

AB 2986 (Leno)

As proposed to be amended pursuant to the August 6th Draft

The California Clean Water Act

FACT SHEET

PURPOSE

On January 25 and January 31, 2008, more than five million gallons of untreated and partially treated sewage was discharged into Richardson Bay from a public treatment plant run by the Sewerage Agency of Southern Marin. Thereafter, the U.S. Environmental Protection Agency released inspection reports showing that poorly maintained tributary sewer systems are overwhelming the Marin treatment plant with inflows of storm water.

The Marin spills are indicative of a statewide problem with sewage treatment plant capacities, sanitary sewer overflows, and system leaks that compromise health, safety, and water quality in our rivers, estuaries, bays, and the ocean.

When sewers fail, it is usually a surprise to the rate payers served by that system. The average voter has no easily understandable means of discerning the health and performance of their wastewater treatment infrastructure.

AB 2986 seeks to inform every community in California about the health of their sewer systems and ensures that problem systems will be clearly identified to voters and rate payers.

SUMMARY

AB 2986 requires the State or Regional Water Quality Control Board to give a letter grade of A, B, C, or F to every sewer collection system and every sewage treatment plant in California based on objective methodologies for measuring system performance.

The bill's public information provisions require state permits, monitoring data, inspection reports, enforcement orders, documentation of federal Clean Water Act violations, and relevant legal agreements to be made available for public viewing and downloading on State and Regional Water Board websites.

Additionally, AB 2986 contains a requirement to measure wet weather flows, which are a primary cause of large sewage spills. This provision requires the State Board to establish a methodology for measuring peak flows from treatment plants, and to implement monitoring only in problem systems to measure flows and identify which sewage collection systems are contributing to a treatment plant's violations of waste discharge requirements.

The bill also makes severely disadvantaged communities with lower grades eligible for state grants to help pay for flow monitoring

and for system improvements to reduce storm water inflow and infiltration. The grants are paid for with funds from Proposition 84 which was approved by state voters in 2006. The bond measure defines “severely disadvantaged communities” as those with a median household income that is 60% of the statewide average.

AB 2986 also authorizes the State Board to charge fees to waste dischargers to cover the cost of implementing the grading system and the internet posting of documents. These fees are to be set at a level commensurate with the population served by the system, will be in the hundreds and not thousands of dollars, and are capped at a statewide total of \$3 million annually.

COMMENTS

Crumbling Pipes Cause Sewage Spills

Many cities in California have sanitary sewer systems which were built in the early part of the 20th century and are in poor condition with failing pipes. As a result, large amounts of rainwater seep into the sewer system through these crumbling and broken pipes, swelling the volume of waste flowing into treatment plants. This increased flow can overwhelm treatment plant capacity, causing hundreds of millions of gallons of untreated sewage to be discharged into local waterways.

Smaller but more frequent sewage spills occur when collection pipes become blocked by tree roots or clogged by oil and grease, both of which are more likely to occur in older and poorly maintained systems.

Sewage Spills Compromise Human, Animal, & Environmental Health

Spills of raw sewage from pipes and discharges of partially treated sewage during the rainy season pose a significant threat to the health of people and the environment. Many spills overflow into storm drains and reach creeks, rivers, bays and the ocean, causing contamination of public waterways with harmful microorganisms.

Wastewater may contain industrial discharges that include a multitude of chemical and toxic pollutants such as mercury, lead, cadmium, chromium, and arsenic.

California communities are exposed to these pathogens when swimming, wading, kayaking, windsailing, or kite boarding in local watersheds, as well as when sewage backups occur in homes, streets, schools, and businesses.

The biological and toxic components of sewage spills can harm humans and pets by causing gastrointestinal illness, skin rashes and infections. Environmental impacts of toxic pollutants can be long lasting and sewage spills commonly cause the death of fish and birds.



Sewer System Grading

AB 2986 creates a grading system which will improve the transparency and accountability of sewage collection and treatment operations. By informing the public with an easy to understand grade, this bill will encourage voters and rate payers to demand that problem systems be improved.

Specifically, every sewer collection system, every sewage treatment plant, and every combined sewage and storm water collection and treatment system will receive a letter grade (A, B, C, or F). The grade will reflect the number, volume, and cause of overflows, will consider how well a system contains spills, and will assess violations of permit conditions.

Voters and rate payers who understand how their community's waste treatment compares to others will be more inclined to support bond measures and rate increases to fix broken systems. The public rightfully expects that their wastewater be properly treated and that their city not be responsible for beach closures, health advisories, and declining water quality.

Wet Weather Flow Monitoring

Due to the age of our cities' infrastructure, sewage pipes throughout California are crumbling and allowing rainwater to enter pipes that are designed only to carry sewage, not storm water. This causes increased flows during rainy weather, which can overwhelm a treatment plant.

Cities are responsible for maintaining, repairing, and replacing broken pipes in their collection systems, but currently, in most parts of the state, it is unknown which cities are meeting their obligations and which are contributing to spill problems at treatment plants.

Treatment plants experiencing spills often know that the collection systems upstream of the plant are contributing to the problem. Because the treatment plant and upstream collection systems are owned by different cities or entities, however, the treatment plant operators have no authority to make upstream cities keep their tributary sewer collection systems in good order.

AB 2986 requires that flow monitoring be implemented at points where a city's tributary system connects to a treatment plant that has had permit violations related to excessive storm water inflow and infiltration. Cities that can demonstrate to the Regional Board that they are not the cause of the treatment plant's violations will be exempted from flow monitoring requirements. Severely disadvantaged communities with lower sewer system grades are made eligible for Proposition 84 funding to help pay for flow meters and system improvements.

The purpose of flow monitoring in problem systems is to identify the collection systems that are major contributors of excessive flows during wet weather, grade them appropriately, and inform voters and rate payers of the problems. We cannot expect sewage treatment plants to correct discharge violations if the tributary sewer systems causing the problem cannot be identified. Once the public is informed of the problem, the chances of receiving voter support for fixing problems will increase.

Internet Posting of Key Documents

The State and Regional Water Boards are currently piloting a system for the electronic submission of reporting documents, but they do not have funding to fully roll out the system. Currently, the documents available online to the public

are quite limited.

In most regions, a member of the public must submit a Public Records Act request and then go to the Regional Board office and ask that paper documents be pulled in order to find out how their local industries or sewage treatment plants are performing. This process is cumbersome, labor intensive for the state, and lacks transparency.

AB 2986 requires the State and Regional Boards to post key documents on their websites by January 1, 2012 and substantially more documents by January 1, 2015. These non-confidential documents include: letter grades for each sewer system and treatment plant, copies of permits, waste discharge requirements, waivers, enforcement actions, tentative or final administrative enforcement orders, and inspection reports.

Making these documents readily available to the public will ensure that dischargers with chronic violations that seriously compromise our state waters are held accountable.

Smart Policy to Improve Water Quality

AB 2986 authorizes the State Board to collect fees from dischargers to cover the cost of the grading of sewer systems and treatment plants and internet posting. State and Regional Water Board regulation and water quality enforcement must be funded by dischargers, not the state General Fund.

AB 2986 will give voters and rate payers an easily understandable evaluation of waste treatment in their community. It will require systems with serious violations to install flow monitoring equipment to

determine where problems are located. Finally, AB 2986 will enable transparency and accountability by requiring key Board documents be posted on the internet. This is smart policy to improve water quality.

STATUS

Senate Floor – pending vote.

SUPPORT

Friends of the Earth (co-sponsor)
San Francisco Baykeeper (co-sponsor)
American Rivers
Bay Area Sea Kayakers
California Coastkeeper Alliance
Center on Race, Poverty, & Environment
Charles McGlashan, President Marin
County Board of Supervisors
Environment California
Environmental Defense Center
Food & Water Watch
Inland Empire Waterkeeper
Monterey Coastkeeper
Natural Resources Defense Council
Ocean Conservancy
Orange County Coastkeeper
Pacific Environment
Pacific Coast Federation of Fishermen's
Associations
Planning and Conservation League
Russian Riverkeeper
San Diego Coastkeeper
Santa Barbara Channelkeeper
Santa Monica Baykeeper
Save the Bay
Seaflo
Sierra Club California
Turtle Island Restoration Network

NEUTRAL

CA Assn of Sanitation Agencies
League of California Cities
County Sanitation Districts of LA County

OPPOSITION

Assn of CA Water Agencies
Bayshore Sanitary District
CA State Assn of Counties
CA Water Environment Association
Calaveras County Water District
Castro Valley Sanitation District
Central Valley Clean Water Association
City of Ceres
City of Corona
City of Eureka
City of Glendale
City of Sanger
City of Thousand Oaks
City of Turlock
Covello Group
Delta Diablo Sanitation District
East Bay Dischargers Authority
Eastern Municipal Water District
Eldorado Irrigation District
Elsinore Valley Municipal Water District
Goleta Sanitary District
Goleta West Sanitary District
Ironhouse Sanitary District
Lake County Sanitation District
Las Gallinas Valley Sanitary District
Las Virgenes Municipal Water District
Midway City Sanitary District
Novato Sanitary District
Oro Loma Sanitary District
Running Springs Water District
South Bayside System Authority
Southern CA Alliance of POTWs
Stege Sanitary District
West County Wastewater District

VOTES

2/22/08 INTRODUCED

4/7/08 ASSEMBLY ENVIRONMENTAL
SAFETY AND TOXIC MATERIALS CMTE -
PASSED 5 AYES 2 NOES

5/22/08 ASSEMBLY APPROPRIATIONS
CMTE – PASSED 12 AYES 5 NOES

5/28/08 ASSEMBLY FLOOR – PASSED
AYES 45, NOES 31

06/23/08 SENATE ENVIRONMENTAL
QUALITY CMTE – PASSED 5 AYES 2
NOES

08/07/08 SENATE APPROPRIATIONS
CMTE – PASSED 9 AYES 6 NOES