

AMENDED IN SENATE JUNE 26, 2001

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 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 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 *spill or overflow from 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, commencing on July 1, 2003, and in the event of a spill or overflow of less than the reportable quantities from a sanitary sewer system if certain contamination, pollution, or nuisance exist, the particular agency making that determination to submit a specific report*

to the applicable regional agency within 30 days. To the extent that this would increase the level of services imposed on local health officers, this bill would create a state-mandated local program. 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, beginning on July 1, 2003, each regional board to coordinate with collection system owner or operators, the State Department of Health Services, and local health officers 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.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The protection of our state's water quality is a top priority
- 4 in order to ensure the health of all the state's citizens, the protection
- 5 of species and valuable ecosystems, and the continued and
- 6 growing success of our state's coastal economy.



1 (b) Sanitary sewer system overflows, in which overflowing
2 sewer pipes can result in raw sewage reaching the waters of the
3 state, may impact aquatic life, human health, and lead to beach
4 closures due to high bacteria counts caused by those overflows,
5 adversely affecting the state's coastal tourism economy, which
6 contributes over \$10 billion annually to the state's economy.

7 (c) Existing reporting on the volumes and causes of overflows
8 varies in content and reporting format, hampering effective
9 regional and statewide use of the collected data.

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

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

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

19 13193. (a) On or before January 1, 2003, the state board, in
20 consultation with representatives of cities, counties, cities and
21 counties, special districts, public interest groups, *the State*
22 *Department of Health Services*, and regional boards shall develop
23 a uniform overflow event report form to be used for reporting of
24 sanitary sewer system overflows as required in subdivision (b).
25 This event report form shall include, but not be limited to, all of
26 the following:

27 (1) The cause of the overflow. The cause shall be specifically
28 identified, unless there is an ongoing investigation, in which case
29 it shall be identified immediately after completion of the
30 investigation. The cause shall be identified, at a minimum, as
31 blockage, infrastructure failure, pump station failure, significant
32 wet weather event, natural disaster, or other cause, which shall be
33 specifically identified. If the cause is identified as a blockage, the
34 type of blockage shall be identified, at a minimum, as roots, grease,
35 debris, vandalism, or multiple causes of which each should be
36 identified. If the cause is identified as infrastructure, it shall be
37 determined, at a minimum, whether the infrastructure failure was
38 due to leaks, damage to, or breakage of, collection system piping
39 or insufficient capacity. If the cause is identified as a significant
40 wet weather event or natural disaster, the report shall describe both



1 the event and how it resulted in the overflow. If the precise cause
 2 cannot be identified after investigation, the report shall include a
 3 narrative explanation describing the investigation conducted and
 4 providing the information known about the possible causes of the
 5 overflow.

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

7 (3) Location of the overflow event. Sufficient information
 8 shall be provided to determine location for purposes of GIS
 9 mapping, such as specific street address or the latitude and
 10 longitude of the event.

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

12 (5) Whether or not the overflow reached or may have reached
 13 waters of the state.

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

16 (7) The corrective action taken.

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

19 (9) *The name, address, and telephone number of the reporting*
 20 *collection system owner or operator and a specific contact name.*

21 (b) Commencing on ~~or before~~ July 1, 2003, in the event of a
 22 ~~sanitary sewer system overflow spill or overflow from a sanitary~~
 23 ~~system~~ in excess of reportable quantities established pursuant to
 24 Section 13271, the applicable collection system owner or operator,
 25 in addition to immediate reporting duties pursuant to Section
 26 13271 shall submit to the regional board, within 30 days of the date
 27 of becoming aware of the overflow event, a report using the form
 28 described in subdivision (a). *The report shall be filed*
 29 *electronically, if possible, or by fax or mail if electronic submission*
 30 *is not possible.*

31 ~~(e) Before January 1, 2003, the state board, in consultation with~~
 32 ~~representatives of cities, counties, cities and counties, special~~
 33 ~~districts, public interest groups, and regional boards shall develop~~
 34 ~~a uniform sewage discharge report form to be used for reporting~~
 35 ~~of sanitary sewer system discharges as required in subdivision (d).~~
 36 ~~This discharge report form shall include, but not be limited to, all~~
 37 ~~of the following:~~

38 ~~(1) Date, time, and approximate duration of the discharge~~
 39 ~~event.~~

40 ~~(2) An estimate of the volume of the overflow event.~~



1 ~~(3) Location of the overflow event. Sufficient information~~
2 ~~shall be provided to determine location for purposes of GIS~~
3 ~~mapping, including specific street address or the latitude and~~
4 ~~longitude of the event.~~

5 ~~(4) The name, title, and address of the person notified of the~~
6 ~~discharge pursuant to Section 5411.5 of the Health and Safety~~
7 ~~Code.~~

8 ~~(d) Commencing one or before July 1, 2003, in the event of a~~
9 ~~discharge of sewage or treated sewage from a sanitary sewer~~
10 ~~system in violation of Section 5411 of the Health and Safety Code,~~
11 ~~the applicable collection system owner or operator shall, in~~
12 ~~addition to immediate reporting duties pursuant to Section 5411.5~~
13 ~~of the Health and Safety Code, immediately submit to the regional~~
14 ~~board via facsimile a report using the form described in~~
15 ~~subdivision (e).~~

16 ~~(e)~~

17 *(c) Commencing on July 1, 2003, in the event of a spill or*
18 *overflow of less than the reportable quantities established*
19 *pursuant to Section 13271 from a sanitary sewer system that is*
20 *either found by the State Department of Health Services or any*
21 *local health officer to result in contamination pursuant to Section*
22 *5412 of the Health and Safety Code, or is found by the State*
23 *Department of Health Services to result in pollution or nuisance*
24 *pursuant to Section 5413 of the Health and Safety Code, the*
25 *agency making the determination shall submit to the applicable*
26 *regional board, within 30 days of making the determination, a*
27 *report that shall include, at a minimum, the following information:*

28 *(1) Date, time, and approximate duration of the discharge*
29 *event.*

30 *(2) An estimate of the volume of the overflow event.*

31 *(3) Location of the overflow event.*

32 *(4) A description of the response or corrective action taken by*
33 *the agency making the determination.*

34 *(5) The name, address, and telephone number of the reporting*
35 *collection system owner or operator, and a specific contact name.*

36 *The report shall be filed electronically, if possible, or by fax or*
37 *mail if electronic submission is not possible.*

38 *(d) As used in this section:*

39 *(1) "Collection system owner or operator" means the public or*
40 *private entity having legal authority over operation and*



1 maintenance of, or capital improvements to, the sewer collection
2 system.

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

4 ~~(f)~~

5 (e) Before January 1, 2003, the state board, in consultation
6 with representatives of cities, counties, cities and counties, and
7 special districts, public interest groups, *the State Department of*
8 *Health Services*, and regional boards, shall develop and maintain
9 a sanitary sewer system overflow database that, at a minimum,
10 contains the parameters described in subdivisions (a) and (c).

11 ~~(g) Each~~

12 (f) *Beginning on July 1, 2003, each* regional board shall
13 coordinate with collection system owner or operators, *the State*
14 *Department of Health Services, and local health officers* to
15 compile the reports submitted pursuant to subdivisions (b) and ~~(c)~~
16 (c) and shall report that information to the state board on a
17 quarterly basis, to be included in the sanitary sewer system
18 overflow database.

19 ~~(h)~~

20 (g) 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 *SEC. 3. Notwithstanding Section 17610 of the Government*
32 *Code, if the Commission on State Mandates determines that this*
33 *act contains costs mandated by the state, reimbursement to local*
34 *agencies and school districts for those costs shall be made*
35 *pursuant to Part 7 (commencing with Section 17500) of Division*
36 *4 of Title 2 of the Government Code. If the statewide cost of the*
37 *claim for reimbursement does not exceed one million dollars*



- 1 (\$1,000,000), reimbursement shall be made from the State
- 2 Mandates Claims Fund.

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