



ORANGE COUNTY SANITATION DISTRICT

August 23, 2007

Nancy Wieben Stock
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

SUBJECT: Response to Grand Jury Report

The Orange County Sanitation District (Sanitation District) appreciates the opportunity to comment on the Orange County Grand Jury's report, *Orange County's Beaches: An Environmental Scorecard*. In accordance with California Penal Code, Sections 933 and 933.05, the following responses are made regarding Finding and Recommendation No. 3.

Response to Grand Jury Findings

Finding 3. Most dry weather beach closures are due to sewage spills.

The Sanitation District agrees with the finding, as California law requires beach closures for spills of sewage into ocean waters. However, advisories against swimming are much more common in Orange County. These advisories are posted in response to the presence of indicator bacteria that exceed Beach Sanitation Standards and that are not associated with a sewage spill. Beach closures are required when a sewage spill occurs regardless of the presence or absence of indicator bacteria as a precautionary measure to protect public health. In 2006, private property owners were responsible for 15 of the 24 ocean and bay water closures in Orange County. The total number of private property owner sewage spill closures have remained virtually unchanged from 2003 – 2006. This means 63% of all ocean and bay water closures are from private property owners compared to 37% of closures resulting from public sewage collection systems. It is also important to note that the total number of beach closures has decreased since 2005 which had 36 closures (2006 *Annual Ocean and Bay Water Quality Report, County of Orange, Health Care Agency, Environmental Health, pg. 15 of 62*).

Response to Grand Jury Recommendations

Recommendation 3. The Orange County Sanitation District and the South Orange County Wastewater Authority should confer with all Cities and Sewer

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Districts in the county and develop a plan to manage the aging sewer infrastructure and mitigate sewer line blockages.

This recommendation will not be implemented as described; however, the Sanitation District will continue to implement its existing program to assist all member cities and agencies in reducing and responding to sewage spills and complying with the statewide general permit. It is the responsibility of each sewerage agency to plan for, and manage, its own sewer infrastructure within its jurisdiction. However, the Sanitation District has provided leadership for the local cities and agencies regarding the sanitary sewer system. This effort began in advance of current regulatory efforts through our cooperative projects program that provides funding assistance to our member cities and agencies. After the adoption of the regional permit in 2002, the Sanitation District began to provide formal leadership through regular meetings as described below. This effort continues today.

Each agency operating a sewer system in the State of California is required to comply with regulations known as the General Waste Discharge Requirements (GWDR). The Sanitation District has registered with the GWDR issued by the State Water Resources Control Board (State Water Board) on May 2, 2006. Previously, the Sanitation District was registered with the rescinded Waste Discharge Requirement (WDR) Order issued by the Santa Ana Regional Water Quality Control Board on April 26, 2002.

Specifically, the GWDR contains requirements for each sewerage agency in the State to prepare and update sewer system management plans (SSMP) that including the following:

- 1) Goals and Organization Structure
- 2) Overflow Emergency Response Program
- 3) Legal Authority
- 4) Operation and Maintenance Program
- 5) Grease Control Program
- 6) Design and Performance
- 7) System Evaluation and Capacity Assurance Plan

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Statewide, these requirements have been effective in not only increasing the reporting of sewage spills, but also in mitigating the impacts of sewage spills that do occur.

The State Water Board has been supportive of the GWDR implementation. It also considers that the regulatory measure of requiring sewage spill reporting and collection system management, along with required measures to limit sewage spills, will greatly benefit California water quality. Therefore, the implementation of the GWDR with its SSMP requirements will greatly help manage the aging sanitary sewer infrastructure and mitigate sewer line blockages.

In addition, the Sanitation District hosts a "Sewer Club" to assist in the GWDR development, coordinate activities, and share experiences. The "Sewer Club" members consist of cities and other sewer agencies throughout Orange County that meet monthly. All of the Sanitation District WDR summaries and documents are on the Sanitation District website, which is accessible by any city, agency, or individual with internet access. Also, coordination between the Orange County cities and agencies are made easier since the Sanitation District's Board of Directors is comprised of elected representatives of each of the sewer agencies and cities in the Sanitation District's service area.

The Sanitation District has also partnered with the County of Orange Resources & Development Management Department for the Countywide Spill Control Program (CASC). CASC's overall objectives are to:

- create a broader awareness about the causes of sewage spills and measures that can be implemented to prevent them
- improve interagency coordination when responding to sewage spills
- identify the resources needed when responding and mitigating impacts of sewage spills
- develop predictive tools for identifying potential impacts of sewage spills
- protect the beneficial uses of the local water bodies

Since the start of the CASC program, progress reports have been developed each year and provided to the Santa Ana and San Diego Regional Water Quality Control Boards. This is included as an Appendix to the Annual

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Stormwater Program Effectiveness Assessment. Currently, the program is expanding to include all the cities of North Orange County.

On behalf of the Sanitation District, we thank you for allowing us the opportunity to comment on the Orange County Grand Jury's report. Should you have any questions, please call me at (714) 593-7400.

A handwritten signature in cursive script that reads "James D. Ruth".

James D. Ruth
General Manager

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