



Satellite Systems as Part of a Regional Approach to Watershed Protection

NACWA Legal Seminar

November 7, 2007

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Bay Area Clean Water Agencies

BACWA - Leading the way to protect our Bay

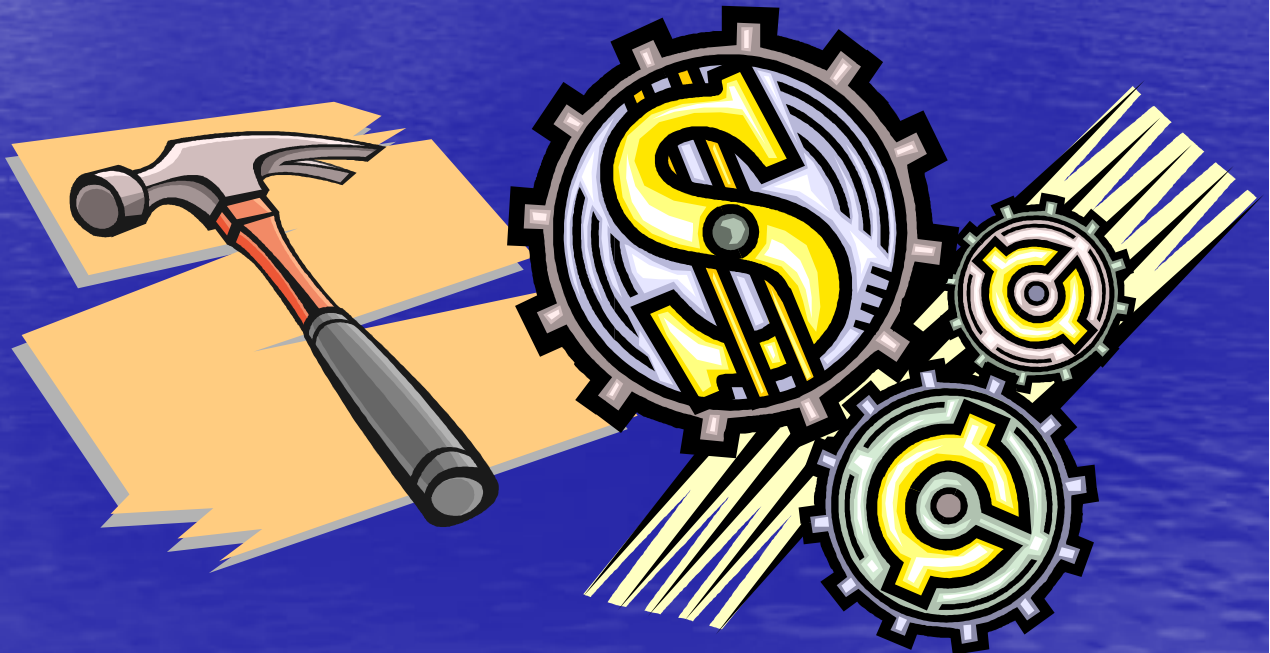


Infiltration and Inflow is a
Watershed Issue

Investment into Control of I/I
Is Essential to Watershed
Protection

Incentives, Regulation, Affiliation

- Two examples of Satellite System Controls
- Pretreatment Program as the Model
- Other Issues



Twin Cities and Western Carolina

- Metropolitan Council is a large regional planning agency -17 members appointed by Governor
 - A surcharge from 2007-2012 to communities with I/I in excess of the MCES design goal
- Western Carolina Regional Sewer Authority - At large Board, appointed by the Governor
 - Agreements to require I/I reduction

NPDES Permit = Prevent Overflows and Reduce Blending

Peak I/I Surcharge Program driven by:

- Regulatory pressures
- Community concerns
- Growth-limiting issues
- Cost-effective approach



Surcharge Money As an Incentive to Reduce I/I

- Surcharge paid, rebated and used for storage and treatment construction

Starting in 2013, a Demand charge will be instituted for communities that have not met I/I goal



Overflow and Court Order Lead to WCRSA to Insist on I/I Control

- 17 Satellite System – 1,800 Miles
- Data from 93 permanent flow monitors showed that overflows due to I/I
- Investment in downstream storage not affordable nor would it solve the problem

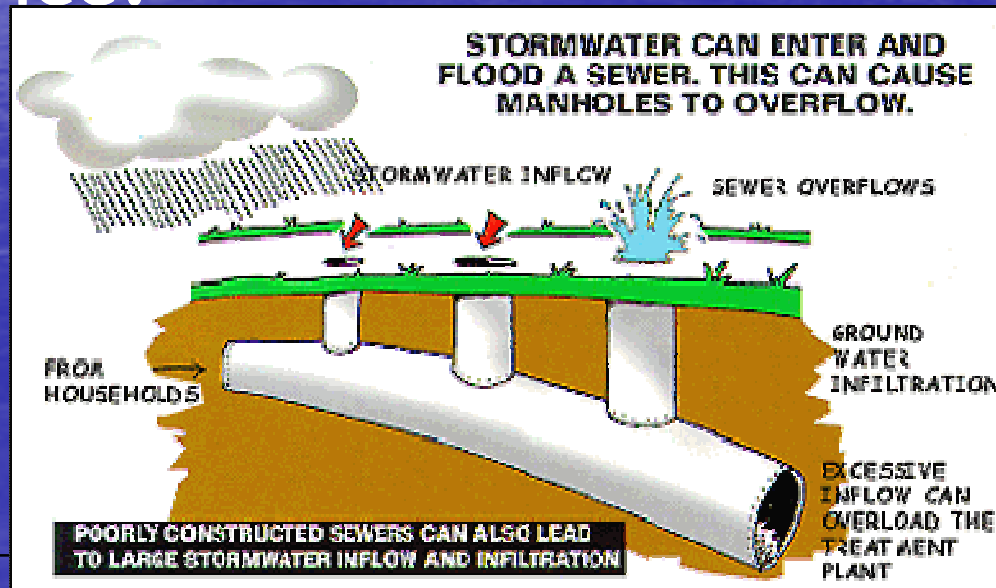


“Not Going to Get this Being Nice”

Sewer Ban or Agreement to Invest??
What will it be???

Rest of Us - Regulate Sewer Use?

- A “pollutant” (peak flows), causing or contributing to plant bypass (blending), upset (of secondary treatment) or interference?



CWA Definitions



- CWA, Definitions, 502 (6): The term “pollutant” means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

Clan Water Act Authority

- CWA, Pretreatment Effluent Standards, 307 (b) (1): “The Administrator shall publish proposed regulations establishing pretreatment standards for introduction of pollutants into treatment works... which would interfere with the operation of such treatment works.”

Pretreatment Regulations Give Authority to Regulate Flow

- CFR 403.8 (f) (1) Legal Authority (vi) (B):
“...The POTW shall also have **authority and procedures** to halt or prevent any discharge to the POTW **which...threatens to interfere with the operations** of the POTW.”

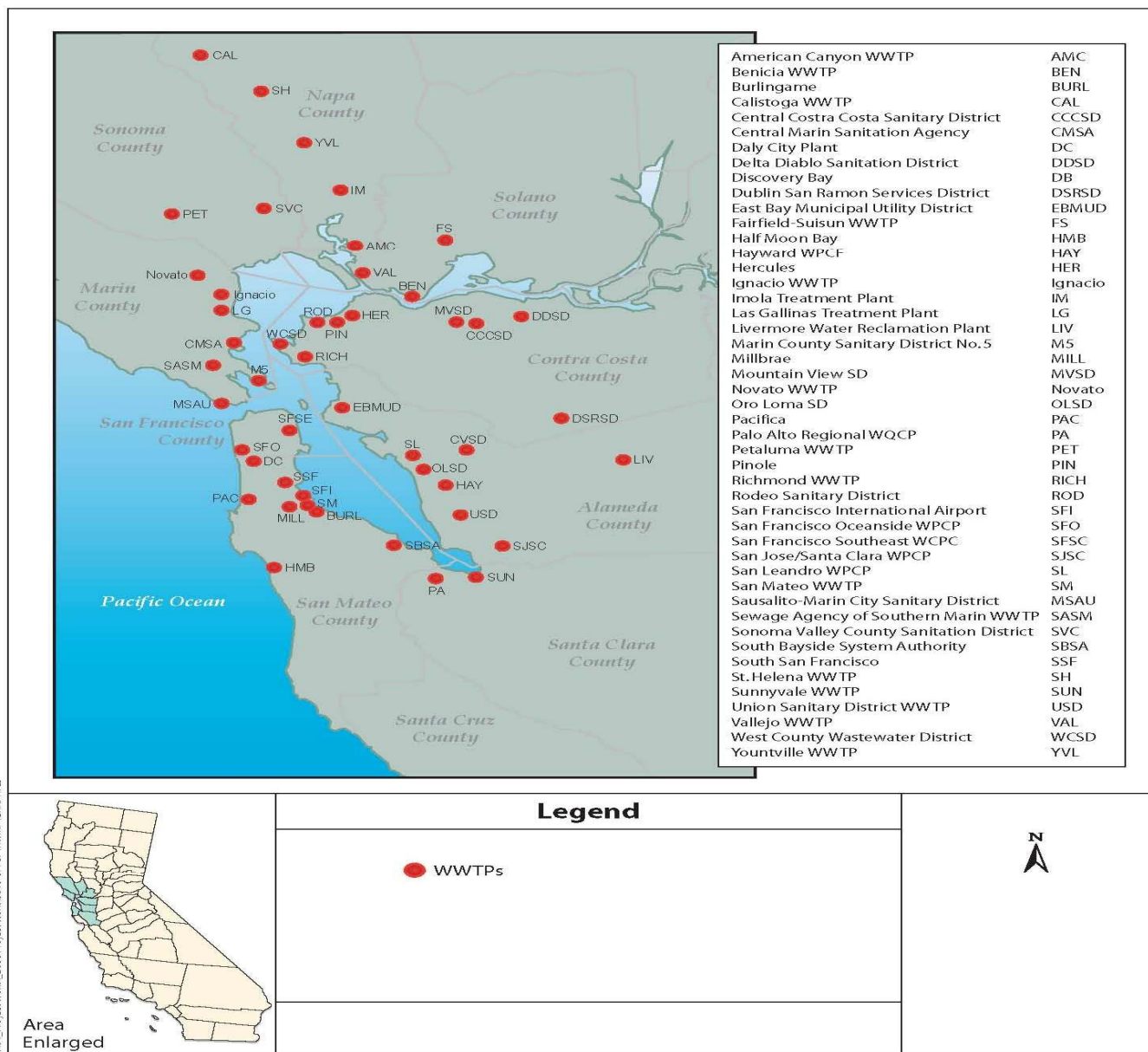


Regulate Volume and Flow

- CFR, 403.8 (f) (2) Procedures (ii): “The POTW shall develop and implement procedures to ... these procedures shall enable the POTW to: (ii) Identify the character and **volume** of pollutants contributed to the POTW ...”
- CWA 402 (b) (8): - **volume**, **flow**, and **quantity** introduced to treatment plant

Regulating Flow Protects the Biological Process

- Code of Federal Regulations, National Pretreatment Standards: Prohibited Discharges, Section 403.5 (b) (4): “..the following pollutants shall not be introduced into a POTW:... any pollutant released in a Discharge at a flow rate and /or pollutant concentration which will cause interference with the POTW.”



In Response to a Threat- Hire a Consultant and Form a Committee

- Threat from Southern CA -
- Worked with local regulators
- Committee formed
 - Informational workshops
 - SSSMP guidance
 - Continued communication and coordination
- Friendly audits to pull up agencies by their bootstraps



Watershed or Business Decision?

- What model for local conditions?
- What is the most cost-effective approach?
- What is the most green approach?
- What will ensure that there is accountability?

Consolidation and Regionalization?