Council Meeting of
October 17, 2006

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Public Works – Approval of a filing of a Notice of Intent to comply with an order of the State Water Resources Control Board regarding General Waste Discharge Requirements and a Management Plan for the sanitary sewer system. Expenditure: $4,676 annual permit fee is initial expense.

RECOMMENDATION

The Public Works Director recommends that the City Council:

1. Approve this filing of a Notice of Intent to comply with the General Waste Discharge Requirements of the State Water Resources Control Board Order No. 2006-0003.

2. Authorize the Public Works Director to sign the Notice of Intent.

3. Approve the expenditure of $4,676 for the payment of the initial filing fee.

Funding

The initial filing fee is $4,676 per annum, which projects to $46,760 over the next ten years if the fees are not changed. Funding is available from the Sewer operating budget.

BACKGROUND AND ANALYSIS

On May 2, 2006 the State Water Resources Control Board approved Order No. 2006-0003 creating general waste discharge requirements for sewer system operators. These requirements are an extension of the National Pollutant Discharge Elimination System (NPDES) and are focused on reducing sanitary sewer overflows and spills. These requirements include the following tasks and deadlines:

1.	File the attached Notice of Intent to comply	11/02/06
2.	Change the Spill Reporting Program from a paper to an online system	11/02/06
3.	Submit a plan and schedule for the Management Plan	02/02/07
4.	Submit Plan goals and organizational structure	05/02/07
5.	Submit Overflow Emergency Response Program	05/02/08
6.	Finalize Operation, Maintenance, and Grease Control Program	05/02/08
7.	Finalize Design Modeling and Capacity Assurance Plan	05/02/09
8.	Finalize Sewer System Management Plan with all of the above	05/02/09

The Water Board is requiring the Notice of Intent to be signed by the "principal executive officer, ranking elected official, or duly authorized representative". It is recommended that the Public Works Director be authorized to sign this Notice of Intent, along with future ministerial items regarding this program. As currently published, the Water Board regulations will require the Operation and Maintenance Program and the final Sewer System Management Plan (SSMP) to be approved by the City Council.

The filing fee for this program is similar to the NPDES annual fee ($18K) that the City sends to the Water Board to pay for the administration of that program. The fee ($4,676) is calculated from the expected work load on the Water Board staff. The additional work to prepare and execute this program by the City of Torrance is an unfunded mandate.

The City of Torrance currently experiences fewer sewer overflows per year than is typical for other systems and those spills are reported to the Water Board by faxing a report. This reporting method will change to an online system after the Notice of Intent is filed. All agencies that are sewer operators in California are required to report if a sewer overflow occurs. There currently is no structured fine schedule for overflows and spills, however, the Water Board has the authority to impose penalties and has done so for repeat offenders.

The Operation, Maintenance, and Grease Control Program may add to our sewer maintenance procedures. The Grease Control Program may entail more effort by private parties to keep grease out of the municipal system and more enforcement on the City's part.

The Sewer Modeling and Capacity Assurance Plan require our existing Sewer Master Plan to be updated and may lead to a capital improvement plan to reduce sewer overflows. Fortunately, Torrance has an existing Master Plan and the small number of overflows we do experience would suggest only a moderate effort will be required for this task.

Respectfully submitted,

ROBERT J. BESTE
Public Works Director

Bruce Bemmann

By for Dave Ringland
Project Manager

CONCUR:

Robert J. Beste
Public Works Director

LeRoy J. Jackson
City Manager

Attachment: A) Notice of Intent
B) Summary of Final Statewide General Waste Discharge Requirements for Sanitary Sewer Systems.

ATTACHMENT A

Enclosure 1

State Water Resources Control Board
NOTICE OF INTENT
TO COMPLY WITH THE TERMS OF THE STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS
(WATER QUALITY ORDER NO. 2006 – 0003 – DWQ)

I. Notice of Intent (NOI) Status

Mark Only One Item 1. [ ] New Permittee 2. [ ] Change of Information WDID #:_____

II. Agency Information

A. Legally Responsible Official			
B. Agency			C. Title
D. Mailing Address			E. Address (Line 2)
F. City	State **CA**	G. Zip	H. County
I. Phone	J. FAX		K. Email Address
L. Sanitary Sewer System		M. Regional Water Quality Control Board	

N. Agency Type (check one)
1. [ ] City 2. [ ] County 3. [ ] State 4. [ ] Federal 5. [ ] Special District 6. [ ] Government Combination

O. Population of Community Served (check one)
[ ] Less than 50,000 [ ] Greater than or equal to 50,000

III. Billing Information

A. Agency			
B. Contact Person		C. Title	
D. Mailing Address		E. Address (Line 2)	
F. City	State **CA**	G. Zip	H. County
I. Phone	J. FAX	K. Email Address	

The annual fee, which is required by the California Water Code (section 13260), is based on the daily population served by the sanitary sewer system. Additionally, an ambient water monitoring surcharge of 9 percent is required for each annual fee. The total fee is the sum of the annual fee and ambient water monitoring surcharge. Please see the instructions on completing this NOI for a detailed explanation of the fee structure.

L. Total Fee (check one)

[ ] Population served < 50,000 – total fee submitted is $ 872.00

[ ] Population served ≥ 50,000 – total fee submitted is $ 4,676.00

A check for the appropriate total fee amount should be made payable to SWRCB and mailed with this completed NOI to the following address:

State Water Board Accounting Office
P O Box 1888
Attn: SSO Fees
Sacramento, CA 95812-1888

SWRCB Tax ID is: 68-0281986

Enclosure 1

IV. Electronic Submittal Authorization

I, _____, certify that I am the legally responsible official for
print name

_____. My signature on this form certifies that, I
agency

agree, my California Integrated Water Quality System (CIWQS) user ID and password constitute my electronic signature and any information I indicate I am electronically certifying contains my signature. I understand that I am legally bound, obligated, and responsible by use of my electronic signature as much as by a hand-written signature.

I agree that I will protect my electronic signature from unauthorized use, and that I will contact the State Water Resources Control Board, within 24-hours of discovery, if I suspect that my electronic signature has been lost, stolen, or otherwise compromised. I certify that my electronic signature is for my own use, that I will keep it confidential, and that I will not delegate or share it with any other person.

V. Certification

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. Additionally, I certify that the provisions of the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, including electronic reporting of all sanitary sewer overflows and development and implementation of a sewer system management plan, will be complied with."

A. Printed Name:_____

B. Title:_____

C. Signature:_____ D. Date: _____

NOTE: Mail completed and signed form with a check for fee payment to the address below.

State Water Board Accounting Office
P O Box 1888
Attn: SSO Fees
Sacramento, CA 95812-1888

SUMMARY OF FINAL STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS

The statewide waste discharge requirements for sanitary sewer systems (WDR) was adopted on May 2, 2006 by the State Water Resources Control Board (SWRCB). The goal of the WDR is to reduce sanitary sewer overflows (SSO) with a consistent statewide approach. The WDR applies to all publicly owned sanitary sewer collection systems in California with more than 1 mile of sewer pipe. The WDR take effect immediately, but implementation of the requirements will be phased in over the next 4 years. The WDR includes a prohibition on all SSOs that reach Waters of the United States (i.e. surface waters) or that create a public nuisance. The WDR does not provide an affirmative defense to liability for unavoidable overflows, but does include factors to be considered by the State and Regional Water Boards in exercising their enforcement discretion for spills that do occur.

The main requirements of this new program include:

- In the event of an SSO, all feasible steps must be taken to control the release, prevent untreated wastewater from entering surface waters, and mitigate the impacts of those spills that do occur.
- If an SSO occurs, electronic reporting will be required via an online reporting system developed by the SWRCB. For spills greater than 1,000 gallons, reporting via telephone to the Office of Emergency Services is still required.
- All enrollees are required to begin online reporting by November 2, 2006, unless the SWRCB Executive Director enters into a Memorandum of Agreement (MOA) with outside associations by July 1, 2006 to provide training to the entities covered by these new requirements. If the MOA is in place, compliance with the reporting requirements will be phased in over a 16-month timeframe by region. Under the phased schedule, enrollees in the Los Angeles region will have until January 2, 2007 to begin using the online reporting system. Several statewide and regional associations are currently working with the SWRCB to develop the MOA and to develop the training program for use of the online reporting system.
- All enrollees must develop and implement a Sewer System Management Plan (SSMP), in accordance with a schedule according to the size of the population served by the enrollee. For instance, cities between 2,500 and 10,000 have a total of 48 months to finalize their SSMPs, while cities serving between 10,000 and 100,000 have 39 months.
- Major SSMP elements include:
    - SSMP Goals and Organization Structure
    - Overflow Emergency Response Program
    - Legal Authority
    - Operation and Maintenance Program
    - Fats, Oil and Grease Control Program
    - Design and Performance Standards
    - System Evaluation and Capacity Assurance Plan
- Training modules regarding the development of SSMPs will also be developed and offered to enrollees by statewide and/or regional associations in the near future.