

# Statewide General WDR for Sanitary Sewer Systems

## REPORTING COMPLIANCE REPORT - MAY 2008

Pursuant to the Board's request at the April 15 Board meeting, the following is an update on the status of implementation and compliance with the Statewide General WDR for Sanitary Sewer Systems. The report describes the level of compliance with the reporting requirements contained in Statewide General Waste Discharge Requirements (WDR) – WQO No. 2006-0003-DWQ (Statewide Sanitary Sewer Order). Initially, background information on sanitary sewer overflows (SSOs) and the development of the Statewide Sanitary Sewer Order will be discussed. This report also shows past and present Statewide Sanitary Sewer Order implementation activities. Compliance with the Statewide Sanitary Sewer Order's reporting requirements will then be discussed, including reporting statistics collected to date. Finally, information on future plans and activities to achieve full Statewide Sanitary Sewer Order compliance will be presented.

---

### BACKGROUND

A sanitary sewer overflow (SSO) is any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system. A sanitary sewer system is any system of pipes, pump stations, sewer lines, or other conveyances, which is owned or operated by a public entity, used to collect and convey wastewater to a treatment facility. SSOs do not include overflows from blockages or other problems within a privately owned lateral. SSOs often contain high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oil, and grease. SSOs pollute surface and ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters. Typical consequences of SSOs include the closure of beaches and other recreational areas, inundated properties, and polluted rivers and streams.

In 1999, under a Presidential directive, the United States Environmental Protection Agency (U.S. EPA) began work on federal standards to regulate sewage collection systems. U.S. EPA released proposed regulations under the Capacity, Management, Operation, and Maintenance (CMOM) Program in 2001. Unfortunately, U.S. EPA has not been able to finalize the CMOM Program and promulgate its rules. In 2004, the State Water Board passed a resolution committing to the development of a regulation which would reduce the numbers and volumes of SSOs by requiring the proper operation and maintenance of sewage collection systems. In May, 2006, the State Water Resources Control Board (State Water Board) adopted a Statewide Sanitary Sewer Order to address the issue of SSOs in a consistent and uniform manner statewide. The Statewide Sanitary Sewer Order incorporated a number of excellent regulatory concepts underpinning the proposed CMOM program. Through the Statewide Sanitary Sewer Order, California became the first state in the nation to implement a program focused on the regulation of sewage collection systems (combined or sanitary sewer systems).

The objective of the Statewide Sanitary Sewer Order is to reduce the numbers and volumes of SSOs across the state through the proper operation and maintenance of sanitary sewer systems. The Statewide Sanitary Sewer Order requires enrolled sanitary sewer system agencies (Enrollees) to develop and implement a sewer system management plan (SSMP). A SSMP documents the actions an Enrollee is taking to properly operate and maintain their sanitary sewer system with the goal of reducing SSOs. A SSMP must contain elements such as an operation and maintenance program, system evaluation and capacity assurance plan, and fats, oils, and grease (FOG) control program. The Statewide Sanitary Sewer Order also requires Enrollees to report any SSOs which occur within their sanitary sewer system. Through this provision of the Statewide Sanitary Sewer Order, the efficacy of an Enrollee's SSMP is monitored.

However, SSO reporting is not the only information that must be submitted under the terms of the Statewide Sanitary Sewer Order. The Monitoring and Reporting Program contained within the Statewide Sanitary Sewer Order includes a number of different reporting requirements. Initially, an Enrollee must complete a collection system questionnaire, which is essentially a survey of their organization and facilities. Then, an Enrollee is required to report all SSOs from their sanitary sewer system (private lateral sewage discharges, which are not an Enrollee's responsibility, are reported by an Enrollee on a voluntary basis). Finally, an Enrollee must submit a 'no spill certification' if their sanitary sewer system does not experience any SSOs for a given calendar month. Between SSO reporting and no spill certification submittal, the Statewide Sanitary Sewer Order requires an Enrollee to submit information to the State Water Board on a monthly basis, which is one compliance measure that is tracked by staff. All information submitted in accordance with the Statewide Sanitary Sewer Order's Monitoring and Reporting Program is done electronically through the SSO database, which is a module within the California Integrated Water Quality System (CIWQS).

To facilitate Enrollee training on the use of the SSO database, the State Water Board phased in the deadlines for SSO reporting under the Statewide Sanitary Sewer Order. The phase in schedule was implemented by Regional Water Board as shown in Table 1 below:

<b>Regional Water Board</b>	<b>Date Began Reporting SSOs</b>
Regions 4, 8, 9	January 2, 2007
Regions 1, 2, 3	May 2, 2007
Regions 5, 6, 7	September 2, 2007

**Table 1 – Reporting phase-in schedule for Enrollees**

In terms of resources, the State Water Board recently received authorization for three Personnel Years (PYs) to support implementation of the Statewide Sanitary Sewer Order. The current staffing is as follows, although it is subject to future review and possible revision. One PY is dedicated to Information Technology

(IT) support services for maintenance and enhancements of the SSO database. The other two PYs are within the Division of Water Quality (DWQ) as SSO program staff to perform all Statewide Sanitary Sewer Order implementation activities, which includes enforcement of the requirements of the Statewide Sanitary Sewer Order. However, the Regional Water Quality Control Boards (Regional Water Boards) continue, as before adoption of the Statewide Sanitary Sewer Order, to be responsible for any enforcement activities related to specific SSO events.

---

## IMPLEMENTATION ACTIVITIES

Starting a new regulatory program is a challenge for any organization. It takes considerable time and resources to plan and execute the implementation of new permitting requirements, especially requirements on entities that may not have been under a previous Water Board permit. In implementing the Statewide Sanitary Sewer Order, staff has focused the limited resources on basic program start-up activities such as working to achieve full enrollment compliance, developing the SSO database, and outreach efforts. Staff has also participated in Enrollee training, which is provided by the California Water Environment Association (CWEA), described more fully below. These tasks are fundamental building blocks which are vital to achieving full Statewide Sanitary Sewer Order implementation and the goal of reducing the numbers and volumes of SSOs.

Table 2 below provides a summary of the key implementation milestones, since adoption of the Statewide Sanitary Sewer Order.

5/2006	6/2006	9/2006	9/2007	10/2007	5/2008	5/2009
Statewide Sanitary Sewer Order Adopted by SWRCB	Notification of mandatory enrollment sent to potential Enrollees	SSO reporting training through CWEA begins	<b>Electronic SSO Reporting Required</b> (statewide)	"Failure to Submit" enrollment application letter sent to remaining potential Enrollees	Deadline for Enrollees to complete the SSMP Development Plan, Schedule, Goal and Organization elements	SSO General WDR Program Review scheduled to begin

**Table 2 – Key Statewide Sanitary Sewer Order Implementation Milestones**

## ENROLLMENT

The Statewide Sanitary Sewer Order requires any public entity which owns or operates a sanitary sewer system comprised of more than one mile of pipe or sewer lines that conveys wastewater to a publicly owned treatment facility to apply for coverage under the Statewide Sanitary Sewer Order.

In June 2006, State Water Board staff (Staff) mailed out Statewide Sanitary Sewer Order applications (or Notice of Intent forms) for coverage to 1,334 known potential Enrollees statewide. By October, 2007, staff had not received a response to the Statewide Sanitary Sewer Order application submittal letter from 215 of the original 1,334 known potential Enrollees. At that time, Staff mailed out a letter regarding noncompliance with the requirement to submit a Statewide Sanitary Sewer Order application to all 215 “non-responding” known potential Enrollees. As a result of this letter and subsequent Staff work, the number of non-responding known potential Enrollees is now 16, as shown in Figure 1 below. More than 98% of the known potential Enrollees have now complied with the enrollment provisions of the Statewide Sanitary Sewer Order. Staff is following up with the remaining 16 non-responders and intends to bring this number to zero by June, 2008.

Currently, there are 1,086 Enrollees under the Statewide Sanitary Sewer Order, and the overall enrollment trend for coverage is shown in Figure 2 below. Please note that the decrease in total number of enrollments is due to cancellation of enrollment. Reasons for cancellations of enrollment include: (1) agency does not meet the application criteria (i.e., greater than one mile of sewer pipe and/or public entity); (2) duplicate enrollment, due to submittal of multiple applications; or errors in data entry. Staff will continue to work with the Regional Water Boards to identify and enroll any previously unknown sanitary sewer system agencies which must be covered under the Statewide Sanitary Sewer Order.

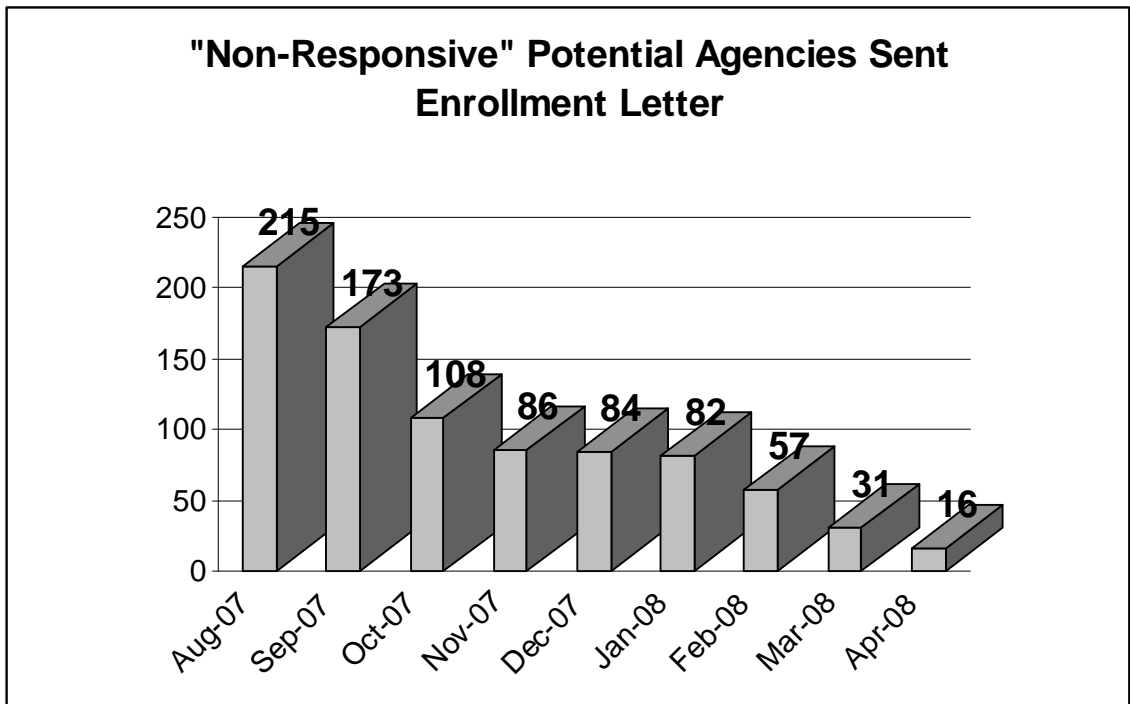


Figure 1 –“Non-Responsive” potential agencies, which received an Enrollment letter in June 2006

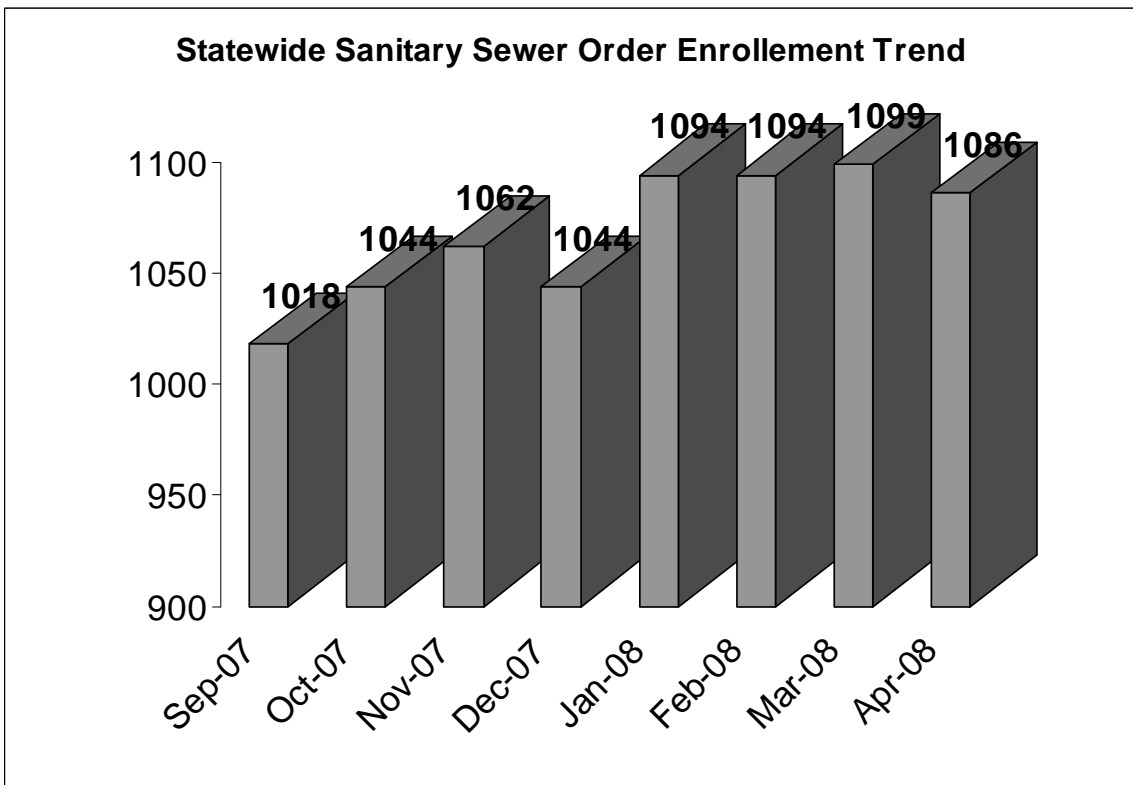


Figure 2 –Enrollment trend coverage under the Statewide Sanitary Sewer Order

## SSO DATABASE DEVELOPMENT/MAINTENANCE

Under the terms of the Statewide Sanitary Sewer Order, the State Water Board is required to host and maintain an online database to enable Enrollees to report data to comply with the Monitoring and Reporting Program. Staff developed the SSO database and is using it as the reporting tool for the Statewide Sanitary Sewer Order.

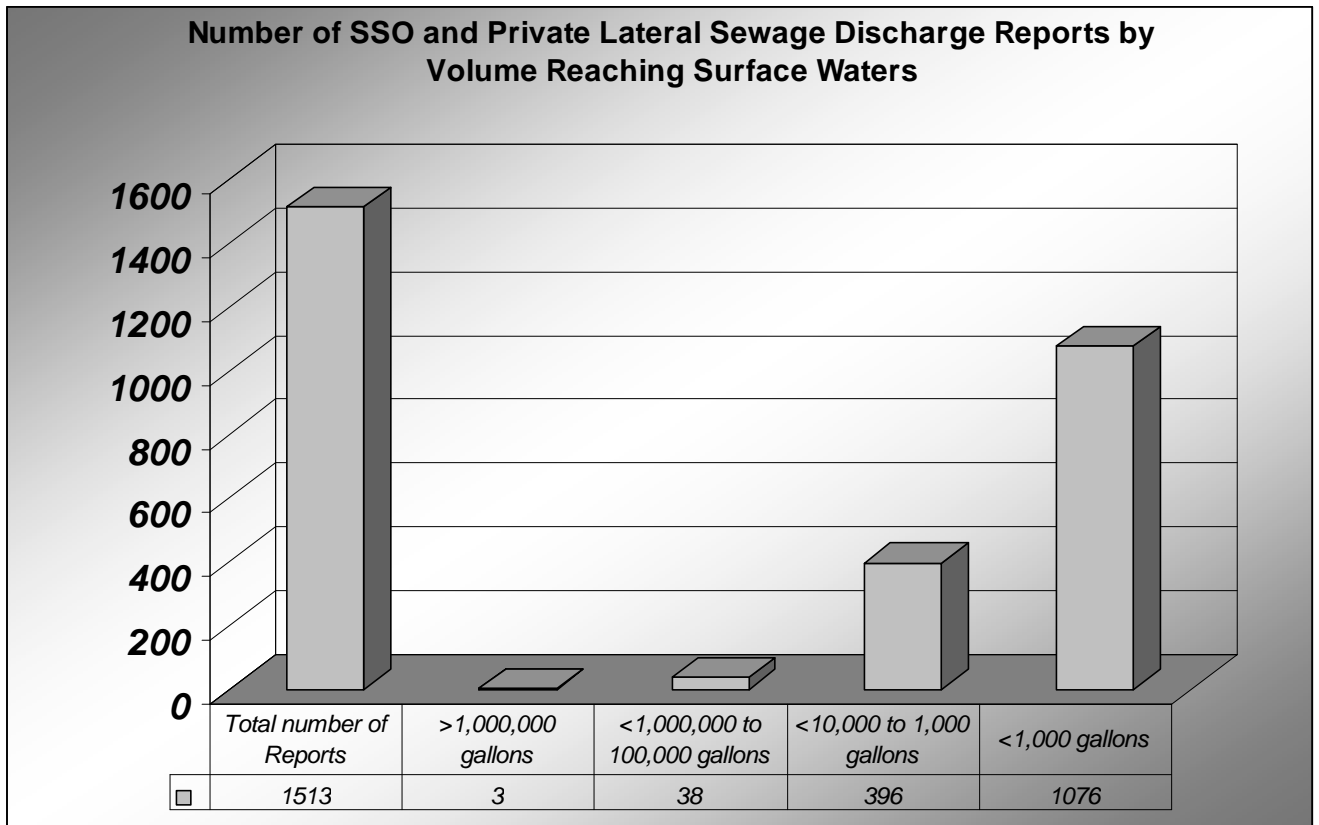
Table 3 below provides a summary of all statewide SSO and private lateral sewage discharge data reported by participating Enrollees since start-up, which began on January 1, 2007.

	Number of SSO locations	Total Volume of SSOs (gal)	Total Volume Recovered (gal)	Total Volume Reached Surface Water (gal)	Percent Recovered	Percent Reached Surface Water	Total Miles of Pressure Sewer	Total Miles of Gravity Sewer	Total miles of Laterals Enrollee Responsible for	# of SSO locations per 100 miles of Sewer	Volume Reaching Surface Water per 100 miles of Sewer (gal/100 mi)
<b>SSO</b>	5453	31,001,728	10,784,696	24,571,666	35	79	3,270	90,478	5,650	5.5	26,720

	Number of SSO Locations	Total Volume of SSOs (gal)	Total Volume Recovered (gal)	Total Volume Reached Surface Water (gal)	Percent Recovered	Percent Reached Surface Water	Total Miles of Private Laterals	# SSO locations per 100 miles of Private Laterals	Volume Reaching Surface Water per 100 miles of Private Laterals (gal/100 mi)
<b>Private Laterals</b>	804	683,119	223,236	357,590	33	52	4,353,289	0.02	8.2

**Table 3 – Overall Statewide SSO and Private Lateral Sewage Discharge Reports (1/12/2007 to 5/6/2008)**

Figure 3 below represents an analysis of the number of reports relative to volume of sewage that reached surface waters of the state. When considering the threat posed by a sewage discharge, an important factor for consideration is whether or not a surface water was impacted. The number of spills less than 1,000 gallons (1076) divided into the total number of reports (1513) shows that about 71 percent of the reports submitted involved less than 1,000 gallons of sewage reaching surface water.



**Figure 3 – Number of Reports by Volume Reaching Surface Waters**

The SSO database was created in collaboration with an advisory group of Enrollees with the goal of accurate and consistent data collection. Staff continues to maintain and enhance, within available resources, the SSO database. Staff relies on input from an external users group comprised of Enrollees to take full advantage of the data being collected beyond compliance verification to the Statewide Sanitary Sewer Order. It is envisioned that the data collected through the Statewide Sanitary Sewer Order could be used to further wastewater industry standards in operation, maintenance, and design of sanitary sewer systems.

Staff also developed a number of tools to assist Enrollees in the use of the SSO database. For example, a user's guide is available on our web site which provides step-by-step instructions on how to submit data through the SSO database. Additionally, staff operates a technical support phone line, the CIWQS Help Center, which Enrollees can call for assistance or to report problems. The SSO database also contains online help within the application itself to provide assistance and additional information. Staff continues to enhance and expand these types of tools to assist Enrollees with using the SSO database.

## ENROLLEE TRAINING

The State Water Board signed a Memorandum of Agreement (MOA) with CWEA to offer Statewide Sanitary Sewer Order training to Enrollees. CWEA created, in cooperation with Staff, a training course for both reporting to the SSO database and developing a SSMP. CWEA has offered the SSO database electronic reporting and SSMP development classes statewide and will continue to do so under the terms of the MOA. Our analysis of the reporting data shows a significant improvement in terms of reporting compliance from the 32% of Enrollees that have attended CWEA's SSO reporting training class (see discussion below for further details). Figures 4 and 5 below summarize the number of Enrollees that have participating in both CWEA Electronic Reporting and SSMP training classes offered to date.

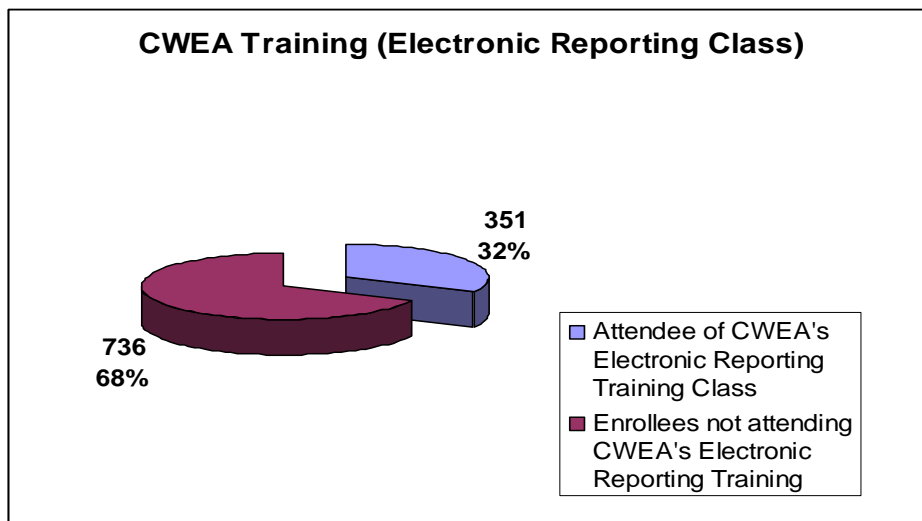


Figure 4 –CWEA Training (Electronic Reporting Class)

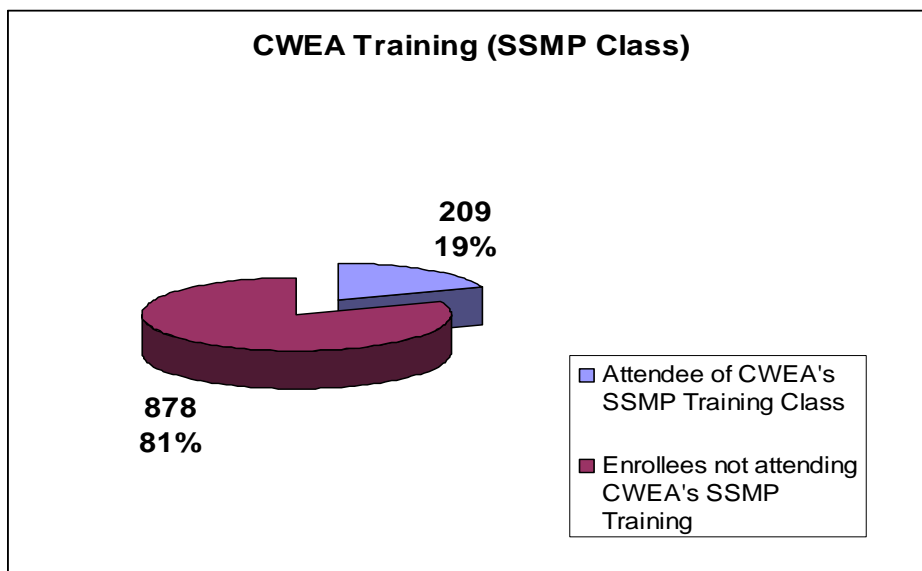


Figure 5 –CWEA Training (SSMP Training Class)



Based on requests from Enrollees, CWEA is currently developing additional SSMP training classes that focus on specific elements of the SSMP to provide a greater level of detail to assist in Statewide Sanitary Sewer Order compliance.

One of the big challenges with Enrollee training is reaching small agencies that either cannot afford to pay for training or cannot attend the training because of limited staff size. CWEA is looking to address this issue through a scholarship program and additional class locations. Another wastewater industry organization, California Rural Water Association (CRWA), has just begun a separate Statewide Sanitary Sewer Order training and outreach effort to address the needs of small sanitary sewer system agencies. CRWA's mission is to provide on-site technical assistance and specialized training for rural water and wastewater systems. A significant number of CRWA's membership is enrolled under the Statewide Sanitary Sewer Order, which means CRWA is well positioned to provide training to this group.

## **OUTREACH**

Considering the Statewide Sanitary Sewer Order was adopted on May 2, 2006, this early phase of implementation has and continues to involve a tremendous amount of outreach and education. The primary audience for this effort has been the regulated community of Enrollees. However, other stakeholders such as environmental groups and the public also have a vested interest in the successful implementation of the Statewide Sanitary Sewer Order resulting in Staff devoting efforts to reach these groups as well.

Staff outreach efforts have been varied in an attempt to provide as much information about the Statewide Sanitary Sewer Order to as many different audiences as possible. Staff maintains a web page which provides extensive information about the Statewide Sanitary Sewer Order and SSOs in general.

See:

[http://www.waterboards.ca.gov/water\\_issues/programs/sanitary\\_sewer\\_overflow/](http://www.waterboards.ca.gov/water_issues/programs/sanitary_sewer_overflow/)

Through this web link, a public report is available to allow public access to all of the SSO reports that have been submitted by Enrollees. Staff plans to develop additional public reports, as resources allow, which will make all of the data submitted by Enrollees available to the public. Staff routinely delivers presentations at various forums to inform groups about the Statewide Sanitary Sewer Order and the State Water Board's efforts to address SSOs. To address Enrollee outreach, staff uses tools such as frequently asked questions (FAQ) documents and direct email listserv messaging (generated through a list of registered Enrollee representatives) to deliver information and updates on a regular basis regarding Statewide Sanitary Sewer Order implementation.

---

## **REPORTING COMPLIANCE**

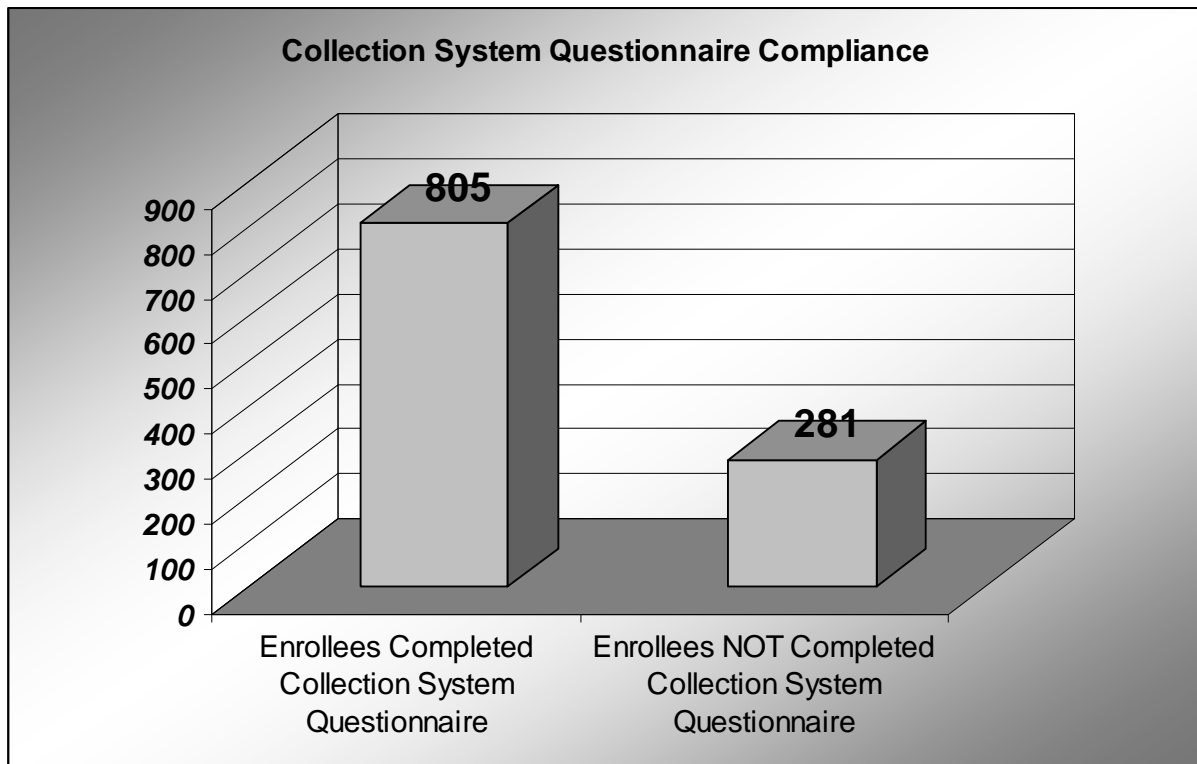
Compliance with the Statewide Sanitary Sewer Order's reporting provisions is integral to the successful implementation of the Statewide Sanitary Sewer Order and achieving the goal of reducing the numbers and volumes of SSOs. As discussed above, the Statewide Sanitary Sewer Order has a number of different

reporting requirements. For the purposes of this report and given the early stage of Statewide Sanitary Sewer Order implementation, reporting compliance will be discussed in terms of how many Enrollees are submitting the required monthly information (i.e., SSO report or no spill certification) and how many Enrollees have completed their collection system questionnaire as required. Staff recognizes that this is a fairly limited view of reporting compliance. Full compliance includes not only the reporting of information, but also whether that information is accurate and complete and whether it was submitted within the prescribed time frame. However, taken into the context of a new regulatory program with limited resources, we believe that compliance assurance will have to be done in phases. The first phase is for all Enrollees using the SSO database to report the required information. The next phase of compliance assurance will address the timeliness and veracity of the submitted information. This issue is discussed further in later portions of this report.

### **COLLECTION SYSTEM QUESTIONNAIRE**

The Statewide Sanitary Sewer Order requires an Enrollee to complete a collection system questionnaire and update it every 12 months. The collection system questionnaire is a survey of an Enrollee's organization and facilities and includes such information as the operating and capital expenditure budgets, miles of pipe, number of employees, and population served by the Enrollee. The purpose of this survey is to put the Enrollee's SSMP and reported SSOs into context with organizational and facility characteristics. This is important because these characteristics have a significant impact on how an Enrollee operates and maintains its sanitary sewer system. For example, population served represents the size of the rate paying base an Enrollee has available from which to collect fees to operate and maintain the sanitary sewer system.

The number of Enrollees that have completed the collection system questionnaire currently totals 805, as shown in Figure 6 below. When divided by the current total number of 1086 Enrollees, this results in a 74% reporting compliance rate for the collection system questionnaire.



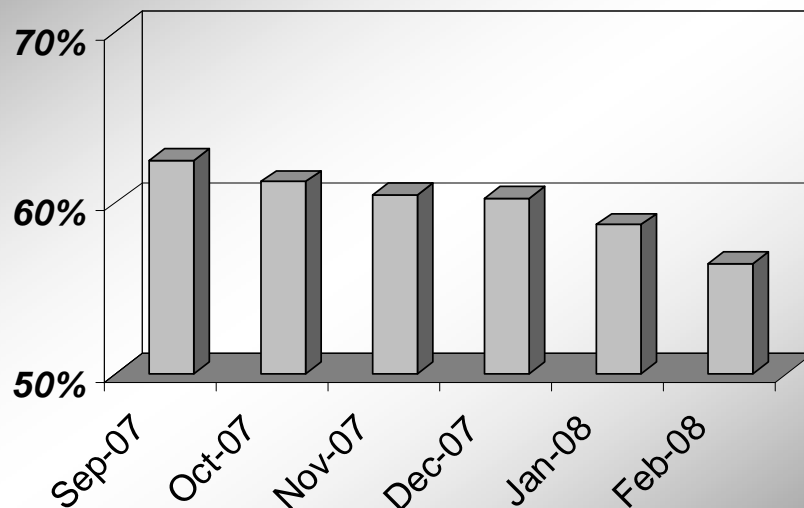
**Figure 6 – Collection System Questionnaire Compliance**

Staff believes that the significant number of Enrollees which have not completed the collection system questionnaire is a result of lack of understanding about the Statewide Sanitary Sewer Order requirements. In discussions with Enrollees, it has become apparent that the requirement to complete a collection system questionnaire is not widely understood by the regulated community. Staff has implemented a software tool within the SSO database to help educate Enrollees. The SSO database has been programmed to prohibit SSO reporting or no spill certification submittal until the Enrollee’s collection system questionnaire has been completed. An error message informs Enrollees of the situation if it occurs. This solution will not be effective until the monthly reporting compliance rate is increased, however, as discussed below.

### **MONTHLY REPORTING**

The Statewide Sanitary Sewer Order requires an Enrollee to report all SSOs. For a given calendar month in which no SSOs occurred, an Enrollee is required to submit a “no spill certification.” A monthly reporting compliance rate can be established by determining how many individual Enrollees submitted either a SSO report or no spill certification for a given calendar month. Monthly reporting compliance rates are shown in Figure 7 below for the months of September 2007, when statewide reporting became mandatory, through February 2008, the last month in which data is available. The monthly reporting compliance rate during this period fluctuates from month to month and averages about 60%.

**Enrollees Reporting SSOs, Private Lateral Sewage Discharges or No Spill Certifications  
(average = 60%)**



	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08
■ Compliance	62%	61%	60%	60%	59%	56%

**Figure 7 –Enrollee Month-to-Month Compliance with Spill and No-Spill Reporting**

The monthly reporting compliance rate of about 60% is not at an acceptable level. Staff recognizes that full compliance is critical to the credibility of the Statewide Sanitary Sewer Order and achieving its goal of reducing the numbers and volumes of SSOs. However, when evaluating the monthly reporting compliance rate, it is important to consider several factors that provide necessary context and assist in developing improvements to the Statewide Sanitary Sewer Order implementation plan.

Mandatory reporting statewide under the terms of the Statewide Sanitary Sewer Order went into effect only recently, in September, 2007. Furthermore, many Enrollees, especially those serving small communities, are being regulated for the first time or to a greater extent with regard to their sanitary sewer system than by the Regional Water Boards. These circumstances result in a significant learning curve for Enrollees due to the “newness” of the Statewide Sanitary Sewer Order requirements, which directly affects their level of compliance. We expect the monthly reporting compliance rate to increase steadily as education and outreach efforts continue.

The use of computer technology in the work place seems ubiquitous to most people. However for Enrollees that serve small communities, this is not necessarily the case. These Enrollees use computer technology to a limited extent in their daily business and view electronic reporting through the online SSO database as a significant barrier to compliance with the Statewide Sanitary

Sewer Order. To further demonstrate this point, the State Water Board's Industrial Storm Water General Permit has less than a 5% participation rate with a voluntary electronic annual report submittal program which has been available for over two years and involves a much more computer-savvy regulated community. Recognizing that the Industrial Storm Water General Permit and Statewide Sanitary Sewer Order are different regulatory programs, this comparison demonstrates the difficulty in motivating participation with a computer-based compliance tool. This compliance hurdle is part technical education and part cultural shift, which demands both patience and persistence until full compliance is achieved.

In discussions with Enrollees, Staff has found that a large percentage of Enrollees is not aware of the “monthly” reporting requirement. Virtually all Enrollees know that any SSO their sanitary sewer system experiences must be reported. However, many Enrollees do not understand that they must report even if no SSOs occurred for a calendar month. Given this lack of awareness, Staff believes that the majority of the monthly reporting noncompliance can be attributed to Enrollees not submitting the “no spill” certifications as required. This hypothesis is further supported by data submitted which shows that a significant number of Enrollees are reporting only SSOs. This also helps explain the variation in the monthly reporting compliance rate.

---

## **FUTURE IMPLEMENTATION PLANS**

### **MONTHLY REPORTING COMPLIANCE RATE ENFORCEMENT PLAN**

Staff has developed a plan to increase the monthly reporting compliance rate over the next year. The plan involves the general concept of progressive compliance and is outlined below with the more serious steps being taken only as warranted by Enrollee noncompliance:

1. Continued outreach and training efforts
  - a. Regular listserv email updates using CIWQS data to all Enrollees regarding Statewide Sanitary Sewer Order implementation and other key program messages
  - b. SSO reporting and SSMP development training classes offered by CWEA
  - c. SSO database enhancements with Enrollee input (via External Users Group)
2. Expand outreach, awareness and training efforts
  - a. Deployment of monthly email reminder to Enrollees not reporting any data
  - b. Post on State Water Board's website SSO technical data and list all Enrollees not complying with specific Statewide Sanitary Sewer Order requirements

- c. Explore developing a DVD of CWEA training class available to Enrollees that may not be able to attend training
  - d. CWEA offering additional classes (e.g., public communication in response to a large SSO and focused training on specific SSMP elements) and publishing additional outreach flyers
3. Noncompliance advisory letter to be sent to Enrollees not complying
  4. As resources allow, direct staff contact with Enrollees not complying
  5. Notice of Violation sent to Enrollees not complying
  6. As resources allow, direct staff contact with Enrollees not complying where possible
  7. State Water Board enforcement action against Enrollees not complying

Given staff's belief that the majority of monthly reporting noncompliance is due to lack of awareness of the "no spill" reporting requirement, the enforcement plan is heavily weighted towards continued and expanded education and outreach efforts in the beginning. Significant improvement in the monthly reporting compliance rate is expected to result, as demonstrated from previous staff work noted above. For example, the reporting data shows that the baseline monthly reporting compliance rate increased over 20% (from 60% to 80%) for the group of Enrollees that attended CWEA's SSO reporting training class.

Steps 3 through 7 of the enforcement plan then move into direct and individual Staff notifications to Enrollees of violations under the Statewide Sanitary Sewer Order. Staff will attempt to work with noncompliant Enrollees to address the underlying causes of repeated and ongoing violations. After all of these efforts, the final step of the enforcement plan is to take formal State Water Board enforcement action against any remaining noncompliant Enrollees.

This enforcement plan and the improvement it strives to achieve are both resource intensive and complex. DWQ SSO program staff will coordinate implementation of the enforcement plan with the Office of Enforcement to improve the monthly reporting compliance rate in as short a time as possible.

#### **ENFORCEMENT OF OTHER STATEWIDE SANITARY SEWER ORDER REQUIREMENTS**

Compliance with all of the Statewide Sanitary Sewer Order requirements must ultimately be monitored and enforced. The monthly reporting compliance rate enforcement plan is focused on reaching full compliance with the Statewide Sanitary Sewer Order's basic reporting requirements in the initial phase of deployment. However as resources allow, staff will also be reviewing and acting on all reporting violations, related to specific Enrollees, of the Statewide Sanitary Sewer Order's requirements during the implementation of the monthly reporting compliance rate enforcement plan. Staff will then naturally transition their focus to enforcement of the other Statewide Sanitary Sewer Order reporting requirements among all Enrollees, as compliance with the basic requirements is

achieved. A similar progressive enforcement strategy will be employed in this next phase of enforcement. DWQ SSO program staff will continue to coordinate enforcement activities with the Office of Enforcement to maximize efficiency and effectiveness of the effort.

At this point in the implementation of the Sanitary Sewer Order, Staff considers reporting compliance a high priority. The reporting data collected is integral to setting a baseline of SSO performance for each Enrollee that will be used in subsequent years to evaluate the effectiveness of efforts, as outlined in the their SSMP, to reduce the numbers and volumes of SSOs. The SSO reporting data will be the primary measurement tool Staff and Enrollees have to judge SSMP effectiveness.

However, compliance with the SSMP development and implementation requirement will become a higher priority as time passes. The Statewide Sanitary Sewer Order contains a time schedule for the completion of a final SSMP with intermediate deadlines for the individual elements. The time schedule requires completion of the final SSMP by 2009 or 2010, depending upon the population served by the Enrollee, with smaller communities having more time. Staff will increase SSMP compliance efforts as the final completion deadlines approach. Staff expects this increase in workload to correspond in time with a decrease in reporting compliance efforts described above, assuming the reporting compliance rate improves as expected. As with implementation of the reporting compliance plan, Staff will coordinate with the Office of Enforcement in the SSMP compliance efforts.

#### **ENFORCEMENT OF SPECIFIC SSO EVENTS**

Prior to adoption of the Statewide Sanitary Sewer Order, existing federal and state law contained prohibitions on the discharge of sewage. The Clean Water Act prohibits the discharge of sewage to waters of the United States. The California Water Code prohibits any discharge of sewage that creates a nuisance. The Statewide Sanitary Sewer Order reiterates these prohibitions but does not expand upon them.

The Regional Water Boards are responsible for investigating SSO events and taking any necessary enforcement action against the responsible party to rectify the situation. The Regional Water Board response to an SSO event is variable depending upon a number of factors which can include the circumstances, volume, and consequences of the discharge, history of similar problems from the responsible party, and availability of Regional Water Board staff resources.

Staff recognizes that the Statewide Sanitary Sewer Order brings a higher level of scrutiny to SSO events across the state as well as the State and Regional Water Boards response to them. Through the requirement to report all SSOs, the Statewide Sanitary Sewer Order now makes it possible for all stakeholders to be fully informed regarding a sanitary sewer system's SSO performance. Staff has concluded that a standardized enforcement approach across all Regions would be advisable to ensure consistent and effective responses to SSOs by all Regional Water Boards. Staff has set a future goal to develop guidance to outline the recommended enforcement procedure for specific SSO events. This guidance would be developed in collaboration with the Regional Water Boards, Enrollees, and other interested stakeholders.

### **IMPLEMENTATION REVIEW**

Staff will initiate a full Statewide Sanitary Sewer Order implementation and effectiveness review in May 2009. The purpose of this review will be to evaluate the effectiveness of the Statewide Sanitary Sewer Order with regards to reducing the numbers and volumes of SSOs. Additionally, the Statewide Sanitary Sewer Order's implementation status and methodology will be critiqued. The review will include opportunities for stakeholder input. This review will identify improvements to the Statewide Sanitary Sewer Order, which may involve reopening by the State Water Board, and its implementation.

---

### **CONCLUSION**

The Statewide Sanitary Sewer Order is a first-of-its-kind regulation in the nation which attempts to address the serious problem of California's deteriorating sewage collection infrastructure. The State Water Board has undertaken a difficult but important challenge in improving the operation and maintenance of sanitary sewer systems statewide. Implementation of the Sanitary Sewer Order represents a considerable paradigm shift for many Enrollees in the management of sanitary sewer systems. Enrollees are now required to plan, document, and execute specific actions to properly operate and maintain their sanitary sewer systems. While staff has expended significant effort to start up this new regulatory program, improvements in implementation are necessary, and much work is yet to be done. Staff is confident that the Statewide Sanitary Sewer Order will be successfully implemented through current and future planned efforts. The Statewide Sanitary Sewer Order represents significant progress in attempting to address the water quality threat posed by SSOs.