

AMENDED IN ASSEMBLY APRIL 17, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 285

Introduced by Assembly Member Wayne

February 16, 2001

An act to add Section ~~13228.5~~ *13193* to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 285, as amended, Wayne. Sewage system overflows: *reporting.*

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies that regulate water quality.

This bill would require ~~each regional board to identify all “hot spots,” which the bill would define to mean those areas in which 3 or more grease-related sewage system overflow events have occurred within a calendar year that result in the discharge or threatened discharge of waste to the waters of the state. The bill would require the regional board, upon identification of the hot spots and the sources of the hot spots, to notify the affected facilities, to take measures to eliminate the cause of potential future overflow events, and to report sewage overflow data to the state board, as prescribed. The bill would require the state board to make available to the public, by Internet and other cost-effective means, information generated in accordance with these provisions~~ *the state board, on or before January 1, 2003, and in consultation with specified entities, to develop report forms for uniform*

overflow events and sanitary sewer system discharges. The bill would require a collection system owner or operator, as defined, commencing on or before July 1, 2003, to use those report forms to report a sanitary sewer system overflow in excess of reportable quantities or a discharge of sewage or treated sewage from a sanitary sewer system, as applicable. The bill would require the state board, before January 1, 2003, and in consultation with specified entities, to develop and maintain a sanitary sewer system overflow database. The bill would require each regional board to coordinate with collection system owner or operators to compile the reports submitted pursuant to the bill and report that information to the state board on a quarterly basis, to be included in the sanitary sewer system overflow database. The bill would require the state board to make available to the public, information that is generated pursuant to the bill. The bill would require the state board, commencing July 1, 2004, and continuing annually thereafter, to prepare a summary report of the information collected in the sanitary sewer system overflow database, submit the report to the Legislature, and make it available to the general public. The bill would make related legislative findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1.—The Legislature finds and declares all of the~~
- 2 SECTION 1. *The Legislature finds and declares all of the*
- 3 *following:*
- 4 (a) *The protection of our state’s water quality is a top priority*
- 5 *in order to ensure the health of all the state’s citizens, the protection*
- 6 *of species and valuable ecosystems, and the continued and*
- 7 *growing success of our state’s coastal economy.*
- 8 (b) *Sanitary sewer system overflows, in which overflowing*
- 9 *sewer pipes can result in raw sewage reaching the waters of the*
- 10 *state, may impact aquatic life, human health, and lead to beach*
- 11 *closures due to high bacteria counts caused by those overflows,*
- 12 *adversely affecting the state’s coastal tourism economy, which*
- 13 *contributes over \$10 billion annually to the state’s economy.*
- 14 (c) *Existing reporting on the volumes and causes of overflows*
- 15 *varies in content and reporting format, hampering effective*
- 16 *regional and statewide use of the collected data.*



1 (d) A comprehensive database, coupled with uniform reporting
2 standards throughout the state, should be developed in order to
3 assist local, regional, and state agencies charged with public
4 health and water quality protection in preventing and minimizing
5 these overflows in a cost-effective manner.

6 (e) Information on sanitary sewer system overflows should be
7 made available to the general public so that informed decisions
8 can be made about needed infrastructure improvements.

9 SEC. 2. Section 13193 is added to the Water Code, to read:

10 13193. (a) On or before January 1, 2003, the state board, in
11 consultation with representatives of cities, counties, cities and
12 counties, special districts, public interest groups, and regional
13 boards shall develop a uniform overflow event report form to be
14 used for reporting of sanitary sewer system overflows as required
15 in subdivision (b). This event report form shall include, but not be
16 limited to, all of the following:

17 (1) The cause of the overflow. The cause shall be specifically
18 identified, unless there is an ongoing investigation, in which case
19 it shall be identified immediately after completion of the
20 investigation. The cause shall be identified, at a minimum, as
21 blockage, infrastructure failure, pump station failure, significant
22 wet weather event, natural disaster, or other cause, which shall be
23 specifically identified. If the cause is identified as a blockage, the
24 type of blockage shall be identified, at a minimum, as roots, grease,
25 debris, vandalism, or multiple causes of which each should be
26 identified. If the cause is identified as infrastructure, it shall be
27 determined, at a minimum, whether the infrastructure failure was
28 due to leaks, damage to, or breakage of, collection system piping
29 or insufficient capacity. If the cause is identified as a significant
30 wet weather event or natural disaster, the report shall describe
31 both the event and how it resulted in the overflow. If the precise
32 cause cannot be identified after investigation, the report shall
33 include a narrative explanation describing the investigation
34 conducted and providing the information known about the
35 possible causes of the overflow.

36 (2) An estimate of the volume of the overflow event.

37 (3) Location of the overflow event. Sufficient information shall
38 be provided to determine location for purposes of GIS mapping,
39 such as specific street address or the latitude and longitude of the
40 event.



1 (4) Date, time, and duration of the overflow event.

2 (5) Whether or not the overflow reached or may have reached
3 waters of the state.

4 (6) Whether or not a beach closure occurred or may have
5 occurred as a result of the overflow.

6 (7) The corrective action taken.

7 (8) Whether or not there is an ongoing investigation, the
8 reasons for it and expected date of completion.

9 (b) Commencing on or before July 1, 2003, in the event of a
10 sanitary sewer system overflow in excess of reportable quantities
11 established pursuant to Section 13271, the applicable collection
12 system owner or operator, in addition to immediate reporting
13 duties pursuant to Section 13271 shall submit to the regional
14 board, within 30 days of the date of becoming aware of the
15 overflow event, a report using the form described in subdivision
16 (a).

17 (c) Before January 1, 2003, the state board, in consultation
18 with representatives of cities, counties, cities and counties, special
19 districts, public interest groups, and regional boards shall develop
20 a uniform sewage discharge report form to be used for reporting
21 of sanitary sewer system discharges as required in subdivision (d).
22 This discharge report form shall include, but not be limited to, all
23 of the following:

24 (1) Date, time, and approximate duration of the discharge
25 event.

26 (2) An estimate of the volume of the overflow event.

27 (3) Location of the overflow event. Sufficient information shall
28 be provided to determine location for purposes of GIS mapping,
29 including specific street address or the latitude and longitude of
30 the event.

31 (4) The name, title, and address of the person notified of the
32 discharge pursuant to Section 5411.5 of the Health and Safety
33 Code.

34 (d) Commencing one or before July 1, 2003, in the event of a
35 discharge of sewage or treated sewage from a sanitary sewer
36 system in violation of Section 5411 of the Health and Safety Code,
37 the applicable collection system owner or operator shall, in
38 addition to immediate reporting duties pursuant to Section 5411.5
39 of the Health and Safety Code, immediately submit to the regional



1 board via facsimile a report using the form described in
2 subdivision (c).

3 (e) As used in this section:

4 (1) "Collection system owner or operator" means the public or
5 private entity having legal authority over operation and
6 maintenance of, or capital improvements to, the sewer collection
7 system.

8 (2) "GIS" means Geographic Information System.

9 (f) Before January 1, 2003, the state board, in consultation with
10 representatives of cities, counties, cities and counties, and special
11 districts, public interest groups, and regional boards, shall
12 develop and maintain a sanitary sewer system overflow database
13 that, at a minimum, contains the parameters described in
14 subdivisions (a) and (c).

15 (g) Each regional board shall coordinate with collection
16 system owner or operators to compile the reports submitted
17 pursuant to subdivisions (b) and (d) and shall report that
18 information to the state board on a quarterly basis, to be included
19 in the sanitary sewer system overflow database.

20 (h) The state board shall make available to the public, by
21 Internet and other cost-effective means, as determined by the state
22 board, information that is generated pursuant to this section.
23 Commencing July 1, 2004, and continuing annually thereafter, the
24 state board shall prepare a summary report of the information
25 collected in the sanitary sewer system overflow database, submit
26 this report to the Legislature, and make it available to the general
27 public through the Internet and other cost-effective means, as
28 determined by the state board. To the extent resources and the data
29 allow, this report shall include GIS maps compiling coastal
30 overflow events.

31 following:

32 ~~(a) The protection of our state's water quality is a top priority,~~
33 ~~in order to ensure the health of all the state's citizens, the protection~~
34 ~~of species and valuable ecosystems, and the continued and~~
35 ~~growing success of our state's coastal economy.~~

36 ~~(b) Sewer system overflows, in which overflowing sewer pipes~~
37 ~~frequently result in raw sewage reaching the waters of the state, are~~
38 ~~a significant cause of diminished water quality, and have also lead~~
39 ~~to beach closures due to high bacteria counts caused by those~~
40 ~~overflows.~~



1 ~~(c) A primary cause of sewer system overflows is the blockage~~
2 ~~of sewer pipes by grease that has been released from food~~
3 ~~processing and preparation facilities.~~

4 ~~(d) Technologies that collect the grease before being deposited~~
5 ~~into the sewer system are readily available, already in use in some~~
6 ~~regions, and are relatively inexpensive to install and maintain.~~

7 ~~(e) These technologies, where applied, have significantly~~
8 ~~reduced the number of sewer system overflow events caused by~~
9 ~~grease, thereby saving the local enforcement agency and the public~~
10 ~~valuable tax dollars.~~

11 ~~SEC. 2. Section 13228.5 is added to the Water Code, to read:~~

12 ~~13228.5. (a) Each regional board shall identify all “hot~~
13 ~~spots” in its region.~~

14 ~~(b) For the purposes of this section, “hot spots” means those~~
15 ~~areas in which three or more grease-related sewage system~~
16 ~~overflow events have occurred within a calendar year that result~~
17 ~~in the discharge or threatened discharge of waste to the waters of~~
18 ~~the state.~~

19 ~~(c) Within the identified hot spots, the regional board shall~~
20 ~~identify the causes of the overflows, including identification of~~
21 ~~individual food processing or preparation facilities, or other~~
22 ~~facilities, that are likely to be the source of one or more of the~~
23 ~~overflows.~~

24 ~~(d) Upon identification of the hot spots and the source of the hot~~
25 ~~spots, the regional board shall notify the affected facilities and take~~
26 ~~measures to eliminate the causes of potential future overflow~~
27 ~~events. Measures to be used by the regional board shall include~~
28 ~~adoption of best management practices and the provision of~~
29 ~~educational information.~~

30 ~~(e) The regional board shall reevaluate each hot spot on an~~
31 ~~annual basis.~~

32 ~~(f) Each regional board shall report sewer system overflow data~~
33 ~~to the state board, including the number of overflow events,~~
34 ~~sources, causes, remedies, and any improvements, or lack thereof,~~
35 ~~as a result of measures taken to reduce overflow events at the~~
36 ~~identified hot spots.~~



1 ~~(g) The state board shall make available to the public, by~~
2 ~~Internet and other cost-effective means, information that is~~
3 ~~generated pursuant to this section.~~

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