

INTRODUCTION

This Sewer System Management Plan (SSMP) was developed in compliance with the requirements of the State Water Resources Control Board (SWRCB) Statewide General Waste Discharge Requirements (WDR), Order No. 2006-0003-DWQ, and Amended Monitoring and Reporting Program (MRP) Order No. WQ 2008-0002-EXEC, which are both included in Appendix 0A.

0.1 Requirement Background

The WDRs require all public wastewater collection system agencies in California that own and operate sanitary sewer systems greater than one mile in length, which collect or convey untreated or partially treated wastewater to a publicly owned treatment facility, to develop, implement, and maintain a SSMP and report sanitary sewer overflows (SSOs) using the State's electronic reporting system, California Integrated Water Quality System (CIWQS).

The SSMP includes the following eleven (11) Elements:

1. Goal
2. Organization
3. Legal Authority
4. Operation and Maintenance Program
5. Design and Performance Provisions
6. Overflow Emergency Response Plan
7. FOG Control Program
8. System Evaluation and Capacity Assurance Plan
9. Monitoring, Measurement, and Program Modifications
10. Sewer System Management Plan Program Audits
11. Communication Program

Each SSMP Element is prefaced with the associated WDR section and narrated with the City policies and procedures, which address the respective SWRCB requirement.

The City of Pacific Grove is also subject to a Consent Decree, Case No. C03-2612 PVT, which became effective on June 2, 2004 and is included in Appendix 0B. The Consent Decree required the City to develop a robust Capital Improvement Plan (CIP) and maintenance plan to address sewer system deficiencies. This CIP and maintenance plan was created by the development of a 2004 Sewer System Asset Management Plan (SSAMP) and 2006 Sewer Pump Station Master Plan. This SSAMP and Pump Station Master Plan helped to identify deficiencies in the system and made recommendations to address these deficiencies. The City of Pacific Grove SSMP Revision 01 was developed using portions of information identified in the

2004 SSAMP and 2006 Pump Station Master Plan. The 2004 Consent Decree requirements discussed above end on June 2, 2014; ten (10) years from their inception.

0.2 City of Pacific Grove System Overview

The City of Pacific Grove was incorporated and chartered as a city on July 16, 1889 and April 22, 1927, respectively. The City is located on the tip of the Monterey Peninsula of the Central California Coast, approximately 100 miles south of San Francisco. Figure 0-1 provides an aerial overview of Pacific Grove and identifies the City's service area.



Figure 0-1: Pacific Grove Service Area

Pacific Grove provides sewer services for residences and commercial businesses with a population of approximately 15,041¹ residents. The City's Collection and conveyance system is comprised of approximately fifty-eight (58) miles of pipelines: fifty-seven (57) miles of gravity pipelines, which vary in diameter from 4-inch to 18-inch, and one (1) mile of force mains.

Maintenance access to the sewers is provided by 904 manholes and a number of structures, such as clean outs and inspection holes. There are nine (9) sewer lift stations located in the City's service area that pump the City's wastewater to an interceptor pipeline, which conveys the wastewater to a regional wastewater treatment plant north of Marina. Wastewater treatment is contracted to Monterey Regional Water Pollution Control Agency (MRWPCA).

Over half of the City's sewer mains were built prior to 1920, concurrent with the urbanization that occurred with the initial Pacific Grove Retreat subdivision and the following additions in the area of the City that faces the Monterey Bay. Prior to the construction of a regional treatment facility and formation of MRWPCA in the late 1970's, the City operated its own wastewater treatment plant, which was located near Point Pinos within the City. Since the adoption of the 2004 SSAMP, 9% of the collection system were repaired or replaced, and 104 manholes and one (1) pump station, Pump Station 12, were reconstructed. The reconstruction of Pump Station 11 is scheduled to be completed by the end of 2013.

Additionally, all nine (9) lift stations are operated and maintained by MRWPCA. Two (2) of the nine (9) lift stations are owned by MRWPCA, and the remainder are owned by the City. Collected wastewater is conveyed to the MRWPCA treatment plant by an interceptor pipeline that is located along the coast by the Cities of Monterey, Seaside, and Marina. Figure 0-2 shows the MRWPCA interceptor serving the City of Pacific Grove and other agencies in the area.

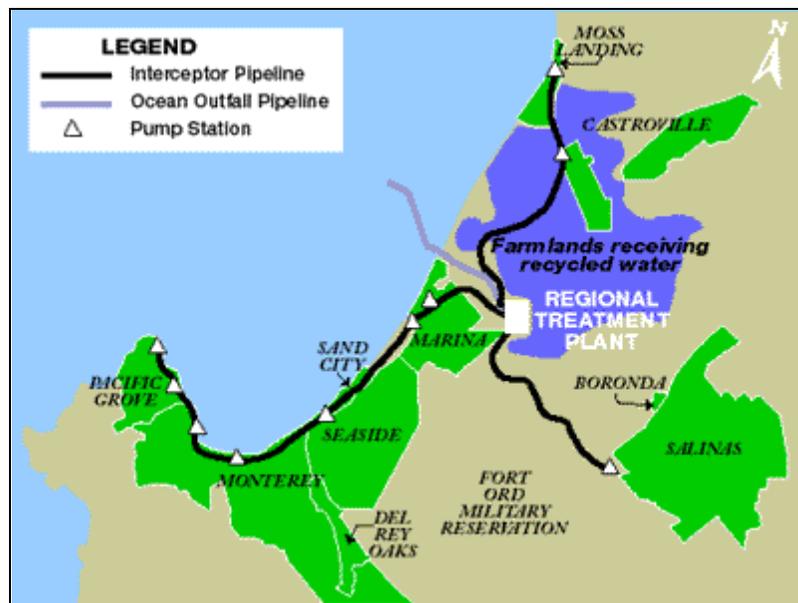


Figure 0-2: MRWPCA Facilities (Source: www.mrwPCA.org)

¹ Year 2010 United States Census

0.3 Governing Body

Pacific Grove is a Charter City that is governed by City Council comprised of seven (7) members. The Mayor is elected at each general municipal election, held in the City on the first Tuesday after the first Monday in November in each even numbered year for a two (2) year term. The six (6) additional members of the City Council are elected at the general municipal election described above for a four (4) year term.

The City Council governs the City and makes policy decisions with advice from the City Manager and City Attorney. City Council meetings are held in the Council Chambers at two (2) regular meetings each month. The City Council's authority and responsibility includes the adoption and approval of the SSMP and any formal updates to the SSMP. The SSMP formal update and adoption record is included at the beginning of the SSMP, and the City Council Meeting Minutes for the adoption of the current SSMP is included in Appendix 0C.

APPENDIX 0A

WDR and MRP Orders No. 2006-0003-DWQ and WQ 2008-0002-EXEC

*SWRCB's Statewide General Waste Discharge Requirements for Sanitary Sewer Systems,
Order No. 2006-0003-DWQ*

*Amended Monitoring and Reporting Program for the SWRCB's Statewide General Waste
Discharge Requirements for Sanitary Sewer Systems, Order No. WQ 2008-0002-EXEC*

**STATE WATER RESOURCES CONTROL BOARD
ORDER NO. 2006-0003-DWQ**

**STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS
FOR
SANITARY SEWER SYSTEMS**

The State Water Resources Control Board, hereinafter referred to as "State Water Board", finds that:

1. All federal and state agencies, municipalities, counties, districts, and other public entities that own or operate sanitary sewer systems greater than one mile in length that collect and/or convey untreated or partially treated wastewater to a publicly owned treatment facility in the State of California are required to comply with the terms of this Order. Such entities are hereinafter referred to as "Enrollees".
2. Sanitary sewer overflows (SSOs) are overflows from sanitary sewer systems of domestic wastewater, as well as industrial and commercial wastewater, depending on the pattern of land uses in the area served by the sanitary sewer system. SSOs often contain high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oxygen-demanding organic compounds, oil and grease and other pollutants. SSOs may cause a public nuisance, particularly when raw untreated wastewater is discharged to areas with high public exposure, such as streets or surface waters used for drinking, fishing, or body contact recreation. SSOs may pollute surface or ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters.
3. Sanitary sewer systems experience periodic failures resulting in discharges that may affect waters of the state. There are many factors (including factors related to geology, design, construction methods and materials, age of the system, population growth, and system operation and maintenance), which affect the likelihood of an SSO. A proactive approach that requires Enrollees to ensure a system-wide operation, maintenance, and management plan is in place will reduce the number and frequency of SSOs within the state. This approach will in turn decrease the risk to human health and the environment caused by SSOs.
4. Major causes of SSOs include: grease blockages, root blockages, sewer line flood damage, manhole structure failures, vandalism, pump station mechanical failures, power outages, excessive storm or ground water inflow/infiltration, debris blockages, sanitary sewer system age and construction material failures, lack of proper operation and maintenance, insufficient capacity and contractor-caused damages. Many SSOs are preventable with adequate and appropriate facilities, source control measures and operation and maintenance of the sanitary sewer system.

SEWER SYSTEM MANAGEMENT PLANS

5. To facilitate proper funding and management of sanitary sewer systems, each Enrollee must develop and implement a system-specific Sewer System Management Plan (SSMP). To be effective, SSMPs must include provisions to provide proper and efficient management, operation, and maintenance of sanitary sewer systems, while taking into consideration risk management and cost benefit analysis. Additionally, an SSMP must contain a spill response plan that establishes standard procedures for immediate response to an SSO in a manner designed to minimize water quality impacts and potential nuisance conditions.
6. Many local public agencies in California have already developed SSMPs and implemented measures to reduce SSOs. These entities can build upon their existing efforts to establish a comprehensive SSMP consistent with this Order. Others, however, still require technical assistance and, in some cases, funding to improve sanitary sewer system operation and maintenance in order to reduce SSOs.
7. SSMP certification by technically qualified and experienced persons can provide a useful and cost-effective means for ensuring that SSMPs are developed and implemented appropriately.
8. It is the State Water Board's intent to gather additional information on the causes and sources of SSOs to augment existing information and to determine the full extent of SSOs and consequent public health and/or environmental impacts occurring in the State.
9. Both uniform SSO reporting and a centralized statewide electronic database are needed to collect information to allow the State Water Board and Regional Water Quality Control Boards (Regional Water Boards) to effectively analyze the extent of SSOs statewide and their potential impacts on beneficial uses and public health. The monitoring and reporting program required by this Order and the attached Monitoring and Reporting Program No. 2006-0003-DWQ, are necessary to assure compliance with these waste discharge requirements (WDRs).
10. Information regarding SSOs must be provided to Regional Water Boards and other regulatory agencies in a timely manner and be made available to the public in a complete, concise, and timely fashion.
11. Some Regional Water Boards have issued WDRs or WDRs that serve as National Pollution Discharge Elimination System (NPDES) permits to sanitary sewer system owners/operators within their jurisdictions. This Order establishes minimum requirements to prevent SSOs. Although it is the State Water Board's intent that this Order be the primary regulatory mechanism for sanitary sewer systems statewide, Regional Water Boards may issue more stringent or more

prescriptive WDRs for sanitary sewer systems. Upon issuance or reissuance of a Regional Water Board's WDRs for a system subject to this Order, the Regional Water Board shall coordinate its requirements with stated requirements within this Order, to identify requirements that are more stringent, to remove requirements that are less stringent than this Order, and to provide consistency in reporting.

REGULATORY CONSIDERATIONS

12. California Water Code section 13263 provides that the State Water Board may prescribe general WDRs for a category of discharges if the State Water Board finds or determines that:

- The discharges are produced by the same or similar operations;
- The discharges involve the same or similar types of waste;
- The discharges require the same or similar treatment standards; and
- The discharges are more appropriately regulated under general discharge requirements than individual discharge requirements.

This Order establishes requirements for a class of operations, facilities, and discharges that are similar throughout the state.

13. The issuance of general WDRs to the Enrollees will:

- a) Reduce the administrative burden of issuing individual WDRs to each Enrollee;
- b) Provide for a unified statewide approach for the reporting and database tracking of SSOs;
- c) Establish consistent and uniform requirements for SSMP development and implementation;
- d) Provide statewide consistency in reporting; and
- e) Facilitate consistent enforcement for violations.

14. The beneficial uses of surface waters that can be impaired by SSOs include, but are not limited to, aquatic life, drinking water supply, body contact and non-contact recreation, and aesthetics. The beneficial uses of ground water that can be impaired include, but are not limited to, drinking water and agricultural supply. Surface and ground waters throughout the state support these uses to varying degrees.

15. The implementation of requirements set forth in this Order will ensure the reasonable protection of past, present, and probable future beneficial uses of water and the prevention of nuisance. The requirements implement the water quality control plans (Basin Plans) for each region and take into account the environmental characteristics of hydrographic units within the state. Additionally, the State Water Board has considered water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect

water quality in the area, costs associated with compliance with these requirements, the need for developing housing within California, and the need to develop and use recycled water.

16. The Federal Clean Water Act largely prohibits any discharge of pollutants from a point source to waters of the United States except as authorized under an NPDES permit. In general, any point source discharge of sewage effluent to waters of the United States must comply with technology-based, secondary treatment standards, at a minimum, and any more stringent requirements necessary to meet applicable water quality standards and other requirements. Hence, the unpermitted discharge of wastewater from a sanitary sewer system to waters of the United States is illegal under the Clean Water Act. In addition, many Basin Plans adopted by the Regional Water Boards contain discharge prohibitions that apply to the discharge of untreated or partially treated wastewater. Finally, the California Water Code generally prohibits the discharge of waste to land prior to the filing of any required report of waste discharge and the subsequent issuance of either WDRs or a waiver of WDRs.
17. California Water Code section 13263 requires a water board to, after any necessary hearing, prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge. The requirements shall, among other things, take into consideration the need to prevent nuisance.
18. California Water Code section 13050, subdivision (m), defines nuisance as anything which meets all of the following requirements:
 - a. Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
 - b. Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
 - c. Occurs during, or as a result of, the treatment or disposal of wastes.
19. This Order is consistent with State Water Board Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality of Waters in California) in that the Order imposes conditions to prevent impacts to water quality, does not allow the degradation of water quality, will not unreasonably affect beneficial uses of water, and will not result in water quality less than prescribed in State Water Board or Regional Water Board plans and policies.
20. The action to adopt this General Order is exempt from the California Environmental Quality Act (Public Resources Code §21000 et seq.) because it is an action taken by a regulatory agency to assure the protection of the environment and the regulatory process involves procedures for protection of the environment. (Cal. Code Regs., tit. 14, §15308). In addition, the action to adopt

this Order is exempt from CEQA pursuant to Cal.Code Regs., title 14, §15301 to the extent that it applies to existing sanitary sewer collection systems that constitute “existing facilities” as that term is used in Section 15301, and §15302, to the extent that it results in the repair or replacement of existing systems involving negligible or no expansion of capacity.

21. The Fact Sheet, which is incorporated by reference in the Order, contains supplemental information that was also considered in establishing these requirements.
22. The State Water Board has notified all affected public agencies and all known interested persons of the intent to prescribe general WDRs that require Enrollees to develop SSMPs and to report all SSOs.
23. The State Water Board conducted a public hearing on February 8, 2006, to receive oral and written comments on the draft order. The State Water Board received and considered, at its May 2, 2006, meeting, additional public comments on substantial changes made to the proposed general WDRs following the February 8, 2006, public hearing. The State Water Board has considered all comments pertaining to the proposed general WDRs.

IT IS HEREBY ORDERED, that pursuant to California Water Code section 13263, the Enrollees, their agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted hereunder, shall comply with the following:

A. DEFINITIONS

1. **Sanitary sewer overflow (SSO)** - Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system. SSOs include:
 - (i) Overflows or releases of untreated or partially treated wastewater that reach waters of the United States;
 - (ii) Overflows or releases of untreated or partially treated wastewater that do not reach waters of the United States; and
 - (iii) Wastewater backups into buildings and on private property that are caused by blockages or flow conditions within the publicly owned portion of a sanitary sewer system.
2. **Sanitary sewer system** – Any system of pipes, pump stations, sewer lines, or other conveyances, upstream of a wastewater treatment plant headworks used to collect and convey wastewater to the publicly owned treatment facility. Temporary storage and conveyance facilities (such as vaults, temporary piping, construction trenches, wet wells, impoundments, tanks, etc.) are considered to be part of the sanitary sewer system, and discharges into these temporary storage facilities are not considered to be SSOs.

For purposes of this Order, sanitary sewer systems include only those systems owned by public agencies that are comprised of more than one mile of pipes or sewer lines.

3. **Enrollee** - A federal or state agency, municipality, county, district, and other public entity that owns or operates a sanitary sewer system, as defined in the general WDRs, and that has submitted a complete and approved application for coverage under this Order.
4. **SSO Reporting System** – Online spill reporting system that is hosted, controlled, and maintained by the State Water Board. The web address for this site is <http://ciwqs.waterboards.ca.gov>. This online database is maintained on a secure site and is controlled by unique usernames and passwords.
5. **Untreated or partially treated wastewater** – Any volume of waste discharged from the sanitary sewer system upstream of a wastewater treatment plant headworks.
6. **Satellite collection system** – The portion, if any, of a sanitary sewer system owned or operated by a different public agency than the agency that owns and operates the wastewater treatment facility to which the sanitary sewer system is tributary.
7. **Nuisance** - California Water Code section 13050, subdivision (m), defines nuisance as anything which meets all of the following requirements:
 - a. Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
 - b. Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
 - c. Occurs during, or as a result of, the treatment or disposal of wastes.

B. APPLICATION REQUIREMENTS

1. **Deadlines for Application** – All public agencies that currently own or operate sanitary sewer systems within the State of California must apply for coverage under the general WDRs within six (6) months of the date of adoption of the general WDRs. Additionally, public agencies that acquire or assume responsibility for operating sanitary sewer systems after the date of adoption of this Order must apply for coverage under the general WDRs at least three (3) months prior to operation of those facilities.
2. **Applications under the general WDRs** – In order to apply for coverage pursuant to the general WDRs, a legally authorized representative for each agency must submit a complete application package. Within sixty (60) days of adoption of the general WDRs, State Water Board staff will send specific instructions on how to

apply for coverage under the general WDRs to all known public agencies that own sanitary sewer systems. Agencies that do not receive notice may obtain applications and instructions online on the Water Board's website.

3. Coverage under the general WDRs – Permit coverage will be in effect once a complete application package has been submitted and approved by the State Water Board's Division of Water Quality.

C. PROHIBITIONS

1. Any SSO that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited.
2. Any SSO that results in a discharge of untreated or partially treated wastewater that creates a nuisance as defined in California Water Code Section 13050(m) is prohibited.

D. PROVISIONS

1. The Enrollee 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. It is the intent of the State Water Board that sanitary sewer systems be regulated in a manner consistent with the general WDRs. Nothing in the general WDRs shall be:
 - (i) Interpreted or applied in a manner inconsistent with the Federal Clean Water Act, or supersede a more specific or more stringent state or federal requirement in an existing permit, regulation, or administrative/judicial order or Consent Decree;
 - (ii) Interpreted or applied to authorize an SSO that is illegal under either the Clean Water Act, an applicable Basin Plan prohibition or water quality standard, or the California Water Code;
 - (iii) Interpreted or applied to prohibit a Regional Water Board from issuing an individual NPDES permit or WDR, superseding this general WDR, for a sanitary sewer system, authorized under the Clean Water Act or California Water Code; or
 - (iv) Interpreted or applied to supersede any more specific or more stringent WDRs or enforcement order issued by a Regional Water Board.
3. The Enrollee shall take all feasible steps to eliminate SSOs. In the event that an SSO does occur, the Enrollee shall take all feasible steps to contain and mitigate the impacts of an SSO.
4. In the event of an SSO, the Enrollee shall take all feasible steps to prevent untreated or partially treated wastewater from discharging from storm drains into

flood control channels or waters of the United States by blocking the storm drainage system and by removing the wastewater from the storm drains.

5. All SSOs must be reported in accordance with Section G of the general WDRs.
6. In any enforcement action, the State and/or Regional Water Boards will consider the appropriate factors under the duly adopted State Water Board Enforcement Policy. And, consistent with the Enforcement Policy, the State and/or Regional Water Boards must consider the Enrollee's efforts to contain, control, and mitigate SSOs when considering the California Water Code Section 13327 factors. In assessing these factors, the State and/or Regional Water Boards will also consider whether:
 - (i) The Enrollee has complied with the requirements of this Order, including requirements for reporting and developing and implementing a SSMP;
 - (ii) The Enrollee can identify the cause or likely cause of the discharge event;
 - (iii) There were no feasible alternatives to the discharge, such as temporary storage or retention of untreated wastewater, reduction of inflow and infiltration, use of adequate backup equipment, collecting and hauling of untreated wastewater to a treatment facility, or an increase in the capacity of the system as necessary to contain the design storm event identified in the SSMP. It is inappropriate to consider the lack of feasible alternatives, if the Enrollee does not implement a periodic or continuing process to identify and correct problems.
 - (iv) The discharge was exceptional, unintentional, temporary, and caused by factors beyond the reasonable control of the Enrollee;
 - (v) The discharge could have been prevented by the exercise of reasonable control described in a certified SSMP for:
 - Proper management, operation and maintenance;
 - Adequate treatment facilities, sanitary sewer system facilities, and/or components with an appropriate design capacity, to reasonably prevent SSOs (e.g., adequately enlarging treatment or collection facilities to accommodate growth, infiltration and inflow (I/I), etc.);
 - Preventive maintenance (including cleaning and fats, oils, and grease (FOG) control);
 - Installation of adequate backup equipment; and
 - Inflow and infiltration prevention and control to the extent practicable.
 - (vi) The sanitary sewer system design capacity is appropriate to reasonably prevent SSOs.

- (vii) The Enrollee took all reasonable steps to stop and mitigate the impact of the discharge as soon as possible.
7. When a sanitary sewer overflow occurs, the Enrollee shall take all feasible steps and necessary remedial actions to 1) control or limit the volume of untreated or partially treated wastewater discharged, 2) terminate the discharge, and 3) recover as much of the wastewater discharged as possible for proper disposal, including any wash down water.

The Enrollee shall implement all remedial actions to the extent they may be applicable to the discharge and not inconsistent with an emergency response plan, including the following:

- (i) Interception and rerouting of untreated or partially treated wastewater flows around the wastewater line failure;
 - (ii) Vacuum truck recovery of sanitary sewer overflows and wash down water;
 - (iii) Cleanup of debris at the overflow site;
 - (iv) System modifications to prevent another SSO at the same location;
 - (v) Adequate sampling to determine the nature and impact of the release; and
 - (vi) Adequate public notification to protect the public from exposure to the SSO.
8. The Enrollee shall properly, manage, operate, and maintain all parts of the sanitary sewer system owned or operated by the Enrollee, and shall ensure that the system operators (including employees, contractors, or other agents) are adequately trained and possess adequate knowledge, skills, and abilities.
9. The Enrollee shall allocate adequate resources for the operation, maintenance, and repair of its sanitary sewer system, by establishing a proper rate structure, accounting mechanisms, and auditing procedures to ensure an adequate measure of revenues and expenditures. These procedures must be in compliance with applicable laws and regulations and comply with generally acceptable accounting practices.
10. The Enrollee shall provide adequate capacity to convey base flows and peak flows, including flows related to wet weather events. Capacity shall meet or exceed the design criteria as defined in the Enrollee's System Evaluation and Capacity Assurance Plan for all parts of the sanitary sewer system owned or operated by the Enrollee.
11. The Enrollee shall develop and implement a written Sewer System Management Plan (SSMP) and make it available to the State and/or Regional Water Board upon request. A copy of this document must be publicly available at the Enrollee's office and/or available on the Internet. This SSMP must be approved by the Enrollee's governing board at a public meeting.

12. In accordance with the California Business and Professions Code sections 6735, 7835, and 7835.1, all engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. Specific elements of the SSMP that require professional evaluation and judgments shall be prepared by or under the direction of appropriately qualified professionals, and shall bear the professional(s)' signature and stamp.
13. The mandatory elements of the SSMP are specified below. However, if the Enrollee believes that any element of this section is not appropriate or applicable to the Enrollee's sanitary sewer system, the SSMP program does not need to address that element. The Enrollee must justify why that element is not applicable. The SSMP must be approved by the deadlines listed in the SSMP Time Schedule below.

Sewer System Management Plan (SSMP)

- (i) **Goal:** The goal of the SSMP is to provide a plan and schedule to properly manage, operate, and maintain all parts of the sanitary sewer system. This will help reduce and prevent SSOs, as well as mitigate any SSOs that do occur.
- (ii) **Organization:** The SSMP must identify:
- (a) The name of the responsible or authorized representative as described in Section J of this Order.
 - (b) The names and telephone numbers for management, administrative, and maintenance positions responsible for implementing specific measures in the SSMP program. The SSMP must identify lines of authority through an organization chart or similar document with a narrative explanation; and
 - (c) The chain of communication for reporting SSOs, from receipt of a complaint or other information, including the person responsible for reporting SSOs to the State and Regional Water Board and other agencies if applicable (such as County Health Officer, County Environmental Health Agency, Regional Water Board, and/or State Office of Emergency Services (OES)).
- (iii) **Legal Authority:** Each Enrollee must demonstrate, through sanitary sewer system use ordinances, service agreements, or other legally binding procedures, that it possesses the necessary legal authority to:
- (a) Prevent illicit discharges into its sanitary sewer system (examples may include I/I, stormwater, chemical dumping, unauthorized debris and cut roots, etc.);

- (b) Require that sewers and connections be properly designed and constructed;
 - (c) Ensure access for maintenance, inspection, or repairs for portions of the lateral owned or maintained by the Public Agency;
 - (d) Limit the discharge of fats, oils, and grease and other debris that may cause blockages, and
 - (e) Enforce any violation of its sewer ordinances.
- (iv) **Operation and Maintenance Program.** The SSMP must include those elements listed below that are appropriate and applicable to the Enrollee's system:
- (a) Maintain an up-to-date map of the sanitary sewer system, showing all gravity line segments and manholes, pumping facilities, pressure pipes and valves, and applicable stormwater conveyance facilities;
 - (b) Describe routine preventive operation and maintenance activities by staff and contractors, including a system for scheduling regular maintenance and cleaning of the sanitary sewer system with more frequent cleaning and maintenance targeted at known problem areas. The Preventative Maintenance (PM) program should have a system to document scheduled and conducted activities, such as work orders;
 - (c) Develop a rehabilitation and replacement plan to identify and prioritize system deficiencies and implement short-term and long-term rehabilitation actions to address each deficiency. The program should include regular visual and TV inspections of manholes and sewer pipes, and a system for ranking the condition of sewer pipes and scheduling rehabilitation. Rehabilitation and replacement should focus on sewer pipes that are at risk of collapse or prone to more frequent blockages due to pipe defects. Finally, the rehabilitation and replacement plan should include a capital improvement plan that addresses proper management and protection of the infrastructure assets. The plan shall include a time schedule for implementing the short- and long-term plans plus a schedule for developing the funds needed for the capital improvement plan;
 - (d) Provide training on a regular basis for staff in sanitary sewer system operations and maintenance, and require contractors to be appropriately trained; and

- (e) Provide equipment and replacement part inventories, including identification of critical replacement parts.

(v) **Design and Performance Provisions:**

- (a) Design and construction standards and specifications for the installation of new sanitary sewer systems, pump stations and other appurtenances; and for the rehabilitation and repair of existing sanitary sewer systems; and
- (b) Procedures and standards for inspecting and testing the installation of new sewers, pumps, and other appurtenances and for rehabilitation and repair projects.

(vi) **Overflow Emergency Response Plan** - Each Enrollee shall develop and implement an overflow emergency response plan that identifies measures to protect public health and the environment. At a minimum, this plan must include the following:

- (a) Proper notification procedures so that the primary responders and regulatory agencies are informed of all SSOs in a timely manner;
- (b) A program to ensure an appropriate response to all overflows;
- (c) Procedures to ensure prompt notification to appropriate regulatory agencies and other potentially affected entities (e.g. health agencies, Regional Water Boards, water suppliers, etc.) of all SSOs that potentially affect public health or reach the waters of the State in accordance with the MRP. All SSOs shall be reported in accordance with this MRP, the California Water Code, other State Law, and other applicable Regional Water Board WDRs or NPDES permit requirements. The SSMP should identify the officials who will receive immediate notification;
- (d) Procedures to ensure that appropriate staff and contractor personnel are aware of and follow the Emergency Response Plan and are appropriately trained;
- (e) Procedures to address emergency operations, such as traffic and crowd control and other necessary response activities; and
- (f) A program to ensure that all reasonable steps are taken to contain and prevent the discharge of untreated and partially treated wastewater to waters of the United States and to minimize or correct any adverse impact on the environment resulting from the SSOs, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the discharge.

- (vii) **FOG Control Program:** Each Enrollee shall evaluate its service area to determine whether a FOG control program is needed. If an Enrollee determines that a FOG program is not needed, the Enrollee must provide justification for why it is not needed. If FOG is found to be a problem, the Enrollee must prepare and implement a FOG source control program to reduce the amount of these substances discharged to the sanitary sewer system. This plan shall include the following as appropriate:
- (a) An implementation plan and schedule for a public education outreach program that promotes proper disposal of FOG;
 - (b) A plan and schedule for the disposal of FOG generated within the sanitary sewer system service area. This may include a list of acceptable disposal facilities and/or additional facilities needed to adequately dispose of FOG generated within a sanitary sewer system service area;
 - (c) The legal authority to prohibit discharges to the system and identify measures to prevent SSOs and blockages caused by FOG;
 - (d) Requirements to install grease removal devices (such as traps or interceptors), design standards for the removal devices, maintenance requirements, BMP requirements, record keeping and reporting requirements;
 - (e) Authority to inspect grease producing facilities, enforcement authorities, and whether the Enrollee has sufficient staff to inspect and enforce the FOG ordinance;
 - (f) An identification of sanitary sewer system sections subject to FOG blockages and establishment of a cleaning maintenance schedule for each section; and
 - (g) Development and implementation of source control measures for all sources of FOG discharged to the sanitary sewer system for each section identified in (f) above.
- (viii) **System Evaluation and Capacity Assurance Plan:** The Enrollee shall prepare and implement a capital improvement plan (CIP) that will provide hydraulic capacity of key sanitary sewer system elements for dry weather peak flow conditions, as well as the appropriate design storm or wet weather event. At a minimum, the plan must include:
- (a) **Evaluation:** Actions needed to evaluate those portions of the sanitary sewer system that are experiencing or contributing to an SSO discharge caused by hydraulic deficiency. The evaluation must provide estimates of peak flows (including flows from SSOs

that escape from the system) associated with conditions similar to those causing overflow events, estimates of the capacity of key system components, hydraulic deficiencies (including components of the system with limiting capacity) and the major sources that contribute to the peak flows associated with overflow events;

- (b) **Design Criteria:** Where design criteria do not exist or are deficient, undertake the evaluation identified in (a) above to establish appropriate design criteria; and
 - (c) **Capacity Enhancement Measures:** The steps needed to establish a short- and long-term CIP to address identified hydraulic deficiencies, including prioritization, alternatives analysis, and schedules. The CIP may include increases in pipe size, I/I reduction programs, increases and redundancy in pumping capacity, and storage facilities. The CIP shall include an implementation schedule and shall identify sources of funding.
 - (d) **Schedule:** The Enrollee shall develop a schedule of completion dates for all portions of the capital improvement program developed in (a)-(c) above. This schedule shall be reviewed and updated consistent with the SSMP review and update requirements as described in Section D. 14.
- (ix) **Monitoring, Measurement, and Program Modifications:** The Enrollee shall:
- (a) Maintain relevant information that can be used to establish and prioritize appropriate SSMP activities;
 - (b) Monitor the implementation and, where appropriate, measure the effectiveness of each element of the SSMP;
 - (c) Assess the success of the preventative maintenance program;
 - (d) Update program elements, as appropriate, based on monitoring or performance evaluations; and
 - (e) Identify and illustrate SSO trends, including: frequency, location, and volume.
- (x) **SSMP Program Audits** - As part of the SSMP, the Enrollee shall conduct periodic internal audits, appropriate to the size of the system and the number of SSOs. At a minimum, these audits must occur every two years and a report must be prepared and kept on file. This audit shall focus on evaluating the effectiveness of the SSMP and the

Enrollee's compliance with the SSMP requirements identified in this subsection (D.13), including identification of any deficiencies in the SSMP and steps to correct them.

- (xi) **Communication Program** – The Enrollee shall communicate on a regular basis with the public on the development, implementation, and performance of its SSMP. The communication system shall provide the public the opportunity to provide input to the Enrollee as the program is developed and implemented.

The Enrollee shall also create a plan of communication with systems that are tributary and/or satellite to the Enrollee's sanitary sewer system.

14. Both the SSMP and the Enrollee's program to implement the SSMP must be certified by the Enrollee to be in compliance with the requirements set forth above and must be presented to the Enrollee's governing board for approval at a public meeting. The Enrollee shall certify that the SSMP, and subparts thereof, are in compliance with the general WDRs within the time frames identified in the time schedule provided in subsection D.15, below.

In order to complete this certification, the Enrollee's authorized representative must complete the certification portion in the Online SSO Database Questionnaire by checking the appropriate milestone box, printing and signing the automated form, and sending the form to:

State Water Resources Control Board
Division of Water Quality
Attn: SSO Program Manager
P.O. Box 100
Sacramento, CA 95812

The SSMP must be updated every five (5) years, and must include any significant program changes. Re-certification by the governing board of the Enrollee is required in accordance with D.14 when significant updates to the SSMP are made. To complete the re-certification process, the Enrollee shall enter the data in the Online SSO Database and mail the form to the State Water Board, as described above.

15. The Enrollee shall comply with these requirements according to the following schedule. This time schedule does not supersede existing requirements or time schedules associated with other permits or regulatory requirements.

Sewer System Management Plan Time Schedule

<u>Task and Associated Section</u>	Completion Date			
	Population > 100,000	Population between 100,000 and 10,000	Population between 10,000 and 2,500	Population < 2,500
Application for Permit Coverage Section C	6 months after WDRs Adoption			
Reporting Program Section G	6 months after WDRs Adoption ¹			
SSMP Development Plan and Schedule No specific Section	9 months after WDRs Adoption ²	12 months after WDRs Adoption ²	15 months after WDRs Adoption ²	18 months after WDRs Adoption ²
Goals and Organization Structure Section D 13 (i) & (ii)	12 months after WDRs Adoption ²		18 months after WDRs Adoption ²	
Overflow Emergency Response Program Section D 13 (vi)	24 months after WDRs Adoption ²	30 months after WDRs Adoption ²	36 months after WDRs Adoption ²	39 months after WDRs Adoption ²
Legal Authority Section D 13 (iii)				
Operation and Maintenance Program Section D 13 (iv)				
Grease Control Program Section D 13 (vii)	36 months after WDRs Adoption	39 months after WDRs Adoption	48 months after WDRs Adoption	51 months after WDRs Adoption
Design and Performance Section D 13 (v)				
System Evaluation and Capacity Assurance Plan Section D 13 (viii)				
Final SSMP, incorporating all of the SSMP requirements Section D 13				

1. In the event that by July 1, 2006 the Executive Director is able to execute a memorandum of agreement (MOA) with the California Water Environment Association (CWEA) or discharger representatives outlining a strategy and time schedule for CWEA or another entity to provide statewide training on the adopted monitoring program, SSO database electronic reporting, and SSMP development, consistent with this Order, then the schedule of Reporting Program Section G shall be replaced with the following schedule:

Reporting Program Section G	
Regional Boards 4, 8, and 9	8 months after WDRs Adoption
Regional Boards 1, 2, and 3	12 months after WDRs Adoption
Regional Boards 5, 6, and 7	16 months after WDRs Adoption

If this MOU is not executed by July 1, 2006, the reporting program time schedule will remain six (6) months for all regions and agency size categories.

2. In the event that the Executive Director executes the MOA identified in note 1 by July 1, 2006, then the deadline for this task shall be extended by six (6) months. The time schedule identified in the MOA must be consistent with the extended time schedule provided by this note. If the MOA is not executed by July 1, 2006, the six (6) month time extension will not be granted.

E. WDRs and SSMP AVAILABILITY

1. A copy of the general WDRs and the certified SSMP shall be maintained at appropriate locations (such as the Enrollee's offices, facilities, and/or Internet homepage) and shall be available to sanitary sewer system operating and maintenance personnel at all times.

F. ENTRY AND INSPECTION

1. The Enrollee shall allow the State or Regional Water Boards or their authorized representative, upon presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the Enrollee's premises where a regulated facility or activity is located or conducted, or where records are 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.

G. GENERAL MONITORING AND REPORTING REQUIREMENTS

1. The Enrollee shall furnish to the State or Regional Water Board, within a reasonable time, any information that the State or Regional Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The Enrollee shall also furnish to the Executive Director of the State Water Board or Executive Officer of the applicable Regional Water Board, upon request, copies of records required to be kept by this Order.
2. The Enrollee shall comply with the attached Monitoring and Reporting Program No. 2006-0003 and future revisions thereto, as specified by the Executive Director. Monitoring results shall be reported at the intervals specified in Monitoring and Reporting Program No. 2006-0003. Unless superseded by a specific enforcement Order for a specific Enrollee, these reporting requirements are intended to replace other mandatory routine written reports associated with SSOs.
3. All Enrollees must obtain SSO Database accounts and receive a "Username" and "Password" by registering through the California Integrated Water Quality System (CIWQS). These accounts will allow controlled and secure entry into the SSO Database. Additionally, within 30 days of receiving an account and prior to recording spills into the SSO Database, all Enrollees must complete the "Collection System Questionnaire", which collects pertinent information regarding a Enrollee's collection system. The "Collection System Questionnaire" must be updated at least every 12 months.
4. Pursuant to Health and Safety Code section 5411.5, any person who, without regard to intent or negligence, causes or permits any untreated wastewater or other waste to be discharged in or on any waters of the State, or discharged in or deposited where it is, or probably will be, discharged in or on any surface waters of the State, as soon as that person has knowledge of the discharge, shall immediately notify the local health officer of the discharge. Discharges of untreated or partially treated wastewater to storm drains and drainage channels, whether man-made or natural or concrete-lined, shall be reported as required above.

Any SSO greater than 1,000 gallons discharged in or on any waters of the State, or discharged in or deposited where it is, or probably will be, discharged in or on any surface waters of the State shall also be reported to the Office of Emergency Services pursuant to California Water Code section 13271.

H. CHANGE IN OWNERSHIP

1. This Order is not transferable to any person or party, except after notice to the Executive Director. The Enrollee 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 Enrollee containing a specific date for the transfer of this Order's responsibility and coverage between the existing Enrollee and the new Enrollee. This agreement shall include an acknowledgement that the existing Enrollee is liable for violations up to the transfer date and that the new Enrollee is liable from the transfer date forward.

I. INCOMPLETE REPORTS

1. If an Enrollee becomes aware that it failed to submit any relevant facts in any report required under this Order, the Enrollee shall promptly submit such facts or information by formally amending the report in the Online SSO Database.

J. REPORT DECLARATION

1. All applications, reports, or information shall be signed and certified as follows:
 - (i) All reports required by this Order and other information required by the State or Regional Water Board shall be signed and certified by a person designated, for a municipality, state, federal or other public agency, as either a principal executive officer or ranking elected official, or by a duly authorized representative of that person, as described in paragraph (ii) of this provision. (For purposes of electronic reporting, an electronic signature and accompanying certification, which is in compliance with the Online SSO database procedures, meet this certification requirement.)
 - (ii) An individual is a duly authorized representative only if:
 - (a) The authorization is made in writing by a person described in paragraph (i) of this provision; and
 - (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity.

K. CIVIL MONETARY REMEDIES FOR DISCHARGE VIOLATIONS

1. The California Water Code provides various enforcement options, including civil monetary remedies, for violations of this Order.
2. The California Water Code also 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 civil monetary penalties.

L. SEVERABILITY

1. 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.
2. 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 Enrollee from liability under federal, state or local laws, nor create a vested right for the Enrollee to continue the waste discharge.

CERTIFICATION

The undersigned Clerk to the State Water Board does hereby certify that the foregoing is a full, true, and correct copy of general WDRs duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 2, 2006.

AYE: Tam M. Doduc
Gerald D. Secundy

NO: Arthur G. Baggett

ABSENT: None

ABSTAIN: None



Song Her
Clerk to the Board

STATE WATER RESOURCES CONTROL BOARD

MONITORING AND REPORTING PROGRAM NO. 2006-0003-DWQ STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS

This Monitoring and Reporting Program (MRP) establishes monitoring, record keeping, reporting and public notification requirements for Order No. 2006-2003-DWQ, "Statewide General Waste Discharge Requirements for Sanitary Sewer Systems." Revisions to this MRP may be made at any time by the Executive Director, and may include a reduction or increase in the monitoring and reporting.

A. SANITARY SEWER OVERFLOW REPORTING

SSO Categories

1. Category 1 - All discharges of sewage resulting from a failure in the Enrollee's sanitary sewer system that:
 - A. Equal or exceed 1000 gallons, or
 - B. Result in a discharge to a drainage channel and/or surface water; or
 - C. Discharge to a storm drainpipe that was not fully captured and returned to the sanitary sewer system.
2. Category 2 – All other discharges of sewage resulting from a failure in the Enrollee's sanitary sewer system.
3. Private Lateral Sewage Discharges – Sewage discharges that are caused by blockages or other problems within a privately owned lateral.

SSO Reporting Timeframes

4. Category 1 SSOs – All SSOs that meet the above criteria for Category 1 SSOs must be reported as soon as: (1) the Enrollee has knowledge of the discharge, (2) reporting is possible, and (3) reporting can be provided without substantially impeding cleanup or other emergency measures. Initial reporting of Category 1 SSOs must be reported to the Online SSO System as soon as possible but no later than 3 business days after the Enrollee is made aware of the SSO. Minimum information that must be contained in the 3-day report must include all information identified in section 9 below, except for item 9.K. A final certified report must be completed through the Online SSO System, within 15 calendar days of the conclusion of SSO response and remediation. Additional information may be added to the certified report, in the form of an attachment, at any time.

The above reporting requirements do not preclude other emergency notification requirements and timeframes mandated by other regulatory agencies (local

County Health Officers, local Director of Environmental Health, Regional Water Boards, or Office of Emergency Services (OES)) or State law.

5. Category 2 SSOs – All SSOs that meet the above criteria for Category 2 SSOs must be reported to the Online SSO Database within 30 days after the end of the calendar month in which the SSO occurs (e.g. all SSOs occurring in the month of January must be entered into the database by March 1st).
6. Private Lateral Sewage Discharges – All sewage discharges that meet the above criteria for Private Lateral sewage discharges may be reported to the Online SSO Database based upon the Enrollee's discretion. If a Private Lateral sewage discharge is recorded in the SSO Database, the Enrollee must identify the sewage discharge as occurring and caused by a private lateral, and a responsible party (other than the Enrollee) should be identified, if known.
7. If there are no SSOs during the calendar month, the Enrollee will provide, within 30 days after the end of each calendar month, a statement through the Online SSO Database certifying that there were no SSOs for the designated month.
8. In the event that the SSO Online Database is not available, the enrollee must fax all required information to the appropriate Regional Water Board office in accordance with the time schedules identified above. In such event, the Enrollee must also enter all required information into the Online SSO Database as soon as practical.

Mandatory Information to be Included in SSO Online Reporting

All Enrollees must obtain SSO Database accounts and receive a "Username" and "Password" by registering through the California Integrated Water Quality System (CIWQS). These accounts will allow controlled and secure entry into the SSO Database. Additionally, within thirty (30) days of receiving an account and prior to recording SSOs into the SSO Database, all Enrollees must complete the "Collection System Questionnaire", which collects pertinent information regarding an Enrollee's collection system. The "Collection System Questionnaire" must be updated at least every 12 months.

At a minimum, the following mandatory information must be included prior to finalizing and certifying an SSO report for each category of SSO:

9. Category 2 SSOs:
 - A. Location of SSO by entering GPS coordinates;
 - B. Applicable Regional Water Board, i.e. identify the region in which the SSO occurred;
 - C. County where SSO occurred;
 - D. Whether or not the SSO entered a drainage channel and/or surface water;
 - E. Whether or not the SSO was discharged to a storm drain pipe that was not fully captured and returned to the sanitary sewer system;

- F. Estimated SSO volume in gallons;
- G. SSO source (manhole, cleanout, etc.);
- H. SSO cause (mainline blockage, roots, etc.);
- I. Time of SSO notification or discovery;
- J. Estimated operator arrival time;
- K. SSO destination;
- L. Estimated SSO end time; and
- M. SSO Certification. Upon SSO Certification, the SSO Database will issue a Final SSO Identification (ID) Number.

10. Private Lateral Sewage Discharges:

- A. All information listed above (if applicable and known), as well as;
- B. Identification of sewage discharge as a private lateral sewage discharge; and
- C. Responsible party contact information (if known).

11. Category 1 SSOs:

- A. All information listed for Category 2 SSOs, as well as;
- B. Estimated SSO volume that reached surface water, drainage channel, or not recovered from a storm drain;
- C. Estimated SSO amount recovered;
- D. Response and corrective action taken;
- E. If samples were taken, identify which regulatory agencies received sample results (if applicable). If no samples were taken, NA must be selected.
- F. Parameters that samples were analyzed for (if applicable);
- G. Identification of whether or not health warnings were posted;
- H. Beaches impacted (if applicable). If no beach was impacted, NA must be selected;
- I. Whether or not there is an ongoing investigation;
- J. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
- K. OES control number (if applicable);
- L. Date OES was called (if applicable);
- M. Time OES was called (if applicable);
- N. Identification of whether or not County Health Officers were called;
- O. Date County Health Officer was called (if applicable); and
- P. Time County Health Officer was called (if applicable).

Reporting to Other Regulatory Agencies

These reporting requirements do not preclude an Enrollee from reporting SSOs to other regulatory agencies pursuant to California state law. These reporting requirements do not replace other Regional Water Board telephone reporting requirements for SSOs.

1. The Enrollee shall report SSOs to OES, in accordance with California Water Code Section 13271.

Office of Emergency Services
Phone (800) 852-7550

2. The Enrollee shall report SSOs to County Health officials in accordance with California Health and Safety Code Section 5410 et seq.
3. The SSO database will automatically generate an e-mail notification with customized information about the SSO upon initial reporting of the SSO and final certification for all Category 1 SSOs. E-mails will be sent to the appropriate County Health Officer and/or Environmental Health Department if the county desires this information, and the appropriate Regional Water Board.

B. Record Keeping

1. Individual SSO records shall be maintained by the Enrollee for a minimum of five years from the date of the SSO. This period may be extended when requested by a Regional Water Board Executive Officer.
3. All records shall be made available for review upon State or Regional Water Board staff's request.
4. All monitoring instruments and devices that are used by the Enrollee to fulfill the prescribed monitoring and reporting program shall be properly maintained and calibrated as necessary to ensure their continued accuracy;
5. The Enrollee shall retain records of all SSOs, such as, but not limited to and when applicable:
 - a. Record of Certified report, as submitted to the online SSO database;
 - b. All original recordings for continuous monitoring instrumentation;
 - c. Service call records and complaint logs of calls received by the Enrollee;
 - d. SSO calls;
 - e. SSO records;
 - f. Steps that have been and will be taken to prevent the SSO from recurring and a schedule to implement those steps.
 - g. Work orders, work completed, and any other maintenance records from the previous 5 years which are associated with responses and investigations of system problems related to SSOs;
 - h. A list and description of complaints from customers or others from the previous 5 years; and
 - i. Documentation of performance and implementation measures for the previous 5 years.
6. If water quality samples are required by an environmental or health regulatory agency or State law, or if voluntary monitoring is conducted by the Enrollee or its agent(s), as a result of any SSO, records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical technique or method used; and,
- f. The results of such analyses.

C. Certification

1. All final reports must be certified by an authorized person as required by Provision J of the Order.
2. Registration of authorized individuals, who may certify reports, will be in accordance with the CIWQS' protocols for reporting.

Monitoring and Reporting Program No. 2006-0003 will become effective on the date of adoption by the State Water Board.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on May 2, 2006.



Song Her
Clerk to the Board

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ORDER NO. WQ 2008-0002-EXEC

ADOPTING AMENDED MONITORING AND REPORTING REQUIREMENTS FOR
STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER
SYSTEMS

The State of California, Water Resources Control Board (State Water Board) finds:

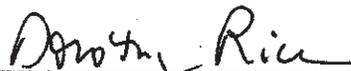
1. The State Water Board is authorized to prescribe statewide general waste discharge requirements for categories of discharges that involve the same or similar operations and the same or similar types of waste pursuant to Water Code 13263, subdivision (i).
2. The State Water Board on May 2, 2006, adopted Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Order No. 2006-0003-DWQ, pursuant to that authority.
3. The State Water Board on May 2, 2006, adopted Monitoring and Reporting Requirements to implement the General Waste Discharge Requirements for Sanitary Sewer Systems.
4. State Water Board Order No. 2006-0003-DWQ, paragraph G.2., and the Monitoring and Reporting Requirements, both provide that the Executive Director may modify the terms of the Monitoring and Reporting Requirements at any time.
5. The time allowed in those Monitoring and Reporting Requirements for the filing of the initial report of an overflow is too long to adequately protect the public health and safety or the beneficial uses of the waters of the state when there is a sewage collection system spill. An additional notification requirement is necessary and appropriate to ensure the Office of Emergency Services, local public health officials, and the applicable regional water quality control board are apprised of a spill that reaches a drainage channel or surface water.
6. Further, the burden of providing a notification as soon as possible is de minimis and will allow response agencies to take action as soon as possible to protect public health and safety and beneficial uses of the waters of the state.

IT IS HEREBY ORDERED THAT:

Pursuant to the authority delegated by Resolution No. 2002-0104 and Order No. 2006-0003-DWQ, the Monitoring and Reporting Requirements for Statewide General Waste Discharge Requirements for Sanitary Sewer Systems No. 2006-0003-DWQ is hereby amended as shown in Attachment A, with new text indicated by double-underline.

Dated:

February 20, 2008



Dorothy Rice
Executive Director

ATTACHMENT A

STATE WATER RESOURCES CONTROL BOARD MONITORING AND REPORTING PROGRAM NO. 2006-0003-DWQ (AS REVISED BY ORDER NO. WQ 2008-0002-EXEC)

STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS

This Monitoring and Reporting Program (MRP) establishes monitoring, record keeping, reporting and public notification requirements for Order No. 2006-2003-DWQ, "Statewide General Waste Discharge Requirements for Sanitary Sewer Systems." Revisions to this MRP may be made at any time by the Executive Director, and may include a reduction or increase in the monitoring and reporting.

NOTIFICATION

Although State and Regional Water Board staff do not have duties as first responders, this Monitoring and Reporting Program is an appropriate mechanism to ensure that the agencies that do have first responder duties are notified in a timely manner in order to protect public health and beneficial uses.

1. For any discharges of sewage that results in a discharge to a drainage channel or a surface water, the Discharger shall, as soon as possible, but not later than two (2) hours after becoming aware of the discharge, notify the State Office of Emergency Services, the local health officer or directors of environmental health with jurisdiction over affected water bodies, and the appropriate Regional Water Quality Control Board.
2. As soon as possible, but no later than twenty-four (24) hours after becoming aware of a discharge to a drainage channel or a surface water, the Discharger shall submit to the appropriate Regional Water Quality Control Board a certification that the State Office of Emergency Services and the local health officer or directors of environmental health with jurisdiction over the affected water bodies have been notified of the discharge.

A. SANITARY SEWER OVERFLOW REPORTING

SSO Categories

1. Category 1 - All discharges of sewage resulting from a failure in the Enrollee's sanitary sewer system that:
 - A. Equal or exceed 1000 gallons, or
 - B. Result in a discharge to a drainage channel and/or surface water; or
 - C. Discharge to a storm drainpipe that was not fully captured and returned to the sanitary sewer system.

2. Category 2 – All other discharges of sewage resulting from a failure in the Enrollee's sanitary sewer system.
3. Private Lateral Sewage Discharges – Sewage discharges that are caused by blockages or other problems within a privately owned lateral.

SSO Reporting Timeframes

4. Category 1 SSOs – Except as provided above, all SSOs that meet the above criteria for Category 1 SSOs must be reported as soon as: (1) the Enrollee has knowledge of the discharge, (2) reporting is possible, and (3) reporting can be provided without substantially impeding cleanup or other emergency measures. Initial reporting of Category 1 SSOs must be reported to the Online SSO System as soon as possible but no later than 3 business days after the Enrollee is made aware of the SSO. Minimum information that must be contained in the 3-day report must include all information identified in section 9 below, except for item 9.K. A final certified report must be completed through the Online SSO System, within 15 calendar days of the conclusion of SSO response and remediation. Additional information may be added to the certified report, in the form of an attachment, at any time.

The above reporting requirements are in addition to do not preclude other emergency notification requirements and timeframes mandated by other regulatory agencies (local County Health Officers, local Director of Environmental Health, Regional Water Boards, or Office of Emergency Services (OES)) or State law.

5. Category 2 SSOs – All SSOs that meet the above criteria for Category 2 SSOs must be reported to the Online SSO Database within 30 days after the end of the calendar month in which the SSO occurs (e.g. all SSOs occurring in the month of January must be entered into the database by March 1st).
6. Private Lateral Sewage Discharges – All sewage discharges that meet the above criteria for Private Lateral sewage discharges may be reported to the Online SSO Database based upon the Enrollee's discretion. If a Private Lateral sewage discharge is recorded in the SSO Database, the Enrollee must identify the sewage discharge as occurring and caused by a private lateral, and a responsible party (other than the Enrollee) should be identified, if known.
7. If there are no SSOs during the calendar month, the Enrollee will provide, within 30 days after the end of each calendar month, a statement through the Online SSO Database certifying that there were no SSOs for the designated month.
8. In the event that the SSO Online Database is not available, the enrollee must fax all required information to the appropriate Regional Water Board office in

accordance with the time schedules identified above. In such event, the Enrollee must also enter all required information into the Online SSO Database as soon as practical.

Mandatory Information to be Included in SSO Online Reporting

All Enrollees must obtain SSO Database accounts and receive a "Username" and "Password" by registering through the California Integrated Water Quality System (CIWQS). These accounts will allow controlled and secure entry into the SSO Database. Additionally, within thirty (30) days of receiving an account and prior to recording SSOs into the SSO Database, all Enrollees must complete the "Collection System Questionnaire", which collects pertinent information regarding an Enrollee's collection system. The "Collection System Questionnaire" must be updated at least every 12 months.

At a minimum, the following mandatory information must be included prior to finalizing and certifying an SSO report for each category of SSO:

9. Category 2 SSOs:

- A. Location of SSO by entering GPS coordinates;
- B. Applicable Regional Water Board, i.e. identify the region in which the SSO occurred;
- C. County where SSO occurred;
- D. Whether or not the SSO entered a drainage channel and/or surface water;
- E. Whether or not the SSO was discharged to a storm drain pipe that was not fully captured and returned to the sanitary sewer system;
- F. Estimated SSO volume in gallons;
- G. SSO source (manhole, cleanout, etc.);
- H. SSO cause (mainline blockage, roots, etc.);
- I. Time of SSO notification or discovery;
- J. Estimated operator arrival time;
- K. SSO destination;
- L. Estimated SSO end time; and
- M. SSO Certification. Upon SSO Certification, the SSO Database will issue a Final SSO Identification (ID) Number.

10. Private Lateral Sewage Discharges:

- A. All information listed above (if applicable and known), as well as;
- B. Identification of sewage discharge as a private lateral sewage discharge; and
- C. Responsible party contact information (if known).

11. Category 1 SSOs:

- A. All information listed for Category 2 SSOs, as well as;
- B. Estimated SSO volume that reached surface water, drainage channel, or not recovered from a storm drain;
- C. Estimated SSO amount recovered;
- D. Response and corrective action taken;
- E. If samples were taken, identify which regulatory agencies received sample results (if applicable). If no samples were taken, NA must be selected.
- F. Parameters that samples were analyzed for (if applicable);
- G. Identification of whether or not health warnings were posted;
- H. Beaches impacted (if applicable). If no beach was impacted, NA must be selected;
- I. Whether or not there is an ongoing investigation;
- J. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
- K. OES control number (if applicable);
- L. Date OES was called (if applicable);
- M. Time OES was called (if applicable);
- N. Identification of whether or not County Health Officers were called;
- O. Date County Health Officer was called (if applicable); and
- P. Time County Health Officer was called (if applicable).

Reporting to Other Regulatory Agencies

These reporting requirements do not preclude an Enrollee from reporting SSOs to other regulatory agencies pursuant California state law. These reporting requirements do not replace other Regional Water Board telephone reporting requirements for SSOs.

1. The Enrollee shall report SSOs to OES, in accordance with California Water Code Section 13271.

Office of Emergency Services
Phone (800) 852-7550

2. The Enrollee shall report SSOs to County Health officials in accordance with California Health and Safety Code Section 5410 et seq.
3. The SSO database will automatically generate an e-mail notification with customized information about the SSO upon initial reporting of the SSO and final certification for all Category 1 SSOs. E-mails will be sent to the appropriate County Health Officer and/or Environmental Health Department if the county desires this information, and the appropriate Regional Water Board.

B. Record Keeping

1. Individual SSO records shall be maintained by the Enrollee for a minimum of five years from the date of the SSO. This period may be extended when requested by a Regional Water Board Executive Officer.

[2. Omitted.]

3. All records shall be made available for review upon State or Regional Water Board staff's request.
4. All monitoring instruments and devices that are used by the Enrollee to fulfill the prescribed monitoring and reporting program shall be properly maintained and calibrated as necessary to ensure their continued accuracy;
5. The Enrollee shall retain records of all SSOs, such as, but not limited to and when applicable:
 - a. Record of Certified report, as submitted to the online SSO database;
 - b. All original recordings for continuous monitoring instrumentation;
 - c. Service call records and complaint logs of calls received by the Enrollee;
 - d. SSO calls;
 - e. SSO records;
 - f. Steps that have been and will be taken to prevent the SSO from recurring and a schedule to implement those steps.
 - g. Work orders, work completed, and any other maintenance records from the previous 5 years which are associated with responses and investigations of system problems related to SSOs;
 - h. A list and description of complaints from customers or others from the previous 5 years; and
 - i. Documentation of performance and implementation measures for the previous 5 years.
6. If water quality samples are required by an environmental or health regulatory agency or State law, or if voluntary monitoring is conducted by the Enrollee or its agent(s), as a result of any SSO, records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical technique or method used; and,
 - f. The results of such analyses.

C. Certification

1. All final reports must be certified by an authorized person as required by Provision J of the Order.
2. Registration of authorized individuals, who may certify reports, will be in accordance with the CIWQS' protocols for reporting.

Monitoring and Reporting Program No. 2006-0003 will become effective on the date of adoption by the State Water Board. The notification requirements added by Order No. WQ 2008-0002-EXEC will become effective upon issuance by the Executive Director.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of an order amended by the Executive Director of the State Water Board.



Jeanne Townsend
Clerk to the Board

APPENDIX 0B

Case No. C03-2612 PVT Consent Decree and Amendment

1 WHEREAS, on June 4, 2003, plaintiff Ecological Rights Foundation ("ERF") filed this
2 action against defendant City of Pacific Grove ("the City") pursuant to the citizen suit provision of
3 the Clean Water Act ("CWA" or "the Act"), 33 U.S.C. § 1251, et seq., alleging raw sewage and
4 wastewater discharges in violation of the Act;

5
6 WHEREAS, the parties agree and the Court by entering this Consent Decree finds that
7 settlement of the action, without further protracted litigation, is fair, reasonable and in the public
8 interest;

9 NOW, THEREFORE, without adjudication of any issue of fact or law, except as specifically
10 provided herein, and upon the consent and agreement of the parties to this Consent Decree by their
11 **authorized officials,**

12
13 IT IS ADJUDGED, ORDERED AND DECREED THAT:

14 **I.**
15 **GENERAL OBJECTIVES**

- 16 1. The objectives of this Consent Decree are:
- 17 a. To ensure that the City continues to improve its efforts to comply with the CWA;
 - 18 b. To ensure that the City continues to use, implement, and improve ways, means, and
19 methods to prevent or reduce sanitary sewer overflows; and
 - 20 c. To continue to further the goals and objectives of the CWA.

21 **II.**
22 **DEFINITIONS**

23 2. Unless otherwise expressly defined herein, terms used in this Consent Decree which
24 are defined in the CWA or in regulations or rules promulgated under the CWA have the meaning
25 assigned to them in the statutes or regulations or rules. Whenever terms listed below are used in this
26 Consent Decree, the following definitions apply:

27 "Consent Decree" means this Consent Decree and any attachments or documents
28

1 incorporated by reference.

2 "Collection System" means all pipes, maintenance holes, sewer lines, and appurtenances
3 thereto under ownership and operation of the City designed or used to convey domestic, commercial,
4 or industrial wastewater to the Monterey Regional Water Pollution Control Agency ("MRWPCA")
5 treatment plant.
6

7 "Day" means a calendar day. In computing any period of time under this Consent Decree,
8 where the last day of such period is a Saturday, Sunday, or Federal or State Holiday, the period runs
9 until the close of business on the next day that is not a Saturday, Sunday, or Federal or State
10 Holiday.

11
12 **"Design Storm" means the storm event utilized by the City in designing sewer lines, which**
13 shall be a 10 year, 24 hour storm event occurring simultaneously across the City's sewersheds.

14 "Sanitary Sewer Overflows," "overflow," or "SSO" means the discharge, release, or spill of
15 sewage, including wastewater or sewage sludge, slurry, or solids, from any portion of the Collection
16 System, including spills to waters of the United States, other surface waters, or any other location
17 outside of the Collection System.

18 "Waste Discharge Requirements" means the permit issued by the California Regional Water
19 Quality Control Board, Central Coast Region ("the Regional Board") to the City pursuant to the
20 California Water Code, as presently constituted and/or as subsequently revised or renewed.

21 "Waters of the United States" has the meaning defined in 33 C.F.R. § 328.3(a) and 40 C.F.R.
22 § 230.3(s).
23

24 "Year" means fiscal year which runs from July 1 – June 30 of each year.
25

26 III. 27 JURISDICTION AND VENUE

28 3. This Court has jurisdiction over the subject matter of the claims asserted by ERF
pursuant to CWA section 505(a), 33 U.S.C. § 1365(a), 28 U.S.C. §§ 1331, 1355, and 1367. Venue is

1 proper in this judicial district pursuant to section CWA §§ 309(b), 505(c), 33 U.S.C. §§ 1319(b),
2 1365(c), and 28 U.S.C. §§ 1391(b) and (c). The Complaint filed herein states claims for which relief
3 can be granted. The parties waive any and all objections that they may have to the Court's
4 jurisdiction to enter and enforce this Consent Decree.
5

6 **IV.**
EFFECT OF CONSENT DECREE

7 4. ERF does not, by its consent to this Consent Decree, warrant or aver in any manner
8 that the City's compliance with this Consent Decree will constitute or result in compliance with any
9 federal or state law or regulation. Nothing in this Consent Decree shall be construed to affect or
10 **limit in any way the obligation of the City to comply with all federal, state and local laws and**
11 **regulations governing any activity required by this Consent Decree.**
12

13 5. This Consent Decree is neither a permit nor a modification of existing permits under
14 any federal, state, or local law and in no way relieves the City of its responsibilities to comply with
15 all applicable federal, state and local laws and regulations.
16

17 6. Compliance with this Consent Decree, including the payment of any civil and
18 stipulated penalties, and the completion of all Supplemental Environmental Projects ("SEP")
19 required pursuant to this Consent Decree resolves ERF's civil claims for the violations alleged
20 against the City in the Complaint filed herein.

21 7. Upon the effective date of this Consent Decree, ERF hereby releases City, and its
22 successors and assigns, from any and all alleged CWA violations that have or could have been
23 claimed in the Complaint, known or unknown, up to and including the effective date of this Consent
24 Decree. Except for claims for the City's failure to comply with this Consent Decree, ERF further
25 releases the City, and its successors and assigns, from all claims pertaining to alleged violations of
26 the CWA related to operation of the Collection System that may occur between the effective date
27 and the termination date of this Consent Decree.
28

1 Collection System at least thirty (30) days prior to the scheduled date of such sale or transfer and
2 may seek from the Court a modification of this Decree that would transfer responsibility for
3 compliance with some or all of these provisions to its successor. The Court shall grant such request
4 if the successor is ready, willing and able to fully implement obligations the successor would assume
5 under the Consent Decree.
6

7 **VI.**
8 **SSO REDUCTION PERFORMANCE GOALS**

9 13. The City shall use best practicable control and cleanup efforts to attain the following
10 SSO Reduction Performance Goals:

11 a. Reduction of total number of SSO's as follows:¹

12 **SSO Reduction Table**

13 Year	Number of SSO's	SSO's/100 miles/year
14 2004	12	20.7
15 2005	11	19.1
16 2006	10	13.8
17 2007	7	13.8
18 2008	6	10.3
19 2009	5	8.6
20 2010	4	6.9
21 2011	4	6.9
22 2012	3	5.2
23 2013	3	5.2

24
25
26
27

28 ¹ NOTE: The City may calculate each year's SSO value for purposes of this table as either the total number of SSO's in that year or the annual average SSO rate over the previous twenty-four (24) months.

1
2 b. No capacity-related SSO's except those caused by storm events exceeding the Design
3 Storm.

4
5 c. No SSO's repeated within one year from the same sewer line segment or manhole.

6 14. Failure to attain the SSO Reduction Performance Goals set forth in this Part VI shall
7 not constitute a violation of this Consent Decree, but shall be used (1) as a benchmark in evaluation
8 of whether the City has designed and is implementing an adequate Sewerage System Asset
9 Management Program as required under this Consent Decree and (2) one of the criteria to be
10 considered in any Dispute Resolution proceeding under Part XIV of this Decree concerning whether
11 the City has designed and is implementing an adequate Sewerage System Asset Management
12 Program as required under this Consent Decree.

13
14 15. Further, as specified in Part XIX of this Decree, the SSO Reduction Performance
15 Goals of this Part VI shall be relevant to early termination of this Consent Decree.

16 **VII.**
17 **SEWERAGE SYSTEM ASSET MANAGEMENT PROGRAM**

18 16. The City shall develop a comprehensive Sewerage System Asset Management
19 Program ("SSAMP") setting forth the measures and an implementation schedule for the measures
20 that the City will employ to attain a well-maintained and operated Collection System. The SSAMP
21 shall be designed to obtain the SSO Reduction Performance Goals and meeting these goals shall be a
22 criterion for determining the adequacy of the SSAMP. The City shall utilize an independent
23 contractor, to assist in the development and implementation of the SSAMP.

24 17. The SSAMP shall consist of two elements:

25 a. A Focused Maintenance Program that will include strategic sewer line cleaning and other
26 appropriate measures to prevent SSO's in the near term.
27
28

1 b. A Rehabilitation and Replacement Program that will correct capacity and structural
2 deficiencies required to prevent SSO's in the long term.

3 The SSAMP shall further consist of the following tasks listed in this Part VII and the implementation
4 schedule set forth in Part VIII.

5
6 **A. PROJECT MANAGEMENT**

7 18. The SSAMP shall provide for project management by the City throughout
8 development and implementation of the SSAMP that will provide guidance, leadership, and
9 coordination to a multi-discipline project development and implementation team and will ensure that
10 all SSAMP implementation team members contribute to maximize achievement of the SSO
11 Reduction Performance Goals set forth in Part VI. The SSAMP shall designate a SSAMP project
12 development manager and a SSAMP project implementation manager.

13
14 19. The City shall hold at least monthly progress and coordination meetings with HDR
15 Engineering, Inc. ("HDR") until the SSAMP document is completed and adopted by the City.

16 **B. SYSTEM HYDRAULIC CAPACITY EVALUATION**

17 20. The SSAMP shall include a hydraulic analysis that evaluates the capacity of the
18 major components of the Collection System and identifies any areas where the system capacity may
19 be exceeded by peak flows during a ten-year planning period. The hydraulic analysis shall be
20 completed by March 31, 2004.

21
22 21. To perform the hydraulic analysis, HDR shall gather and review previous studies
23 performed by the City and the MRWPCA, including a September 2000 report produced by Parson's
24 Engineering Science, Inc. ("the Parsons Report"). HDR shall also review all information produced
25 from the Flow Monitoring effort specified in Subpart C. below. The review shall include
26 determination of the accuracy and reliability of the data and identification of any data gaps
27 mandating additional information gathering.

1 22. City will perform a Microsoft Excel spreadsheet-based hydraulic analysis on the
2 network of sewer mains that are ten inches (10") or larger in diameter. This analysis shall include
3 calculation of the estimated dry weather flow, estimated peak wet weather flow under the Design
4 Storm and other storm event scenarios, and total flow capacity when flowing full of all sewer lines
5 with diameters equal to or exceeding ten inches (10"). The City shall perform additional analysis to
6 confirm or refute modeling conclusions identifying sewer lines that have a modeled peak wet
7 weather flow rate exceeding the capacity of the line. Findings of the hydraulic analysis shall be
8 presented on a GIS system map and in tabular form.

9
10 C. CONDITION AND CRITICALITY ANALYSIS

11 23. By March 1, 2004, the City shall, via its contractor HDR, complete evaluation of all
12 currently existing closed circuit television ("CCTV") tapes gathered from the City's Collection
13 System. By March 15, 2004, the City shall further employ CCTV information and all appropriate
14 supplemental information to rank the condition of all sewer lines according to the Sewer Condition
15 Grade Definition and Action Table set forth in Attachment 1.

16 D. FLOW MONITORING

17 24. The SSAMP shall provide for Collection System sewage flow monitoring sufficient
18 to determine peak wet weather flow rates and evaluate whether all sewer lines over ten inches (10")
19 in diameter in the Collection System have sufficient capacity to convey peak flows during the
20 Design Storm. The SSAMP shall further provide for periodic reevaluation of system flow following
21 any developments that could cause substantial increases in system flow (such as increases in rainfall
22 derived infiltration/inflow ("RDI/I") rates, changes in land use leading to additional storm water
23 runoff or increased dry weather discharge to the Collection System, and deterioration of condition of
24 sewer lines or manholes).
25
26
27
28

1 E. WET WEATHER CAPACITY DETERMINATION

2 25. By May 1, 2004, the City shall perform field inspection of selected manholes to
3 identify high flow areas and provide some field verification of flow monitoring predictions. In
4 addition, the City, via its independent contractor, shall assess these additional factors in performing a
5 best engineering judgment assessment of the extent of Collection System RDI/I and dry weather
6 infiltration including available historical information on: overflows, CCTV data, dye test and smoke
7 test results, sewer line age, structural conditions, land-use patterns, soils conditions, and cleaning and
8 maintenance records. The City shall further analyze the relative contribution of inflow versus
9 infiltration to peak system flows. Wet weather capacity limitations identified by the SSAMP shall
10 be analyzed and capital improvements needed to provide adequate capacity shall be identified at the
11 time of the first triennial review. Projects identified at that time shall be included in the Capital
12 Improvement Plan produced by that effort.

13 F. COLLECTION SYSTEM MAINTENANCE

14 26. By June 30, 2004, the City's independent contractor shall systematically assess City
15 sewer line cleaning optimization. This line cleaning evaluation shall include analysis of removal of
16 fats, oil and grease ("FOG"), debris and tree and shrub roots from lines. The SSAMP shall provide a
17 maintenance strategy to identify and maintain system hot spots, i.e., sewer lines more prone to
18 blockages and in need of more frequent line cleaning, versus sewer lines that may be cleaned less
19 frequently. The SSAMP shall outline an appropriate maintenance strategy and both proactive and
20 preventive maintenance activities. The SSAMP shall further identify steps needed for
21 implementation, including cleaning optimization.

22 27. By June 30, 2004, HDR shall assess the sewer line cleaning equipment needed to
23 optimize line cleaning efficacy and efficiency. The City's independent contractor, HDR, shall
24 further provide the City with recommendations concerning any new or additional equipment which
25
26
27
28

1 may be required.

2 **G. STAFFING AND ORGANIZATION EVALUATION**

3 28. The SSAMP shall include recommendations for optimum levels of staffing and
4 optimum internal organization to ensure effective implementation of the SSAMP.

5
6 **H. DATA AND INFORMATION MANAGEMENT SYSTEM**

7 29. The SSAMP shall provide for the acquisition and use of a computerized Maintenance
8 Management System. This information system shall be used in conjunction with the GIS database to
9 track and make readily available to relevant City employees and contractors information concerning
10 overflow history, sewer line cleaning, sewer line and manhole spot repairs, sewer line replacements
11 and other information necessary to plan system operation and maintenance and capital improvement.

12 The SSAMP shall make recommendations for initial implementation and use of the Maintenance
13 Management System.

14
15 **I. PUMP STATION COST EVALUATION**

16 30. The SSAMP shall include an evaluation of pump station maintenance, repair, and
17 rehabilitation needs and associated costs for which the City would be responsible. This evaluation
18 shall include, but not be limited to, evaluation of the need to acquire spare pumps and spare parts for
19 pump stations. The SSAMP shall provide for regular reevaluation of pump station maintenance,
20 repair, and rehabilitation needs and associated costs for which the City would be responsible.

21
22 **J. REVIEW OF CITY POLICIES AND ORDINANCES**

23 31. The SSAMP shall include an assessment of all pertinent City policies and ordinances
24 to ensure that they are sufficient for implementation of the SSAMP. As part of this review, the City
25 shall assess whether it has adequate design standard specifications for replacement sewer lines, to
26 ensure that sewer lines are constructed of appropriate material and are sized appropriately.
27
28

1 K. SEWER LINE REPAIR AND REPLACEMENT AND LONG TERM CAPITAL
2 IMPROVEMENT PLAN

3 32. By June 30, 2004, using the rankings specified by paragraphs 23 and 30, the City
4 shall identify sewer pipes and manholes needing systematic repair or replacement for the portion of
5 the system that has CCTV data. Subject to the cap on expenditure provisions of paragraph 34, the
6 City shall by September 30, 2004, commence steps needed to initiate projects to replace or repair
7 sewer lines or manholes identified as needed to address defects creating a substantial likelihood of
8 imminent sewage overflows, property damage, or other substantial environmental or economic harm
9 and thereafter make its best effort to complete such repair or replacement within an expeditious time
10 commensurate with how urgently the repair or replacement is needed (hereinafter referred to as
11 "emergency repairs").

12
13 33. The SSAMP shall provide for an initial Capital Improvement Plan ("CIP") to repair
14 or replace those sewer lines that cannot be kept free of stoppages by a reasonable program of
15 maintenance, to add new sewer lines or install larger sewer lines as needed to address inadequate
16 capacity of any existing sewer line to handle peak wet weather flows, and other capital
17 improvements to ensure adequate Collection System flow conveyance capacity. The CIP shall
18 include a projection of capital repair or replacement needs in accord with a priority ranking that
19 takes into account the pipe condition. The CIP shall include a recommended annual expenditure
20 level appropriate to the condition of the system that optimizes the costs and an effective balance
21 between maintenance and capital costs to achieve low SSO frequency.

22
23 34. The City shall not be required to spend more than \$500,000 per fiscal year in 2004-05
24 on its capital investment in the sewer collection system. In addition, the City shall not be required to
25 spend more than the adjusted annual cap on expenditures in any subsequent year. The adjusted
26 annual cap on expenditures shall be a sum equal to \$500,000 plus \$50,000 annually during the term
27 of this Consent Decree, which cap shall not exceed \$1,000,000.
28

1 35. If the City defers repair or replacement of sewer lines or manholes due to cost
2 considerations, the City shall ensure that such sewer lines are targeted for enhanced line cleaning and
3 other appropriate maintenance measures as needed to reduce the risk of SSO's from those lines.

4
5 **L. LONG TERM COST EVALUATION OF OPERATION AND MAINTENANCE**

6 36. The SSAMP shall include a long-term evaluation of the cost of operating and
7 maintaining the Collection System at a level intended to accomplish the SSO Reduction
8 Performance Goals set forth in Part VI. The SSAMP shall further specify regular reevaluation of
9 this cost.

10 **M. TEN YEAR PROJECTION OF RATES AND CHARGES**

11 37. The SSAMP shall include a ten (10) year projection of the sewer rates and other
12 charges the City will need to impose to have sufficient revenue to fund implementation of the
13 SSAMP. The SSAMP shall further specify regular reevaluation of this projection.

14
15 **N. FATS, OIL AND GREASE CONTROL**

16 38. The SSAMP shall provide for continued implementation of the City's FOG program,
17 including (a), at least annual inspection of Pacific Grove food service establishments for compliance
18 with City ordinances regarding installation and maintenance of grease trap and interceptors and (b),
19 appropriate public outreach and education.

20
21 **O. OVERFLOW RESPONSE AND TRACKING**

22 39. By November, 2004, the City shall prepare and adopt an overflow monitoring,
23 reporting, and response protocol ("the Overflow Protocol"). The Overflow Protocol shall mandate
24 full compliance with the applicable requirements of the City's Waste Discharge Requirement. The
25 Overflow Protocol shall specify measures, consistent with Monterey County Department of Health
26 and Regional Board recommendations and requirements, for avoiding the release of chlorine bleach
27 or other potentially toxic disinfectants into waters of the United States. The Overflow Protocol shall
28

1 further specify measures for improving the detection and reporting of SSO's, such as increased
2 public education about how to detect SSO's and where and how members of the public can report
3 SSO's, education of all appropriate City personnel about how to detect and report SSO's, and spot
4 manual inspections of manholes during rainfall events to detect surcharging manholes and other
5 signs of wet weather overflows.
6

7 **P. SSAMP GENERAL PROVISIONS**

8 40. By June 7, 2004, the City shall submit the final draft SSAMP to ERF for review and
9 comment. By July 21, 2004, ERF shall provide the City with any recommended revisions to the
10 SSAMP. The City shall indicate by September 20, 2004 whether it accepts these recommendations
11 for revision, and if so, the City shall revise the SSAMP in accordance with ERF's recommendations.
12 After the parties have reached agreement on the SSAMP, the City shall implement the SSAMP as a
13 requirement of this Consent Decree. If the Parties do not reach agreement on the SSAMP, either
14 Party may seek Dispute Resolution, as set forth in Part XIV below. Pending Dispute Resolution, the
15 City may implement its preferred version of the SSAMP. In any Dispute Resolution proceeding, any
16 added increase in cost to the City for SSAMP implementation which is solely attributable to the
17 City's implementing its preferred version of the SSAMP while Dispute Resolution was pending,
18 shall not be a factor that weighs against ERF's proposed Dispute Resolution outcome, however.
19 After Dispute Resolution resolves the dispute concerning the SSAMP, the City shall implement the
20 SSAMP, with revisions, if any, that reflect the determination of the Dispute Resolution, as a
21 requirement of this Consent Decree.
22

23
24 41. The City shall review the SSAMP as needed to keep the SSAMP current and as
25 needed to comply with the requirements of this Consent Decree. In any case, however, the City shall
26 systematically review the SSAMP every three (3) years and revise the SSAMP as appropriate. The
27 City shall implement the revised SSAMP as a requirement of this Consent Decree.
28

1 42. The City shall submit to the Regional Board and simultaneously provide ERF with
2 copies of all reports listed in Table 1 of the Monitoring and Reporting Program No. R3-2002-0078
3 for Waste Discharge Requirements ("WDR") for Sewage Collection Agencies Tributary to
4 Monterey Regional Wastewater Treatment Plant in Monterey County ("the MRP") by January 30 of
5 each year that this Consent Decree is in effect. Such reports include Overflow Reports/Certification
6 Statements, Annual Sewerage System Management Plan Updates, and Sampling results (if any)
7 related to overflows. If, and when, the City's current WDR, which includes the MRP is replaced by
8 a new WDR or is modified, the City shall submit such reports as required by the new WDR to the
9 Regional Board, with copies provided to ERF.
10

11 43. It is the City's intention and ERF's understanding that these reports, taken
12 collectively, will provide ERF with the information needed to conclude whether the City has
13 implemented and/or is implementing all measures required by this Consent Decree. The City has not
14 yet prepared an Annual Sewerage System Management Plan Update report, however, which limits
15 the parties' ability to evaluate whether such reports will in fact provide such complete information.
16 If these reports do not provide such information, the City shall provide ERF such reasonable
17 supplemental documents or reports needed to determine whether the City has complied with this
18 Consent Decree. The City shall not be obligated to provide any additional documents or reports to
19 ERF unless ERF makes a reasonable request for such documents or reports, and such documents or
20 reports are readily available to the City. Upon such a request, the City shall have thirty (30) days to
21 either provide the documents or reports or explain in writing to ERF why the City views additional
22 documents or reports as unnecessary to determine whether the City is complying with the Consent
23 Decree. If ERF determines that the City has not provided sufficient documents or reports pursuant
24 to this paragraph, ERF may seek Dispute Resolution pursuant to Section XIV.
25

26 44. The City shall pay to ERF \$20,000 to fund ERF's monitoring of Consent Decree
27
28

1 compliance. City's first payment of \$10,000 shall be due on September 1, 2004 and City's second
2 payment of \$10,000 shall be due on September 1, 2005. ERF may use such funds as necessary to
3 obtain expert and/or legal evaluation of Consent Decree compliance. ERF shall keep strict account
4 of its use of such funds and provide an accounting to City detailing the costs and fees of the
5 compliance evaluation. Upon Consent Decree termination, ERF shall refund to the City any sums
6 not spent on expert and/or legal evaluation of Consent Decree compliance.
7

8 **VIII.**
9 **IMPLEMENTATION SCHEDULE**

10 45. By November 2004, the City shall develop a comprehensive SSAMP implementation
11 schedule that includes the following tasks:

- 12 a. The SSAMP implementation schedule shall provide for periodic reevaluation and
13 updating of the hydraulic analysis to reflect any changes in Collection System condition,
14 conditions or factors relevant to volumes of system RDI/I's, dry weather infiltration,
15 added service connections, or land use patterns that would affect peak wet weather flows
16 and effective system capacity.
17
18 b. The SSAMP shall further provide a schedule for complete CCTV inspection of all of the
19 City's sewer lines and assessment and ranking of the condition of all City sewer lines and
20 manholes according to the criteria referenced in paragraphs 23 and 30 by December 31,
21 2006. As an interim goal, the SSAMP shall provide that 60% of all City sewer lines shall
22 have been inspected by CCTV and the condition of these lines ranked according to the
23 criteria referenced in paragraph 23 by December 31, 2004.
24
25 c. The SSAMP shall set forth a schedule for the completion of initial RDI/I and dry weather
26 infiltration control recommendations as expeditiously as practicable and tailored
27 variously to the specific measures recommended. This RDI/I evaluation shall be
28 completed as a part of, or before, the first triennial review of the SSAMP. The City shall

1 analyze any pipelines or pump stations found to be capacity limited by the SSAMP and
2 shall include any appropriate pipeline capacity increases in the CIP produced subsequent
3 to the first triennial review. The SSAMP shall further provide for periodic reevaluation
4 of these recommendations following any developments that could cause substantial
5 increases in RDI/I or dry weather infiltration (such as changes in land use leading to
6 additional storm water runoff discharge to the Collection System and deterioration of
7 condition of sewer lines or manholes). The City shall thereafter further amend the
8 SSAMP to include any subsequent RDI/I or dry weather infiltration control
9 recommendations and a schedule for implementing such recommendations.
10

11 d. A schedule for implementing the initial sewer line cleaning recommendations set forth in
12 the SSAMP. The schedule shall provide for regular reevaluation of sewer line cleaning
13 optimization and adjustment of sewer line cleaning schedules to reflect new information.
14

15 e. A schedule for initial acquisition of any new sewer line cleaning equipment needed to
16 optimize line cleaning efficacy and efficiency. The implementation schedule shall further
17 reflect any needed maintenance schedule for existing equipment, provide for regular
18 reevaluation of the need for new sewer line cleaning equipment, and reevaluation to
19 reflect newly identified equipment needs.
20

21 f. The schedule for development of the Maintenance Management System and initial
22 implementation of its use by July 1, 2005. The City shall create and thereafter maintain
23 an inventory of the Collection System in a GIS database. The initial GIS database shall
24 be created by February 1, 2004; and shall be regularly revised and updated as the City
25 acquires additional information. The GIS database shall include all Collection System
26 attributes required for the hydraulic modeling and further shall include system attributes
27 that will facilitate Collection System operation and maintenance as provided for in
28

1 Section VII, Subpart 45f, above. Such system attributes include: sewer line diameters
2 and lengths, sewer line slope invert elevations of lines greater than ten inches (10") in
3 diameter, manhole locations and depth, whether a sewer line is located in a right-of-way
4 or an easement; and sewer lines and manhole construction material, and condition score,
5 (inspection history, cleaning history, and repair history).
6

7 g. The schedule for completion of the repair or replacement projects identified as
8 "emergency repairs" as set forth in paragraph 32, above. The City shall further develop a
9 comprehensive schedule for completion of all spot repairs identified as needed. The City
10 shall include the schedule for completion of the spot repairs required pursuant to this
11 paragraph in the SSAMP (to the extent such projects are not already completed by the
12 time the initial SSAMP is completed). The City shall periodically revise its spot repair
13 schedule to reflect future information concerning Collection System defects needing spot
14 repair and shall amend its SSAMP to reflect the revised schedule.
15

16 h. The City shall build the GIS database. The City's existing CAD-based sanitary sewer
17 system data will serve as the initial resources for creating the GIS database. Through the
18 processes of registration, conversion and update, City shall account for the following
19 issues with existing data: sewer lines are not connected; lines are not snapped to their
20 corresponding structures; and lines are flowing in the wrong directions. Also, City will
21 prepare metadata documentation that conforms to the Federal Geographic Data
22 Committee standard. City will complete or cause to be completed, an annual update of
23 the GIS database.
24

25 i. The schedule for repair or replacing sewer lines in accord with the priority ranking as set
26 forth in paragraph 23, above. In establishing this schedule, the City shall provide for the
27 repair or replacement of those sewer lines needing repair or replacement as expeditiously
28

1 as possible, subject to the cost cap set forth in paragraph 34, above.
2

3 **IX.**
4 **SUPPLEMENTAL ENVIRONMENTAL PROJECTS**

5 46. The City shall implement two Supplemental Environmental Projects ("SEPs"), which
6 the Parties agree are intended to secure significant environmental benefits. The first SEP shall
7 consist of the Private Lateral Sewer Replacement Program ("SEP I") described in Attachment 2,
8 which is incorporated herein by reference, funded at a level of \$40,000 annually for the years 2005,
9 2006, 2007, 2008, and 2009. The second SEP shall consist of the Save Our Shores Monterey Bay
10 Environment Enhancement Projects described in Attachment 3 ("SEP II"), which is incorporated
11 herein by reference, funded at a level of \$50,000. City shall pay to Save Our Shores \$25,000 by
12 September 1, 2004, and \$25,000 by September 1, 2005.

13 47. Pacific Grove shall provide to ERF a report on SEP I within sixty (60) days after
14 establishing the measures needed to begin offering grants or loans to the public for lateral sewer line
15 repair explaining the City's implementation of these measures. Thereafter, the City shall provide to
16 ERF:

- 17
- 18 a. copies of its annual accounting of funds transferred into and disbursed from the dedicated
 - 19 account established for SEP I implementation,
 - 20 b. a triennial report outlining substantive implementation of the SEP (i.e., indicating how
 - 21 many grants or loans have been made and lateral sewer lines replaced under the program,
 - 22 the measures that the City has instituted to ensure that SEP I funds are used solely for
 - 23 environmentally beneficial projects that meet the terms of EPA's SEP Policy, and
 - 24 outlining whether the program is functioning as intended or whether problems in
 - 25 implementation have arisen), and
 - 26 c. a final report indicating that the City has provided funding for lateral sewer line
 - 27 replacement in the amount total of \$200,000 in funds that will not be repaid to the City,
 - 28

1 thus satisfying in full the City's Consent Decree obligations for SEP I or a final report
2 thirty (30) days before Consent Decree termination explaining the current status of SEP I.

3
4 48. The City shall not refer to completion or implementation of SEP II required under this
5 Consent Decree in any representation to the public without explicitly stating in any such
6 representation that it undertook completion or implementation of SEP II in response to a CWA
7 enforcement action brought by ERF.

8 49. For SEPs to meet the requirements of this Consent Decree, the following criteria must
9 be met:

- 10 a. Completion or implementation of the SEP(s) shall not be required under any state, local
11 or federal law or regulation,
12
13 b. The SEP(s) are not required by any other agreement to which the City is a party,
14
15 c. The City has not made a decision to complete or implement the SEP(s) prior to the date
16 this action was filed, and
17
18 d. Except through increased rates and charges for sewer collection service, the City shall not
19 receive reimbursement from any person for SEP expenditures.

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X.
STIPULATED PAYMENTS

20 50. As provided in this Part, the City shall pay stipulated payments of \$10,000 in the
21 event of material noncompliance with this Consent Decree, including a significant failure to
22 implement the SSAMP or SEP's.

23 51. Nothing herein shall preclude the simultaneous accrual of separate stipulated
24 payments for separate violations of the Consent Decree.

25 52. The City shall pay stipulated payments to Save Our Shores Monterey Bay
26 Environment Enhancement Projects to be used solely to fund activities which benefit the
27 environment of Monterey Bay. Payments shall be due within forty-five (45) days of written demand
28

1 from ERF, unless the City seeks Dispute Resolution concerning the demand for payment.

2
3 **XI.**
ATTORNEYS FEES AND COSTS

4 53. The City shall pay ERF as costs of suit and attorney fees incurred through the
5 execution of the Consent Decree the sum of \$286,200 plus seven per cent (7%) compound interest to
6 accrue from the date of ERF and City's execution of this Consent Decree until final payment on
7 September 1, 2005. The first payment of \$100,000 shall be made within ninety (90) days of City's
8 execution of this Consent Decree, or fifteen (15) days after the Court approves the dismissal of
9 ERF's complaint, whichever is earlier. The second payment of \$100,000 shall be due on September
10 1, 2004. A final payment of \$100,000 shall be due on September 1, 2005.

11
12 **XII.**
NOTICES AND SUBMISSIONS

13 54. Except as otherwise expressly provided in this Consent Decree, whenever under the
14 terms of this Consent Decree notice is required to be given or a report or other document is required
15 to be forwarded by one Party to another, it shall be directed to the following individuals at the
16 addresses specified below unless specifically stated otherwise herein. Any change in the individuals
17 designated by either Party must be made in writing to the other Party.

18
19 As to Plaintiff:

20 Daniel Cooper
21 Layne Friedrich
22 Lawyers for Clean Water
23 Building 1004A O'Reilly Avenue
24 San Francisco, California 94129

25 As to the City:

26 Ross Hubbard, City Manager
27 City of Pacific Grove
28 300 Forest Avenue
Pacific Grove, California 93950

David Fleishman, City Attorney
The Municipal Advocates Group, LLP
8930 Morro Road
Atascadero, California 93422

1 the anticipated length of time the delay may persist, the cause or causes of the delay, the
2 measures taken or to be taken by the City to prevent or minimize the delay, the schedule
3 by which the measures will be implemented, and the anticipated date of compliance. The
4 City shall adopt all reasonable measures to avoid and minimize such delays.
5

- 6 c. If ERF disagrees with the City's notice, the Parties shall meet and confer in good faith to
7 determine whether the Parties concur that the delay was or is impossible to avoid, despite
8 the good faith efforts of the City. If, after a good faith effort to resolve the dispute as to
9 whether the City's delay was or is impossible to avoid, the Parties cannot resolve the
10 dispute, either party may seek Dispute Resolution under the procedures of Part XIV. In
11 such proceeding, the City shall bear the burden of proving that any delay of any
12 requirement of this Consent Decree was caused or will be caused by force majeure and
13 the extent of any delay attributable to such circumstances.
14

15 **XIV.**
16 **DISPUTE RESOLUTION**

17 58. The Dispute Resolution procedure of this Part shall be the exclusive mechanism to
18 resolve any disputes arising under this Consent Decree.

19 59. Any dispute that arises under this Part shall initially be subject to a period of good
20 faith informal negotiations, which shall not extend beyond sixty (60) days unless the Parties
21 otherwise mutually agree in writing to an extension of the informal negotiation period. The dispute
22 shall be considered to have arisen on the date one Party receives written notification from the other,
23 specifically referencing this Part of this Consent Decree, that there is a dispute.
24

25 60. If the Parties cannot resolve a dispute by informal negotiations under paragraph 58
26 above, either Party may require that the dispute proceed to mediation. Such Party requesting
27 mediation shall send written notice to the other Party, via overnight delivery, of its request to
28 proceed with mediation (hereinafter referred to as "Mediation Notice"). If either Party is dissatisfied

1 with the mediation process after sixty (60) days, such Party may file a motion with the Court. The
2 motion shall refer to this Part and shall set forth the nature of the dispute and a proposal for its
3 resolution. The opposing Party shall have thirty (30) days in which to file a response to the motion
4 with an alternate proposal for resolution.
5

6 61. The request to proceed to mediation or the filing of a Petition asking the Court to
7 resolve a dispute shall not, in itself, postpone any deadline for the City to meet its obligations under
8 this Consent Decree. If ERF prevails on the dispute, then the deadlines shall remain as specified in
9 this Consent Decree. If the City prevails on the Dispute, deadlines relevant to the issue in dispute
10 shall be tolled for the time period when the issue was in dispute, except those deadlines for any
11 measures or actions set forth in the City's proposal for Dispute Resolution that are consistent with
12 ERF's proposal for dispute resolution shall not be tolled, provided that such consistent measures or
13 actions are severable from the disputed measures.
14

15 62. As to any and all disputes under this Part, the Court shall determine which proposed
16 resolution is most in keeping with the objectives, goals and requirements of this Consent Decree.
17

18 63. A Party in any dispute shall be entitled to reasonable attorneys fees and costs in
19 accord with the standard established by 33 U.S.C. section 1365(d).
20

21 **XV.**
22 **INCORPORATION AND MODIFICATION**

23 64. This Consent Decree is the entire agreement between the Parties and no major
24 modifications to this Consent Decree shall be valid unless in writing, mutually agreed to and
25 executed by the Parties, and entered by Consent Decree of this Court, except that the Parties may
26 mutually agree in writing to minor modifications of this Consent Decree without further Consent
27 Decree of the Court and such written minor modifications shall be deemed incorporated into this
28 Consent Decree.

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**XVI.
CONTINUING JURISDICTION**

65. The Court shall retain jurisdiction to enforce the terms and conditions of this Consent Decree and to resolve disputes arising thereunder as may be necessary or appropriate for the construction or execution of the Consent Decree up to and including the date of termination.

**XVII.
RECORD RETENTION AND PUBLIC INFORMATION**

66. During the life of this Consent Decree, the City shall preserve at least one legible copy of all non-privileged records and documents, including computer-stored information, in its possession which relate to its performance of its obligations under this Consent Decree.

**XVIII.
PAYMENTS**

67. All payments to ERF shall be made by check made payable to Lawyers for Clean Water Attorney Client Trust Account and shall be sent via overnight delivery, to the following address:

Layne Friedrich
Lawyers for Clean Water
Building 1004A O'Reilly Avenue
San Francisco, California 94129

**XIX.
EFFECTIVE AND TERMINATION DATES**

68. Pursuant to CWA section 505(c)(3), ERF shall submit this executed Consent Decree to the United States Environmental Protection Agency ("EPA") and the United States Department of Justice ("DOJ") for a forty-five (45) day review and comment period, and the Court shall not enter its judgment on consent until the expiration of this review and comment period.

69. If the EPA or the DOJ request or suggest revisions to this Consent Decree or object to the Court that the Consent Decree should be entered in the form presented, the Parties shall attempt in good faith to agree to revisions of the Consent Decree in accord with the requested or suggested

1 revisions provided by EPA or DOJ and/or otherwise accommodate EPA or DOJ's objections. If the
2 Court objects to entry of the Consent Decree in the form presented, the Parties will attempt in good
3 faith to agree to revisions of the Consent Decree necessary so that it is acceptable to the Court.
4

5 70. The effective date of this Consent Decree shall be the date upon which the Consent
6 Decree is signed by the Court.

7 71. This Consent Decree shall terminate when the following conditions are met:

- 8 a. The City has had no more than three (3) SSO's that discharge to waters of the United
9 States, surface waters, or streams in the preceding twelve months;
10 b. The City has implemented in full all the requirements of the SSAMP for at least three (3)
11 consecutive years;
12 c. The City has been in full compliance with all the requirements related to SEPs specified in
13 Part IX for at least three (3) consecutive years; and
14 d. All fees and costs due under Part XI have been paid in full to ERF.
15

16 72. Alternatively, this Consent Decree shall terminate when the following alternate
17 conditions are met:

- 18 a. The City has attained the SSO Reduction Performance Goals specified in paragraph 13
19 above for at least the year immediately preceding Decree termination;
20 b. The City has materially implemented the requirements of the SSAMP for at least six (6)
21 consecutive years;
22 c. The City has been in full compliance with all the requirements related to SEPs specified in
23 Part IX for at least three (3) consecutive years; and
24 d. All fees and costs due under Part XI have been paid in full to ERF.
25

26 73. Notwithstanding the foregoing, this Consent Decree shall automatically terminate ten
27 (10) years from the effective date.
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74. The City shall initiate early termination by submitting certification to ERF that it has satisfied the conditions of termination set forth in this Part. If ERF agrees with the City's certification, then the Parties shall file a joint motion for termination of this Consent Decree. If ERF disagrees with the City's certification, then the matter shall be subject to the dispute resolution provisions of Part XIV.

IT IS SO STIPULATED:

For Plaintiff Ecological Rights Foundation:

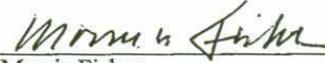
Dated: 3/22, 2004



Frederic Evenson
Ecological Rights Foundation

For Defendant City of Pacific Grove:

Dated: 3-19, 2004



Morris Fisher
City Mayor

Pursuant to the stipulation of the Parties, IT IS SO ORDERED.

Dated: _____

Patricia V. Trumbull
United States District Court
Magistrate Judge

684373

1 DANIEL COOPER (California State Bar No. 153576)
LAYNE FRIEDRICH (California State Bar No. 195431)
2 Lawyers for Clean Water
Building 1004A O'Reilly Avenue
3 San Francisco, California 94129
Telephone: (415) 440-6520
4 Facsimile: (415) 440-4155
E-mail: cleanwater@sfo.com

5 MILES J. DOLINGER (California State Bar No. 168084)
6 Attorney At Law
340 Soquel Avenue, Suite 103
7 Santa Cruz, CA 95062
Telephone: (831) 466-3600/ Facsimile: (831) 466-3601

8 Christopher Sproul (State Bar No. 126398)
9 ENVIRONMENTAL ADVOCATES
5135 Anza Street
10 San Francisco, California 94121
Telephone: (415) 533-3376
11 Facsimile: (415) 358-5695
E-mail: csproul@enviroadvocates.com

12 Attorneys for Plaintiff
13 Ecological Rights Foundation

14
15 UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
17 (SAN JOSE DIVISION)
18

19 ECOLOGICAL RIGHTS FOUNDATION, a)

20 non-profit corporation,)

21)
22 Plaintiff)

23 vs.)

24 THE CITY OF PACIFIC GROVE,)

25)
26 Defendant.)
27
28

CASE NO. C03-2612 PVT

[PROPOSED] AMENDMENT TO
THE CONSENT DECREE

Location: Courtroom 5
280 South First Street
San Jose, California

1
2 WHEREAS, the Court entered a Consent Decree ("the Consent Decree") in this action on
3 June 2, 2004 duly agreed to by plaintiff Ecological Rights Foundation ("ERF") and defendant
4 City of Pacific Grove ("the City");

5 WHEREAS, the parties agree and the Court by entering this Amendment to the Consent
6 Decree finds that amendment of the original Consent Decree is fair, reasonable and in the public
7 interest;

8 NOW, THEREFORE, without adjudication of any issue of fact or law, except as
9 specifically provided herein, and upon the consent and agreement of the parties to this Consent
10 Decree by their authorized officials,

11 IT IS ADJUDGED, ORDERED AND DECREED THAT:

12 1. The Consent Decree (attached as Exhibit A and incorporated herein by reference) is
13 amended as provided by this Amendment to the Consent Decree. Except as expressly otherwise
14 provided by this Amendment to the Consent Decree, all terms and conditions of the Consent
15 Decree shall remain in effect as originally agreed upon and ordered.

16 2. All Definitions for terms set forth in the Consent Decree shall equally apply to this
17 Amendment to the Consent Decree.

18 3. The City shall implement its Interim Capital Improvement Plan ("Interim CIP")
19 attached as Exhibit B as a requirement of the Consent Decree. The City shall revise the Interim
20 CIP as needed to reflect any new information concerning what capital projects are most needed to
21 reduce the risk of sewage spills from the City's Collection System and to ensure that the City is
22 giving the highest priority to completion of such projects. The City shall provide a copy to ERF
23 of any proposed Revised Interim CIP within ten days of the City completing such revised Interim
24 CIP. ERF shall have thirty days to suggest revisions to the Revised Interim CIP. The City shall
25 indicate within thirty days of receipt of ERF's suggestions whether the City accepts these
26 recommendations for revisions, and if so, the City shall revise the Revised Interim CIP in

1 accordance with ERF's recommendations. After the parties have reached agreement on any
2 Revised Interim CIP, the City shall implement the Revised Interim CIP (instead of the original
3 Interim CIP) as a requirement of the Consent Decree. If the City does not accept ERF's
4 recommendations, either party may seek Dispute Resolution in accordance with paragraphs 58 to
5 63 of the Consent Decree.

6 4. The City shall further complete a revised detailed Capital Improvement Plan ("2007
7 CIP") by March 30, 2007 that identifies capital improvements needed within the next ten years to
8 ensure reliable Collection System performance (such as sewer line spot repairs, replacement of
9 all F Grade sewer lines, replacement of D Grade sewer lines, capacity assurance projects,
10 manhole repairs or replacements, and pump station rehabilitation, repairs and improvements).
11 The 2007 Revised CIP shall set a schedule for implementation of the identified capital
12 improvements. The City shall provide ERF with a copy of the 2007 CIP by March 30, 2007 for
13 review and comment. By April 30, 2007, ERF shall provide the City with any recommended
14 revisions to the 2007 CIP. The City shall indicate by May 18, 2007 whether it accepts these
15 recommendations for revision, and if so, the City shall revise the 2007 CIP in accordance with
16 ERF's recommendations. If the City does not accept ERF's recommendations, either party may
17 seek Dispute Resolution in accordance with paragraphs 58 to 63 of the Consent Decree.

18 5. The City shall revise the 2007 CIP as needed to reflect any new information
19 concerning what capital projects are most needed to reduce the risk of sewage spills from the
20 City's Collection System and to ensure that the City is giving the highest priority to completion
21 of such projects. The City shall provide a copy to ERF of any proposed Revised 2007 CIP within
22 ten days of the City completing such revised Interim CIP. ERF shall have thirty days to suggest
23 revisions to the Revised 2007 CIP. The City shall indicate within thirty days of receipt of ERF's
24 suggestions whether the City accepts these recommendations for revisions, and if so, the City
25 shall revise the Revised 2007 CIP in accordance with ERF's recommendations. After the parties
26 have reached agreement on any Revised 2007 CIP, the City shall implement the Revised Interim

1 CIP (instead of the original 2007 CIP) as a requirement of the Consent Decree. If the City does
2 not accept ERF's recommendations, either party may seek Dispute Resolution in accordance with
3 paragraphs 58 to 63 of the Consent Decree.

4 6. The City shall complete reviews of the 2007 or Revised 2007 CIP annually by no later
5 than September 1 of each calendar year and shall revise the Revised CIP as necessary to ensure
6 that scheduled capital improvements reflect priority projects identified over the previous year in
7 the course of the City's operation, maintenance and/or inspection of the Collection System. The
8 City shall provide a copy of proposed revisions to the Revised CIP to ERF by September 15 of
9 each calendar year for review and comment. By October 15 of each calendar year, ERF shall
10 provide the City with any recommended revisions to the Revised CIP. The City shall indicate by
11 November 15 whether it accepts these recommendations for revision, and if so, the City shall
12 revise the Revised CIP in accordance with ERF's recommendations. If the City does not accept
13 ERF's recommendations, either party may seek Dispute Resolution in accordance with
14 paragraphs 58 to 63 of the Consent Decree.

15 7. The City shall complete inspections of all Collection System manholes and grading of
16 manhole conditions by April 30, 2007 using the Inspection Form set forth as Exhibit C to this
17 Amendment to the Consent Decree. The City may amend the form if warranted by subsequent
18 field experience. The City shall provide a copy to ERF of any proposed revised Inspection Form
19 within ten days of the City completing such revised Inspection Form. ERF shall have thirty days
20 to suggest revisions to the Revised Inspection Form. The City shall indicate within thirty days of
21 receipt of ERF's suggestions whether the City accepts these recommendations for revisions, and
22 if so, the City shall revise the Revised Inspection Form in accordance with ERF's
23 recommendations. After the parties have reached agreement on any Revised Inspection Form,
24 the City shall employ the Revised Inspection Form (instead of the original Inspection Form) as a
25 requirement of the Consent Decree. If the City does not accept ERF's recommendations, either
26 party may seek Dispute Resolution in accordance with paragraphs 58 to 63 of the Consent

1 Decree.

2 8. The City may retain an outside contractor to perform some or all of the sewer line
3 cleaning required by the Consent Decree. If the sewer line cleaning performed by the contractor
4 in combination with sewer line cleaning performed by the City meets the sewer line cleaning
5 requirements established by the Consent Decree without the City purchasing the new sewer line
6 cleaning equipment as originally required by the Consent Decree, the City may forgo purchasing
7 this new sewer line cleaning equipment.

8 9. The City shall complete inspection and condition evaluation of all force main sewer
9 lines in the Collection System by April 1, 2006. The City shall use such condition evaluation to
10 revise its Revised CIP, as appropriate, and to take other measures necessary to prevent SSOs
11 from the Collection System.

12 10. The City shall complete a Pump Station Master Plan meeting the requirements of
13 paragraphs 30 and 45.c. of the Consent Decree and shall submit its Pump Station Master Plan to
14 ERF by August 1, 2006 for review and comment. By August 30, 2006, ERF shall provide the
15 City with any recommended revisions to the Pump Station Master Plan. The City shall indicate
16 by September 15, 2006 whether it accepts these recommendations for revision, and if so, the City
17 shall revise the Pump Station Master Plan in accordance with ERF's recommendations. If the
18 City does not accept ERF's recommendations, either party may seek Dispute Resolution in
19 accordance with paragraphs 58 to 63 of the Consent Decree. Until completion of the Pump
20 Station Master Plan, and thereafter until implementation of appropriate permanent pump station
21 capacity measures, the City shall employ a temporary pump system for the Eardley and Ninth
22 Street pump stations to ensure that these pump stations have appropriate backup pumping
23 capacity.

24 11. The City shall complete a written evaluation by May 1, 2006 whether it has sufficient
25 funds to fund compliance in full with the Consent Decree and this Amendment to the Consent
26 Decree. This evaluation shall include analysis of (a) the sums needed per year to finance the
27

1 capital and operation and maintenance projects and activities needed to comply with the Consent
2 Decree, (b) the City's sources of funds per year to finance these sums assuming no changes in
3 current funding sources and (c) the need for additional funding to finance these sums in the form
4 of debt financing or increased sewer fees. The evaluation shall include recommendations for
5 funding measures needed to ensure that the City has the necessary financial resources to fund
6 compliance in full with the Consent Decree and this Amendment to the Consent Decree. The
7 City shall provide ERF with a copy of this written evaluation. By May 31, 2006, ERF shall
8 provide the City with any recommended revisions to the recommendations in this written
9 evaluation. The City shall indicate by June 16, 2006 whether it accepts these recommendations
10 for revision, and if so, the City shall revise the recommendations in accordance with ERF's
11 recommendations. If the City does not accept ERF's recommendations, either party may seek
12 Dispute Resolution in accordance with paragraphs 58 to 63 of the Consent Decree. The City
13 shall implement the recommendations of this written evaluation as a requirement of this
14 Amendment to the Consent Decree.

15 12. Any and all disputes under this Amendment to the Consent Decree shall be resolved
16 pursuant to the Dispute Resolution provision of Part XIV of the Consent Decree. As provided
17 for by paragraph 62, in any and all disputes under this Amendment to the Consent Decree, the
18 Court shall determine which proposed resolution is most in keeping with the objectives, goals
19 and requirements of this Consent Decree, which include the SSO Reduction Performance Goals
20 of Part VI of the Consent Decree.

21 13. The City, using data and documents developed in the ordinary course of its business,
22 shall provide ERF with semi-annual Consent Decree Compliance Reports due March 1 and
23 November 1 of each calendar year this Amendment to the Consent Decree is in effect. The
24 March report shall describe in detail Collection System construction activity planned and
25 scheduled for the spring to fall construction season and the November report shall report in detail
26 on the City's progress in implementing capital improvements during the preceding construction

1 season. The reports shall further inform ERF on all significant developments in implementation
2 of the Consent Decree and Amendment to the Consent Decree requirements, including spill
3 reduction performance. The reports shall provide sufficient information for ERF to evaluate
4 whether the City is in compliance with the Consent Decree and Amendment to the Consent
5 Decree. The parties shall hold a meeting within three weeks of ERF's receipt of each of these
6 reports to review the report and compliance with the Consent Decree and this Amendment to the
7 Consent Decree.

8 14. By July 31, 2006, the City shall deposit the sum of \$50,000 with ERF. ERF shall use
9 these funds to supplement the Consent Decree compliance monitoring funding provided for by
10 paragraph 44 of the Consent Decree. ERF may use such additional funds as necessary to obtain
11 expert and/or legal evaluation of Consent Decree compliance. ERF shall keep strict account of
12 its use of such funds and shall provide an accounting to the City detailing the costs and fees of
13 the compliance evaluation. Upon Consent Decree termination, ERF shall refund to the City any
14 sums not spent on expert and/or legal evaluation of Consent Decree compliance.

15 15. In lieu of any Stipulated Payments that would otherwise be payable pursuant to Part
16 X of the Consent Decree for alleged Consent Decree noncompliance through the date all parties
17 have executed this Amendment to the Consent Decree, the City shall by July 31, 2006 pay an
18 additional \$40,000 into the Private Lateral Sewer Replacement Program fund required pursuant
19 to paragraph 46 of the Consent Decree. The City shall use such monies in the manner provided
20 for by Attachment 2 of the Consent Decree.

21 16. The City shall provide all notices to ERF's counsel at the following addresses:

22 DANIEL COOPER
23 LAYNE FRIEDRICH
24 Lawyers for Clean Water
25 Building 1004A O'Reilly Avenue
26 San Francisco, California 94129
27 Telephone: (415) 440-6520
28 Facsimile: (415) 440-4155
E-mail: cleanwater@sfo.com

1 CHRISTOPHER SPROUL
2 Environmental Advocates
3 5135 Anza Street
4 San Francisco, California 94121
5 Telephone: (415) 533-3376
6 Facsimile: (415) 358-5695
7 E-mail: csproul@enviroadvocates.com

8 Electronic copies of documents shall be provided to ERF whenever these are readily
9 available. The City may, at its election, not provide paper copies to Environmental Advocates of
10 any documents provided to Environmental Advocates electronically.

11 16. ERF shall provide all notices to The City's counsel at the following addresses:

12 DAVID C. LAREDO
13 De Lay & Laredo
14 Attorneys at Law
15 606 Forest Avenue
16 Pacific Grove, CA 93950-4221
17 Telephone: 831-646-1502
18 Facsimile: 831-646-0377
19 E-mail: dave@laredolaw.net

20 It is so Stipulated:

21 For Plaintiff Ecological Rights Foundation:

22 Dated: _____, 2006

23 Frederic Evenson
24 Ecological Rights Foundation

25 For Defendant City of Pacific Grove:

26 Dated: MARCH 20, 2006

27 James Costello
28 City Mayor

29 Pursuant to the stipulation of the Parties, IT IS SO ORDERED.

30 Dated: _____

31 Patricia V. Trumbull
32 United States District Court
33 Magistrate Judge

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CHRISTOPHER SPROUL
Environmental Advocates
5135 Anza Street
San Francisco, California 94121
Telephone: (415) 533-3376
Facsimile: (415) 358-5695
E-mail: csproul@enviroadvocates.com

Electronic copies of documents shall be provided to ERF whenever these are readily available. The City may, at its election, not provide paper copies to Environmental Advocates of any documents provided to Environmental Advocates electronically.

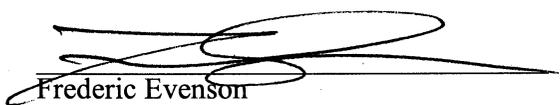
16. ERF shall provide all notices to The City's counsel at the following addresses:

DAVID C. LAREDO
De Lay & Laredo
Attorneys at Law
606 Forest Avenue
Pacific Grove, CA 93950-4221
Telephone: 831-646-1502
Facsimile: 831-646-0377
E-mail: dave@laredolaw.net

It is so Stipulated:

For Plaintiff Ecological Rights Foundation:

Dated: 4/17, 2006


Frederic Evenson
Ecological Rights Foundation

For Defendant City of Pacific Grove:

Dated: _____, 2006

James Costello
City Mayor

Pursuant to the stipulation of the Parties, IT IS SO ORDERED.

Dated: _____

Patricia V. Trumbull
United States District Court
Magistrate Judge

APPENDIX 0C

June 19, 2013 City Council Meeting Minutes