under SSO General Order since these systems are constructed, operated and maintained differently than sanitary sewer systems and are already regulated under NPDES combined sewer policies, including many requirements to address their entire sewage system.
Applicability/Enrollment	BACWA/TRI-TAC	Provided comments related to SSO General Order applicability and enforcement. Validates that most of the sewage impacting public health/environment is driven by larger spill events; small spills are only "data noise" (ie, 5-10 gallons spilled from laterals, which are not meaningful and tie-up public resources/funds); suggested we need to be focusing on larger spills. Further, State Board should create a "level playing field" by focusing enforcement attention to agency enrollment and monthly reporting participation first.
Applicability/Enrollment	Sacramento Area Sewer District	Questioned if there is a need to re-open the SSO General Order or find another way bring stakeholders together to address implementation issues with the program including compliance. Suggested guidance documents could be developed. Supports voluntary reporting of PLSDs since their agency has issues with private party access and accountability for enforcement of overflows from these events since they have no jurisdiction over them.
Applicability/Enrollment	Central Contra Costa	Agency has no jurisdiction over PLSDs and often do not know when they occur. Does not support mandatory reporting of PLSDs and supports voluntary reporting. Does not believe their agency has legal authority to enforce PLSDs. Also concerned their agency's name is associated with PLSDs in CIWQS if mandatory reporting is implemented.

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Applicability/Enrollment	N San Mateo County	Indicated it is often hard for public agencies to take a stance on PLSDs since most of the time they happen in backyards or on private property. Also, there are legal technicalities with PLSD responsibility. If we insist on requiring PLSDs to be reported, State should consider private lateral programs where private owners must take responsibility for these sections, not public agencies.
Applicability/Enrollment	Holmes International	Local agencies have historically experienced difficulties from real estate interests when trying to pass requirements to inspect laterals upon point of sale. Public agencies remained concerned over reporting PLSDs and having local media blame them for causing these spills.
Applicability/Enrollment	City of So. San Fran.	Commented that requiring local agencies to track PLSDs will be an enormous amount of resources, especially in bad economic times like these. Especially hard for many cities that do not manage sanitation districts.
Applicability/Enrollment	(not recorded)	Suggested root cause should be addressed for PLSDs; believes a high percentage of PLSDs are roots which do not stop growing in the lateral if left unattended and will impact sewer main lines. For cities that ignore private laterals and spills, these problems are not addressed. Believes well-operated collection systems should have a private lateral program to track progress and evaluate effectiveness of SSMPs. Commented that the SF combined sewer CSO policies do not require reporting of sewage overflows that occur in public streets (similar to requirements for like sanitary sewer collection systems).
Applicability/Enrollment	MRWPCA	Suggested that if maintenance programs are run effectively, root problems should take care of themselves and local agencies should not have to address many private lateral spills. Asked if the online CIWQS system could send auto reminders directing enrollees to revise annual collection system questionnaires.
Applicability/Enrollment	BACWA/TRI-TAC	Suggested a generic CIWQS log-in should be provided, not associated with local agency names for use when reporting PLSDs.
Notification/Reporting	USEPA, Region 9	The SSO CIWQS public report should be enhanced to allow sorting by volume and also separate-out lower lateral spills from mainline spills. Another enhancement/request would be to allow the report to group satellite sewage collection systems together with associated waste water treatment plants to evaluate performance of these collection systems especially during wet weather events. Asked if the Sewage Spill GIS mapping tool can be modified or enhanced to show locations of drinking water intakes and other critical facilities.

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Notification/Reporting	California Coastkeeper Alliance	Suggested the sewage spill GIS mapping tool should show drinking water intakes and drinking water reservoir locations in the state to see if sewage spills could impact these sources. Suggests terms used in program are vague and need to be better defined (e.g., "drainage channel or surface water"). Need to better determine where the sewage spill actually went. Suggests the definitions for surface waters should also include oceans, tidal waters, streams, natural streams, wetlands/marshes, artificial conduits, canals. Suggests there should be expanded reporting requirements in CIWQS to name the water body the spill reaches if used for contact recreation like beaches, areas used for swimming, surfing, wind surfing, kyaking, diving/swimming, or navigation by small watercraft. GIS sewage spill maps should also include critical public use areas like public schools, parks, beaches, etc. and indicate if the spill impacted known water contact recreation areas (e.g., beaches, swimming, surfing, wind surfing, kyaking, diving/swimming, navigation by small
Notification/Reporting	BACWA/TRI-TAC	Suggested there is currently no benefit to having "amount of sewage recovered" for larger spill, since category 1 spills, greater than 1,000 gallons will always be Cat 1 even if all sewage is recovered. Recommends considering adding another category for smaller volume spills since a large portion of volume spilled in data shows that many spills are less than 100 gallons with a large percentage reported to be less than 10 gallons.
Notification/Reporting	City of S San Francisco	Commented that requirement for small spill volumes to be reported within 2 hours takes-up a significant amount of staff time.
Notification/Reporting	BACWA/TRI-TAC	Commented that the 2 hour reporting requirement is often a "wild guess" since responding to the spill is first priority and it is often difficult to pinpoint a hard number on spill volume until the event is mitigated.
Notification/Reporting	N San Mateo County	Commented that the 2 hour notification is a "best guess"; The California Office of Emergency Services agency is not real happy about handling small volume spills and is complaining about this taking-up their precious resources. Suggests these resources should be used for larger spills. Commented that the existing 2 hour notification is "not do-able" and too tight. Suggests the State Board should revisit this requirement.
Notification/Reporting	City of S San Francisco	Commented that agency staff concentrate their efforts on containing, controlling and other field activities for sewage spills and are not always able to report the spill within 2 hours. Suggests "same day" reporting would suffice.
Notification/Reporting	Central Valley Clean Water Agency	The 2 hour notification requirement is difficult for smaller agencies to comply with. State Board should add flexibility for smaller systems.

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Notification/Reporting	California Coastkeeper Alliance	Disagrees with exemption for minimum size reporting (especially with backups into buildings); inappropriate to ignore smaller spills, since these often reveal problems with collection systems that can also lead to larger spills. Suggests is inappropriate to allow agencies to have "same day" notification, especially for large spills where immediate notification is needed.
Notification/Reporting	City of S San Francisco	Suggests PLSDs should be reported even if they are on private property.
Notification/Reporting	BACWA/TRI-TAC	Indicated that causes of most small spills are roots and grease, where larger spills, such as those coming from pump stations, force mains, etc are caused by very different problems like capacity/hydraulic issues, contractor damage, structural problems, etc. The larger spills impacting waters of the state are the ones we should be focusing on and not spending a lot of time and money on smaller spills. The SSO General Order appears to be working and has only been in place a few years. Preliminary data shows spills are going down in most of the State and we should give the SSO General Order a chance to work.
Sewer Sys. Mgmt. Plans	Central Valley Clean Water Agency	Suggests that some of the SSO General Order requirements should be clarified with regulatory guidance documents/educational materials which could be developed with the help of the SSO External Usergroup. Suggests many issues could addressed with guidance documents and need not be included in the actual regulations.
Sewer Sys. Mgmt. Plans	City of Santa Rosa	Suggests CWEA could develop more educational materials focused on complying with SSMP along with other areas related to the SSO General Order.
Sewer Sys. Mgmt. Plans	Holmes International	SSMP Communications Program requirements should come earlier in the SSMP development process so the public is aware of these requirements. If any changes happen in the future to the SSO General Order considerable thought should be placed as to where these changes are placed. Guidance documents would also help.
Sewer Sys. Mgmt. Plans	City of Santa Rosa	Performance indicators in the SSMP should be moved to the beginning of SSMP development timeline requirement since this is really a preliminary step when putting together operations and maintenance programs.
Sewer Sys. Mgmt. Plans	MRWPCA	Suggested more education on the SSMP should be developed that could be helpful in supplementing help from consultants. Also, a baseline template would be a good thing to have for agencies that do not have funding to hire consultants to develop SSMP materials.
Sewer Sys. Mgmt. Plans	City of Santa Rosa	Suggested that CWEA classes could be split-up into a class for writer of SSMP and another class for staff/crews that use the document to comply with Order since they are two separate audiences

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Sewer Sys. Mgmt. Plans	USEPA, Region 9	Indicated that USEPA's overall view is that the SSO General Order has been a huge success with California leading the nation in regulation of collection systems.
Sewer Sys. Mgmt. Plans	USEPA, Region 9	The SSO General Order should do more to require satellite collection systems discharging to a single treatment plant to work together in developing their capacity assurance plans, crucial when considering downstream impacts on wastewater treatment plants. Also, the SSO General Order could do more to ensure the smaller satellites develop work plans jointly to combine resources where possible, especially with operations/maintenance planning since many of these systems are so small and lack resources individually.
Sewer Sys. Mgmt. Plans	USEPA, Region 9	SSO General Order should do more to expand requirements for force mains/pump stations to help reduce spills from these facilities since they are often sources of larger volume sewage spills. The SSO Order should require collection systems to do contingency planning for force mains. Also, critical systems should be identified and examined in the SSMP.
Sewer Sys. Mgmt. Plans	California Coastkeeper Alliance	NGO community supports Ken Greenburg's comments related to acknowledgement of SSO General Order program. Believes the SSO General Order should be revised to become an NPDES permit. There is no justification not to make this WDR into an NPDES permit. Proposes requiring Notice of Intent (NPDES) enrollment for any sewage collection system authority that has had history of spills to surface waters; other collection system authorities without history of spilling to surface waters could be allowed to enroll under WDRs.
Sewer Sys. Mgmt. Plans	BACWA/TRI-TAC	Commented that if major changes are made to SSMP it could be confusing to agencies now complying with the SSO General Order since so much outreach has already been done to bring everyone up to speed on current requirements.
Sewer Sys. Mgmt. Plans	BACWA/TRI-TAC	Highly recommends not changing any of the major requirements at this point in the SSO General Order to avoid confusion.
Sewer Sys. Mgmt. Plans	Holmes International	Commented that at this point in the regulatory process, there is a pretty good understanding among enrollees of the requirements of the SSO General Order due to the collaborative development of the original Order. However, at some point, there must be consequences for agencies failing to participate and State Board should focus on these agencies to modify their behavior and improve compliance to reduce SSOs.

**SSO ORDER REVIEW PUBLIC MEETING ORAL COMMENTS
SEPTEMBER 29, 2009 OAKLAND MEETING**

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Sewer Sys. Mgmt. Plans	CA Coast Keeper	SSMP requirements could still be improved. SSO General Order should add a mandatory requirement for enrollees to have private lateral sewer line certification programs (before home escrow closing), when major remodeling is performed, or when sewage spills are documented. Also, force main programs should be expanded for adding contingency planning requirements. Expected useful life of collection system components should be required in the SSMP. Design and Performance specifications should also be required. Capacity plan requirements should be expanded to require installation of flow monitoring equipment, identifying critical points of surcharge, and modeling including development of a design storm to be used for evaluating the design and performance of individual collection systems.
Sewer Sys. Mgmt. Plans	Holmes International	If additional requirements are added to SSMPs related to capacity, this could affect agencies without capacity-related problems which could be unfair. We should consider developing guidance materials and not add these more specific requirements into the SSO General Order.
Sewer Sys. Mgmt. Plans	City of Santa Rosa	Suggested that if any new SSMP requirements are added, they should only be required on a "phased" or tiered level. Does not recommend changing these requirements since many agencies already have a good understanding of the existing requirements.
Sewer Sys. Mgmt. Plans	California Coastkeeper Alliance	Commented that an important element of the existing SSMP/SSO General Order is that it currently allows agencies the flexibility of addressing wet weather issues if they have them.
Compliance	California Coastkeeper Alliance	Questioned how the proposed plan for collection system audits will be implemented and asked how the 24 audits, proposed in enforcement plan, will be undertaken/announced.
Compliance	BACWA/TRI-TAC	Concerned that about 1/3 of enrollees are not participating in the program and suggests we focus on these noncompliance issues before expanding or changing requirements in the SSO General Order.
Compliance	Holmes International	State should prioritize getting everyone enrolled and evaluating the agencies that are having the largest SSOs impacts first. Enforcement actions should be focused on agencies doing a poor job. This would help develop a level playing field for all agencies participating in the program.

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Compliance	California Coastkeeper Alliance	Acknowledged the severity of the impacts from SSOs. Indicated 95 separate spill events in southern California caused most of the beach closures in southern California. Commented that many cities are self reporting that they are chronic violaters (for example, City of Oakland) and there is no enforcement action for these cities. Suggested effective enforcement program must address the overwhelming SSOs where capacity is exceeded. Suggested that USEPA and citizen enforcement/legal cases could be brought-in by changing the current WDR to an NPDES permit to supplement enforcement resources. Commented that current Administrative Civil Liabilities (ACLs) issued by Regional Boards are doing nothing other than requiring paying of fees. Cease and Desist Orders or other types of injunctive relief should be utilized and will be more helpful in moving forward with enforcement actions for sewage spills. State could do more to establish benchmarks like USEPA did for stormwater regulatory program to set the context for future enforcement actions.
Compliance	USEPA, Region 9	Echos comments that State should do more to get full enrollment and complete reporting by all enrollees. USEPA also acknowledges that they do not have any enforcement authority to address SSOs and rely completely on the State to do this. Stronger enforcement actions (Cease and Desist Orders as used by Region 2), or lawsuits must be utilized to have sewer systems with major SSO problems address and tackle these often expensive fixes.
Compliance	SF Baykeeper	Concerned about the lack of enforcement for vast majority of SSOs occurring throughout the state. Funding at Water Boards is unlikely to increase and noncompliance trends are likely to increase in the future. Increased cooperation with citizen enforcement with changing WDR to NPDES permit would help reduce noncompliance. Permit should prohibit all SSOs (not just ones flowing to waters of the US) since all SSOs are indicators of bad system performance. Baykeeper survey shows 7 bay area collection systems (from May 2007 to present) had 811 spills from those 7 systems with 5.8 million gallons of sewage reaching waters of the US. Overwhelming evidence that large volumes of sewage are reaching waters of the US and, as a result, the SSSO Order must be changed to an NPDES permit to be consistent with Clean Water Act. Citizen lawsuits should not be eliminated from this regulatory program. This would be one of the most effective tools to help with noncompliance.
Compliance	MRWPCA	If the WDRs are changed to an NPDES permit, there should be a prohibition for all SSOs.

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Compliance	USEPA, Region 9	USEPA regularly issues NPDES permits prohibiting discharges to waters of the US. The WDR should be made into and NPDES permit and then add a strict prohibition against discharges to waters of the US. Policy position does not facilitate third party lawsuits, and as it stands, USEPA cannot enforce state WDR requirements to help facilitate compliance.
Compliance	City of Modesto	Suggested the existing SSO General Order should be given more time for implementation before making changes or making it into an NPDES permit.
Compliance	City of Vacaville	Asked what volume of discharge has resulted in past enforcement actions. Suggested that impacts and volume of spills should be the focus since the number of spills does not show the entire picture.
Compliance	USEPA, Region 9	NPDES permits already exist that regulate sewage collection systems so precedent has already been set. USEPA Region IX has asked that future NPDES permits be written to include requirements for collection systems associated with the wastewater treatment plants so that both are covered.
Interpretation	California Coastkeeper Alliance	Definition in WDR of "waters of the United States" is ambiguous term. Prohibition should be expanded/re-defined to include other sources of water such as groundwaters. Also, supports earlier comments that prohibitions be broadened to include all SSOs.
Other Issues	Oakley Water Strategies	Asked what is the driving force behind wanting to make changes to the SSO General Order since many SSMPs still have yet to be fully implemented. Asked what administrative changes need to be done at this point in the current Order.
Other Issues	N San Mateo County	Commented that once something is put into a tentative Order (draft), it is hard to make changes.
Other Issues	(not recorded)	Event-based criteria should be changed in CIWQS to allow for single problem/blockage with multiple overflow locations to be reported as one SSO. This would help make benchmarking information more accurate to judge collection system performance.
Other Issues	SF Baykeeper	Existing CIWQS reporting does not reveal whether an SSO actually reached waters of the US. This is needed to determine compliance and should be modified.
Other Issues	MRWPCA	Collection System Operator Certification process would be an excellent addition to SSO General Order to ensure systems are operated/maintained in most effective manner. SSMP should require this.
Other Issues	Holmes International	Agrees Operator Certification should be required.

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Other Issues	BACWA/TRI-TAC	Has looked at CIWQS data and compared this to Collection System Questionnaire data which shows no difference in collection system performance until having over 60 percent of collection system operators certified with a different mix of levels of certification.
Other Issues	City of Eureka	If collection system certification is required, state should develop training materials in other languages.
Other Issues	City of Santa Rosa	A statewide education program on SSOs should be developed targeting the general public to help the public value sewer systems and resources needed to comply with the regulations. This would help raise awareness of what sewer system operators are doing to keep these systems working. The state should try to focus resources on developing a private insurance program for private sewer laterals.
Other Issues	USEPA, Region 9	Suggest looking at the California Drinking Water Program as a good model/reference in considering certification issues for collection system operators.
Other Issues	California Coastkeeper Alliance	Strongly supports adding requirements in program to include spills from wastewater treatment plants (bypasses/overflows) since these are often very large events that should be reported so the public is aware of these. A new SSO data review committee is a good idea. An area that has not been studied well is private lateral sewage spill contribution and data committee should focus on this.
Other Issues	Sacramento Area Sewer District	A working group with stakeholders and industry should be formed to evaluate data being entered into CIWQS and evaluate what it is showing. State should be cautious with adding more fields to the report due to resource constraints. Stakeholder process should be transparent before development of new draft Order.
Other Issues	California Coastkeeper Alliance	State Board should do more to publicize the nature of the SSO problem including holding public workshops and producing public outreach material/literature.
Other Issues	US Air Force Western Env Office	If significant changes are made to the SSO General Order, we need to allow for adequate public comment period for all affected entities.
Other Issues	City of Santa Rosa	A needs assessment should be done for enrollees missing requirements (ie, SSMP, etc). Educational materials are needed, such as those developed by CWEA. Also, CWEA should offer online training to help expand training resources and make it easier for smaller agencies to attend classes.