



## CASQA Position Paper:

# Publicly Owned Treatment Works (POTW) / Sanitary Sewer & Municipal Separate Storm Sewer System (MS4) / Stormwater Collaboration

**PURPOSE:** To support identification of opportunities for collaboration with the POTW / wastewater community and develop mechanisms to proactively address barriers to collaboration in support of [CASQA's Vision for Sustainable Stormwater Management](#), specifically Vision Actions 1.1<sup>1</sup>, 1.2<sup>2</sup>, 2.4<sup>3</sup>, 2.5<sup>4</sup>, and 3.2<sup>5</sup>.

**RATIONALE:** Collaboration between MS4s and POTWs is imperative to achieving effective integrated management of California water resources as well as CASQA's Vision for Sustainable Stormwater Management. Developing partnerships and working with other water management organizations, such as the California Association of Sanitation Agencies (CASA), the Southern California Alliance of POTWs (SCAP), and POTWs in general is a key component in CASQA's Strategic Plan. POTW and MS4 collaboration can help address management issues of mutual interest while helping to remove traditional water management silos and achieve sustainable stormwater management through an integrated water resources management approach. This Position Paper addresses two potential areas of collaboration, (1) resource augmentation (diversions) and (2) regulatory collaboration.

Historically, diversions of dry-weather urban runoff to sanitary sewer have been used for recreational water resource protection, principally coastal waters at beaches, however a paradigm shift is occurring where some POTWs are considering diversions for water resource augmentation. Resource augmentation is needed by some POTWs to compensate for diminished flows within their collection system due to water conservation efforts. Diversions of urban runoff<sup>6</sup> are also being considered to provide additional water supply (e.g. recycled water) and potentially provide an additional revenue source. Diversions also have the potential to provide cleaner POTW discharges to receiving waters. Additionally, when addressing water quality regulations, opportunities for collaboration between POTWs and MS4s or implementation issues may arise. Upfront identification of potential areas for collaboration and potential implementation issues, support more effective regulation development and more sustainable solutions.

**GOAL/AUDIENCE:** Provide a strategy for the MS4/stormwater community and the POTW/wastewater community to collaborate on common issues that result in sustainable stormwater management.

## Strategy for Resource Augmentation (Diversions)

Stormwater is a resource, with social, economic, and ecological value and should be managed in a sustainable manner. Similarly, dry-weather urban runoff is also valuable resource. Both stormwater runoff and dry-weather urban runoff provide significant opportunities for water resource augmentation for POTWs and MS4s, and the value of this resource augmentation should be considered as a core element in POTW and MS4 collaboration regarding diversions. Collaboration between MS4s and POTWs regarding the diversion of urban runoff to the sanitary sewer and wastewater treatment facilities can result in improved water quality and more opportunities for the capture and

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<sup>1</sup> Action 1.1: Promote Stormwater as a Resource

<sup>2</sup> Action 1.2: Identify Constraints and Opportunities for Maximizing Stormwater as a Resource

<sup>3</sup> Action 2.4: Develop Permitting Policies / Framework Focused on Sustainable Stormwater Management

<sup>4</sup> Action 2.5: Establish Funding for Stormwater Programs

<sup>5</sup> Action 3.2: Create Opportunities for Multiple Agency and Collaborative Efforts to Demonstrate the Value of Stormwater to the Public

<sup>6</sup> Urban runoff includes dry-weather runoff and wet-weather runoff which is also stormwater runoff.

beneficial use of water, however certain challenges and barriers may limit the successful implementation of such projects. Actions, by MS4s, POTWs, CASQA, and CASA, are needed to support and streamline implementation of dry and wet weather diversions to the sanitary sewer where the diversions provide mutual benefit, as follows:

1. MS4s or POTWs initiate collaboration meetings within their jurisdiction by 2020 to identify and understand POTW and MS4 goals, drivers, constraints, and opportunities regarding diversions:
  - a. MS4s educate the POTW community about MS4 Permits and the requirements and efforts that MS4s engage in to meet these requirements including the source control activities and the structural treatment controls to mitigate the impacts of stormwater and dry-weather urban runoff and how potential impacts on the POTW could be mitigated.
  - b. POTWs educate the MS4 community about POTW operations and constraints that need to be considered when considering diversions.
2. CASQA and CASA collaborate to understand POTW and MS4/stormwater goals, drivers, constraints, and opportunities regarding diversions and develop guidelines by 2020 to support identification of key challenges and likely opportunities and mechanisms that can be used to address key challenges.
  - a. Key challenges/barriers include:
    - i. Funding
    - ii. Regulatory/Legislation
    - iii. Local Ordinances
    - iv. Water Rights
    - v. Stormwater/Urban Runoff Value
    - vi. Legal
    - vii. Communications/Perceptions
    - viii. Technical
  - b. Strategies to address the key challenges could include:
    - i. "Delayed Diversion" for wet weather diversion
    - ii. Mechanisms for reoptimizing POTW processes to accept diverted flows
    - iii. Integrated planning/projects to achieve POTW, MS4/stormwater, water supply benefits
    - iv. Template agreements to address legal challenges to include the planning, design, construction, operation, maintenance, and ownership of the diversions as well as the cost share breakdown for the diversions and the duration of the agreement
    - v. Identification of funding opportunities, such as the development of cost share agreements based on the different sewer fees and stormwater fees if they exist or the development of a joint wastewater/stormwater utility.
    - vi. Guidelines on water quality evaluations (e.g. model pretreatment program or local limits for diversions)
    - vii. Guidelines for public education programs
    - viii. Guidelines for developing the value of stormwater and urban runoff captured through diversions
    - ix. Guidance identifying potential challenges and opportunities for collaboration and potential technical solutions inclusive of case studies and an inventory of successful dry-weather and wet-weather runoff diversions and successful integrated planning initiatives
3. CASQA and CASA collaborate beginning in 2019 and then ongoing to identify mechanisms for collaboration on legislation that can support or create challenges to diversions.

## Strategy for Regulatory Collaboration

As new objectives and regulations are developed and existing regulations are implemented, opportunities may arise for POTWs and MS4s to collaborate and advocate for joint solutions that would provide greater benefit or address mutual compliance challenges (e.g. TMDLs). Additionally, in some cases, compliance challenges could lead to potential areas where further discussion is needed to avoid misunderstandings that could be mitigated through increased collaboration.

### Near Term

1. CASQA is committed to identifying areas where MS4/POTW collaboration would provide mutual benefit in informing regulation development and modification and where collaboration can avoid misunderstandings and improve identification of mutually agreeable solutions. The best opportunities for collaboration are in efforts with stakeholder advisory groups, but opportunities also exist when sufficiently long development periods allow time for engagement and discussion to occur. Collaboration becomes more challenging during short turn around comment periods. Given these structures, CASQA will take the following steps to support collaboration for these different types of regulatory development structures:
  - a. Regulations developed with stakeholder advisory groups (SAG): CASQA will work with CASA to set up discussions with the respective SAG representatives early in the process to identify areas where mutual advocacy could provide benefit and identify areas of differing opinions that should be better understood to mitigate challenges. Where appropriate, the SAG representatives will also engage other regulated entities (e.g. agriculture) in the conversations. Regular meetings will be conducted during the development process to help inform presentations and talking points at the SAG meetings. If mutually beneficial, joint comment letters could be developed to better support key positions. This process has been informally ongoing with the Biointegrity/Biostimulatory Plan Development and that process could be used to pilot test this type of collaboration and formalize any needed processes. CASQA should also conduct early conversations with CASA about the statewide bacteria project to avoid potential misunderstandings and set up a collaborative structure for that SAG.
  - b. Regulations with longer time frames for development, but no SAG: While these processes may provide sufficient time for collaboration, there is no formalized structure or SAG representatives that can lead the collaboration efforts. As a result, more effort will be needed to inform collaboration in these situations and the mechanisms for collaboration may not be as clear. When CASQA becomes aware of upcoming regulation development, an evaluation will be conducted to determine if collaboration efforts will be likely to provide a significant mutual benefit or avoid future misunderstandings and reach out to CASA if appropriate based on the evaluation. A potential near-term regulation in this category is the Collection System WDRs.
  - c. Regulations with short turn around comment periods. It is unlikely that significant collaboration can occur during comment periods for new regulations. However, CASQA may reach out to CASA during comment periods if topics of mutual benefit are identified or strategic conversations could benefit the comment letter development. CASQA can share draft comment letters with CASA.

### Longer Term

2. In addition to the externally driven collaboration opportunities identified above, joint advocacy from CASQA/CASA could support development of policies that would not otherwise be implemented in California. Joint identification of these opportunities would provide mutual benefit and discussions about these opportunities should be prioritized in future strategic conversations. Examples could include:
  - a. Watershed permitting
  - b. Regional projects for TMDL implementation
  - c. Integrated planning to address mutual schedule and funding challenges
3. If needed to support the collaboration discussions, case studies of successful collaboration of POTWs and MS4s to meeting regulatory compliance will be developed (e.g. Ventura County TMDL compliance) by 2020.