

SWRCB AUTHORITY TO ENCOURAGE VOLUMETRIC WASTEWATER PRICING

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Potential Authorities

- Clean Water State Revolving Fund (SRF) Conditions
- NPDES Permits
- Sanitary Sewer System General Waste Discharge Requirements
- Water Rights Permits
- Other Authorities

State Revolving Fund (SRF) Policy

- Existing (2009) Policy for Implementing The Clean Water State Revolving Fund For Construction of Wastewater Treatment Facilities includes water conservation requirements and other prioritization provisions
- Board could revise the policy to include explicit provision prioritizing funding (or conditioning eligibility) for wastewater treatment plants that are implementing volumetric pricing

NPDES Permits

- Could be included as part of water conservation element in NPDES permits for wastewater treatment plants
- Could be included as a “Special Provision” as part of a pollutant minimization plan

Sanitary Sewer System General Waste Discharge Requirements

- SSS WDR requires that enrollees have a “proper rate structure” to ensure adequate financial resources
- SSS WDR requires enrollees to have a System Evaluation and Capacity Assurance Plan
 - ▣ Plan must include Capacity Enhancement Measures (which may include infiltration and inflow reduction programs)
- SSS WDR could be amended to include volumetric pricing provisions (to provide proper rate structure, reduce inflow and/or reduce need for capacity upgrades)

Water Rights Permits

- Existing water rights permits include mandatory term reserving authority to impose water conservation requirements and requiring compliance with Urban Water Management Planning Act
 - Could amend water rights to require water suppliers that also provide sanitation service to implement volumetric pricing to encourage conservation
 - Could amend water rights to require water suppliers that do not provide wastewater service to share water consumption information with sanitation districts
 - Could adopt new permit condition addressing volumetric wastewater pricing

Grant Eligibility & Other Potential Authorities

- Grant eligibility under the Clean Water Act for sewer works
- Eligibility for Grants and Loans under State Law
 - ▣ In order to be eligible for certain grants and loans, water suppliers that also provide wastewater service must implement volumetric wastewater pricing. (Water Code §§ 10631(f)(1)(K), 10631.5) (AB 1420 of 2007)
- Reasonable Use Doctrine (Art. X, § 2) and statutory water conservation requirements
- Enforcement of existing laws