CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. 96-04

GENERAL WASTE DISCHARGE REQUIREMENTS
PROHIBITING SANITARY SEWER OVERFLOWS
BY
SEWAGE COLLECTION AGENCIES

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. The following federal agencies, municipalities, counties, districts or other public bodies which own sanitary sewer collection systems or any facilities which collect and covey untreated sewage wastewater in the San Diego Region are named as dischargers in this Order:

Aliso Water Management Agency	County of San Diego
Buena Sanitary District	Eastern Municipal Water District
Capistrano Beach Sanitary District	El Toro Water District
Carlsbad Municipal Water District	Emerald Bay Services District
City of Chula Vista	Fairbanks Ranch Community Services District
City of Coronado	Fallbrook Public Utilities District
City of Del Mar	Irvine Ranch Water District
City of El Cajon	Leucadia County Water District
City of Encinitas	Los Alisos Water District
City of Escondido	Moulton Niguel Water District
City of Imperial Beach	Otay Water District
City of La Mesa	Padre Dam Municipal Water District
City of Laguna Beach	Pauma Valley Community Services District
City of Lemon Grove	Rainbow Municipal Water District
City of National City	Ramona Municipal Water District
City of Oceanside	Rancho Santa Fe Community Services District
City of Poway	Rancho California Water District
City of San Clemente	Santa Margarita Water District
City of San Diego	South Orange County Reclamation Authority
City of San Juan Capistrano	South East Regional Reclamation Authority
City of Solana Beach	South Coast County Water District
City of Vista	Trabuco Canyon Water District
U.S. Marine Corps, Camp Pendleton	Valley Center Municipal Water District
Vallecitos Water District	Whispering Palms Community Services District

1. A sanitary sewer system is a sewage wastewater collection system including sewers, pipes, pumps, or other conveyances which convey sewage wastewater (e.g. domestic, commercial, and industrial wastewaters) to a sewage treatment plant. A sanitary sewer overflow is each instance of a discharge from a sanitary sewer system at any point upstream of the sewage treatment plant. Temporary storage and conveyance facilities (such as wet wells, impoundments, tanks, highlines, etc.) are part of the sanitary sewer system and are not sanitary sewer overflows provided that sewage from these facilities is not discharged to waters of the state.

2. Sanitary sewer overflows consist of varying mixtures of domestic sewage, and industrial and commercial wastewater depending on the pattern of land uses in the sewage collection system tributary area. Sanitary sewer overflows often contain high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oxygen demanding organic compounds, oil and grease and other pollutants. Sanitary sewer overflows can cause temporary exceedances of applicable water quality objectives, pose a threat to the public health, adversely affect aquatic life, and impair the public recreational use and aesthetic enjoyment of surface waters in the San Diego Region.

3. Sanitary sewer overflows are a frequent occurrence in the San Diego Region. The chief causes of sanitary sewer overflows in the San Diego Region include grease blockages, root blockages, sewer line flood damages, manhole structure failures, vandalism, pump station mechanical failures, power outages, storm or ground water inflow/infiltration, debris blockages, and contractor caused damages. The causes of individual sanitary sewer overflows in the San Diego Region vary between collection systems depending on factors such as the age, complexity, size, construction materials, design capacity, tributary area population, and maintenance of the collection system. During the one year period from July 1994 through June 1995, approximately 50 million gallons of sanitary sewer overflows were reported to the Regional Board as shown in the table below. These overflows are a small fraction (0.03%) of the total sewage flows collected and treated in the Region of approximately 185,000 million gallons per year. Although the fraction of overflows is small, each sewer overflow can adversely affect beneficial uses as described in Finding 3 above. Sanitary sewer overflows reported to the Regional Board by sewage collection agencies within each county during the one year period from July 1994 through June 1995 are as follows:

County	Number of Overflows	Total Volume of Overflows (Gallons)	Average Volume per Overflow (Gallons)	Number of Overflows Reaching Surface Water	Percent of Overflows Reaching Surface Waters	Total Volume. Reaching Surface Water (Gallons)	Average Volume per Overflow Reaching Surface Water (Gallons)
SAN DIEGO	698	48,743,645	69,833	544	78 %	44,394,084	81,606
RIVERSIDE	6	725,000	120,833	5	83 %	715,000	143,000
ORANGE	59	1,223,820	20,742	32	54 %	1,169,635	36,551
TOTAL	763	50,692,465	211,408	581	76 %	46,278,719	261,157

1. The "Water Quality Control Plan for the San Diego Basin (9)" (hereinafter Basin Plan) was adopted by the Regional Board on September 8, 1994 and subsequently approved by the State Water Resources Control Board (hereinafter State Board) on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by the Regional Board and approved by the State Board. The Basin Plan designates beneficial uses, narrative and numerical water quality objectives, and prohibitions which are applicable to the discharges prohibited under this Order.

2. The Basin Plan contains the following prohibitions which are applicable to the discharges prohibited under this Order:

   a. "The discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination or nuisance as defined in California Water Code Section 13050, is prohibited."

   b. "The discharge of treated or untreated waste to lakes or reservoirs used for municipal water supply, or to inland surface water tributaries thereto, is prohibited."

   c. "The discharge of waste to inland surface waters, except in cases where the quality of the discharge complies with applicable receiving water quality objectives, is prohibited. ..."

   d. "The dumping, deposition, or discharge of waste directly into waters of the state, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited unless authorized by the Regional Board.

   e. "The unauthorized discharge of treated or untreated sewage to waters of the state or to a storm water conveyance system is prohibited."

3. California Water Code Section 13243 provides that a Regional Board, in waste discharge requirements, may specify certain conditions or areas where the discharge of waste, or certain types of waste, is not permitted.

4. The issuance of a single general waste discharge requirement order to the dischargers will:

   a) Provide for a unified regional approach for the reporting and database tracking of sanitary sewer overflows; and

   b) Reduce the administrative burden of issuing individual waste discharge requirements to each discharger

5. This project involves a prohibition of discharge and as such is exempt from the provisions of the California Environmental Quality Act in accordance with Title 14, California Administrative Code, Chapter 3, Section 15270.

6. The Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to the following:

   a. Past, present, and probable future beneficial uses of water.

   b. Environmental characteristics of the hydrologic unit under consideration, including the quality of water available thereto.

   c. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area.

   d. Economic considerations

   e. The need for developing housing within the region.

   f. The need to develop and use recycled water.

   g. Beneficial uses to be protected and the water quality objectives reasonably required for that purpose.

   h. Other waste discharges.

   i. The need to prevent nuisance.

7. The Regional Board has considered all water resource related environmental factors associated with this prohibition of discharge of waste.

8. The Regional Board has notified the dischargers and all known interested parties of the intent to prescribe waste discharge requirements to prohibit unauthorized discharges from sanitary sewer systems at any point upstream of sewage treatment plants.

9. The Regional Board has, at a public meeting on May 9, 1996, held or provided an opportunity for a public hearing, and heard and considered all comments pertaining to the terms and conditions of this Order.

IT IS HEREBY ORDERED, that the dischargers, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. PROHIBITIONS

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

B. PROVISIONS

1. DUTY TO COMPLY

The discharger must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for enforcement action.

2. ENTRY AND INSPECTION

The discharger shall allow the Regional Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and

d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at any location.

3. CORRECTIVE ACTION

The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

4. SANITARY SEWER SYSTEM FAILURE

In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the sanitary sewer system resulting in a sanitary sewer overflow, the discharger shall, to the extent necessary to maintain compliance with this Order, take any necessary remedial action to 1) control or limit the volume of sewage discharged and 2) terminate the sewage discharge as rapidly as possible and 3) recover as much of the sewage discharged as possible for proper disposal including any wash down water. The discharger shall implement all remedial actions to the extent they may be applicable to the discharge including the following:

a. Interception and rerouting of sewage flows around the sewage line failure;

b. Vacuum truck recovery of sanitary sewer overflows and wash down water;

c. Use of portable aerators where complete recovery of the sanitary sewer overflows is not practicable and where severe oxygen depletion in existing surface waters is expected; and

d. Cleanup of debris of sewage origin at the overflow site.

5. SANITARY SEWER OVERFLOW PREVENTION PLAN

No later than six months after the adoption of this order, the discharger shall develop and implement a Sanitary Sewer Overflow Prevention Plan (SSOPP). The SSOPP shall be designed to prevent, or minimize the potential for sanitary sewer overflows. The discharger shall maintain the SSOPP in an up-to-date condition and shall amend the SSOPP whenever there is a change (e.g. in the design, construction, operation, or maintenance of the sanitary sewer system or sewer facilities) which materially affects the potential for sanitary sewer overflows. The discharger shall review and amend the SSOPP as appropriate after each sanitary sewer overflow. The discharger shall submit the SSOPP and any amendments thereto to the Executive Officer upon request of the Executive Officer. The SSOPP and any amendments thereto shall be modified as necessary at the direction of the Executive Officer. The discharger shall ensure that the up-to-date SSOPP is readily available to sewer system personnel at all times and that sewer system personnel are familiar with it.

6. SANITARY SEWER OVERFLOW RESPONSE PLAN

No later than six months after adoption of this order, the discharger shall develop and implement a Sanitary Sewer Overflow Response Plan (SSORP). The SSORP shall establish procedures for responding to sanitary sewer overflows so as to (a) minimize the sewer overflow volume which enters surface waters, and (b) minimize the adverse effects of sewer overflows on water quality and beneficial uses. The SSORP shall include a posting plan, in which any posting of areas contaminated with sewage is performed at the direction of the local health services agency. The discharger shall maintain the SSORP in an up-to-date condition and shall amend the SSORP as necessary to accomplish these objectives. The discharger shall review and amend the SSORP as appropriate after each sanitary sewer overflow. The discharger shall submit the SSORP and any amendments thereto to the Executive Officer upon request of the Executive Officer. The SSORP and any amendments thereto shall be modified as necessary at the direction of the Executive Officer. The discharger shall ensure that the up-to-date SSORP is readily available to sewer system personnel at all times and that sewer system personnel are familiar with it.

C. REPORTING AND RECORD KEEPING REQUIREMENTS

1. MONITORING AND REPORTING

Pursuant to California Water Code Section 13267(b), the discharger shall comply with the attached Monitoring and Reporting Program No.96-04, and future revisions thereto as specified by the Executive Officer. Monitoring results shall be reported at the intervals specified in Monitoring and Reporting Program No.96-04

2. PERMIT AVAILABILITY

A copy of this Order shall be maintained at appropriate locations and shall be available to sanitary sewer system operating and maintenance personnel at all times.

3. GENERAL REPORTING REQUIREMENT

The discharger shall furnish to the Executive Officer of this Regional Board, within a reasonable time, any information which the Executive Officer may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish to the Executive Officer, upon request, copies of records required to be kept by this Order.

4. CHANGE IN OWNERSHIP

This Order is not transferrable to any person except after notice to the Executive Officer. The discharger shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of this Order's responsibility and coverage between the existing discharger and the new discharger. This agreement shall include an acknowledgement that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable from the transfer date on.

5. INCOMPLETE REPORTS

Where the discharger becomes aware that it failed to submit any relevant facts in any report required under this Order to the Regional Board, it shall promptly submit such facts or information.

6. REPORT DECLARATION

All applications, reports, or information (except for 24 hour Sanitary Sewer Overflow Reports) submitted to the Executive Officer shall be signed and certified as follows:

a. All reports including disks (except for 24 hour Sanitary Sewer Overflow Reports) required by this Order and other information required by the Executive Officer shall be signed and certified by a person designated, for a municipality, state, federal or other public agency, by either a principal executive officer or ranking elected official, or by a duly authorized representative of that person as described in paragraph b. of this provision. Reports of monitoring results must also be signed by the chief plant operator and if the chief plant operator is not in the direct line of supervision of the laboratory function, the chief of the laboratory also.

b. An individual is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph a. of this provision;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and

(3) The written authorization is submitted to the Executive Officer.

c. Any person signing a document under this provision shall make the following certification:

"I swear under penalty of perjury that the information submitted in this document is true and correct. I certify under penalty of perjury that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

7. REGIONAL BOARD ADDRESS

The discharger shall submit reports required under this Order, or other information required by the Executive Officer, to:

Executive Officer (Sanitary Sewer Overflow Report)
California Regional Water Quality Control Board, San Diego Region
9771 Clairemont Mesa Blvd, Suite A
San Diego, California 92124-1331
Phone No.(619)467-2952
Fax No.(619)571-6972

D. NOTIFICATIONS

1. VESTED RIGHTS

This order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger from liability under federal, state or local laws, nor create a vested right for the discharger to continue the waste discharge.

2. CIVIL MONETARY REMEDIES FOR DISCHARGE VIOLATIONS

The California Water Code provides that any person who violates this Order is subject to a civil monetary remedy of up to $25,000 per day for each day in which the violation occurs. When there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1000 gallons, an additional liability may be imposed not to exceed twenty-five dollars ($25) times the number of gallons by which the volume discharged, but not cleaned up exceeds 1,000 gallons. Intentional negligent, or repeat violations of this Order may be subject to higher penalties.

3. CIVIL MONETARY PENALTIES FOR INVESTIGATION, REPORTING OR INSPECTION VIOLATIONS

The California Water Code provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the technical or monitoring reports is subject to a civil liability of up to 25,000 dollars for each day in which the violation occurs.

4. U.S. EPA REVIEW

These requirements have not been officially reviewed by the United States Environmental Protection Agency and are not issued pursuant to Section 402 of the Clean Water Act.

5. SEVERABILITY

The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.

6. ORDER

This order becomes effective on the date of adoption by the Regional Board. This order and monitoring and reporting program supersedes all reporting requirements for sanitary sewer overflows at any point upstream of the sewage treatment plant for agencies and facilities with waste discharge requirements as listed in the attached Table A.

I, John Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on May 9, 1996.

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John Robertus
Executive Officer