

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	1	First Name	Richard	Last Name	Cunningham
Organization	City of Albany	Title	Manager of Public Works		

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

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In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section D.12(d)(iv): The SSS WDRs should be amended to mandate sanitary sewer system operator certification in lieu of requiring a Staff Assessment program. Operator certification will increase professionalism in the industry. The SSS WDRs should specify the minimum certification grade level required for operators, supervisors, and managers. The State Water Board should coordinate with rural associations to provide assistance to small and disadvantaged communities to meet the requirements.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

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In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

In reference to Section B.4: The requirement to re-enroll under the amended SSS WDRs within six months of adoption is a waste of staff resources, will lead to confusion, is unnecessary and burdensome, and will be a significant irritation to the enrolled agencies. This requirement should be deleted. Only those that will no longer be covered and new applicants should be required to submit notifications. Informing enrollees when the revised SSS WDRs is adopted will be more productive.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

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In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	2	First Name	Bonner	Last Name	Beuhler
Organization	Almonte Sanitary District	Title	Manager		

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

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In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

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Organization	Almonte Sanitary District	Title	Manager		

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In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

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Organization	Almonte Sanitary District	Title	Manager		

Comment_Summary

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

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In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to MRP Section B: Enrollees should not be required to report SSOs if they are fully-recovered. Fully-recovered SSOs cannot impact surface waters, and it is unlikely that they would impact public health or the environment. This will provide an incentive for enrollees to fully recover spills.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

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In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches . The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

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Letter_ID	3	First Name	Jonathan	Last Name	Heffernan
Organization	City of Anaheim	Title	Operations Supervisors		

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

General Comment: The State Water Board should prolong the comment period and increase public outreach to ensure that all parties subject to these regulations have an opportunity to review and comment on them prior to adoption.

In reference to Section B.1: Commenters do not support expanding coverage of the SSS WDRs to privately owned collection systems. Including private entities in the SSS WDRs is redundant. Presently, a private sewer spill is a violation of local NPDES regulations (MS4 permits). It is also likely a violation of local sewer WDR Program Regulations, and is also subject to Regional Board and even Health Agency Enforcement. The regulatory requirements for private sanitary sewer systems under the SSS WDRs are unduly prescriptive and impose unwarranted costs and significant administrative burdens. For instance, the SSMP development requirement will affect fixed-income retired residents of private communities. The State Water Board should consider eliminating the requirement to enroll under the SSS WDRs for private communities, and handle any problems with these systems via enforcement of existing laws. Including satellite systems connected to enrollee collection systems such as shopping malls, private gated communities, mobile home parks, and other private collection systems is unworkable, and imposes new burdens on small businesses.

In reference to Section B: Current enrollees should not be required to identify or oversee the potential new enrollees within their service area. Placing this additional burden on current enrollees may impair their ability to comply with the regulations while at the same time placing on them an impossible task.

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In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

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In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to MRP Section B.1.C (SSO Categories): The assumption that a discharge to a drainage channel is equivalent to a discharge to a surface water is incorrect. Spills that enter a storm drain pipe or drainage channel that flow to a retention basin (or similar) should not be considered Category 1 spills. There should be an additional category for these kinds of spills and fully recovered spills over 1000 gallons. Alternatively, spills greater than 1000 gallons that are fully contained and recovered should be Category 2 spills. Discharges to storm drain channels and creeks during dry weather do not pose a threat to public health or the environment, and they can be fully contained and captured in the channel or creek. A SSO that is not fully captured should not be considered an automatic discharge to waters of the state since many storm drain systems extend considerable distances before connecting to surface water. It is unreasonable to assume that a discharge of a few gallons that must travel one mile in the storm drain before entering the nearest surface water can be considered a discharge to waters of the state. Such small volumes would likely pond and evaporate in the pipe rather than traverse the entire distance to the nearest surface water. Appropriate disposal can include returning the spilled material to a sanitary sewer, so it is not necessary to specifically call out return to the sanitary sewer as an appropriate disposal method.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	3	First Name	Jonathan	Last Name	Heffernan
Organization	City of Anaheim	Title	Operations Supervisors		

Comment_Summary

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	3	First Name	Jonathan	Last Name	Heffernan
Organization	City of Anaheim	Title	Operations Supervisors		

Comment_Summary

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	4	First Name	Michael	Last Name	Egan
Organization	City of Bellflower	Title	City Manager		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	4	First Name	Michael	Last Name	Egan
Organization	City of Bellflower	Title	City Manager		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 4

First Name Michael **Last Name** Egan

Organization City of Bellflower

Title City Manager

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	5	First Name	Carlos	Last Name	De Melo
Organization	City of Belmont	Title	Acting Public Works Director		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	5	First Name	Carlos	Last Name	De Melo
Organization	City of Belmont	Title	Acting Public Works Director		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	5	First Name	Carlos	Last Name	De Melo
Organization	City of Belmont	Title	Acting Public Works Director		

Comment_Summary

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	5	First Name	Carlos	Last Name	De Melo
Organization	City of Belmont	Title	Acting Public Works Director		

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section B: Enrollees should not be required to report SSOs if they are fully-recovered. Fully-recovered SSOs cannot impact surface waters, and it is unlikely that they would impact public health or the environment. This will provide an incentive for enrollees to fully recover spills.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 5

First Name Carlos **Last Name** De Melo

Organization City of Belmont

Title Acting Public Works Director

Comment_Summary

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 6		First Name Andrew	Last Name Clough
Organization	City of Berkeley	Title	Acting Director of Public Works

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	6	First Name	Andrew	Last Name	Clough
Organization	City of Berkeley	Title	Acting Director of Public Works		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section D.12(d)(iv): The SSS WDRs should not require sanitary sewer system operator certification. This requirement will require additional staff and financial resources.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	6	First Name	Andrew	Last Name	Clough
Organization	City of Berkeley	Title	Acting Director of Public Works		

Comment_Summary

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	6	First Name	Andrew	Last Name	Clough
Organization	City of Berkeley	Title	Acting Director of Public Works		

Comment_Summary

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

In reference to Section B.4: The requirement to re-enroll under the amended SSS WDRs within six months of adoption is a waste of staff resources, will lead to confusion, is unnecessary and burdensome, and will be a significant irritation to the enrolled agencies. This requirement should be deleted. Only those that will no longer be covered and new applicants should be required to submit notifications. Informing enrollees when the revised SSS WDRs is adopted will be more productive.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	7	First Name	Richard	Last Name	Tanaka
Organization	Burbank Sanitary District	Title	District Manager-Engineer		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	7	First Name	Richard	Last Name	Tanaka
Organization	Burbank Sanitary District	Title	District Manager-Engineer		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	7	First Name	Richard	Last Name	Tanaka
Organization	Burbank Sanitary District	Title	District Manager-Engineer		

Comment_Summary

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	7	First Name	Richard	Last Name	Tanaka
Organization	Burbank Sanitary District	Title	District Manager-Engineer		

Comment_Summary

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to MRP Section B: Enrollees should not be required to report SSOs if they are fully-recovered. Fully-recovered SSOs cannot impact surface waters, and it is unlikely that they would impact public health or the environment. This will provide an incentive for enrollees to fully recover spills.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	8	First Name	Syed	Last Name	Murtuza
Organization	City of Burlingame	Title	Public Works Director		

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	8	First Name	Syed	Last Name	Murtuza
Organization	City of Burlingame	Title	Public Works Director		

Comment_Summary

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	8	First Name	Syed	Last Name	Murtuza
Organization	City of Burlingame	Title	Public Works Director		

Comment_Summary

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	8	First Name	Syed	Last Name	Murtuza
Organization	City of Burlingame	Title	Public Works Director		

Comment_Summary

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to MRP Section B: Enrollees should not be required to report SSOs if they are fully-recovered. Fully-recovered SSOs cannot impact surface waters, and it is unlikely that they would impact public health or the environment. This will provide an incentive for enrollees to fully recover spills.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	8	First Name	Syed	Last Name	Murtuza
Organization	City of Burlingame	Title	Public Works Director		

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	9	First Name	Roland	Last Name	Williams
Organization	Castro Valley Sanitary District	Title	General Manager		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	9	First Name	Roland	Last Name	Williams
Organization	Castro Valley Sanitary District	Title	General Manager		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	9	First Name	Roland	Last Name	Williams
Organization	Castro Valley Sanitary District	Title	General Manager		

Comment_Summary

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	9	First Name	Roland	Last Name	Williams
Organization	Castro Valley Sanitary District	Title	General Manager		

Comment_Summary

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	10	First Name	Eric	Last Name	Tynan
Organization	Castroville Community Services District	Title	General Manager		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	10	First Name	Eric	Last Name	Tynan
Organization	Castroville Community Services District	Title	General Manager		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	10	First Name	Eric	Last Name	Tynan
Organization	Castroville Community Services District	Title	General Manager		

Comment_Summary

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	10	First Name	Eric	Last Name	Tynan
Organization	Castroville Community Services District	Title	General Manager		

Comment_Summary

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

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In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	10	First Name	Eric	Last Name	Tynan
Organization	Castroville Community Services District	Title	General Manager		

Comment_Summary

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	11	First Name	David	Last Name	Burkland
Organization	City of Chico Office of the City Manager		Title	City Manager	

Comment_Summary

General Comment: The State Water Board should consider the costs and benefits of the prescriptive requirements added by the revised SSS WDRs. The proposed regulations add a significant burden to agencies. New regulations may act to redirect resources from sewer maintenance work to burdensome administrative procedures. The proposed SSS WDRs are a financial burden to well managed systems, and the new requirements will result in more agency staff time directed towards preparing reports, organizing information, and operating procedures rather than on O&M activities. Following the logic that proper O&M will provide meaningful public health benefits, any activity which pulls resources from O&M activities will increase the risk to the public health.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	11	First Name	David	Last Name	Burkland
Organization	City of Chico Office of the City Manager	Title	City Manager		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	11	First Name	David	Last Name	Burkland
Organization	City of Chico Office of the City Manager	Title	City Manager		

Comment_Summary

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section A.12: The current definition of satellite sanitary sewer system should be changed or eliminated since the definition of a sanitary sewer system covers satellite sanitary sewer systems. A sewer system should not be considered a satellite unless that system individually bills connected properties a maintenance or user fee established to provide for maintenance of said sewer system. This change is suggested to eliminate the need for enrollees to coordinate with private sanitary sewer systems that are also enrolled. An additional definition could also be added for a regional sanitary sewer system.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	11	First Name	David	Last Name	Burkland
Organization	City of Chico Office of the City Manager		Title	City Manager	

Comment_Summary

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	12	First Name	Lisa	Last Name	Koehn
Organization	City of Clovis Public Utilities Department	Title	Assistant Public Utilities Director		

Comment_Summary

General Comment: The State Water Board should consider the costs and benefits of the prescriptive requirements added by the revised SSS WDRs. The proposed regulations add a significant burden to agencies. New regulations may act to redirect resources from sewer maintenance work to burdensome administrative procedures. The proposed SSS WDRs are a financial burden to well managed systems, and the new requirements will result in more agency staff time directed towards preparing reports, organizing information, and operating procedures rather than on O&M activities. Following the logic that proper O&M will provide meaningful public health benefits, any activity which pulls resources from O&M activities will increase the risk to the public health.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	12	First Name	Lisa	Last Name	Koehn
Organization	City of Clovis Public Utilities Department	Title	Assistant Public Utilities Director		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 12		First Name Lisa	Last Name Koehn
Organization	City of Clovis Public Utilities Department	Title	Assistant Public Utilities Director

Comment_Summary

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 12		First Name Lisa	Last Name Koehn
Organization	City of Clovis Public Utilities Department	Title	Assistant Public Utilities Director

Comment_Summary

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I, 1.D need additional clarification. Qualifying text under items 1.D, 1.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 12		First Name Lisa	Last Name Koehn
Organization	City of Clovis Public Utilities Department	Title	Assistant Public Utilities Director

Comment_Summary

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(d)(ii): The provision in Section D.12(d)(ii) is unworkable because Enrollees need the flexibility to utilize and change contractors on a regular basis without having to update their SSMP.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 12		First Name Lisa	Last Name Koehn
Organization	City of Clovis Public Utilities Department	Title	Assistant Public Utilities Director

Comment_Summary

In reference to Section D.12(f)(ii): Requiring contracts and agreements be included as part of the SSMP should be eliminated because it is unduly burdensome, and is likely to create confusion regarding the requirements for an adequate SSMP. This requirement is burdensome since the SSMP would have to be updated each time contracts are revised or changed.

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	13	First Name	Richard	Last Name	Tanaka
Organization	County Sanitation District NO. 2-3 of Santa Clara County		Title	District Manager-Engineer	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	13	First Name	Richard	Last Name	Tanaka
Organization	County Sanitation District NO. 2-3 of Santa Clara County		Title	District Manager-Engineer	

Comment_Summary

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In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to MRP Section B: Enrollees should not be required to report SSOs if they are fully-recovered. Fully-recovered SSOs cannot impact surface waters, and it is unlikely that they would impact public health or the environment. This will provide an incentive for enrollees to fully recover spills.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	14	First Name	Charles	Last Name	Herbertson
Organization	City of Culver City	Title	Public Works Dire or & City Engineer		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

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In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	14	First Name	Charles	Last Name	Herbertson
Organization	City of Culver City	Title	Public Works Dire or & City Engineer		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

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In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	14	First Name	Charles	Last Name	Herbertson
Organization	City of Culver City	Title	Public Works Dire or & City Engineer		

Comment_Summary

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General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	15	First Name	Gary	Last Name	Darling
Organization	Delta Diablo Sanitation District	Title	General Manager		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	15	First Name	Gary	Last Name	Darling
Organization	Delta Diablo Sanitation District	Title	General Manager		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 16		First Name Gerald	Last Name Caton
Organization	City of Downey	Title	City Manager

Comment_Summary

General Comment: The State Water Board should consider the costs and benefits of the prescriptive requirements added by the revised SSS WDRs. The proposed regulations add a significant burden to agencies. New regulations may act to redirect resources from sewer maintenance work to burdensome administrative procedures. The proposed SSS WDRs are a financial burden to well managed systems, and the new requirements will result in more agency staff time directed towards preparing reports, organizing information, and operating procedures rather than on O&M activities. Following the logic that proper O&M will provide meaningful public health benefits, any activity which pulls resources from O&M activities will increase the risk to the public health.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 16		First Name Gerald	Last Name Caton
Organization City of Downey		Title City Manager	

Comment_Summary

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

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Thursday, December 15, 2011

Letter_ID	16	First Name	Gerald	Last Name	Caton
Organization	City of Downey	Title	City Manager		

Comment_Summary

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 16

First Name Gerald **Last Name** Caton

Organization City of Downey

Title City Manager

Comment_Summary

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	17	First Name	Steve	Last Name	Esbenshade
Organization	City of Duarte	Title	Engineering Division Manager		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	17	First Name	Steve	Last Name	Esbenshade
Organization	City of Duarte	Title	Engineering Division Manager		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	18	First Name	Bert	Last Name	Michalczyk
Organization	Dublin San Ramon Service District	Title	General Manager		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	18	First Name	Bert	Last Name	Michalczyk
Organization	Dublin San Ramon Service District	Title	General Manager		

Comment_Summary

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section A.10: We support the revised definition of a "sanitary sewer overflow". We support the revision to the definition of "sanitary sewer overflow" which specifies that fully-recovered releases to storm drains are not included. We would like to see an additional clarification that spills to drainage channels that are not waters of the U.S. are similarly excluded from the definition of SSO. Excluding these events properly incentivizes full recovery of wastewater.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	19	First Name	Douglas	Last Name	Humphrey
Organization	East Bay Collection System Agencies	Title			

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	19	First Name	Douglas	Last Name	Humphrey
Organization	East Bay Collection System Agencies	Title			
Comment_Summary					

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to D.12(d)(iv): If an operator certification requirement is adopted, the order should state that "certification is highly desirable" and this requirement should be phased in over four to five years.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	19	First Name	Douglas	Last Name	Humphrey
Organization	East Bay Collection System Agencies	Title			

Comment_Summary

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 19	First Name Douglas	Last Name Humphrey
Organization East Bay Collection System Agencies	Title	

Comment_Summary

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	19	First Name	Douglas	Last Name	Humphrey
Organization	East Bay Collection System Agencies	Title			

Comment_Summary

In reference to Section B.4: The requirement to re-enroll under the amended SSS WDRs within six months of adoption is a waste of staff resources, will lead to confusion, is unnecessary and burdensome, and will be a significant irritation to the enrolled agencies. This requirement should be deleted. Only those that will no longer be covered and new applicants should be required to submit notifications. Informing enrollees when the revised SSS WDRs is adopted will be more productive.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 20		First Name Kathi	Last Name Henry
Organization	City of El Cajon	Title	City Manager

Comment_Summary

General Comment: The State Water Board should consider the costs and benefits of the prescriptive requirements added by the revised SSS WDRs. The proposed regulations add a significant burden to agencies. New regulations may act to redirect resources from sewer maintenance work to burdensome administrative procedures. The proposed SSS WDRs are a financial burden to well managed systems, and the new requirements will result in more agency staff time directed towards preparing reports, organizing information, and operating procedures rather than on O&M activities. Following the logic that proper O&M will provide meaningful public health benefits, any activity which pulls resources from O&M activities will increase the risk to the public health.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Commenters support the mandatory reporting of PLSDs. California should pass a law requiring lateral inspection and repair at the transfer of property.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	20	First Name	Kathi	Last Name	Henry
Organization	City of El Cajon	Title	City Manager		

Comment_Summary

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 20		First Name Kathi	Last Name Henry
Organization City of El Cajon		Title City Manager	

Comment_Summary

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 20		First Name Kathi	Last Name Henry
Organization	City of El Cajon	Title	City Manager

Comment_Summary

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 20

First Name Kathi

Last Name Henry

Organization City of El Cajon

Title City Manager

Comment_Summary

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	21	First Name	Elizabeth	Last Name	Wells
Organization	El Dorado Irrigation District	Title	Engineering Divison Manager		

Comment_Summary

General Comment: The State Water Board should consider the costs and benefits of the prescriptive requirements added by the revised SSS WDRs. The proposed regulations add a significant burden to agencies. New regulations may act to redirect resources from sewer maintenance work to burdensome administrative procedures. The proposed SSS WDRs are a financial burden to well managed systems, and the new requirements will result in more agency staff time directed towards preparing reports, organizing information, and operating procedures rather than on O&M activities. Following the logic that proper O&M will provide meaningful public health benefits, any activity which pulls resources from O&M activities will increase the risk to the public health.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	21	First Name	Elizabeth	Last Name	Wells
Organization	El Dorado Irrigation District	Title	Engineering Divison Manager		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

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In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	21	First Name	Elizabeth	Last Name	Wells
Organization	El Dorado Irrigation District	Title	Engineering Divison Manager		

Comment_Summary

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

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In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	21	First Name	Elizabeth	Last Name	Wells
Organization	El Dorado Irrigation District	Title	Engineering Divison Manager		

Comment_Summary

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	21	First Name	Elizabeth	Last Name	Wells
Organization	El Dorado Irrigation District	Title	Engineering Divison Manager		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 22	First Name John	Last Name Vega
Organization Elsinore Valley Municipal Water District	Title Director Operations	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 22	First Name John	Last Name Vega
Organization Elsinore Valley Municipal Water District	Title Director Operations	

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

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In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 22	First Name John	Last Name Vega
Organization Elsinore Valley Municipal Water District	Title Director Operations	

Comment_Summary

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 22	First Name John	Last Name Vega
Organization Elsinore Valley Municipal Water District	Title Director Operations	

Comment_Summary

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	22	First Name	John	Last Name	Vega
Organization	Elsinore Valley Municipal Water District	Title	Director Operations		

Comment_Summary

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 23	First Name Maurice	Last Name Kaufman
Organization City of Emeryville	Title Public Works Director/City Engineer	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 23		First Name Maurice	Last Name Kaufman
Organization	City of Emeryville	Title	Public Works Director/City Engineer

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section D.12(d)(iv): The SSS WDRs should not require sanitary sewer system operator certification. This requirement will require additional staff and financial resources.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 23

First Name Maurice **Last Name** Kaufman

Organization City of Emeryville

Title Public Works Director/City Engineer

Comment_Summary

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 23

First Name Maurice **Last Name** Kaufman

Organization City of Emeryville

Title Public Works Director/City Engineer

Comment_Summary

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

In reference to Section B.4: The requirement to re-enroll under the amended SSS WDRs within six months of adoption is a waste of staff resources, will lead to confusion, is unnecessary and burdensome, and will be a significant irritation to the enrolled agencies. This requirement should be deleted. Only those that will no longer be covered and new applicants should be required to submit notifications. Informing enrollees when the revised SSS WDRs is adopted will be more productive.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 23

First Name Maurice **Last Name** Kaufman

Organization City of Emeryville

Title Public Works Director/City Engineer

Comment_Summary

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 24	First Name Lawrence	Last Name Watt
Organization City of Encinitas.	Title Director of Public Works	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	24	First Name	Lawrence	Last Name	Watt
Organization	City of Encinitas.	Title	Director of Public Works		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

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In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 24	First Name Lawrence	Last Name Watt
Organization City of Encinitas.	Title Director of Public Works	

Comment_Summary

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 25		First Name Greg	Last Name Baatrup
Organization	Fairfield-Suisun Sewer District	Title	General Manager

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to MRP Section B: The SSO WDRs contains overly complicated spill category definitions which lead to confusion and inconsistent reporting.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	25	First Name	Greg	Last Name	Baatrup
Organization	Fairfield-Suisun Sewer District	Title	General Manager		

Comment_Summary

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	25	First Name	Greg	Last Name	Baatrup
Organization	Fairfield-Suisun Sewer District	Title	General Manager		

Comment_Summary

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

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In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

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In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	25	First Name	Greg	Last Name	Baatrup
Organization	Fairfield-Suisun Sewer District	Title	General Manager		

Comment_Summary

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 25	First Name Greg	Last Name Baatrup
Organization Fairfield-Suisun Sewer District	Title General Manager	

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 26	First Name John	Last Name Hicks
Organization City of Glendale	Title Wastewater Maintenance Superintendent	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

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In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 26

First Name John

Last Name Hicks

Organization City of Glendale

Title Wastewater Maintenance Superintendent

Comment_Summary

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In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 26

First Name John

Last Name Hicks

Organization City of Glendale

Title Wastewater Maintenance Superintendent

Comment_Summary

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 26

First Name John

Last Name Hicks

Organization City of Glendale

Title Wastewater Maintenance Superintendent

Comment_Summary

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In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I, 1.D need additional clarification. Qualifying text under items 1.D, 1.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 26

First Name John

Last Name Hicks

Organization City of Glendale

Title Wastewater Maintenance Superintendent

Comment_Summary

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 27		First Name Craig	Last Name Geyer
Organization	Goleta West Sanitary District	Title	Board President

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: The State Water Board should consider the costs and benefits of the prescriptive requirements added by the revised SSS WDRs. The proposed regulations add a significant burden to agencies. New regulations may act to redirect resources from sewer maintenance work to burdensome administrative procedures. The proposed SSS WDRs are a financial burden to well managed systems, and the new requirements will result in more agency staff time directed towards preparing reports, organizing information, and operating procedures rather than on O&M activities. Following the logic that proper O&M will provide meaningful public health benefits, any activity which pulls resources from O&M activities will increase the risk to the public health.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 27		First Name Craig	Last Name Geyer
Organization	Goleta West Sanitary District	Title	Board President

Comment_Summary

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 27

First Name Craig **Last Name** Geyer

Organization Goleta West Sanitary District

Title Board President

Comment_Summary

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 28		First Name Ismile	Last Name Noorbaksh
Organization	City of Hawaiian Gardens	Title	City Engineer

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

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Thursday, December 15, 2011

Letter_ID	28	First Name	Ismile	Last Name	Noorbaksh
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Comment_Summary

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 28		First Name Ismile	Last Name Noorbaksh
Organization	City of Hawaiian Gardens	Title	City Engineer

Comment_Summary

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

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In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I, 1.D need additional clarification. Qualifying text under items 1.D, 1.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 28

First Name Ismile **Last Name** Noorbaksh

Organization City of Hawaiian Gardens

Title City Engineer

Comment_Summary

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 29

First Name Frank **Last Name** Senteno

Organization City of Hermosa Beach

Title Interim Director of Public Works

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

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In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	30	First Name	John	Last Name	Hills
Organization	Irvine Ranch Water District	Title	Director of Water Quality		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

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In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	30	First Name	John	Last Name	Hills
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Comment_Summary

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	31	First Name	Mark	Last Name	Dellinger
Organization	County of Lake Special Districts Administration	Title	Special Districts Administrator		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

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General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

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Comment_Summary

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In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 32	First Name Alan	Last Name Brown
Organization Lake Oroville Area Public Utility District	Title General Manager	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	32	First Name	Alan	Last Name	Brown
Organization	Lake Oroville Area Public Utility District	Title	General Manager		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	32	First Name	Alan	Last Name	Brown
Organization	Lake Oroville Area Public Utility District	Title	General Manager		

Comment_Summary

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 33	First Name Robert	Last Name Neal
Organization City of Lancaster	Title Director of Public Works	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

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In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 33

First Name Robert **Last Name** Neal

Organization City of Lancaster

Title Director of Public Works

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 33

First Name Robert **Last Name** Neal

Organization City of Lancaster

Title Director of Public Works

Comment_Summary

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 33

First Name Robert **Last Name** Neal

Organization City of Lancaster

Title Director of Public Works

Comment_Summary

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

In reference to Section B.4: The requirement to re-enroll under the amended SSS WDRs within six months of adoption is a waste of staff resources, will lead to confusion, is unnecessary and burdensome, and will be a significant irritation to the enrolled agencies. This requirement should be deleted. Only those that will no longer be covered and new applicants should be required to submit notifications. Informing enrollees when the revised SSS WDRs is adopted will be more productive.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section A.3: The definitions of drainage channels and storm drains lead to confusion for sewer systems that are connected to retention basins and dry wells. Additionally, the definition is too broad, and needs clarification to not include curbs, gutters, and swales. Fully captured discharges to drainage channels that are not waters of the U.S. should not be prohibited. Additional definitions should include private storm drain system and public storm drain system.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 33

First Name Robert **Last Name** Neal

Organization City of Lancaster

Title Director of Public Works

Comment_Summary

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	34	First Name	Mark	Last Name	Williams
Organization	Las Gallinas Valley Sanitary District	Title	General Manager/Chief Operator		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	34	First Name	Mark	Last Name	Williams
Organization	Las Gallinas Valley Sanitary District	Title	General Manager/Chief Operator		

Comment_Summary

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	34	First Name	Mark	Last Name	Williams
Organization	Las Gallinas Valley Sanitary District	Title	General Manager/Chief Operator		

Comment_Summary

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	34	First Name	Mark	Last Name	Williams
Organization	Las Gallinas Valley Sanitary District	Title	General Manager/Chief Operator		

Comment_Summary

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In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	34	First Name	Mark	Last Name	Williams
Organization	Las Gallinas Valley Sanitary District	Title	General Manager/Chief Operator		

Comment_Summary

In reference to MRP Section B.1.C (SSO Categories): The assumption that a discharge to a drainage channel is equivalent to a discharge to a surface water is incorrect. Spills that enter a storm drain pipe or drainage channel that flow to a retention basin (or similar) should not be considered Category 1 spills. There should be an additional category for these kinds of spills and fully recovered spills over 1000 gallons. Alternatively, spills greater than 1000 gallons that are fully contained and recovered should be Category 2 spills. Discharges to storm drain channels and creeks during dry weather do not pose a threat to public health or the environment, and they can be fully contained and captured in the channel or creek. A SSO that is not fully captured should not be considered an automatic discharge to waters of the state since many storm drain systems extend considerable distances before connecting to surface water. It is unreasonable to assume that a discharge of a few gallons that must travel one mile in the storm drain before entering the nearest surface water can be considered a discharge to waters of the state. Such small volumes would likely pond and evaporate in the pipe rather than traverse the entire distance to the nearest surface water. Appropriate disposal can include returning the spilled material to a sanitary sewer, so it is not necessary to specifically call out return to the sanitary sewer as an appropriate disposal method.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I, 1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same as "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	35	First Name	Darren	Last Name	Greenwood
Organization	City of Livermore	Title	Asst. Public Works Director		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches . The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 35

First Name Darren **Last Name** Greenwood

Organization City of Livermore

Title Asst. Public Works Director

Comment_Summary

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	36	First Name	Ronald	Last Name	Pop
Organization	City of Millbrae	Title	Director of Public Works		

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 36		First Name Ronald	Last Name Pop
Organization	City of Millbrae	Title	Director of Public Works

Comment_Summary

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 36		First Name Ronald	Last Name Pop
Organization	City of Millbrae	Title	Director of Public Works

Comment_Summary

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section A.12: The current definition of satellite sanitary sewer system should be changed or eliminated since the definition of a sanitary sewer system covers satellite sanitary sewer systems. A sewer system should not be considered a satellite unless that system individually bills connected properties a maintenance or user fee established to provide for maintenance of said sewer system. This change is suggested to eliminate the need for enrollees to coordinate with private sanitary sewer systems that are also enrolled. An additional definition could also be added for a regional sanitary sewer system.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 37	First Name Fred	Last Name Cohn
Organization City of Monterey	Title Acting City Manager	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 37

First Name Fred **Last Name** Cohn

Organization City of Monterey

Title Acting City Manager

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 37

First Name Fred **Last Name** Cohn

Organization City of Monterey

Title Acting City Manager

Comment_Summary

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 37		First Name Fred	Last Name Cohn
Organization City of Monterey		Title Acting City Manager	

Comment_Summary

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	38	First Name	Robert	Last Name	Gumerman
Organization	Moulton Niguel Water District	Title	General Manager		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	38	First Name	Robert	Last Name	Gumerman
Organization	Moulton Niguel Water District	Title	General Manager		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	38	First Name	Robert	Last Name	Gumerman
Organization	Moulton Niguel Water District	Title	General Manager		

Comment_Summary

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	39	First Name	Timothy	Last Name	Healy
Organization	Napa Sanitation District	Title	General Manager		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	39	First Name	Timothy	Last Name	Healy
Organization	Napa Sanitation District	Title	General Manager		

Comment_Summary

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	39	First Name	Timothy	Last Name	Healy
Organization	Napa Sanitation District	Title	General Manager		

Comment_Summary

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	39	First Name	Timothy	Last Name	Healy
Organization	Napa Sanitation District	Title	General Manager		

Comment_Summary

In reference to MRP Section B: Enrollees should not be required to report SSOs if they are fully-recovered. Fully-recovered SSOs cannot impact surface waters, and it is unlikely that they would impact public health or the environment. This will provide an incentive for enrollees to fully recover spills.

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 40		First Name Vitaly	Last Name Troyan
Organization City of Oakland		Title Agency Director	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: The State Water Board should consider the costs and benefits of the prescriptive requirements added by the revised SSS WDRs. The proposed regulations add a significant burden to agencies. New regulations may act to redirect resources from sewer maintenance work to burdensome administrative procedures. The proposed SSS WDRs are a financial burden to well managed systems, and the new requirements will result in more agency staff time directed towards preparing reports, organizing information, and operating procedures rather than on O&M activities. Following the logic that proper O&M will provide meaningful public health benefits, any activity which pulls resources from O&M activities will increase the risk to the public health.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 40		First Name Vitaly	Last Name Troyan
Organization City of Oakland		Title Agency Director	

Comment_Summary

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	40	First Name	Vitaly	Last Name	Troyan
Organization	City of Oakland	Title	Agency Director		

Comment_Summary

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 40		First Name Vitaly	Last Name Troyan
Organization City of Oakland		Title Agency Director	

Comment_Summary

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

In reference to Section B.4: The requirement to re-enroll under the amended SSS WDRs within six months of adoption is a waste of staff resources, will lead to confusion, is unnecessary and burdensome, and will be a significant irritation to the enrolled agencies. This requirement should be deleted. Only those that will no longer be covered and new applicants should be required to submit notifications. Informing enrollees when the revised SSS WDRs is adopted will be more productive.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 40

First Name Vitaly **Last Name** Troyan

Organization City of Oakland

Title Agency Director

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	41	First Name	John	Last Name	Onkka
Organization	Olivenhain Municipal Water District	Title	Recycled Water Programs Supervisor		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	41	First Name	John	Last Name	Onkka
Organization	Olivenhain Municipal Water District	Title	Recycled Water Programs Supervisor		

Comment_Summary

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 42	First Name Jason	Last Name Warner
Organization Oro Loma Sanitary District	Title General Manager	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	42	First Name	Jason	Last Name	Warner
Organization	Oro Loma Sanitary District	Title	General Manager		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	42	First Name	Jason	Last Name	Warner
Organization	Oro Loma Sanitary District	Title	General Manager		

Comment_Summary

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	42	First Name	Jason	Last Name	Warner
Organization	Oro Loma Sanitary District	Title	General Manager		

Comment_Summary

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to MRP Section B: Enrollees should not be required to report SSOs if they are fully-recovered. Fully-recovered SSOs cannot impact surface waters, and it is unlikely that they would impact public health or the environment. This will provide an incentive for enrollees to fully recover spills.

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 42		First Name Jason	Last Name Warner
Organization	Oro Loma Sanitary District	Title	General Manager

Comment_Summary

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

General Comment: The State Water Board should consider the costs and benefits of the prescriptive requirements added by the revised SSS WDRs. The proposed regulations add a significant burden to agencies. New regulations may act to redirect resources from sewer maintenance work to burdensome administrative procedures. The proposed SSS WDRs are a financial burden to well managed systems, and the new requirements will result in more agency staff time directed towards preparing reports, organizing information, and operating procedures rather than on O&M activities. Following the logic that proper O&M will provide meaningful public health benefits, any activity which pulls resources from O&M activities will increase the risk to the public health.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	43	First Name	Rick	Last Name	Walls
Organization	City of Oroville	Title	Director of Public Works		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 43		First Name Rick	Last Name Walls
Organization	City of Oroville	Title	Director of Public Works

Comment_Summary

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 43		First Name Rick	Last Name Walls
Organization City of Oroville		Title Director of Public Works	

Comment_Summary

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section A.12: The current definition of satellite sanitary sewer system should be changed or eliminated since the definition of a sanitary sewer system covers satellite sanitary sewer systems. A sewer system should not be considered a satellite unless that system individually bills connected properties a maintenance or user fee established to provide for maintenance of said sewer system. This change is suggested to eliminate the need for enrollees to coordinate with private sanitary sewer systems that are also enrolled. An additional definition could also be added for a regional sanitary sewer system.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 43		First Name Rick	Last Name Walls
Organization	City of Oroville	Title	Director of Public Works

Comment_Summary

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	43	First Name	Rick	Last Name	Walls
Organization	City of Oroville	Title	Director of Public Works		

Comment_Summary

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(d)(ii): The provision in Section D.12(d)(ii) is unworkable because Enrollees need the flexibility to utilize and change contractors on a regular basis without having to update their SSMP.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 43

First Name Rick

Last Name Walls

Organization City of Oroville

Title Director of Public Works

Comment_Summary

In reference to Section D.12(f)(ii): Requiring contracts and agreements be included as part of the SSMP should be eliminated because it is unduly burdensome, and is likely to create confusion regarding the requirements for an adequate SSMP. This requirement is burdensome since the SSMP would have to be updated each time contracts are revised or changed.

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 44	First Name Michael	Last Name Mischel
Organization City of Palmdale	Title Director of Public Works	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 44		First Name Michael	Last Name Mischel
Organization	City of Palmdale	Title	Director of Public Works

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section D.12(d)(iv): The SSS WDRs should not require sanitary sewer system operator certification. This requirement will require additional staff and financial resources.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

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Letter_ID 44		First Name Michael	Last Name Mischel
Organization	City of Palmdale	Title	Director of Public Works

Comment_Summary

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 44

First Name Michael **Last Name** Mischel

Organization City of Palmdale

Title Director of Public Works

Comment_Summary

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

In reference to Section B.4: The requirement to re-enroll under the amended SSS WDRs within six months of adoption is a waste of staff resources, will lead to confusion, is unnecessary and burdensome, and will be a significant irritation to the enrolled agencies. This requirement should be deleted. Only those that will no longer be covered and new applicants should be required to submit notifications. Informing enrollees when the revised SSS WDRs is adopted will be more productive.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 45		First Name Dean	Last Name Batchelor
Organization	City of Palo Alto	Title	Assistant Director

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

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Thursday, December 15, 2011

Letter_ID 45		First Name Dean	Last Name Batchelor
Organization	City of Palo Alto	Title	Assistant Director

Comment_Summary

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

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Thursday, December 15, 2011

Letter_ID 45		First Name Dean	Last Name Batchelor
Organization	City of Palo Alto	Title	Assistant Director

Comment_Summary

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to MRP Section B: Enrollees should not be required to report SSOs if they are fully-recovered. Fully-recovered SSOs cannot impact surface waters, and it is unlikely that they would impact public health or the environment. This will provide an incentive for enrollees to fully recover spills.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 45		First Name Dean	Last Name Batchelor
Organization	City of Palo Alto	Title	Assistant Director

Comment_Summary

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 46		First Name Ronald	Last Name Bates
Organization	City of Pico Rivera	Title	City Manager

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

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Letter_ID 46		First Name Ronald	Last Name Bates
Organization	City of Pico Rivera	Title	City Manager

Comment_Summary

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Letter_ID 46		First Name Ronald	Last Name Bates
Organization	City of Pico Rivera	Title	City Manager

Comment_Summary

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Thursday, December 15, 2011

Letter_ID 46		First Name Ronald	Last Name Bates
Organization	City of Pico Rivera	Title	City Manager

Comment_Summary

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Letter_ID 46

First Name Ronald **Last Name** Bates

Organization City of Pico Rivera

Title City Manager

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 47		First Name Chester	Last Name Nakahara
Organization	City of Piedmont	Title	Interim Public Works Director

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

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Letter_ID 47

First Name Chester **Last Name** Nakahara

Organization City of Piedmont

Title Interim Public Works Director

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section D.12(d)(iv): The SSS WDRs should be amended to mandate sanitary sewer system operator certification in lieu of requiring a Staff Assessment program. Operator certification will increase professionalism in the industry. The SSS WDRs should specify the minimum certification grade level required for operators, supervisors, and managers. The State Water Board should coordinate with rural associations to provide assistance to small and disadvantaged communities to meet the requirements.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 47		First Name Chester	Last Name Nakahara
Organization	City of Piedmont	Title	Interim Public Works Director

Comment_Summary

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

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In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 47		First Name Chester	Last Name Nakahara
Organization	City of Piedmont	Title	Interim Public Works Director

Comment_Summary

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In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

In reference to Section B.4: The requirement to re-enroll under the amended SSS WDRs within six months of adoption is a waste of staff resources, will lead to confusion, is unnecessary and burdensome, and will be a significant irritation to the enrolled agencies. This requirement should be deleted. Only those that will no longer be covered and new applicants should be required to submit notifications. Informing enrollees when the revised SSS WDRs is adopted will be more productive.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

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Thursday, December 15, 2011

Letter_ID 47

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Organization City of Piedmont

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 48		First Name James	Last Name Durfee
Organization County of Placer		Title Facility Services Director	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

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Thursday, December 15, 2011

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First Name James **Last Name** Durfee

Organization County of Placer

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 49	First Name Craig	Last Name Elitharp
Organization Rancho California Water District	Title Director of Operations & Maintenance	

Comment_Summary

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	49	First Name	Craig	Last Name	Elitharp
Organization	Rancho California Water District	Title	Director of Operations & Maintenance		

Comment_Summary

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Thursday, December 15, 2011

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Organization	Rancho California Water District	Title	Director of Operations & Maintenance

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 49		First Name Craig	Last Name Elitharp
Organization	Rancho California Water District	Title	Director of Operations & Maintenance

Comment_Summary

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	50	First Name	Paul	Last Name	Siebensohn
Organization	Rancho Murieta Community Services District	Title	Director of Field Operations		

Comment_Summary

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In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	50	First Name	Paul	Last Name	Siebensohn
Organization	Rancho Murieta Community Services District	Title	Director of Field Operations		

Comment_Summary

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	50	First Name	Paul	Last Name	Siebensohn
Organization	Rancho Murieta Community Services District	Title	Director of Field Operations		

Comment_Summary

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(ii): The provision in Section D.12(d)(ii) is unworkable because Enrollees need the flexibility to utilize and change contractors on a regular basis without having to update their SSMP.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Section D.12(f)(ii): Requiring contracts and agreements be included as part of the SSMP should be eliminated because it is unduly burdensome, and is likely to create confusion regarding the requirements for an adequate SSMP. This requirement is burdensome since the SSMP would have to be updated each time contracts are revised or changed.

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	50	First Name	Paul	Last Name	Siebensohn
Organization	Rancho Murieta Community Services District	Title	Director of Field Operations		

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section A.12: The current definition of satellite sanitary sewer system should be changed or eliminated since the definition of a sanitary sewer system covers satellite sanitary sewer systems. A sewer system should not be considered a satellite unless that system individually bills connected properties a maintenance or user fee established to provide for maintenance of said sewer system. This change is suggested to eliminate the need for enrollees to coordinate with private sanitary sewer systems that are also enrolled. An additional definition could also be added for a regional sanitary sewer system.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 51		First Name Josh	Last Name Keener
Organization	City of Redding	Title	Wastewater Compliance Coordinator

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	51	First Name	Josh	Last Name	Keener
Organization	City of Redding	Title	Wastewater Compliance Coordinator		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	51	First Name	Josh	Last Name	Keener
Organization	City of Redding	Title	Wastewater Compliance Coordinator		

Comment_Summary

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(ii): The provision in Section D.12(d)(ii) is unworkable because Enrollees need the flexibility to utilize and change contractors on a regular basis without having to update their SSMP.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 52	First Name Evan	Last Name Boyd
Organization City of Redwood City	Title Public Works Director	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 52		First Name Evan	Last Name Boyd
Organization	City of Redwood City	Title	Public Works Director

Comment_Summary

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General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 52		First Name Evan	Last Name Boyd
Organization	City of Redwood City	Title	Public Works Director

Comment_Summary

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 52	First Name Evan	Last Name Boyd
Organization City of Redwood City	Title Public Works Director	

Comment_Summary

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 53	First Name Steven	Last Name Beall
Organization Rodeo Sanitary District	Title Engineer-Manager	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	53	First Name	Steven	Last Name	Beall
Organization	Rodeo Sanitary District	Title	Engineer-Manager		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

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Thursday, December 15, 2011

Letter_ID 53	First Name Steven	Last Name Beall
Organization Rodeo Sanitary District	Title Engineer-Manager	

Comment_Summary

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

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Thursday, December 15, 2011

Letter_ID 53	First Name Steven	Last Name Beall
Organization Rodeo Sanitary District	Title Engineer-Manager	

Comment_Summary

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

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Thursday, December 15, 2011

Letter_ID 54		First Name Kenneth	Last Name Glotzbach
Organization	City of Roseville	Title	Wastewater Utility Manager

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section B.4: The requirement to re-enroll under the amended SSS WDRs within six months of adoption is a waste of staff resources, will lead to confusion, is unnecessary and burdensome, and will be a significant irritation to the enrolled agencies. This requirement should be deleted. Only those that will no longer be covered and new applicants should be required to submit notifications. Informing enrollees when the revised SSS WDRs is adopted will be more productive.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 54		First Name Kenneth	Last Name Glotzbach
Organization City of Roseville		Title Wastewater Utility Manager	

Comment_Summary

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(d)(ii): The provision in Section D.12(d)(ii) is unworkable because Enrollees need the flexibility to utilize and change contractors on a regular basis without having to update their SSMP.

In reference to Section D.12(d)(iii): Section 12 (d) (iii). The reference to the Enrollee's responsibility to address any private sewer lateral inspection and replacement programs should be eliminated. The Enrollee has no responsibility for the private sewer system and this section will simply create confusion as to who is the responsible party.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	55	First Name	John	Last Name	Clark
Organization	Ross Valley Sanitary District	Title	Chief of Operations		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	55	First Name	John	Last Name	Clark
Organization	Ross Valley Sanitary District	Title	Chief of Operations		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	55	First Name	John	Last Name	Clark
Organization	Ross Valley Sanitary District	Title	Chief of Operations		

Comment_Summary

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section A.12: The current definition of satellite sanitary sewer system should be changed or eliminated since the definition of a sanitary sewer system covers satellite sanitary sewer systems. A sewer system should not be considered a satellite unless that system individually bills connected properties a maintenance or user fee established to provide for maintenance of said sewer system. This change is suggested to eliminate the need for enrollees to coordinate with private sanitary sewer systems that are also enrolled. An additional definition could also be added for a regional sanitary sewer system.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	56	First Name	Dan	Last Name	Pfeifer
Organization	City of San Buenaventura	Title	Wastewater Utility Manger		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 56

First Name Dan

Last Name Pfeifer

Organization City of San Buenaventura

Title Wastewater Utility Manger

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

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Thursday, December 15, 2011

Letter_ID	56	First Name	Dan	Last Name	Pfeifer
Organization	City of San Buenaventura	Title	Wastewater Utility Manger		

Comment_Summary

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.1: Provision 1 creates a new class of legal offences for technical violations of the Water Code which have no impact on the public or environmental health of the state.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 56	First Name Dan	Last Name Pfeifer
Organization City of San Buenaventura	Title Wastewater Utility Manger	

Comment_Summary

In reference to MRP Section B.1.C (SSO Categories): The assumption that a discharge to a drainage channel is equivalent to a discharge to a surface water is incorrect. Spills that enter a storm drain pipe or drainage channel that flow to a retention basin (or similar) should not be considered Category 1 spills. There should be an additional category for these kinds of spills and fully recovered spills over 1000 gallons. Alternatively, spills greater than 1000 gallons that are fully contained and recovered should be Category 2 spills. Discharges to storm drain channels and creeks during dry weather do not pose a threat to public health or the environment, and they can be fully contained and captured in the channel or creek. A SSO that is not fully captured should not be considered an automatic discharge to waters of the state since many storm drain systems extend considerable distances before connecting to surface water. It is unreasonable to assume that a discharge of a few gallons that must travel one mile in the storm drain before entering the nearest surface water can be considered a discharge to waters of the state. Such small volumes would likely pond and evaporate in the pipe rather than traverse the entire distance to the nearest surface water. Appropriate disposal can include returning the spilled material to a sanitary sewer, so it is not necessary to specifically call out return to the sanitary sewer as an appropriate disposal method.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section A.3: The definitions of drainage channels and storm drains lead to confusion for sewer systems that are connected to retention basins and dry wells. Additionally, the definition is too broad, and needs clarification to not include curbs, gutters, and swales. Fully captured discharges to drainage channels that are not waters of the U.S. should not be prohibited. Additional definitions should include private storm drain system and public storm drain system.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 56

First Name Dan **Last Name** Pfeifer

Organization City of San Buenaventura

Title Wastewater Utility Manger

Comment_Summary

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 57	First Name Mark	Last Name Chow
Organization County of San Mateo	Title Principal Civil Engineer	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 57		First Name Mark	Last Name Chow
Organization County of San Mateo		Title Principal Civil Engineer	

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 57		First Name Mark	Last Name Chow
Organization County of San Mateo		Title Principal Civil Engineer	

Comment_Summary

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 57

First Name Mark **Last Name** Chow

Organization County of San Mateo

Title Principal Civil Engineer

Comment_Summary

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to MRP Section B: Enrollees should not be required to report SSOs if they are fully-recovered. Fully-recovered SSOs cannot impact surface waters, and it is unlikely that they would impact public health or the environment. This will provide an incentive for enrollees to fully recover spills.

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 57		First Name Mark	Last Name Chow
Organization County of San Mateo		Title Principal Civil Engineer	

Comment_Summary

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 57

First Name Mark **Last Name** Chow

Organization County of San Mateo

Title Principal Civil Engineer

Comment_Summary

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 58		First Name Robert	Last Name Simmons
Organization	Sausalito-Marín City Sanitary District	Title	General Manager

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	58	First Name	Robert	Last Name	Simmons
Organization	Sausalito-Marín City Sanitary District	Title	General Manager		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 58

First Name Robert **Last Name** Simmons

Organization Sausalito-Marin City Sanitary District

Title General Manager

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 59	First Name Ray	Last Name Corpuz
Organization Seaside County Sanitation District	Title District Manager	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 59		First Name Ray	Last Name Corpuz
Organization	Seaside County Sanitation District	Title	District Manager

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 59

First Name Ray **Last Name** Corpuz

Organization Seaside County Sanitation District

Title District Manager

Comment_Summary

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In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 59

First Name Ray

Last Name Corpuz

Organization Seaside County Sanitation District

Title District Manager

Comment_Summary

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 60	First Name Ben	Last Name Muniz, Jr.
Organization SELMA - KINGSBURG - FOWLER	Title General Manager	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 60	First Name Ben	Last Name Muniz, Jr.
Organization SELMA - KINGSBURG - FOWLER	Title General Manager	

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	60	First Name	Ben	Last Name	Muniz, Jr.
Organization	SELMA - KINGSBURG - FOWLER	Title	General Manager		

Comment_Summary

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section A.12: The current definition of satellite sanitary sewer system should be changed or eliminated since the definition of a sanitary sewer system covers satellite sanitary sewer systems. A sewer system should not be considered a satellite unless that system individually bills connected properties a maintenance or user fee established to provide for maintenance of said sewer system. This change is suggested to eliminate the need for enrollees to coordinate with private sanitary sewer systems that are also enrolled. An additional definition could also be added for a regional sanitary sewer system.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	61	First Name	Kevin	Last Name	Booker
Organization	Sonoma County Water Agency	Title	Water Agency Principal Engineer		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	61	First Name	Kevin	Last Name	Booker
Organization	Sonoma County Water Agency	Title	Water Agency Principal Engineer		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	61	First Name	Kevin	Last Name	Booker
Organization	Sonoma County Water Agency	Title	Water Agency Principal Engineer		

Comment_Summary

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 62		First Name Douglas	Last Name Humphrey
Organization	Stege Sanitary District	Title	District Manager

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 62		First Name Douglas	Last Name Humphrey
Organization	Stege Sanitary District	Title	District Manager

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to D.12(d)(iv): If an operator certification requirement is adopted, the order should state that "certification is highly desirable" and this requirement should be phased in over four to five years.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 62		First Name Douglas	Last Name Humphrey
Organization	Stege Sanitary District	Title	District Manager

Comment_Summary

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 62		First Name Douglas	Last Name Humphrey
Organization	Stege Sanitary District	Title	District Manager

Comment_Summary

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

In reference to Section B.4: The requirement to re-enroll under the amended SSS WDRs within six months of adoption is a waste of staff resources, will lead to confusion, is unnecessary and burdensome, and will be a significant irritation to the enrolled agencies. This requirement should be deleted. Only those that will no longer be covered and new applicants should be required to submit notifications. Informing enrollees when the revised SSS WDRs is adopted will be more productive.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 62

First Name Douglas **Last Name** Humphrey

Organization Stege Sanitary District

Title District Manager

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 63		First Name Jeff	Last Name Willett
Organization	City of Stockton	Title	Interim Director of Municipal Utilities

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 63		First Name Jeff	Last Name Willett
Organization	City of Stockton	Title	Interim Director of Municipal Utilities

Comment_Summary

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 63

First Name Jeff

Last Name Willett

Organization City of Stockton

Title Interim Director of Municipal Utilities

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 63		First Name Jeff	Last Name Willett
Organization	City of Stockton	Title	Interim Director of Municipal Utilities

Comment_Summary

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 63		First Name Jeff	Last Name Willett
Organization	City of Stockton	Title	Interim Director of Municipal Utilities

Comment_Summary

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(d)(ii): The provision in Section D.12(d)(ii) is unworkable because Enrollees need the flexibility to utilize and change contractors on a regular basis without having to update their SSMP.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 63

First Name Jeff

Last Name Willett

Organization City of Stockton

Title Interim Director of Municipal Utilities

Comment_Summary

In reference to Section D.12(f)(ii): Requiring contracts and agreements be included as part of the SSMP should be eliminated because it is unduly burdensome, and is likely to create confusion regarding the requirements for an adequate SSMP. This requirement is burdensome since the SSMP would have to be updated each time contracts are revised or changed.

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section A.12: The current definition of satellite sanitary sewer system should be changed or eliminated since the definition of a sanitary sewer system covers satellite sanitary sewer systems. A sewer system should not be considered a satellite unless that system individually bills connected properties a maintenance or user fee established to provide for maintenance of said sewer system. This change is suggested to eliminate the need for enrollees to coordinate with private sanitary sewer systems that are also enrolled. An additional definition could also be added for a regional sanitary sewer system.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 64

First Name Steven **Last Name** Masura

Organization City of Temple City

Title Director of Community Development

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 64		First Name Steven	Last Name Masura
Organization	City of Temple City	Title	Director of Community Development

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 64

First Name Steven **Last Name** Masura

Organization City of Temple City

Title Director of Community Development

Comment_Summary

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

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In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 64

First Name Steven **Last Name** Masura

Organization City of Temple City

Title Director of Community Development

Comment_Summary

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 64

First Name Steven **Last Name** Masura

Organization City of Temple City

Title Director of Community Development

Comment_Summary

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 65		First Name Tom	Last Name Selfridge
Organization	Truckee Sanitary District	Title	General Manager/Chief Engineer

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 65		First Name Tom	Last Name Selfridge
Organization	Truckee Sanitary District	Title	General Manager/Chief Engineer

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

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In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	65	First Name	Tom	Last Name	Selfridge
Organization	Truckee Sanitary District	Title	General Manager/Chief Engineer		

Comment_Summary

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section A.12: The current definition of satellite sanitary sewer system should be changed or eliminated since the definition of a sanitary sewer system covers satellite sanitary sewer systems. A sewer system should not be considered a satellite unless that system individually bills connected properties a maintenance or user fee established to provide for maintenance of said sewer system. This change is suggested to eliminate the need for enrollees to coordinate with private sanitary sewer systems that are also enrolled. An additional definition could also be added for a regional sanitary sewer system.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 66	First Name Ronald	Last Name Matheson
Organization Vallejo Sanitation and Flood Control District	Title District Manager	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 66	First Name Ronald	Last Name Matheson
Organization Vallejo Sanitation and Flood Control District	Title District Manager	

Comment_Summary

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 66		First Name Ronald	Last Name Matheson
Organization	Vallejo Sanitation and Flood Control District	Title	District Manager

Comment_Summary

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 66		First Name Ronald	Last Name Matheson
Organization	Vallejo Sanitation and Flood Control District	Title	District Manager

Comment_Summary

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 66	First Name Ronald	Last Name Matheson
Organization Vallejo Sanitation and Flood Control District	Title District Manager	

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 67		First Name E.J.	Last Name Shalaby
Organization	West County Wastewater District	Title	General Manager

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	67	First Name	E.J.	Last Name	Shalaby
Organization	West County Wastewater District	Title	General Manager		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	67	First Name	E.J.	Last Name	Shalaby
Organization	West County Wastewater District	Title	General Manager		

Comment_Summary

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 67		First Name E.J.	Last Name Shalaby
Organization	West County Wastewater District	Title	General Manager

Comment_Summary

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 68		First Name Ruben	Last Name Martinez
Organization	City of Chico General Services Department	Title	General Services Director

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 68		First Name Ruben	Last Name Martinez
Organization	City of Chico General Services Department	Title	General Services Director

Comment_Summary

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section A.12: The current definition of satellite sanitary sewer system should be changed or eliminated since the definition of a sanitary sewer system covers satellite sanitary sewer systems. A sewer system should not be considered a satellite unless that system individually bills connected properties a maintenance or user fee established to provide for maintenance of said sewer system. This change is suggested to eliminate the need for enrollees to coordinate with private sanitary sewer systems that are also enrolled. An additional definition could also be added for a regional sanitary sewer system.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	68	First Name	Ruben	Last Name	Martinez
Organization	City of Chico General Services Department		Title	General Services Director	

Comment_Summary

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 68		First Name Ruben	Last Name Martinez
Organization	City of Chico General Services Department	Title	General Services Director

Comment_Summary

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I, 1.D need additional clarification. Qualifying text under items 1.D, 1.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 68		First Name Ruben	Last Name Martinez
Organization	City of Chico General Services Department	Title	General Services Director

Comment_Summary

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(d)(ii): The provision in Section D.12(d)(ii) is unworkable because Enrollees need the flexibility to utilize and change contractors on a regular basis without having to update their SSMP.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 68		First Name Ruben	Last Name Martinez
Organization	City of Chico General Services Department	Title	General Services Director

Comment_Summary

In reference to Section D.12(f)(ii): Requiring contracts and agreements be included as part of the SSMP should be eliminated because it is unduly burdensome, and is likely to create confusion regarding the requirements for an adequate SSMP. This requirement is burdensome since the SSMP would have to be updated each time contracts are revised or changed.

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 69		First Name Mark	Last Name Fachin
Organization	Los Banos	Title	Public Works Director/City Engineer

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 69

First Name Mark

Last Name Fachin

Organization Los Banos

Title Public Works Director/City Engineer

Comment_Summary

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section A.12: The current definition of satellite sanitary sewer system should be changed or eliminated since the definition of a sanitary sewer system covers satellite sanitary sewer systems. A sewer system should not be considered a satellite unless that system individually bills connected properties a maintenance or user fee established to provide for maintenance of said sewer system. This change is suggested to eliminate the need for enrollees to coordinate with private sanitary sewer systems that are also enrolled. An additional definition could also be added for a regional sanitary sewer system.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 69		First Name Mark	Last Name Fachin
Organization Los Banos		Title Public Works Director/City Engineer	

Comment_Summary

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

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In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 69		First Name Mark	Last Name Fachin
Organization Los Banos		Title Public Works Director/City Engineer	

Comment_Summary

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 69		First Name Mark	Last Name Fachin
Organization Los Banos		Title Public Works Director/City Engineer	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

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In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Section D.12(f)(ii): Requiring contracts and agreements be included as part of the SSMP should be eliminated because it is unduly burdensome, and is likely to create confusion regarding the requirements for an adequate SSMP. This requirement is burdensome since the SSMP would have to be updated each time contracts are revised or changed.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 69

First Name Mark **Last Name** Fachin

Organization Los Banos

Title Public Works Director/City Engineer

Comment_Summary

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 70	First Name Johnny	Last Name Tucker
Organization Richardson Bay Sanitary District	Title District Manager	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	70	First Name	Johnny	Last Name	Tucker
Organization	Richardson Bay Sanitary District	Title	District Manager		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	70	First Name	Johnny	Last Name	Tucker
Organization	Richardson Bay Sanitary District	Title	District Manager		

Comment_Summary

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

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In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 70		First Name Johnny	Last Name Tucker
Organization	Richardson Bay Sanitary District	Title	District Manager

Comment_Summary

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to MRP Section B: Enrollees should not be required to report SSOs if they are fully-recovered. Fully-recovered SSOs cannot impact surface waters, and it is unlikely that they would impact public health or the environment. This will provide an incentive for enrollees to fully recover spills.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	70	First Name	Johnny	Last Name	Tucker
Organization	Richardson Bay Sanitary District	Title	District Manager		

Comment_Summary

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches . The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	71	First Name	Nadeem	Last Name	Majaj
Organization	City of San Bernardino	Title	Director of Public Works		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	71	First Name	Nadeem	Last Name	Majaj
Organization	City of San Bernardino	Title	Director of Public Works		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 71

First Name Nadeem **Last Name** Majaj

Organization City of San Bernardino

Title Director of Public Works

Comment_Summary

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	71	First Name	Nadeem	Last Name	Majaj
Organization	City of San Bernardino	Title	Director of Public Works		

Comment_Summary

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 72	First Name Ray	Last Name Sousa
Organization Sewerage Commission-Oroville Region	Title Manager	

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 72	First Name Ray	Last Name Sousa
Organization Sewerage Commission-Oroville Region	Title Manager	

Comment_Summary

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section A.12: The current definition of satellite sanitary sewer system should be changed or eliminated since the definition of a sanitary sewer system covers satellite sanitary sewer systems. A sewer system should not be considered a satellite unless that system individually bills connected properties a maintenance or user fee established to provide for maintenance of said sewer system. This change is suggested to eliminate the need for enrollees to coordinate with private sanitary sewer systems that are also enrolled. An additional definition could also be added for a regional sanitary sewer system.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 72	First Name Ray	Last Name Sousa
Organization Sewerage Commission-Oroville Region	Title Manager	

Comment_Summary

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 72	First Name Ray	Last Name Sousa
Organization Sewerage Commission-Oroville Region	Title Manager	

Comment_Summary

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I, 1.D need additional clarification. Qualifying text under items 1.D, 1.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 72	First Name Ray	Last Name Sousa
Organization Sewerage Commission-Oroville Region	Title Manager	

Comment_Summary

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(d)(ii): The provision in Section D.12(d)(ii) is unworkable because Enrollees need the flexibility to utilize and change contractors on a regular basis without having to update their SSMP.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	72	First Name	Ray	Last Name	Sousa
Organization	Sewerage Commission-Oroville Region	Title	Manager		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Section D.12(f)(ii): Requiring contracts and agreements be included as part of the SSMP should be eliminated because it is unduly burdensome, and is likely to create confusion regarding the requirements for an adequate SSMP. This requirement is burdensome since the SSMP would have to be updated each time contracts are revised or changed.

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 73

First Name Adam

Last Name Durando

Organization U.S. Army Corps of Engineers

Title Park Manager

Comment_Summary

In reference to Section B.1(b): Commenters support the addition of the flow criteria (25,000 gpd) in addition to the existing mileage criteria. However, for publicly owned sewer systems, the criteria should be based on average dry weather flow (ADWF), monthly or annual average flow, or equivalent number of dwelling units (EDUs). The mileage threshold should be increased. Additional applicability criteria should be added to eliminate collection systems that get limited use with seasonal peak use (e.g., parks, campgrounds).

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 74		First Name Bill	Last Name Jennings
Organization	California Sportfishing Protection Alliance	Title	Executive Director

Comment_Summary

In reference to Section B.1(b): Small systems, generating less than 25,000 gpd, represent a potential to significant threat to water quality and beneficial uses of surface water, and should be regulated. Small collection systems may lack resources to adequately maintain a collection system and respond promptly to SSOs. A large number of SSOs will not be reported.

In reference to Finding 6: Combined sewer systems should not be referenced in the SSS WDRs. The proposed SSS WDRs are not a state policy. A general Waste Discharge Requirement cannot be used to require actions by the Regional Water Boards. The State Water Board could issue a 13267 Technical Report requirement to owners of combined sewer systems to require reporting. The Order is not an appropriate venue to include such a requirement. The State Water Board should provide comments to incorporate such requirements during NPDES permit reissuance.

In reference to Section C.1: Commenters suggest the SSS WDRs should be modified to prohibit any and all discharges from sewer systems, including those to land as they are a potential threat to public health, a nuisance, and have the potential to impact groundwater and surface water beneficial uses.

In reference to Finding 11: The proposed SSS WDRs fail to identify all of the potentially impacted beneficial uses of water from untreated sewage discharges. Irrigation, municipal supply, and other applicable beneficial uses should be referenced.

General Comment: The WDR should be adopted as a two tiered permit with enrollees that discharge treated effluent directly to waters of the United States, or that have had SSOs that have reached waters of the United States, being covered under an NPDES permit, and enrollees that do not discharge treated effluents directly to waters of the United States, and that have not had SSOs that reached waters of the United States, being covered under a WDR.

General Comment: The proposed SSS WDRs should require immediate compliance for all enrollees.

In reference to Finding 16: Finding 16 suggests that a technically qualified and experienced person must certify the required SSMP. Yet, the WDR only requires certification by the responsible party. Certification by a technically qualified and experienced person should be a requirement not a suggestion.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 74		First Name Bill	Last Name Jennings
Organization	California Sportfishing Protection Alliance	Title	Executive Director

Comment_Summary

In reference to MRP Section A: Notification of Cal EMA alone is not sufficient. Cal EMA notifications are frequently made via FAX and can be received by appropriate staff late. California Department of Fish and Game should also be notified by the Discharger, as soon as is possible, of any and all sewage spills to surface waters. Notification procedures should be independent of spill volume, and must include immediate extensive monitoring and public notification, no longer than 2 hours after a detected spill, for any spill of any volume reaching surface waters. The notification requirements should be expanded for submittal of incomplete reports. Notification of any and all interested parties should be required.

In reference to Section D.12(c)(i): The SSS WDRs list of illicit discharges should be expanded to include roof and floor drains, sumps, yard drainage, and other sources.

In reference to Section D.12(e): The proposed SSS WDRs should establish minimum design standards for sewers in California to ensure consistency. The design standards should specify minimum requirements for design capacity, I&I allowances, stream crossing standards, and construction standards. At a minimum, the SSS WDR should require that pumping stations be constructed outside the 100-year floodplain, and be protected against inundation and washout from the 100-year storm event.

In reference to Section D.12(d): The proposed SSS WDRs Operations and Maintenance Program is deficient, and a requirement for identification and enforcement against illicit discharges could not be located. Rehabilitation of pump stations and manholes should be included, and smoke and pressure testing should be required.

In reference to Section D.12(g): The Fats, Oils and Grease (FOG) Program should be required of all dischargers.

In reference to Section D.5(e): The monitoring requirements should be enhanced to adequately characterize sanitary sewer overflow impacts. Sampling to determine the nature and impact of the release should be required. The SSS WDRs should require extensive sampling for any spill reaching a receiving water, the MRP should outline procedures for conducting monitoring, and third parties should be allowed to collect samples. Provision D. 7 (v) is ambiguous and should be revised to specify, at a minimum, the following parameters be analyzed in receiving waters: dissolved oxygen, ammonia and indicator bacteria such as total coliform, fecal coliform or enterococcus or e.coli. The Draft WDRs should, at a minimum, specify that sewer agencies shall develop a detailed monitoring plan for discharges to surface waters that have the potential to impact beneficial uses, including but not limited to, contact water recreation (REC-1), non-contact water recreation (REC-2), cold freshwater habitat (COLD), warm freshwater habitat (WARM), municipal and domestic supply (MUN), agricultural supply (AGR), industrial service supply (IND), rare, threatened or endangered species (RARE), marine habitat (MAR) and estuarine habitat (EST). For spills of over 100,000 gallons, or spills into environmentally sensitive areas, additional monitoring should be required to assess the potential or direct impacts to the affected water.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 74		First Name Bill	Last Name Jennings
Organization	California Sportfishing Protection Alliance	Title	Executive Director

Comment_Summary

In reference to Section D.12(h): The proposed SSS WDRs are deficient in requiring an evaluation of the sewer system. Pump stations and backup power systems should be routinely evaluated.

In reference to MRP Section B: The reporting requirements for sewage spills in the MRP are inadequate. Reporting time frames are inadequate and make data useless other than for data generation and analysis.

In reference to Section C.2: The SSS WDRs should require odor control. Issues from sewer system odors appear to be ignored in the SSS WDRs. Odors from sanitary sewer systems can be a nuisance as defined under the Water Code.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

General Comment: The proposed SSS WDRs could lead to confusion in Regional Water Board issued NPDES permits where the flow rate exceeds one million gallons per day, and federally mandated pretreatment collection system conditions apply. The WDR should include the minimum requirements to comply with the Federal Pretreatment regulations.

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Thursday, December 15, 2011

Letter_ID 75

First Name Robert **Last Name** Lucas

Organization California Council for Environmental and Economic Balance **Title** Waste & Water Quality Project Manager

Comment_Summary

In reference to Section B.1: Private and public sanitary sewer systems should be regulated separately. Private sanitary sewer systems convey smaller volumes, have lower sewage discharge frequencies, and have different design standards than public sanitary sewer systems. SWRCB should commence new rulemaking with an Order specifically tailored to privately-owned systems, and seek meaningful participation in the rulemaking from privately-owned systems.

In reference to Section B.1: Commenters do not support expanding coverage of the SSS WDRs to privately owned collection systems. Including private entities in the SSS WDRs is redundant. Presently, a private sewer spill is a violation of local NPDES regulations (MS4 permits). It is also likely a violation of local sewer WDR Program Regulations, and is also subject to Regional Board and even Health Agency Enforcement. The regulatory requirements for private sanitary sewer systems under the SSS WDRs are unduly prescriptive and impose unwarranted costs and significant administrative burdens. For instance, the SSMP development requirement will affect fixed-income retired residents of private communities. The State Water Board should consider eliminating the requirement to enroll under the SSS WDRs for private communities, and handle any problems with these systems via enforcement of existing laws. Including satellite systems connected to enrollee collection systems such as shopping malls, private gated communities, mobile home parks, and other private collection systems is unworkable, and imposes new burdens on small businesses.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	76	First Name	Linda	Last Name	Sheehan
Organization	California Coastkeeper Alliance	Title	Executive Director		

Comment_Summary

In reference to Section D.4: Commenters support the mandatory reporting of PLSDs. California should pass a law requiring lateral inspection and repair at the transfer of property.

In reference to MRP Section B: The WDR should retain the requirement to report all SSOs (i.e., reject proposal to establish a de-minimis spill threshold).

In reference to Section B.1: Commenters support expanding coverage of the SSS WDRs to privately owned collection systems.

In reference to Section D.12(i): The Performance Targets and Program Modifications SSMP elements should be more explicit, and require enrollees to identify performance targets and generate SSO trends for a minimum of three years. Trends should be included in the SSMP annually, and the enrollee should be required to identify and incorporate program modifications to reduce SSOs. Sewer system operators should consider the average spill performance of the State's best-performing systems, and the spill reduction they can obtain by implementing state-of-the-art spill reduction measures. Then they can set their reduction goals to appropriately reflect this analysis.

General Comment: The WDR should be adopted as a two tiered permit with enrollees that discharge treated effluent directly to waters of the United States, or that have had SSOs that have reached waters of the United States, being covered under an NPDES permit, and enrollees that do not discharge treated effluents directly to waters of the United States, and that have not had SSOs that reached waters of the United States, being covered under a WDR.

In reference to Section C.1: We support the State Water Board staff's recommendations with respect to revising the SSO prohibition to prohibit SSOs to "surface waters of the state", rather than just to waters of the United States.

In reference to Section A.7: Definition of "nuisance" is unduly narrow, and does not include the entire definition from the water code. The full definition of "nuisance" should be included in the WDR versus including a reference to the Water Code.

In reference to Section C.1: Commenters suggest the SSS WDRs should be modified to prohibit any and all discharges from sewer systems, including those to land as they are a potential threat to public health, a nuisance, and have the potential to impact groundwater and surface water beneficial uses.

In reference to Section D.12: The revised WDRs should include environmentally protective SSMP requirements.

In reference to Section D.12: The State Water Board should amend the revised WDRs to mandate that SSMPs include a program for inspecting and replacing defective private laterals.

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Thursday, December 15, 2011

Letter_ID 76		First Name Linda	Last Name Sheehan
Organization California Coastkeeper Alliance		Title Executive Director	

Comment_Summary

In reference to Section D.12(d)(v): The State Water Board should adopt staff's recommendations regarding adding to or clarifying the mandatory elements of Sewer System Management Plans (SSMPs), and improving SSO reporting and SSO response and contingency planning. The State Water Board should adopt the improved contingency planning and response measures in the SSS WDRs. □

In reference to Section D.12(k): The State Water Board should mandate more explicit joint planning between satellite systems and the systems to which they discharge for managing peak wet weather flows.

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

In reference to Section D.12(d)(ii): The State Water Board should revise the WDRs to mandate quality assurance/quality control evaluation of sewer line cleaning.

In reference to Section D.12(e): The State Water Board should approve staff's addition of clarifying language to the Revised WDRs stating that dischargers must adopt and implement sewer design, construction inspection, and testing standards and specifications for all aspects of their sewer systems.

In reference to Sections D.12(d)(vi) & D.12(h)(v): The State Water Board should approve staff's newly added language in the Revised WDRs specifying that SSMPs include financial planning that compares the annual budget needed to implement the SSMP versus the resources available to the permittee, and that ensures that adequate financial resources are available to fund the SSMPs.

General Comment: For consistency with requirements, the SSS WDRs should require reporting of sewage spills from municipal wastewater treatment plants. The revised WDR should be amended to address sewage plant bypasses. Bypasses should be included in the CIWQS database so the State Water Board, the Regional Water Boards, the U.S. EPA, local environmental health officers, and interested members of the public can remain informed about the number, volume, and location of bypasses.

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Thursday, December 15, 2011

Letter_ID 76

First Name Linda **Last Name** Sheehan

Organization California Coastkeeper Alliance

Title Executive Director

Comment_Summary

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

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Thursday, December 15, 2011

Letter_ID 77	First Name Dan	Last Name Stevenson
Organization General Public	Title	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 77

First Name Dan

Last Name Stevenson

Organization General Public

Title

Comment_Summary

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.12(d)(iv): The SSS WDRs should be amended to mandate sanitary sewer system operator certification in lieu of requiring a Staff Assessment program. Operator certification will increase professionalism in the industry. The SSS WDRs should specify the minimum certification grade level required for operators, supervisors, and managers. The State Water Board should coordinate with rural associations to provide assistance to small and disadvantaged communities to meet the requirements.

In reference to MRP Section B.1.C (SSO Categories): The assumption that a discharge to a drainage channel is equivalent to a discharge to a surface water is incorrect. Spills that enter a storm drain pipe or drainage channel that flow to a retention basin (or similar) should not be considered Category 1 spills. There should be an additional category for these kinds of spills and fully recovered spills over 1000 gallons. Alternatively, spills greater than 1000 gallons that are fully contained and recovered should be Category 2 spills. Discharges to storm drain channels and creeks during dry weather do not pose a threat to public health or the environment, and they can be fully contained and captured in the channel or creek. A SSO that is not fully captured should not be considered an automatic discharge to waters of the state since many storm drain systems extend considerable distances before connecting to surface water. It is unreasonable to assume that a discharge of a few gallons that must travel one mile in the storm drain before entering the nearest surface water can be considered a discharge to waters of the state. Such small volumes would likely pond and evaporate in the pipe rather than traverse the entire distance to the nearest surface water. Appropriate disposal can include returning the spilled material to a sanitary sewer, so it is not necessary to specifically call out return to the sanitary sewer as an appropriate disposal method.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

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Thursday, December 15, 2011

Letter_ID 77

First Name Dan

Last Name Stevenson

Organization General Public

Title

Comment_Summary

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

In reference to MRP Section B: Enrollees should not be required to report SSOs if they are fully-recovered. Fully-recovered SSOs cannot impact surface waters, and it is unlikely that they would impact public health or the environment. This will provide an incentive for enrollees to fully recover spills.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

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Thursday, December 15, 2011

Letter_ID 78

First Name Rene

Last Name Trevino

Organization Department of Defense

Title Executive Director

Comment_Summary

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

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Thursday, December 15, 2011

Letter_ID 79

First Name Daniell **Last Name** Schaeffer

Organization Golden Rain Foundation

Title Administrator Leisure World Seal Beach

Comment_Summary

General Comment: The State Water Board should prolong the comment period and increase public outreach to ensure that all parties subject to these regulations have an opportunity to review and comment on them prior to adoption.

General Comment: The proposed SSS WDRs should be evaluated and refined using a stakeholder approach similar to the 2005-2006 approach used to develop them.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section B.1: Commenters do not support expanding coverage of the SSS WDRs to privately owned collection systems. Including private entities in the SSS WDRs is redundant. Presently, a private sewer spill is a violation of local NPDES regulations (MS4 permits). It is also likely a violation of local sewer WDR Program Regulations, and is also subject to Regional Board and even Health Agency Enforcement. The regulatory requirements for private sanitary sewer systems under the SSS WDRs are unduly prescriptive and impose unwarranted costs and significant administrative burdens. For instance, the SSMP development requirement will affect fixed-income retired residents of private communities. The State Water Board should consider eliminating the requirement to enroll under the SSS WDRs for private communities, and handle any problems with these systems via enforcement of existing laws. Including satellite systems connected to enrollee collection systems such as shopping malls, private gated communities, mobile home parks, and other private collection systems is unworkable, and imposes new burdens on small businesses.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	80	First Name	Mark	Last Name	Gold
Organization	Heal the Bay	Title	President		

Comment_Summary

In reference to Section D.5(e): The monitoring requirements should be enhanced to adequately characterize sanitary sewer overflow impacts. Sampling to determine the nature and impact of the release should be required. The SSS WDRs should require extensive sampling for any spill reaching a receiving water, the MRP should outline procedures for conducting monitoring, and third parties should be allowed to collect samples. Provision D. 7 (v) is ambiguous and should be revised to specify, at a minimum, the following parameters be analyzed in receiving waters: dissolved oxygen, ammonia and indicator bacteria such as total coliform, fecal coliform or enterococcus or e.coli. The Draft WDRs should, at a minimum, specify that sewer agencies shall develop a detailed monitoring plan for discharges to surface waters that have the potential to impact beneficial uses, including but not limited to, contact water recreation (REC-1), non-contact water recreation (REC-2), cold freshwater habitat (COLD), warm freshwater habitat (WARM), municipal and domestic supply (MUN), agricultural supply (AGR), industrial service supply (IND), rare, threatened or endangered species (RARE), marine habitat (MAR) and estuarine habitat (EST). For spills of over 100,000 gallons, or spills into environmentally sensitive areas, additional monitoring should be required to assess the potential or direct impacts to the affected water.

In reference to MRP Section A: Notification of Cal EMA alone is not sufficient. Cal EMA notifications are frequently made via FAX and can be received by appropriate staff late. California Department of Fish and Game should also be notified by the Discharger, as soon as is possible, of any and all sewage spills to surface waters. Notification procedures should be independent of spill volume, and must include immediate extensive monitoring and public notification, no longer than 2 hours after a detected spill, for any spill of any volume reaching surface waters. The notification requirements should be expanded for submittal of incomplete reports. Notification of any and all interested parties should be required.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

In reference to Section A.10: The definition of Sanitary Sewer Overflow (SSO) should be modified. The definition of a Sanitary Sewer Overflow (SSO) (language also included in Draft Monitoring and Reporting Program Draft Monitoring and Reporting Program at 1, page 3) should be modified to ensure that all waterbodies are equally protected (Draft WDRs at 10, page 9). Specifically, we suggest the following modifications: "Overflows or releases of untreated or partially treated wastewater that reach surface waters of state. This includes all wastewater releases to stormdrain pipes that are tributary to receiving waters." Even if a spill is fully recovered, it is still an unpermitted discharge that should not have occurred and needs to be accounted for. In this same vein, the Prohibitions should be identical to the definition of an SSO (Draft WDRs, Section C, page 12).

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	80	First Name	Mark	Last Name	Gold
Organization	Heal the Bay	Title	President		

Comment_Summary

In reference to Section D.12(i): The SSS WDRs should set an SSO performance target at zero SSOs. The permit should then require that program actions and preventative measures (i.e. operation and maintenance) are sufficient to meet and maintain these targets. A zero spill target is unattainable for most agencies.

In reference to Section D: The Draft SSS WDRs needs to include more detailed language and guidelines especially pertaining to Enrollees' (SSMP) development. As written, the vagueness of the permit language can be interpreted many ways, which could translate into inconsistent applications in the development of SSMPs Statewide. The State Water Board should re-examine this language and include a more detailed protocol for appropriate SSMPs.

General MRP Comment: All beaches must be closed when sewage spills reach the beach.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 81

First Name James

Last Name Evangelist

Organization General Public

Title

Comment_Summary

In reference to MRP Section A: Notification of elected City officials should be required for all Category 1 SSOs.

In reference to MRP Section B: The SSS WDRs should require management personnel to visit Category 1 SSO sites during an occurrence to take video and do reporting. Management also must evaluate the clean-up procedures and their effectiveness.

In reference to Section D.12(k): Cities should be required to conduct public outreach to educate citizens regarding their role in the sewer system.

General Comment: The State Water Board should encourage the development of a storm-drain plug that will allow storm drains to be used as a "holding tank" that can be emptied after the obstruction is broken.

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Thursday, December 15, 2011

Letter_ID	82	First Name	John	Last Name	Larson
Organization	Larson Consulting	Title	Prioncipal		

Comment_Summary

In reference to MRP Section B: The CIWQS SSO database contains so many errors (primarily due to poor training and documentation, and lack of an effective quality control effort). This dataset is the key to measuring the program effectiveness. This dataset could be a powerful tool for use by State Water Board staff in identifying poor performing agencies.

In reference to Section D.1: The State Water Board has not allocated sufficient staff resources to conduct effective oversight and enforcement of the SSS WDRs.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section A: Commenter supports the proposed changes to the SSS WDRs that clarify definitions and processes needed to support the State Water Board's activities with respect to the regulation of sanitary sewer systems.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 83

First Name Joyce

Last Name Dillard

Organization General Public

Title

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

General Comment: It is not clear if the main applicant to the NPDES permit would be responsible for public sewer systems not in their jurisdiction. The language, as presented, might be challenged in court for years to come.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	84	First Name	Rosanna	Last Name	Lacarra
Organization	LaRoc Environmental	Title	Owner		

Comment_Summary

In reference to Section B.1: Private and public sanitary sewer systems should be regulated separately. Private sanitary sewer systems convey smaller volumes, have lower sewage discharge frequencies, and have different design standards than public sanitary sewer systems. SWRCB should commence new rulemaking with an Order specifically tailored to privately-owned systems, and seek meaningful participation in the rulemaking from privately-owned systems.

In reference to Section A.6: For the Legally Responsible Official (LRO) definition, change "enrolled agency" to "enrollee" since privately owned sanitary sewer system owners will not have an "enrolled agency."

In reference to MRP Section B : SSO Reporting Requirements need to be modified to distinguish between publicly owned and privately owned systems.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

General Comment: Ample time for review and comments on State Water Board staff's assumptions and interpretations is respectfully requested during the adoption process.

In reference to Section B.1(a): The State Water Board should provide justification for the one mile criteria for private sanitary sewer systems. The length threshold for enrollment should be stated in feet not miles. Several requirements will be beneficial for private systems, such as the FOG and the overflow emergency response plan, to implement as best management practices. The definition of sanitary sewer system could lead to confusion, and the definition of "contiguous" should be clarified if applicability is extended to private sanitary sewer systems.

In reference to Section A.10: Part (c) of the SSO definition is unjustified and burdensome requirement on privately owned sanitary sewer systems, and provides no additional benefit to waters of the state. The definition exceeds the statutory authority of the State Water Board (Water Code Section 13271). Not all spills reaching a storm drain and not fully recovered reach surface waters, especially in desert environments. Clarification is needed for drainage channels and the WDR should provide consideration for recovery of spills to drainage channels. SSOs that reach storm drains and not reach surface waters of the state should not be considered SSOs. If it is the intent of the State Water Board to clarify that releases of untreated or partially treated wastewater to storm drain pipes are not considered SSOs if they do not reach waters the state, then this should be clearly stated. □

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	84	First Name	Rosanna	Last Name	Lacarra
Organization	LaRoc Environmental	Title	Owner		

Comment_Summary

In reference to Section A.12: The current definition of satellite sanitary sewer system should be changed or eliminated since the definition of a sanitary sewer system covers satellite sanitary sewer systems. A sewer system should not be considered a satellite unless that system individually bills connected properties a maintenance or user fee established to provide for maintenance of said sewer system. This change is suggested to eliminate the need for enrollees to coordinate with private sanitary sewer systems that are also enrolled. An additional definition could also be added for a regional sanitary sewer system.

In reference to Section A.3: The definitions of drainage channels and storm drains lead to confusion for sewer systems that are connected to retention basins and dry wells. Additionally, the definition is too broad, and needs clarification to not include curbs, gutters, and swales. Fully captured discharges to drainage channels that are not waters of the U.S. should not be prohibited. Additional definitions should include private storm drain system and public storm drain system.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	85	First Name	Staff	Last Name
Organization	San Francisco Bay Regional Water Quality Control Board	Title	Staff	
Comment_Summary				

In reference to Section D.12(i): The Performance Targets and Program Modifications SSMP elements should be more explicit, and require enrollees to identify performance targets and generate SSO trends for a minimum of three years. Trends should be included in the SSMP annually, and the enrollee should be required to identify and incorporate program modifications to reduce SSOs. Sewer system operators should consider the average spill performance of the State's best-performing systems, and the spill reduction they can obtain by implementing state-of-the-art spill reduction measures. Then they can set their reduction goals to appropriately reflect this analysis.

In reference to Section D.13: Commenter suggests that Enrollees should be required to annually upload into CIWQS an electronic copy of their updated Performance Targets and Program Modifications SSMP Elements. This would allow for tracking and review of each enrollee's progress in achieving performance targets and reducing SSOs over time, and for public access to SSMPs.

In reference to Finding 6: Combined sewer systems should not be referenced in the SSS WDRs. The proposed SSS WDRs are not a state policy. A general Waste Discharge Requirement cannot be used to require actions by the Regional Water Boards. The State Water Board could issue a 13267 Technical Report requirement to owners of combined sewer systems to require reporting. The Order is not an appropriate venue to include such a requirement. The State Water Board should provide comments to incorporate such requirements during NPDES permit reissuance.

In reference to Section D.12(j): The State Water Board should develop statewide guidance and/or criteria for conducting SSMP audits.

In reference to Section D.5(e): The monitoring requirements should be enhanced to adequately characterize sanitary sewer overflow impacts. Sampling to determine the nature and impact of the release should be required. The SSS WDRs should require extensive sampling for any spill reaching a receiving water, the MRP should outline procedures for conducting monitoring, and third parties should be allowed to collect samples. Provision D. 7 (v) is ambiguous and should be revised to specify, at a minimum, the following parameters be analyzed in receiving waters: dissolved oxygen, ammonia and indicator bacteria such as total coliform, fecal coliform or enterococcus or e.coli. The Draft WDRs should, at a minimum, specify that sewer agencies shall develop a detailed monitoring plan for discharges to surface waters that have the potential to impact beneficial uses, including but not limited to, contact water recreation (REC-1), non-contact water recreation (REC-2), cold freshwater habitat (COLD), warm freshwater habitat (WARM), municipal and domestic supply (MUN), agricultural supply (AGR), industrial service supply (IND), rare, threatened or endangered species (RARE), marine habitat (MAR) and estuarine habitat (EST). For spills of over 100,000 gallons, or spills into environmentally sensitive areas, additional monitoring should be required to assess the potential or direct impacts to the affected water.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	85	First Name	Staff	Last Name
Organization	San Francisco Bay Regional Water Quality Control Board	Title	Staff	

Comment_Summary

In reference to Section D.12(d)(iv): The SSS WDRs should be amended to mandate sanitary sewer system operator certification in lieu of requiring a Staff Assessment program. Operator certification will increase professionalism in the industry. The SSS WDRs should specify the minimum certification grade level required for operators, supervisors, and managers. The State Water Board should coordinate with rural associations to provide assistance to small and disadvantaged communities to meet the requirements.

General Comment: For consistency with requirements, the SSS WDRs should require reporting of sewage spills from municipal wastewater treatment plants. The revised WDR should be amended to address sewage plant bypasses. Bypasses should be included in the CIWQS database so the State Water Board, the Regional Water Boards, the U.S. EPA, local environmental health officers, and interested members of the public can remain informed about the number, volume, and location of bypasses.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	86	First Name	Brandi	Last Name	Outwin-Beal
Organization	Los Angeles Regional Water Quality Control Board	Title	Unit Chief, Municipal Permitting Unit		

Comment_Summary

In reference to Section B.1: Additional applicability criteria should be added to section B.1 to include a requirement for any private or public entity that has spilled more than 5,000 gallons of untreated or partially treated wastewater to a surface water of the state within the past 10 years, regardless of the size of the sanitary sewer system, to apply for coverage.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	87	First Name	James	Last Name	Smith
Organization	San Diego Regional Water Quality Control Board	Title	Assistant Executive Officer		

Comment_Summary

In reference to Section D.4: Commenters support the mandatory reporting of PLSDs. California should pass a law requiring lateral inspection and repair at the transfer of property.

In reference to Section C.1: Commenters suggest the SSS WDRs should be modified to prohibit any and all discharges from sewer systems, including those to land as they are a potential threat to public health, a nuisance, and have the potential to impact groundwater and surface water beneficial uses.

In reference to Section D.5(e): The monitoring requirements should be enhanced to adequately characterize sanitary sewer overflow impacts. Sampling to determine the nature and impact of the release should be required. The SSS WDRs should require extensive sampling for any spill reaching a receiving water, the MRP should outline procedures for conducting monitoring, and third parties should be allowed to collect samples. Provision D. 7 (v) is ambiguous and should be revised to specify, at a minimum, the following parameters be analyzed in receiving waters: dissolved oxygen, ammonia and indicator bacteria such as total coliform, fecal coliform or enterococcus or e.coli. The Draft WDRs should, at a minimum, specify that sewer agencies shall develop a detailed monitoring plan for discharges to surface waters that have the potential to impact beneficial uses, including but not limited to, contact water recreation (REC-1), non-contact water recreation (REC-2), cold freshwater habitat (COLD), warm freshwater habitat (WARM), municipal and domestic supply (MUN), agricultural supply (AGR), industrial service supply (IND), rare, threatened or endangered species (RARE), marine habitat (MAR) and estuarine habitat (EST). For spills of over 100,000 gallons, or spills into environmentally sensitive areas, additional monitoring should be required to assess the potential or direct impacts to the affected water.

In reference to Sections D.4, C, & MRP C.5: The playing field would be leveled for dischargers Statewide if the Draft WDRs are strengthened to require mandatory reporting of known PLSDs, to prohibit all sewage overflows upstream of a treatment facility, and to require water quality monitoring in the MRP.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	88	First Name	Alexis	Last Name	Strauss
Organization	United States Environmental Protection Agency Region 9	Title	Director, Water Division		

Comment_Summary

In reference to Section D.4: Commenters support the mandatory reporting of PLSDs. California should pass a law requiring lateral inspection and repair at the transfer of property.

In reference to Section B.1: Commenters support expanding coverage of the SSS WDRs to privately owned collection systems.

In reference to Section C.1: We support the State Water Board staff's recommendations with respect to revising the SSO prohibition to prohibit SSOs to "surface waters of the state", rather than just to waters of the United States.

In reference to Section D.12(i): The Performance Targets and Program Modifications SSMP elements should be more explicit, and require enrollees to identify performance targets and generate SSO trends for a minimum of three years. Trends should be included in the SSMP annually, and the enrollee should be required to identify and incorporate program modifications to reduce SSOs. Sewer system operators should consider the average spill performance of the State's best-performing systems, and the spill reduction they can obtain by implementing state-of-the-art spill reduction measures. Then they can set their reduction goals to appropriately reflect this analysis.

In reference to MRP Section C : EPA supports the addition of record keeping requirements under the Monitoring and Reporting Program.

In reference to Finding 6: Combined sewer systems should be covered under the SSS WDRs. Combined sewer systems pose an equivalent or greater risk to public health than spills from the collection systems currently subject to the SSS WDRs. The residents served by combined sewer systems have no access to information about SSOs occurring in their neighborhoods. NPDES permits do not mandate the rigorous SSMP requirements. Combined sewer systems convey much greater volumes per unit of service area.

General Comment: The WDR should be adopted as a two tiered permit with enrollees that discharge treated effluent directly to waters of the United States, or that have had SSOs that have reached waters of the United States, being covered under an NPDES permit, and enrollees that do not discharge treated effluents directly to waters of the United States, and that have not had SSOs that reached waters of the United States, being covered under a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	89	First Name	Sheila	Last Name	Dey
Organization	Western Manufactured Housing Communities Association	Title	Executive Director		

Comment_Summary

General Comment: Mobile park owners have not been properly informed of the proposed SSS WDRs impact on them.

General Comment: It is unclear how the State Water Board acquires regulatory jurisdiction over mobile home parks.

General Comment: It will be difficult for mobile home park owners to determine how these regulations apply to them.

In reference to Section A.10: Part (c) of the SSO definition is unjustified and burdensome requirement on privately owned sanitary sewer systems, and provides no additional benefit to waters of the state. The definition exceeds the statutory authority of the State Water Board (Water Code Section 13271). Not all spills reaching a storm drain and not fully recovered reach surface waters, especially in desert environments. Clarification is needed for drainage channels and the WDR should provide consideration for recovery of spills to drainage channels. SSOs that reach storm drains and not reach surface waters of the state should not be considered SSOs. If it is the intent of the State Water Board to clarify that releases of untreated or partially treated wastewater to storm drain pipes are not considered SSOs if they do not reach waters the state, then this should be clearly stated. □

In reference to Section B.1(b): The 25,000 gpd threshold is too low. It will sweep many private businesses into coverage under the WDR that would not be able to comply.

In reference to Section B.1: Commenters do not support expanding coverage of the SSS WDRs to privately owned collection systems. Including private entities in the SSS WDRs is redundant. Presently, a private sewer spill is a violation of local NPDES regulations (MS4 permits). It is also likely a violation of local sewer WDR Program Regulations, and is also subject to Regional Board and even Health Agency Enforcement. The regulatory requirements for private sanitary sewer systems under the SSS WDRs are unduly prescriptive and impose unwarranted costs and significant administrative burdens. For instance, the SSMP development requirement will affect fixed-income retired residents of private communities. The State Water Board should consider eliminating the requirement to enroll under the SSS WDRs for private communities, and handle any problems with these systems via enforcement of existing laws. Including satellite systems connected to enrollee collection systems such as shopping malls, private gated communities, mobile home parks, and other private collection systems is unworkable, and imposes new burdens on small businesses.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 90		First Name Mary	Last Name Swink
Organization	City of Alhambra	Title	Deputy City Manager-Director of Utilitie

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 90

First Name Mary

Last Name Swink

Organization City of Alhambra

Title Deputy City Manager-Director of Utilities

Comment_Summary

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	91	First Name	Phil	Last Name	DeBlasio
Organization	City of Anderson	Title	Chief Plant Operator		

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	91	First Name	Phil	Last Name	DeBlasio
Organization	City of Anderson	Title	Chief Plant Operator		

Comment_Summary

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section B.1(b): Commenters support the addition of the flow criteria (25,000 gpd) in addition to the existing mileage criteria. However, for publicly owned sewer systems, the criteria should be based on average dry weather flow (ADWF), monthly or annual average flow, or equivalent number of dwelling units (EDUs). The mileage threshold should be increased. Additional applicability criteria should be added to eliminate collection systems that get limited use with seasonal peak use (e.g., parks, campgrounds).

In reference to Section B.1: Commenters support expanding coverage of the SSS WDRs to privately owned collection systems.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 92	First Name Tom	Last Name Tait
Organization City of Arcadia	Title Public Works Services Director	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	92	First Name	Tom	Last Name	Tait
Organization	City of Arcadia	Title	Public Works Services Director		

Comment_Summary

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 93

First Name David **Last Name** Athey

Organization City of Atascadero

Title Deputy Director of Public Works, Engine

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section B.1(b): Commenters support the addition of the flow criteria (25,000 gpd) in addition to the existing mileage criteria. However, for publicly owned sewer systems, the criteria should be based on average dry weather flow (ADWF), monthly or annual average flow, or equivalent number of dwelling units (EDUs). The mileage threshold should be increased. Additional applicability criteria should be added to eliminate collection systems that get limited use with seasonal peak use (e.g., parks, campgrounds).

In reference to Section B.1: Commenters support expanding coverage of the SSS WDRs to privately owned collection systems.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 94

First Name Daniel **Last Name** Rynn

Organization City of Burbank

Title Assistant Public Works Director

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Section B.4: The requirement to re-enroll under the amended SSS WDRs within six months of adoption is a waste of staff resources, will lead to confusion, is unnecessary and burdensome, and will be a significant irritation to the enrolled agencies. This requirement should be deleted. Only those that will no longer be covered and new applicants should be required to submit notifications. Informing enrollees when the revised SSS WDRs is adopted will be more productive.

In reference to Section D.12(d)(vi): The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets are approved year-to-year, and no public agency can guarantee a specified level of funding beyond what has been approved by its legislative body let alone "in perpetuity."

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 94

First Name Daniel **Last Name** Rynn

Organization City of Burbank

Title Assistant Public Works Director

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 94		First Name Daniel	Last Name Rynn
Organization	City of Burbank	Title	Assistant Public Works Director

Comment_Summary

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to Section D.14: The requirement for the "bi-annual SSMP audit schedule to address the clarifications and additions to their SSMP" should be revised. The term "bi-annual" means twice a year. The proper word for this sentence is "biennial," signifying every two years as indicated on page 23 of 33.

In reference to MRP Section A: Notification should only apply to those SSOs which have reached surface waters, and not SSOs that may reach surface waters.

In reference to MRP Section B.1(Reporting Time Frames): Five business days should be allowed for submittal of Category 1 reports.

In reference to MRP Section C : Record keeping requirements will be extremely onerous to enrollees. A private property owner may not allow access to take pictures, photographic evidence distract staff from responding to the spill, and draft reports do not contain 100% complete and accurate information. Photographic documentation should only be required for Category 1 spills or when practicable.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to MRP Section C.5: The requirement in the MRP, Item 5, of taking samples when SSOs occur is not practical since it diverts responders time from containing the SSO. Sampling should not be required for spills not reaching surface waters of the state. Sampling of SSOs should not be required since it is obvious that water quality will be impaired by high bacteria counts, etc., thus, water quality sampling is useless.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 95	First Name Glenn	Last Name Pruim
Organization City of Carlsbad	Title Utilities Director	

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: The State Water Board should modify the Draft WDRs to eliminate any confusion and clarify that public agencies are not responsible for private sewer systems.

In reference to Section A.16: The definition of "surface waters of the state" needs further clarification or limiting language. For example, a stormwater treatment facility should be excluded from this definition. The definition of "Surface Waters of the State" is overly broad, and it could include stagnant waters that are not hydraulically connected to creeks, rivers, etc. The definition of "surface waters of the state" needs further clarification.

In reference to Sections A.10(a) & A.10(b): Subsections (a) and (b) of Section 10, taken together, seem to cover all overflows or releases of untreated wastewater whether they reach "surface waters of the state" or not. Subsection (a) appears to provide for the case that fully recovered overflows are not considered SSOs, whereas subsection (b) is contrary to that position.

In reference to Section B.5: Under Subsection 5, what is the applicant's status if they submit their application package in a timely fashion but do not receive approval from the State Water Board? Delays on the part of the State in reviewing submittals should not have adverse impacts on the applicants.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 95

First Name Glenn **Last Name** Pruum

Organization City of Carlsbad

Title Utilities Director

Comment_Summary

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	95	First Name	Glenn	Last Name	Pruim
Organization	City of Carlsbad	Title	Utilities Director		

Comment_Summary

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(d)(ii): The provision in Section D.12(d)(ii) is unworkable because Enrollees need the flexibility to utilize and change contractors on a regular basis without having to update their SSMP.

In reference to Section D.12(d)(iii): Section 12 (d) (iii). The reference to the Enrollee's responsibility to address any private sewer lateral inspection and replacement programs should be eliminated. The Enrollee has no responsibility for the private sewer system and this section will simply create confusion as to who is the responsible party.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Section D.12(d)(v): The requirement for Contingency Planning is duplicative and overly burdensome, and should be deleted. There may be many other considerations that need to be included in planning for future SSO conditions, and such planning should be left to an individual agency.

In reference to Section D.12(f)(ii): Requiring contracts and agreements be included as part of the SSMP should be eliminated because it is unduly burdensome, and is likely to create confusion regarding the requirements for an adequate SSMP. This requirement is burdensome since the SSMP would have to be updated each time contracts are revised or changed.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 95		First Name Glenn	Last Name Pruim
Organization	City of Carlsbad	Title	Utilities Director

Comment_Summary

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 96		First Name Victor	Last Name Rollinger
Organization City of Carson		Title General Manager	

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section B.3: This Requirement should be removed. To require all municipal facilities (airports, administration buildings, courthouses, etc.) to be enrolled and covered under the SSS WDRs is unrealistic and imposes a huge administrative and financial burden that will have little, if any, benefit to the environment or public health. This new requirement will result in additional enrollee staff time to track and implement the SSMP for improbable SSOs. This requirement discourages regionalization and regional approaches to sewer system management.

In reference to Section A.4: The language in the SSS WDRs needs to include Enrollees who "operate" sanitary sewer systems in addition to those who "own" sanitary sewer systems.

In reference to Section B.4: The requirement to re-enroll under the amended SSS WDRs within six months of adoption is a waste of staff resources, will lead to confusion, is unnecessary and burdensome, and will be a significant irritation to the enrolled agencies. This requirement should be deleted. Only those that will no longer be covered and new applicants should be required to submit notifications. Informing enrollees when the revised SSS WDRs is adopted will be more productive.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	96	First Name	Victor	Last Name	Rollinger
Organization	City of Carson	Title	General Manager		

Comment_Summary

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Section D.12(d)(vi): The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets are approved year-to-year, and no public agency can guarantee a specified level of funding beyond what has been approved by its legislative body let alone "in perpetuity."

In reference to Section D.12(f)(vi): The second paragraph should be excluded from the WDRs or moved to Item 12(h).

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 96

First Name Victor

Last Name Rollinger

Organization City of Carson

Title General Manager

Comment_Summary

In reference to Section D.12(i)(vi): Part D.12(i)(vi) should be removed. To compile a log of every SSMP change is an onerous task that will not reduce or mitigate the impact of sewer overflows.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 97

First Name David **Last Name** Zevely

Organization Cayucos Sanitary District

Title Wastewater Collections System Maintena

Comment_Summary

General Comment: If adopted as a two tiered permit the State Water Board should have a threshold that would trigger who gets the NPDES permit.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	98	First Name	James	Last Name	Kelly
Organization	Central Contra Costa Sanitary District	Title	General Manager		

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 98

First Name James **Last Name** Kelly

Organization Central Contra Costa Sanitary District

Title General Manager

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 99		First Name Michael	Last Name Riddell
Organization	City of Ceres	Title	Public Works Superintendent

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	99	First Name	Michael	Last Name	Riddell
Organization	City of Ceres	Title	Public Works Superintendent		

Comment_Summary

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section B.1(b): Commenters support the addition of the flow criteria (25,000 gpd) in addition to the existing mileage criteria. However, for publicly owned sewer systems, the criteria should be based on average dry weather flow (ADWF), monthly or annual average flow, or equivalent number of dwelling units (EDUs). The mileage threshold should be increased. Additional applicability criteria should be added to eliminate collection systems that get limited use with seasonal peak use (e.g., parks, campgrounds).

In reference to Section B.1: Commenters support expanding coverage of the SSS WDRs to privately owned collection systems.

In reference to Section C.1: Commenters support clarifying that SSOs to land are not the focus of the SSS WDRs.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 100

First Name

Last Name

Organization

Clean Water Associations

Title

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section B.3: This Requirement should be removed. To require all municipal facilities (airports, administration buildings, courthouses, etc.) to be enrolled and covered under the SSS WDRs is unrealistic and imposes a huge administrative and financial burden that will have little, if any, benefit to the environment or public health. This new requirement will result in additional enrollee staff time to track and implement the SSMP for improbable SSOs. This requirement discourages regionalization and regional approaches to sewer system management.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section A.10: We support the revised definition of a "sanitary sewer overflow". We support the revision to the definition of "sanitary sewer overflow" which specifies that fully-recovered releases to storm drains are not included. We would like to see an additional clarification that spills to drainage channels that are not waters of the U.S. are similarly excluded from the definition of SSO. Excluding these events properly incentivizes full recovery of wastewater.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 100

First Name

Last Name

Organization

Clean Water Associations

Title

Comment_Summary

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Section D.12(d)(vi): The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets are approved year-to-year, and no public agency can guarantee a specified level of funding beyond what has been approved by its legislative body let alone "in perpetuity."

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 100

First Name

Last Name

Organization Clean Water Associations

Title

Comment_Summary

In reference to Section A.3: The definitions of drainage channels and storm drains lead to confusion for sewer systems that are connected to retention basins and dry wells. Additionally, the definition is too broad, and needs clarification to not include curbs, gutters, and swales. Fully captured discharges to drainage channels that are not waters of the U.S. should not be prohibited. Additional definitions should include private storm drain system and public storm drain system.

In reference to Finding 23: Water Codes and Health and Safety Codes should not be summarized or interpreted in the SSS WDR. The listed Code sections in Finding 23 are not linked to any specific provisions of the order, and simply state that unspecified provisions of the WDR implement the statutory section. These findings are inadequate, and must either be deleted or revised to link each cited statute with the WDR provisions that implement it.

In reference to Finding 27: If the State Water Board elects to incorporate the Staff Report, then we request an additional opportunity to provide comments on or rebut conclusions contained in the Staff Report.

In reference to Section A.1: The definition of "combined sanitary sewer system" should be revised to clarify that a sanitary sewer system is only considered to be a combined system if it is intentionally designed to collect and convey storm water runoff.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 100

First Name

Last Name

Organization

Clean Water Associations

Title

Comment_Summary

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(ii): The provision in Section D.12(d)(ii) is unworkable because Enrollees need the flexibility to utilize and change contractors on a regular basis without having to update their SSMP.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 100

First Name

Last Name

Organization

Clean Water Associations

Title

Comment_Summary

In reference to Section D.12(f)(ii): Requiring contracts and agreements be included as part of the SSMP should be eliminated because it is unduly burdensome, and is likely to create confusion regarding the requirements for an adequate SSMP. This requirement is burdensome since the SSMP would have to be updated each time contracts are revised or changed.

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	Organization	First Name	Last Name
100	Clean Water Associations		
Comment_Summary			

In reference to MRP Section B.1.C (SSO Categories): The assumption that a discharge to a drainage channel is equivalent to a discharge to a surface water is incorrect. Spills that enter a storm drain pipe or drainage channel that flow to a retention basin (or similar) should not be considered Category 1 spills. There should be an additional category for these kinds of spills and fully recovered spills over 1000 gallons. Alternatively, spills greater than 1000 gallons that are fully contained and recovered should be Category 2 spills. Discharges to storm drain channels and creeks during dry weather do not pose a threat to public health or the environment, and they can be fully contained and captured in the channel or creek. A SSO that is not fully captured should not be considered an automatic discharge to waters of the state since many storm drain systems extend considerable distances before connecting to surface water. It is unreasonable to assume that a discharge of a few gallons that must travel one mile in the storm drain before entering the nearest surface water can be considered a discharge to waters of the state. Such small volumes would likely pond and evaporate in the pipe rather than traverse the entire distance to the nearest surface water. Appropriate disposal can include returning the spilled material to a sanitary sewer, so it is not necessary to specifically call out return to the sanitary sewer as an appropriate disposal method.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I, 1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

General Comment: The State Water Board must consider the unfunded state mandate potential of the proposed requirements in the SSS WDRs. Any mandates contained in this proposed SSS WDRs, besides the prohibition of spills to waters of the United States, are not required by Federal law, and therefore, constitute objectionable unfunded state mandate.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Section D.12(d)(iii): Section 12 (d) (iii). The reference to the Enrollee's responsibility to address any private sewer lateral inspection and replacement programs should be eliminated. The Enrollee has no responsibility for the private sewer system and this section will simply create confusion as to who is the responsible party.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 101	First Name Steve	Last Name Bigley
Organization Coachella Valley Water District	Title Environmental Services Manager	

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section A.10: Part (c) of the SSO definition is unjustified and burdensome requirement on privately owned sanitary sewer systems, and provides no additional benefit to waters of the state. The definition exceeds the statutory authority of the State Water Board (Water Code Section 13271). Not all spills reaching a storm drain and not fully recovered reach surface waters, especially in desert environments. Clarification is needed for drainage channels and the WDR should provide consideration for recovery of spills to drainage channels. SSOs that reach storm drains and not reach surface waters of the state should not be considered SSOs. If it is the intent of the State Water Board to clarify that releases of untreated or partially treated wastewater to storm drain pipes are not considered SSOs if they do not reach waters the state, then this should be clearly stated. □

In reference to MRP Section B.1.C (SSO Categories): The assumption that a discharge to a drainage channel is equivalent to a discharge to a surface water is incorrect. Spills that enter a storm drain pipe or drainage channel that flow to a retention basin (or similar) should not be considered Category 1 spills. There should an additional category for these kinds of spills and fully recovered spills over 1000 gallons. Alternatively, spills greater than 1000 gallons that are fully contained and recovered should be Category 2 spills. Discharges to storm drain channels and creeks during dry weather do not pose a threat to public health or the environment, and they can be fully contained and captured in the channel or creek. A SSO that is not fully captured should not be considered an automatic discharge to waters of the state since many storm drain systems extend considerable distances before connecting to surface water. It is unreasonable to assume that a discharge of a few gallons that must travel one mile in the storm drain before entering the nearest surface water can be considered a discharge to waters of the state. Such small volumes would likely pond and evaporate in the pipe rather than traverse the entire distance to the nearest surface water. Appropriate disposal can include returning the spilled material to a sanitary sewer, so it is not necessary to specifically call out return to the sanitary sewer as an appropriate disposal method.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	101	First Name	Steve	Last Name	Bigley
Organization	Coachella Valley Water District	Title	Environmental Services Manager		

Comment_Summary

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 102	First Name Scott	Last Name Carroll
Organization Costa Mesa Sanitary District	Title General Manager	

Comment_Summary

General Comment: The State Water Board should prolong the comment period and increase public outreach to ensure that all parties subject to these regulations have an opportunity to review and comment on them prior to adoption.

General Comment: The proposed SSS WDRs should be evaluated and refined using a stakeholder approach similar to the 2005-2006 approach used to develop them.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 103	First Name Steve	Last Name Henley
Organization City of Covina	Title Director of Public Works	

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Section D.12(d)(vi): The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets are approved year-to-year, and no public agency can guarantee a specified level of funding beyond what has been approved by its legislative body let alone "in perpetuity."

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	104	First Name	Richard	Last Name	Tanaka
Organization	Cupertino Sanitary District	Title	District Manager-Engineer		

Comment_Summary

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section B.1(b): Commenters support the addition of the flow criteria (25,000 gpd) in addition to the existing mileage criteria. However, for publicly owned sewer systems, the criteria should be based on average dry weather flow (ADWF), monthly or annual average flow, or equivalent number of dwelling units (EDUs). The mileage threshold should be increased. Additional applicability criteria should be added to eliminate collection systems that get limited use with seasonal peak use (e.g., parks, campgrounds).

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section C.1: Commenters support clarifying that SSOs to land are not the focus of the SSS WDRs.

General Comment: The State Water Board should consider the costs and benefits of the prescriptive requirements added by the revised SSS WDRs. The proposed regulations add a significant burden to agencies. New regulations may act to redirect resources from sewer maintenance work to burdensome administrative procedures. The proposed SSS WDRs are a financial burden to well managed systems, and the new requirements will result in more agency staff time directed towards preparing reports, organizing information, and operating procedures rather than on O&M activities. Following the logic that proper O&M will provide meaningful public health benefits, any activity which pulls resources from O&M activities will increase the risk to the public health.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 104	First Name Richard	Last Name Tanaka
Organization Cupertino Sanitary District	Title District Manager-Engineer	

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section B.1: Commenters support expanding coverage of the SSS WDRs to privately owned collection systems.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 104

First Name Richard **Last Name** Tanaka

Organization Cupertino Sanitary District

Title District Manager-Engineer

Comment_Summary

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 105	First Name Debbie	Last Name Webster
Organization Central Valley Clean Water Association	Title Executive Officer	

Comment_Summary

In reference to Section B.1(b): Commenters support the addition of the flow criteria (25,000 gpd) in addition to the existing mileage criteria. However, for publicly owned sewer systems, the criteria should be based on average dry weather flow (ADWF), monthly or annual average flow, or equivalent number of dwelling units (EDUs). The mileage threshold should be increased. Additional applicability criteria should be added to eliminate collection systems that get limited use with seasonal peak use (e.g., parks, campgrounds).

In reference to Section B.3: This Requirement should be removed. To require all municipal facilities (airports, administration buildings, courthouses, etc.) to be enrolled and covered under the SSS WDRs is unrealistic and imposes a huge administrative and financial burden that will have little, if any, benefit to the environment or public health. This new requirement will result in additional enrollee staff time to track and implement the SSMP for improbable SSOs. This requirement discourages regionalization and regional approaches to sewer system management.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section A.12: The current definition of satellite sanitary sewer system should be changed or eliminated since the definition of a sanitary sewer system covers satellite sanitary sewer systems. A sewer system should not be considered a satellite unless that system individually bills connected properties a maintenance or user fee established to provide for maintenance of said sewer system. This change is suggested to eliminate the need for enrollees to coordinate with private sanitary sewer systems that are also enrolled. An additional definition could also be added for a regional sanitary sewer system.

In reference to Section A.3: The definitions of drainage channels and storm drains lead to confusion for sewer systems that are connected to retention basins and dry wells. Additionally, the definition is too broad, and needs clarification to not include curbs, gutters, and swales. Fully captured discharges to drainage channels that are not waters of the U.S. should not be prohibited. Additional definitions should include private storm drain system and public storm drain system.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 105	First Name Debbie	Last Name Webster
Organization Central Valley Clean Water Association	Title Executive Officer	

Comment_Summary

In reference to Section B.4: Re-application requirements for current enrollees, the new application requirements for new enrollees, and any requirements for previously enrolled systems that no longer need to be covered because they no longer meet the eligibility criteria should be clearly defined.

In reference to Section D.14(b): Expanded and acquired systems should be required to file for coverage three months after these systems met the eligibility requirements.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section B.4: The requirement to re-enroll under the amended SSS WDRs within six months of adoption is a waste of staff resources, will lead to confusion, is unnecessary and burdensome, and will be a significant irritation to the enrolled agencies. This requirement should be deleted. Only those that will no longer be covered and new applicants should be required to submit notifications. Informing enrollees when the revised SSS WDRs is adopted will be more productive.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

General Comment: Provisions within the MPR should be made for small sewer systems who cannot readily comply with the reporting requirements. In addition, compliance requirements (e.g. staff assessments, monitoring, audits, communication program, etc.) should apply to larger agencies and requirements should be simplified for smaller agencies that convey low volumes of wastewater.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 105	First Name Debbie	Last Name Webster
Organization Central Valley Clean Water Association	Title Executive Officer	

Comment_Summary

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: The proposed SSS WDRs should be evaluated and refined using a stakeholder approach similar to the 2005-2006 approach used to develop them.

In reference to MRP Section C : Record keeping requirements will be extremely onerous to enrollees. A private property owner may not allow access to take pictures, photographic evidence distract staff from responding to the spill, and draft reports do not contain 100% complete and accurate information. Photographic documentation should only be required for Category 1 spills or when practicable.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 106		First Name Debbie	Last Name Webster
Organization	Central Valley Clean Water Association	Title	Executive Officer

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

General Comment: The State Water Board should consider the costs and benefits of the prescriptive requirements added by the revised SSS WDRs. The proposed regulations add a significant burden to agencies. New regulations may act to redirect resources from sewer maintenance work to burdensome administrative procedures. The proposed SSS WDRs are a financial burden to well managed systems, and the new requirements will result in more agency staff time directed towards preparing reports, organizing information, and operating procedures rather than on O&M activities. Following the logic that proper O&M will provide meaningful public health benefits, any activity which pulls resources from O&M activities will increase the risk to the public health.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Finding 23: Water Codes and Health and Safety Codes should not be summarized or interpreted in the SSS WDR. The listed Code sections in Finding 23 are not linked to any specific provisions of the order, and simply state that unspecified provisions of the WDR implement the statutory section. These findings are inadequate, and must either be deleted or revised to link each cited statute with the WDR provisions that implement it.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 106

First Name Debbie **Last Name** Webster

Organization Central Valley Clean Water Association

Title Executive Officer

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 107

First Name John **Last Name** Schroeter

Organization East Bay Municipal Utility District

Title Manager of Environmental Compliance

Comment_Summary

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section B.1(b): Commenters support the addition of the flow criteria (25,000 gpd) in addition to the existing mileage criteria. However, for publicly owned sewer systems, the criteria should be based on average dry weather flow (ADWF), monthly or annual average flow, or equivalent number of dwelling units (EDUs). The mileage threshold should be increased. Additional applicability criteria should be added to eliminate collection systems that get limited use with seasonal peak use (e.g., parks, campgrounds).

In reference to Section C.1: Commenter commends the State Water Board's revisions to the draft WDRs to focus the intent of the WDRs on surface water and not land or groundwater impacts.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	107	First Name	John	Last Name	Schroeter
Organization	East Bay Municipal Utility District	Title	Manager of Environmental Compliance		

Comment_Summary

In reference to Section B.3: This Requirement should be removed. To require all municipal facilities (airports, administration buildings, courthouses, etc.) to be enrolled and covered under the SSS WDRs is unrealistic and imposes a huge administrative and financial burden that will have little, if any, benefit to the environment or public health. This new requirement will result in additional enrollee staff time to track and implement the SSMP for improbable SSOs. This requirement discourages regionalization and regional approaches to sewer system management.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

General MRP Comment: The State Water Board's revisions to the draft WDRs should clearly define terms and requirements in the Monitoring and Reporting Program and SSMP elements.

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	107	First Name	John	Last Name	Schroeter
Organization	East Bay Municipal Utility District	Title	Manager of Environmental Compliance		

Comment_Summary

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 107

First Name John

Last Name Schroeter

Organization East Bay Municipal Utility District

Title Manager of Environmental Compliance

Comment_Summary

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 108

First Name Dennis **Last Name** Cafferty

Organization El Toro Water District

Title Director of Operations & Engineering

Comment_Summary

General Comment: The State Water Board should prolong the comment period and increase public outreach to ensure that all parties subject to these regulations have an opportunity to review and comment on them prior to adoption.

General Comment: The proposed SSS WDRs should be evaluated and refined using a stakeholder approach similar to the 2005-2006 approach used to develop them.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	108	First Name	Dennis	Last Name	Cafferty
Organization	El Toro Water District	Title	Director of Operations & Engineering		

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 108

First Name Dennis **Last Name** Cafferty

Organization El Toro Water District

Title Director of Operations & Engineering

Comment_Summary

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	109	First Name	Jayne	Last Name	Joy
Organization	Eastern Municipal Water District	Title	Director of Environmental & Regulatory		

Comment_Summary

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section C.1: Commenters support clarifying that SSOs to land are not the focus of the SSS WDRs.

In reference to Section D.4: Commenter is in agreement with not requiring reported Private Lateral Sewer Discharges (PLSDs) to be certified by our agencies Legally Responsible Official (LRO) any longer.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section B.3: This Requirement should be removed. To require all municipal facilities (airports, administration buildings, courthouses, etc.) to be enrolled and covered under the SSS WDRs is unrealistic and imposes a huge administrative and financial burden that will have little, if any, benefit to the environment or public health. This new requirement will result in additional enrollee staff time to track and implement the SSMP for improbable SSOs. This requirement discourages regionalization and regional approaches to sewer system management.

In reference to Section B.4: There appears to be no exit strategy or mention of an exit strategy for current enrollees who will no longer fall under the applicability criteria of the new SSS WDRs.

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 109

First Name Jayne

Last Name Joy

Organization Eastern Municipal Water District

Title Director of Environmental & Regulatory

Comment_Summary

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.12(k): What expectations does the State Water Board have for regional wastewater agencies to have knowledge of systems that are tributary to our system to be able to establish communication with? Will the State Water Board be establishing some type of mechanism for regional wastewater agencies to be notified upon a system being enrolled under the SSS WDRs that is tributary to their system?

In reference to Section D.12: It is suggested that the time frame for revising the SSMP to satisfy the new requirements be at some set time period (i.e. 18 months) after the adoption of the SSS WDRs.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 110	First Name George	Last Name Shimboff
Organization City of Fairfield	Title Public Works Manager	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 110		First Name George	Last Name Shimboff
Organization City of Fairfield		Title Public Works Manager	

Comment_Summary

In reference to MRP Section B: The SSO WDRs contains overly complicated spill category definitions which lead to confusion and inconsistent reporting.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 111	First Name Keith	Last Name Lewinger
Organization Fallbrook Public Utility District	Title General Manager	

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Finding 14: Asset management varies from agency to agency and it is inappropriate for a general permit to attempt to require asset management, and then to try to dictate what the "proper" outcomes of an asset management program should be. In fact, requiring asset management and then dictating what a "proper" response should be is inherently contrary to asset management principles. The proposed revisions to this section should be deleted, and it should remain as written in the existing SSS WDRs.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 111

First Name Keith

Last Name Lewinger

Organization Fallbrook Public Utility District

Title General Manager

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 112		First Name Gail	Last Name Washburn
Organization City of Fillmore		Title Mayor	

Comment_Summary

General Comment: The State Water Board should consider the costs and benefits of the prescriptive requirements added by the revised SSS WDRs. The proposed regulations add a significant burden to agencies. New regulations may act to redirect resources from sewer maintenance work to burdensome administrative procedures. The proposed SSS WDRs are a financial burden to well managed systems, and the new requirements will result in more agency staff time directed towards preparing reports, organizing information, and operating procedures rather than on O&M activities. Following the logic that proper O&M will provide meaningful public health benefits, any activity which pulls resources from O&M activities will increase the risk to the public health.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 113	First Name Bruce	Last Name Pollack
Organization City of Gardena	Title Public Works Director	

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 113

First Name Bruce **Last Name** Pollack

Organization City of Gardena

Title Public Works Director

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Section D.12(d)(vi): The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets are approved year-to-year, and no public agency can guarantee a specified level of funding beyond what has been approved by its legislative body let alone "in perpetuity."

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 114	First Name Kamil	Last Name Azoury
Organization Goleta Sanitary District	Title District Manager/District Engineer	

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 114

First Name Kamil **Last Name** Azoury

Organization Goleta Sanitary District

Title District Manager/District Engineer

Comment_Summary

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 115	First Name Travis	Last Name Hopkins
Organization City of Huntington Beach	Title Director of Public Works	

Comment_Summary

General Comment: The proposed SSS WDRs should be evaluated and refined using a stakeholder approach similar to the 2005-2006 approach used to develop them.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Section B.1: Commenters support expanding coverage of the SSS WDRs to privately owned collection systems.

In reference to Section A.16: The definition of "surface waters of the state" needs further clarification or limiting language. For example, a stormwater treatment facility should be excluded from this definition. The definition of "Surface Waters of the State" is overly broad, and it could include stagnant waters that are not hydraulically connected to creeks, rivers, etc. The definition of "surface waters of the state" needs further clarification.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 115

First Name Travis **Last Name** Hopkins

Organization City of Huntington Beach

Title Director of Public Works

Comment_Summary

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

General Comment: The State Water Board should consider the costs and benefits of the prescriptive requirements added by the revised SSS WDRs. The proposed regulations add a significant burden to agencies. New regulations may act to redirect resources from sewer maintenance work to burdensome administrative procedures. The proposed SSS WDRs are a financial burden to well managed systems, and the new requirements will result in more agency staff time directed towards preparing reports, organizing information, and operating procedures rather than on O&M activities. Following the logic that proper O&M will provide meaningful public health benefits, any activity which pulls resources from O&M activities will increase the risk to the public health.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 116	First Name Edward	Last Name Hitti
Organization City of La Canada Flintridge	Title Public Works Director	

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section B.3: This Requirement should be removed. To require all municipal facilities (airports, administration buildings, courthouses, etc.) to be enrolled and covered under the SSS WDRs is unrealistic and imposes a huge administrative and financial burden that will have little, if any, benefit to the environment or public health. This new requirement will result in additional enrollee staff time to track and implement the SSMP for improbable SSOs. This requirement discourages regionalization and regional approaches to sewer system management.

In reference to Section B.4: The requirement to re-enroll under the amended SSS WDRs within six months of adoption is a waste of staff resources, will lead to confusion, is unnecessary and burdensome, and will be a significant irritation to the enrolled agencies. This requirement should be deleted. Only those that will no longer be covered and new applicants should be required to submit notifications. Informing enrollees when the revised SSS WDRs is adopted will be more productive.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 116	First Name Edward	Last Name Hitti
Organization City of La Canada Flintridge	Title Public Works Director	

Comment_Summary

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Section D.12(d)(vi): The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets are approved year-to-year, and no public agency can guarantee a specified level of funding beyond what has been approved by its legislative body let alone "in perpetuity."

In reference to Section D.12(f)(vi): The second paragraph should be excluded from the WDRs or moved to Item 12(h).

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 116

First Name Edward **Last Name** Hitti

Organization City of La Canada Flintridge

Title Public Works Director

Comment_Summary

In reference to Section D.12(i)(vi): Part D.12(i)(vi) should be removed. To compile a log of every SSMP change is an onerous task that will not reduce or mitigate the impact of sewer overflows.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section C.1: Commenters support clarifying that SSOs to land are not the focus of the SSS WDRs.

In reference to Section B.1: Commenters support expanding coverage of the SSS WDRs to privately owned collection systems.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 117

First Name Enrique **Last Name** Zaldivar

Organization City of Los Angeles

Title Director, Bureau of Sanitation

Comment_Summary

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to MRP Section B (Reporting Timeframes 3): A separate screen section should be provided on the SSO electronic database exclusively for recording private lateral spills. Private lateral spills should not be linked to the enrollee when evaluating performance of the enrollee, and reporting private lateral spills should not result in liability to the enrollee.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches . The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

General Comment: The suggested changes will result in a effective and successful program.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 118	First Name Dennis	Last Name Hunter
Organization County of Los Angeles Department of Public Works	Title Deputy Director	

Comment_Summary

In reference to Section A.4: The language in the SSS WDRs needs to include Enrollees who "operate" sanitary sewer systems in addition to those who "own" sanitary sewer systems.

In reference to Section B.3: This Requirement should be removed. To require all municipal facilities (airports, administration buildings, courthouses, etc.) to be enrolled and covered under the SSS WDRs is unrealistic and imposes a huge administrative and financial burden that will have little, if any, benefit to the environment or public health. This new requirement will result in additional enrollee staff time to track and implement the SSMP for improbable SSOs. This requirement discourages regionalization and regional approaches to sewer system management.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 118	First Name Dennis	Last Name Hunter
Organization County of Los Angeles Department of Public Works	Title Deputy Director	

Comment_Summary

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to MRP Section A: Notification of MS4 owners/operators for SSOs that reach storm drains should be required.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Section D.12(d)(vi): The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets are approved year-to-year, and no public agency can guarantee a specified level of funding beyond what has been approved by its legislative body let alone "in perpetuity."

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

In reference to Section D.12(i)(vi): Part D.12(i)(vi) should be removed. To compile a log of every SSMP change is an onerous task that will not reduce or mitigate the impact of sewer overflows.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 118	First Name Dennis	Last Name Hunter
Organization County of Los Angeles Department of Public Works	Title Deputy Director	

Comment_Summary

In reference to MRP Section B.1.C (SSO Categories): The assumption that a discharge to a drainage channel is equivalent to a discharge to a surface water is incorrect. Spills that enter a storm drain pipe or drainage channel that flow to a retention basin (or similar) should not be considered Category 1 spills. There should be an additional category for these kinds of spills and fully recovered spills over 1000 gallons. Alternatively, spills greater than 1000 gallons that are fully contained and recovered should be Category 2 spills. Discharges to storm drain channels and creeks during dry weather do not pose a threat to public health or the environment, and they can be fully contained and captured in the channel or creek. A SSO that is not fully captured should not be considered an automatic discharge to waters of the state since many storm drain systems extend considerable distances before connecting to surface water. It is unreasonable to assume that a discharge of a few gallons that must travel one mile in the storm drain before entering the nearest surface water can be considered a discharge to waters of the state. Such small volumes would likely pond and evaporate in the pipe rather than traverse the entire distance to the nearest surface water. Appropriate disposal can include returning the spilled material to a sanitary sewer, so it is not necessary to specifically call out return to the sanitary sewer as an appropriate disposal method.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 119	First Name Philip	Last Name Friess
Organization County Sanitation Districts of Los Angeles County	Title Technical Services Department Head	

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Section D.12(d)(vi): The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets are approved year-to-year, and no public agency can guarantee a specified level of funding beyond what has been approved by its legislative body let alone "in perpetuity."

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 119

First Name Philip **Last Name** Friess

Organization County Sanitation Districts of Los Angeles County

Title Technical Services Department Head

Comment_Summary

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section A.1: The definition of "combined sanitary sewer system" should be revised to clarify that a sanitary sewer system is only considered to be a combined system if it is intentionally designed to collect and convey storm water runoff.

In reference to Section A.10: Part (c) of the SSO definition is unjustified and burdensome requirement on privately owned sanitary sewer systems, and provides no additional benefit to waters of the state. The definition exceeds the statutory authority of the State Water Board (Water Code Section 13271). Not all spills reaching a storm drain and not fully recovered reach surface waters, especially in desert environments. Clarification is needed for drainage channels and the WDR should provide consideration for recovery of spills to drainage channels. SSOs that reach storm drains and not reach surface waters of the state should not be considered SSOs. If it is the intent of the State Water Board to clarify that releases of untreated or partially treated wastewater to storm drain pipes are not considered SSOs if they do not reach waters the state, then this should be clearly stated. □

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 119

First Name Philip

Last Name Friess

Organization County Sanitation Districts of Los Angeles County

Title Technical Services Department Head

Comment_Summary

In reference to MRP Section B.1.C (SSO Categories): The assumption that a discharge to a drainage channel is equivalent to a discharge to a surface water is incorrect. Spills that enter a storm drain pipe or drainage channel that flow to a retention basin (or similar) should not be considered Category 1 spills. There should be an additional category for these kinds of spills and fully recovered spills over 1000 gallons. Alternatively, spills greater than 1000 gallons that are fully contained and recovered should be Category 2 spills. Discharges to storm drain channels and creeks during dry weather do not pose a threat to public health or the environment, and they can be fully contained and captured in the channel or creek. A SSO that is not fully captured should not be considered an automatic discharge to waters of the state since many storm drain systems extend considerable distances before connecting to surface water. It is unreasonable to assume that a discharge of a few gallons that must travel one mile in the storm drain before entering the nearest surface water can be considered a discharge to waters of the state. Such small volumes would likely pond and evaporate in the pipe rather than traverse the entire distance to the nearest surface water. Appropriate disposal can include returning the spilled material to a sanitary sewer, so it is not necessary to specifically call out return to the sanitary sewer as an appropriate disposal method.

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Section D.12(d)(v): The requirement for Contingency Planning is duplicative and overly burdensome, and should be deleted. There may be many other considerations that need to be included in planning for future SSO conditions, and such planning should be left to an individual agency.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 119	First Name Philip	Last Name Friess
Organization County Sanitation Districts of Los Angeles County	Title Technical Services Department Head	

Comment_Summary

In reference to Sections D.12(d)(vi) & D.12(h)(v): Requirements to include budgets in the SSMP are overly prescriptive and should be deleted. Budgets are updated on a yearly basis, therefore it is impractical and labor intensive to update the SSMP whenever a budget change occurs.

In reference to Section D.12(f)(ii): Requiring contracts and agreements be included as part of the SSMP should be eliminated because it is unduly burdensome, and is likely to create confusion regarding the requirements for an adequate SSMP. This requirement is burdensome since the SSMP would have to be updated each time contracts are revised or changed.

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(i)(vi): Part D.12(i)(vi) should be removed. To compile a log of every SSMP change is an onerous task that will not reduce or mitigate the impact of sewer overflows.

In reference to Section A.15: The term "wastewater" needs to be replaced with untreated or partially treated wastewater.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	120	First Name	John	Last Name	Mundy
Organization	Las Virgenes MWD and Triunfo Sanitation District	Title	Administering Agent/General Manager		

Comment_Summary

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	120	First Name	John	Last Name	Mundy
Organization	Las Virgenes MWD and Triunfo Sanitation District	Title	Administering Agent/General Manager		

Comment_Summary

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section B.1(b): Commenters support the addition of the flow criteria (25,000 gpd) in addition to the existing mileage criteria. However, for publicly owned sewer systems, the criteria should be based on average dry weather flow (ADWF), monthly or annual average flow, or equivalent number of dwelling units (EDUs). The mileage threshold should be increased. Additional applicability criteria should be added to eliminate collection systems that get limited use with seasonal peak use (e.g., parks, campgrounds).

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 120

First Name John

Last Name Mundy

Organization Las Virgenes MWD and Triunfo Sanitation District

Title Administering Agent/General Manager

Comment_Summary

In reference to Section B.1: Commenters support expanding coverage of the SSS WDRs to privately owned collection systems.

In reference to Section C.1: Commenters support clarifying that SSOs to land are not the focus of the SSS WDRs.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	121	First Name	Paul	Last Name	Bushee
Organization	Leucadia Wastewater District	Title	General Manager		

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

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In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	121	First Name	Paul	Last Name	Bushee
Organization	Leucadia Wastewater District	Title	General Manager		

Comment_Summary

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	121	First Name	Paul	Last Name	Bushee
Organization	Leucadia Wastewater District	Title	General Manager		

Comment_Summary

In reference to Section D.12(d)(ii): The provision in Section D.12(d)(ii) is unworkable because Enrollees need the flexibility to utilize and change contractors on a regular basis without having to update their SSMP.

In reference to Section D.12(d)(iii): Section 12 (d) (iii). The reference to the Enrollee's responsibility to address any private sewer lateral inspection and replacement programs should be eliminated. The Enrollee has no responsibility for the private sewer system and this section will simply create confusion as to who is the responsible party.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Section D.12(f)(ii): Requiring contracts and agreements be included as part of the SSMP should be eliminated because it is unduly burdensome, and is likely to create confusion regarding the requirements for an adequate SSMP. This requirement is burdensome since the SSMP would have to be updated each time contracts are revised or changed.

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 121

First Name Paul

Last Name Bushee

Organization Leucadia Wastewater District

Title General Manager

Comment_Summary

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 122

First Name Katherine **Last Name** Rubin

Organization Los Angeles Department of Water and Power

Title Wastewater Quality and Compliance Gro

Comment_Summary

In reference to Finding 5: The State Water Board should include exemption criteria so that small low threat systems called out in Finding no. 5 will not be included under the WDR.

General Comment: The State Water Board should provide clarification in the Staff Report and Findings of the WDR indicating that the WDR does not cover Onsite Treatment Systems.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 123

First Name Derek

Last Name LaMont

Organization City of Manteca

Title Permit Compliance Coordinator

Comment_Summary

General Comment: The proposed SSS WDRs should be evaluated and refined using a stakeholder approach similar to the 2005-2006 approach used to develop them.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

General Comment: The proposed WDRs will be based upon incomplete data and false conclusions. The large SSO volumes are driven by a few number spills and enrollees. The data demonstrates the lack of need for additional regulations.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.1: The State Water Board has not allocated sufficient staff resources to conduct effective oversight and enforcement of the SSS WDRs.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section B.1(b): Commenters support the addition of the flow criteria (25,000 gpd) in addition to the existing mileage criteria. However, for publicly owned sewer systems, the criteria should be based on average dry weather flow (ADWF), monthly or annual average flow, or equivalent number of dwelling units (EDUs). The mileage threshold should be increased. Additional applicability criteria should be added to eliminate collection systems that get limited use with seasonal peak use (e.g., parks, campgrounds).

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 123	First Name Derek	Last Name LaMont
Organization City of Manteca	Title Permit Compliance Coordinator	

Comment_Summary

In reference to Section B.1: Commenters support expanding coverage of the SSS WDRs to privately owned collection systems.

In reference to Section C.1: Commenters support clarifying that SSOs to land are not the focus of the SSS WDRs.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

General Comment: The State Water Board should consider the costs and benefits of the prescriptive requirements added by the revised SSS WDRs. The proposed regulations add a significant burden to agencies. New regulations may act to redirect resources from sewer maintenance work to burdensome administrative procedures. The proposed SSS WDRs are a financial burden to well managed systems, and the new requirements will result in more agency staff time directed towards preparing reports, organizing information, and operating procedures rather than on O&M activities. Following the logic that proper O&M will provide meaningful public health benefits, any activity which pulls resources from O&M activities will increase the risk to the public health.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 124	First Name Gregory	Last Name Orsini
Organization McKinleyville Community Services District	Title Operations Director	

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

General Comment: The State Water Board should consider the costs and benefits of the prescriptive requirements added by the revised SSS WDRs. The proposed regulations add a significant burden to agencies. New regulations may act to redirect resources from sewer maintenance work to burdensome administrative procedures. The proposed SSS WDRs are a financial burden to well managed systems, and the new requirements will result in more agency staff time directed towards preparing reports, organizing information, and operating procedures rather than on O&M activities. Following the logic that proper O&M will provide meaningful public health benefits, any activity which pulls resources from O&M activities will increase the risk to the public health.

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 124	First Name Gregory	Last Name Orsini
Organization McKinleyville Community Services District	Title Operations Director	

Comment_Summary

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 125

First Name Jose

Last Name Esteves

Organization City of Milpitas

Title Mayor

Comment_Summary

General Comment: The State Water Board should consider the costs and benefits of the prescriptive requirements added by the revised SSS WDRs. The proposed regulations add a significant burden to agencies. New regulations may act to redirect resources from sewer maintenance work to burdensome administrative procedures. The proposed SSS WDRs are a financial burden to well managed systems, and the new requirements will result in more agency staff time directed towards preparing reports, organizing information, and operating procedures rather than on O&M activities. Following the logic that proper O&M will provide meaningful public health benefits, any activity which pulls resources from O&M activities will increase the risk to the public health.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 126	First Name Brad	Last Name Hagemann
Organization Monterey Regional Water Pollution Control Agency	Title Assistant General Manager	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section B.1: Commenters support expanding coverage of the SSS WDRs to privately owned collection systems.

In reference to Section C.1: Commenters support clarifying that SSOs to land are not the focus of the SSS WDRs.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 127	First Name Dylan	Last Name Wade
Organization City of Morro Bay	Title Utilities/Capital Projects Manger	

Comment_Summary

In reference to Finding 6: Combined sewer systems should be covered under the SSS WDRs. Combined sewer systems pose an equivalent or greater risk to public health than spills from the collection systems currently subject to the SSS WDRs. The residents served by combined sewer systems have no access to information about SSOs occurring in their neighborhoods. NPDES permits do not mandate the rigorous SSMP requirements. Combined sewer systems convey much greater volumes per unit of service area.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(d)(iv): The SSS WDRs should be amended to mandate sanitary sewer system operator certification in lieu of requiring a Staff Assessment program. Operator certification will increase professionalism in the industry. The SSS WDRs should specify the minimum certification grade level required for operators, supervisors, and managers. The State Water Board should coordinate with rural associations to provide assistance to small and disadvantaged communities to meet the requirements.

In reference to MRP Section A: The notification requirements are inconsistent with the Health and Safety Code. The two hour notification affects the ability of smaller agencies to respond to spills. The two-hour notification (section A) should be consistent with Section B and Porter Cologne.

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

In reference to Section D.4: Mandatory reporting seems to violate the principle of law outlined in the fifth amendment of the constitution against self- incrimination, which should extend to operators of private systems.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 127	First Name Dylan	Last Name Wade
Organization City of Morro Bay	Title Utilities/Capital Projects Manger	

Comment_Summary

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Finding 1: The data collected to date provides compelling evidence that collection systems have a very high success rate at conveying wastewater for treatment.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 127

First Name Dylan **Last Name** Wade

Organization City of Morro Bay

Title Utilities/Capital Projects Manger

Comment_Summary

In reference to Section B.3: This Requirement should be removed. To require all municipal facilities (airports, administration buildings, courthouses, etc.) to be enrolled and covered under the SSS WDRs is unrealistic and imposes a huge administrative and financial burden that will have little, if any, benefit to the environment or public health. This new requirement will result in additional enrollee staff time to track and implement the SSMP for improbable SSOs. This requirement discourages regionalization and regional approaches to sewer system management.

In reference to Finding 6: If combined collection systems are granted exemption from coverage under the SSS WDRs, this exemption should be applied to all other agencies that own a POTW.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Finding 8: How many, if any, SSOs caused documented impacts to human health? What was the documented cost to public health from SSOs in the State of California? Are the benefits of minimally reducing exposure risks worth the high costs of implementing the program? Where is the evidence that the State Water Board followed the economic consideration requirements as required by the Porter Cologne Act?

In reference to Finding 9 : Since this regulatory approach will not prevent all SSOs, what is the anticipated reduction in SSOs from these efforts? What will the costs of implementing the SSMP and MRP be? Will the anticipated reduction In spills be worth the cost?

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 127	First Name Dylan	Last Name Wade
Organization City of Morro Bay	Title Utilities/Capital Projects Manger	

Comment_Summary

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

General Comment: The State Water Board should consider the costs and benefits of the prescriptive requirements added by the revised SSS WDRs. The proposed regulations add a significant burden to agencies. New regulations may act to redirect resources from sewer maintenance work to burdensome administrative procedures. The proposed SSS WDRs are a financial burden to well managed systems, and the new requirements will result in more agency staff time directed towards preparing reports, organizing information, and operating procedures rather than on O&M activities. Following the logic that proper O&M will provide meaningful public health benefits, any activity which pulls resources from O&M activities will Increase the risk to the public health.

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

General Comment: The State Water Board must consider the unfunded state mandate potential of the proposed requirements in the SSS WDRs. Any mandates contained in this proposed SSS WDRs, besides the prohibition of spills to waters of the United States, are not required by Federal law, and therefore, constitute objectionable unfunded state mandate.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 127	First Name Dylan	Last Name Wade
Organization City of Morro Bay	Title Utilities/Capital Projects Manger	

Comment_Summary

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

In reference to Section D.7: How does the State Water Board define the term technically qualified and experienced person when there are no licenses or State defined qualifications required to operate a sewer system? Provision 7: Has or will the State Water Board define what adequate knowledge, skills, and abilities are for sewer system operators?

General Comment: Including Federal law prohibiting discharges weakens the state's position for requiring the WDRs.

In reference to Finding 19: This finding Indicates that SSOs are a uniform type of discharge throughout the state. However, in Finding 9, a list of unique causes for SSOs are given, and in Finding 17, discharges from collection systems are categorized as illegal. Why regulate fugitive, uncommon, and unintentional discharges through either a general order or individual discharge requirements?

In reference to Section D.1: Provision 1 creates a new class of legal offences for technical violations of the Water Code which have no impact on the public or environmental health of the state.

In reference to Finding 22: Why not provide complete legal liability protection to enrollees that are in compliance with the WDR? Will the costs associated with compliance with these requirements be made publicly available with time to review and comment prior to the adoption of the WDR? Does that analysis reflect costs to both the enrollees as well as to the State for implementation of the program?

In reference to Finding 23: It is unclear as to how the SSS WDRs implement Sections 13271, 13236, 13304, 13267, and 13383 of the Water Code. It is also unclear how the SSS WDRs implement Section 5411 of the Health and Safety code since full implementation of this program will only provide benefits to systems that are currently improperly managed. Based on the statistic from the State that only 35% of agencies have spilled, the WDR do not implement these sections of law for the vast majority of enrollees.

In reference to Finding 24: Is the statement that the "SSS WDR impose conditions to prevent impacts to water quality" true? Should the State Water Board be taking actions based on potentially false findings?

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 127	First Name Dylan	Last Name Wade
Organization City of Morro Bay	Title Utilities/Capital Projects Manger	

Comment_Summary

In reference to Finding 25: The Monitoring and Reporting program is significantly expanding, and does nothing to protect the environment. As such, can it be exempted from CEQA analysis? Where is the analysis that shows that implementation of the MRP will provide positive benefits to the environment?

In reference to Section C.2: Since Sanitary Sewer Systems are not Involved in the treatment and disposal of wastes, only in the collection and conveyance thereof, by definition, can a discharge from a collection system create a nuisance? □

In reference to Section D.5(g): In Provision 5 (g), replace "factors" with "actions" or delete first paragraph.

In reference to Section D: Clearly, a rate of zero overflows is unattainable for most agencies. The permit should provide an affirmative defense in section D.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to Finding 23(g): Under Regulatory Considerations 23(g), there could be potential liability issues having State Water Board Staff entering Manholes, lift stations, etc.

In reference to Section H.1: Changes in ownership may impact private property rights where the ability to transfer or exchange a property are limited because of the notification requirements.

In reference to MRP Section B: The CIWQS SSO database contains so many errors (primarily due to poor training and documentation, and lack of an effective quality control effort). This dataset is the key to measuring the program effectiveness. This dataset could be a powerful tool for use by State Water Board staff in identifying poor performing agencies.

In reference to Section K: The State plans to collect monetary fines where no damage has been done to the public health or welfare.

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Thursday, December 15, 2011

Letter_ID 127	First Name Dylan	Last Name Wade
Organization City of Morro Bay	Title Utilities/Capital Projects Manger	

Comment_Summary

In reference to Section H.2: Section H(2) is inconsistent with the new rights of entry being granted for inspection purposes, as well as the limitation of the right of private property owners to transfer their property, and should be eliminated or revised to be factual.

In reference to MRP Section B.1.C (SSO Categories): The assumption that a discharge to a drainage channel is equivalent to a discharge to a surface water is incorrect. Spills that enter a storm drain pipe or drainage channel that flow to a retention basin (or similar) should not be considered Category 1 spills. There should be an additional category for these kinds of spills and fully recovered spills over 1000 gallons. Alternatively, spills greater than 1000 gallons that are fully contained and recovered should be Category 2 spills. Discharges to storm drain channels and creeks during dry weather do not pose a threat to public health or the environment, and they can be fully contained and captured in the channel or creek. A SSO that is not fully captured should not be considered an automatic discharge to waters of the state since many storm drain systems extend considerable distances before connecting to surface water. It is unreasonable to assume that a discharge of a few gallons that must travel one mile in the storm drain before entering the nearest surface water can be considered a discharge to waters of the state. Such small volumes would likely pond and evaporate in the pipe rather than traverse the entire distance to the nearest surface water. Appropriate disposal can include returning the spilled material to a sanitary sewer, so it is not necessary to specifically call out return to the sanitary sewer as an appropriate disposal method.

In reference to Section B.4: There appears to be no exit strategy or mention of an exit strategy for current enrollees who will no longer fall under the applicability criteria of the new SSS WDRs.

In reference to MRP Section B.3.L (Mandatory Information to be Included in SSO Online Reporting): The inclusion of a major milestone schedule and plan for future steps to prevent Category 1 SSOs should not be included as a requirement for reporting the spill event.

In reference to MRP Section C : Record keeping requirements will be extremely onerous to enrollees. A private property owner may not allow access to take pictures, photographic evidence distract staff from responding to the spill, and draft reports do not contain 100% complete and accurate information. Photographic documentation should only be required for Category 1 spills or when practicable.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 128	First Name Michael	Last Name Roe
Organization Mt. View Sanitary District	Title District Manager	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 128

First Name Michael **Last Name** Roe

Organization Mt. View Sanitary District

Title District Manager

Comment_Summary

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section B.1(b): Commenters support the addition of the flow criteria (25,000 gpd) in addition to the existing mileage criteria. However, for publicly owned sewer systems, the criteria should be based on average dry weather flow (ADWF), monthly or annual average flow, or equivalent number of dwelling units (EDUs). The mileage threshold should be increased. Additional applicability criteria should be added to eliminate collection systems that get limited use with seasonal peak use (e.g., parks, campgrounds).

In reference to Section B.1: Commenters support expanding coverage of the SSS WDRs to privately owned collection systems.

In reference to Section C.1: Commenters support clarifying that SSOs to land are not the focus of the SSS WDRs.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 128

First Name Michael **Last Name** Roe

Organization Mt. View Sanitary District

Title District Manager

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 129	First Name Mike	Last Name Lynch
Organization City of Newport Beach	Title Wastewater Supervisor	

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 130

First Name Chris

Last Name Crompton

Organization County of Orange Public Works Department

Title Environmental Resources Manager

Comment_Summary

In reference to Section B.3: This Requirement should be removed. To require all municipal facilities (airports, administration buildings, courthouses, etc.) to be enrolled and covered under the SSS WDRs is unrealistic and imposes a huge administrative and financial burden that will have little, if any, benefit to the environment or public health. This new requirement will result in additional enrollee staff time to track and implement the SSMP for improbable SSOs. This requirement discourages regionalization and regional approaches to sewer system management.

In reference to Section D.12: In Provision D.12 on Page 13 of the draft WDR, the recognition of the right of persons to substitute other means than those specified until such time as said other means are declared illegal is appreciated.

In reference to Section D.12(d)(vi): The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets are approved year-to-year, and no public agency can guarantee a specified level of funding beyond what has been approved by its legislative body let alone "in perpetuity."

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	131	First Name	James	Last Name	Ruth
Organization	Orange County Sanitation District	Title	General Manager		

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section B.1: Commenters support expanding coverage of the SSS WDRs to privately owned collection systems.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section B.4: The requirement to re-enroll under the amended SSS WDRs within six months of adoption is a waste of staff resources, will lead to confusion, is unnecessary and burdensome, and will be a significant irritation to the enrolled agencies. This requirement should be deleted. Only those that will no longer be covered and new applicants should be required to submit notifications. Informing enrollees when the revised SSS WDRs is adopted will be more productive.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	131	First Name	James	Last Name	Ruth
Organization	Orange County Sanitation District	Title	General Manager		

Comment_Summary

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(iii): Section 12 (d) (iii). The reference to the Enrollee's responsibility to address any private sewer lateral inspection and replacement programs should be eliminated. The Enrollee has no responsibility for the private sewer system and this section will simply create confusion as to who is the responsible party.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Section D.12(d)(v): The requirement for Contingency Planning is duplicative and overly burdensome, and should be deleted. There may be many other considerations that need to be included in planning for future SSO conditions, and such planning should be left to an individual agency.

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Thursday, December 15, 2011

Letter_ID	131	First Name	James	Last Name	Ruth
Organization	Orange County Sanitation District	Title	General Manager		

Comment_Summary

In reference to Sections D.12(d)(vi) & D.12(h)(v): Requirements to include budgets in the SSMP are overly prescriptive and should be deleted. Budgets are updated on a yearly basis, therefore it is impractical and labor intensive to update the SSMP whenever a budget change occurs.

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 132	First Name Joe	Last Name DeFrancesco
Organization City of Orange	Title Director of Public Works	

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(d)(vi): The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets are approved year-to-year, and no public agency can guarantee a specified level of funding beyond what has been approved by its legislative body let alone "in perpetuity."

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

In reference to Section D.10: Provision D.10 requires a governing board to approve the SSMP Development Plan and Schedule. This requirement exceeds the requirements in Porter Cologne by dictating how a plan is to be developed.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 132	First Name Joe	Last Name DeFrancesco
Organization City of Orange	Title Director of Public Works	

Comment_Summary

In reference to Section D.12(f)(ii): Requiring contracts and agreements be included as part of the SSMP should be eliminated because it is unduly burdensome, and is likely to create confusion regarding the requirements for an adequate SSMP. This requirement is burdensome since the SSMP would have to be updated each time contracts are revised or changed.

In reference to Section D.12(k): Include a provision that the State or private Enrollee will notify an existing Enrollee of existence of a SSS WDRs permit within the Enrollees jurisdiction who will now be responsible for reporting their system's SSOs.

In reference to MRP Section B.3 (SSO Reporting Timeframes) : Add clarification that reporting of PLSDs is done by the Enrollee with jurisdiction in the area only if there is no Private Enrollee responsible for the private system. If a Private Enrollee is responsible for the system, the Private Enrollee is responsible for reporting any SSOs and notifying the appropriate agencies.

In reference to MRP Section B.1.C (SSO Categories): The assumption that a discharge to a drainage channel is equivalent to a discharge to a surface water is incorrect. Spills that enter a storm drain pipe or drainage channel that flow to a retention basin (or similar) should not be considered Category 1 spills. There should be an additional category for these kinds of spills and fully recovered spills over 1000 gallons. Alternatively, spills greater than 1000 gallons that are fully contained and recovered should be Category 2 spills. Discharges to storm drain channels and creeks during dry weather do not pose a threat to public health or the environment, and they can be fully contained and captured in the channel or creek. A SSO that is not fully captured should not be considered an automatic discharge to waters of the state since many storm drain systems extend considerable distances before connecting to surface water. It is unreasonable to assume that a discharge of a few gallons that must travel one mile in the storm drain before entering the nearest surface water can be considered a discharge to waters of the state. Such small volumes would likely pond and evaporate in the pipe rather than traverse the entire distance to the nearest surface water. Appropriate disposal can include returning the spilled material to a sanitary sewer, so it is not necessary to specifically call out return to the sanitary sewer as an appropriate disposal method.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 132	First Name Joe	Last Name DeFrancesco
Organization City of Orange	Title Director of Public Works	

Comment_Summary

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section B.2: The State Water Board should clarify that only a single WDR permit is required for agencies with multiple sewer lines that connect to larger trunk lines owned by another agency.

In reference to Section D.13: The State Water Board should clarify that only new Enrollees need an SSMP Development Plan and Schedule.

In reference to MRP Section A: The notification requirements are inconsistent with the Health and Safety Code. The two hour notification affects the ability of smaller agencies to respond to spills. The two-hour notification (section A) should be consistent with Section B and Porter Cologne.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 133

First Name Tom

Last Name Blixt

Organization County of Butte

Title Administrative Analyst

Comment_Summary

In reference to Section B.2: The State Water Board should clarify that only a single WDR permit is required for agencies with multiple sewer lines that connect to larger trunk lines owned by another agency.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 134

First Name Gary **Last Name** Stalker

Organization Otay Water District

Title Systems Operations Manager

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 134	First Name Gary	Last Name Stalker
Organization Otay Water District	Title Systems Operations Manager	

Comment_Summary

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 134	First Name Gary	Last Name Stalker
Organization Otay Water District	Title Systems Operations Manager	

Comment_Summary

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 134

First Name Gary

Last Name Stalker

Organization Otay Water District

Title Systems Operations Manager

Comment_Summary

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 135	First Name Marcus	Last Name Fuller
Organization City of Palm Springs	Title Assistant Director of Public Works	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 135

First Name Marcus **Last Name** Fuller

Organization City of Palm Springs

Title Assistant Director of Public Works

Comment_Summary

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 136	First Name Julie	Last Name Gutierrez
Organization City of Pasadena Department of Public Works	Title Acting Director of Public Works	

Comment_Summary

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

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In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 138	First Name Steve	Last Name Huang
Organization City of Redondo Beach	Title Director	

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section A.16: The definition of "surface waters of the state" needs further clarification or limiting language. For example, a stormwater treatment facility should be excluded from this definition. The definition of "Surface Waters of the State" is overly broad, and it could include stagnant waters that are not hydraulically connected to creeks, rivers, etc. The definition of "surface waters of the state" needs further clarification.

In reference to Section A.7: Definition of "nuisance" is unduly narrow, and does not include the entire definition from the water code. The full definition of "nuisance" should be included in the WDR versus including a reference to the Water Code.

In reference to Section C.1: The change from prohibiting spills to 'waters of the US' to prohibiting spills to 'surface waters of the state' requires clarification of "tributary." "Tributary to" should be replaced with "discharges to".

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 138	First Name Steve	Last Name Huang
Organization City of Redondo Beach	Title Director	

Comment_Summary

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	139	First Name	Chad	Last Name	Davisson
Organization	City of Richmond Engineering Services Department		Title	Wastewater/Stormwater Division Manag	

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

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In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 139	First Name Chad	Last Name Davisson
Organization City of Richmond Engineering Services Department	Title Wastewater/Stormwater Division Manag	

Comment_Summary

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	139	First Name	Chad	Last Name	Davisson
Organization	City of Richmond Engineering Services Department		Title	Wastewater/Stormwater Division Manag	

Comment_Summary

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	139	First Name	Chad	Last Name	Davisson
Organization	City of Richmond Engineering Services Department		Title	Wastewater/Stormwater Division Manag	

Comment_Summary

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

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SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 139

First Name Chad

Last Name Davisson

Organization City of Richmond Engineering Services Department

Title Wastewater/Stormwater Division Manag

Comment_Summary

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 140

First Name Greg

Last Name Grammer

Organization City of Rolling Hills Estates

Title Assistant City Manager/Director of Public Works

Comment_Summary

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section B.3: This Requirement should be removed. To require all municipal facilities (airports, administration buildings, courthouses, etc.) to be enrolled and covered under the SSS WDRs is unrealistic and imposes a huge administrative and financial burden that will have little, if any, benefit to the environment or public health. This new requirement will result in additional enrollee staff time to track and implement the SSMP for improbable SSOs. This requirement discourages regionalization and regional approaches to sewer system management.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.12(d)(vi): The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets are approved year-to-year, and no public agency can guarantee a specified level of funding beyond what has been approved by its legislative body let alone "in perpetuity."

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	140	First Name	Greg	Last Name	Grammer
Organization	City of Rolling Hills Estates	Title	Assistant City Manager/Director of Publi		

Comment_Summary

In reference to Section B.4: The requirement to re-enroll under the amended SSS WDRs within six months of adoption is a waste of staff resources, will lead to confusion, is unnecessary and burdensome, and will be a significant irritation to the enrolled agencies. This requirement should be deleted. Only those that will no longer be covered and new applicants should be required to submit notifications. Informing enrollees when the revised SSS WDRs is adopted will be more productive.

In reference to Section D.12(i)(vi): Part D.12(i)(vi) should be removed. To compile a log of every SSMP change is an onerous task that will not reduce or mitigate the impact of sewer overflows.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 141

First Name

Last Name

Organization

City of Sacramento and City and County of San Francisco Pub

Title

Comment_Summary

In reference to Sections A: The SSS WDRs language should be clarified to ensure its scope is not misunderstood to include combined sewer systems (clarifications are needed in definitions 10,11, and 13).

In reference to Finding 6: Combined sewer systems should not be referenced in the SSS WDRs. The proposed SSS WDRs are not a state policy. A general Waste Discharge Requirement cannot be used to require actions by the Regional Water Boards. The State Water Board could issue a 13267 Technical Report requirement to owners of combined sewer systems to require reporting. The Order is not an appropriate venue to include such a requirement. The State Water Board should provide comments to incorporate such requirements during NPDES permit reissuance.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 142	First Name Marty	Last Name Hannenman
Organization City of Sacramento	Title Director, Department of Utilities	

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section A.16: The definition of "surface waters of the state" needs further clarification or limiting language. For example, a stormwater treatment facility should be excluded from this definition. The definition of "Surface Waters of the State" is overly broad, and it could include stagnant waters that are not hydraulically connected to creeks, rivers, etc. The definition of "surface waters of the state" needs further clarification.

In reference to Section D: Clearly, a rate of zero overflows is unattainable for most agencies. The permit should provide an affirmative defense in section D.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 142	First Name Marty	Last Name Hannenman
Organization City of Sacramento	Title Director, Department of Utilities	

Comment_Summary

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 143	First Name Krishna	Last Name Patel
Organization City of San Dimas	Title Director of Public Works	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 143

First Name Krishna **Last Name** Patel

Organization City of San Dimas

Title Director of Public Works

Comment_Summary

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section B.1(b): Commenters support the addition of the flow criteria (25,000 gpd) in addition to the existing mileage criteria. However, for publicly owned sewer systems, the criteria should be based on average dry weather flow (ADWF), monthly or annual average flow, or equivalent number of dwelling units (EDUs). The mileage threshold should be increased. Additional applicability criteria should be added to eliminate collection systems that get limited use with seasonal peak use (e.g., parks, campgrounds).

In reference to Section B.1: Commenters support expanding coverage of the SSS WDRs to privately owned collection systems.

In reference to Section C.1: Commenters support clarifying that SSOs to land are not the focus of the SSS WDRs.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	144	First Name	Tommy	Last Name	Moala
Organization	San Francisco Public Utilities Commission	Title	Assistant General Manager		

Comment_Summary

In reference to Section C.1: The change from prohibiting spills to 'waters of the US' to prohibiting spills to 'surface waters of the state' requires clarification of "tributary." "Tributary to" should be replaced with "discharges to".

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	144	First Name	Tommy	Last Name	Moala
Organization	San Francisco Public Utilities Commission	Title	Assistant General Manager		

Comment_Summary

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(d)(ii): The provision in Section D.12(d)(ii) is unworkable because Enrollees need the flexibility to utilize and change contractors on a regular basis without having to update their SSMP.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 144	First Name Tommy	Last Name Moala
Organization San Francisco Public Utilities Commission	Title Assistant General Manager	

Comment_Summary

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 144

First Name Tommy **Last Name** Moala

Organization San Francisco Public Utilities Commission

Title Assistant General Manager

Comment_Summary

In reference to Section D.12(d)(vi): The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets are approved year-to-year, and no public agency can guarantee a specified level of funding beyond what has been approved by its legislative body let alone "in perpetuity."

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	145	First Name	Hans	Last Name	Larson
Organization	City of San Jose	Title	Director of Transportation		

Comment_Summary

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	145	First Name	Hans	Last Name	Larson
Organization	City of San Jose	Title	Director of Transportation		

Comment_Summary

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 146

First Name David **Last Name** Hix

Organization City of San Luis Obispo

Title Deputy Director Utilities, Wastewater

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

General Comment: The State Water Board should consider the costs and benefits of the prescriptive requirements added by the revised SSS WDRs. The proposed regulations add a significant burden to agencies. New regulations may act to redirect resources from sewer maintenance work to burdensome administrative procedures. The proposed SSS WDRs are a financial burden to well managed systems, and the new requirements will result in more agency staff time directed towards preparing reports, organizing information, and operating procedures rather than on O&M activities. Following the logic that proper O&M will provide meaningful public health benefits, any activity which pulls resources from O&M activities will increase the risk to the public health.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 146

First Name David

Last Name Hix

Organization City of San Luis Obispo

Title Deputy Director Utilities, Wastewater

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 147

First Name Christopher **Last Name** de Groot

Organization City of Santa Clara

Title Acting Director of Water and Sewer Utili

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 147

First Name Christopher **Last Name** de Groot

Organization City of Santa Clara

Title Acting Director of Water and Sewer Utili

Comment_Summary

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 148	First Name Kerry	Last Name Breyer
Organization City of Santa Clarita	Title Senior Engineer	

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section B.3: This Requirement should be removed. To require all municipal facilities (airports, administration buildings, courthouses, etc.) to be enrolled and covered under the SSS WDRs is unrealistic and imposes a huge administrative and financial burden that will have little, if any, benefit to the environment or public health. This new requirement will result in additional enrollee staff time to track and implement the SSMP for improbable SSOs. This requirement discourages regionalization and regional approaches to sewer system management.

In reference to Section C.3: The State Water Board should clarify if the use of potable water for clean up of sewage spills is permissible as long as all the water is fully captured and returned to the sanitary sewer system.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to MRP Section A: Notification of MS4 owners/operators for SSOs that reach storm drains should be required.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 148

First Name Kerry

Last Name Breyer

Organization City of Santa Clarita

Title Senior Engineer

Comment_Summary

In reference to Section D.12(d)(vi): The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets are approved year-to-year, and no public agency can guarantee a specified level of funding beyond what has been approved by its legislative body let alone "in perpetuity."

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 149

First Name George

Last Name Sullivan

Organization General Public

Title

Comment_Summary

General Comment: The State Water Board should provide clarification in the Staff Report and Findings of the WDR indicating that the WDR does not cover Onsite Treatment Systems.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 150

First Name Miles **Last Name** Ferris

Organization City of Santa Rosa

Title Director of Utilities

Comment_Summary

General Comment: The State Water Board should consider the costs and benefits of the prescriptive requirements added by the revised SSS WDRs. The proposed regulations add a significant burden to agencies. New regulations may act to redirect resources from sewer maintenance work to burdensome administrative procedures. The proposed SSS WDRs are a financial burden to well managed systems, and the new requirements will result in more agency staff time directed towards preparing reports, organizing information, and operating procedures rather than on O&M activities. Following the logic that proper O&M will provide meaningful public health benefits, any activity which pulls resources from O&M activities will increase the risk to the public health.

General Comment: Compliance with the revised SSS WDRs will place a financial impact on rate payers. In order to cover the costs of implementation, cities, counties and districts would have to pass a Proposition 218 fee.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	151	First Name	Terrie	Last Name	Mitchell
Organization	Sacramento Area Sewer District	Title	Manager, Legislative and Regulatory Aff		

Comment_Summary

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	151	First Name	Terrie	Last Name	Mitchell
Organization	Sacramento Area Sewer District	Title	Manager, Legislative and Regulatory Aff		

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	151	First Name	Terrie	Last Name	Mitchell
Organization	Sacramento Area Sewer District	Title	Manager, Legislative and Regulatory Aff		

Comment_Summary

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

General MRP Comment: The State Water Board should make water quality data collected from sanitary sewer overflows available.

In reference to Finding 14: Asset management varies from agency to agency and it is inappropriate for a general permit to attempt to require asset management, and then to try to dictate what the "proper" outcomes of an asset management program should be. In fact, requiring asset management and then dictating what a "proper" response should be is inherently contrary to asset management principles. The proposed revisions to this section should be deleted, and it should remain as written in the existing SSS WDRs.

In reference to Finding 23: Water Codes and Health and Safety Codes should not be summarized or interpreted in the SSS WDR. The listed Code sections in Finding 23 are not linked to any specific provisions of the order, and simply state that unspecified provisions of the WDR implement the statutory section. These findings are inadequate, and must either be deleted or revised to link each cited statute with the WDR provisions that implement it.

In reference to Section A.3: The definitions of drainage channels and storm drains lead to confusion for sewer systems that are connected to retention basins and dry wells. Additionally, the definition is too broad, and needs clarification to not include curbs, gutters, and swales. Fully captured discharges to drainage channels that are not waters of the U.S. should not be prohibited. Additional definitions should include private storm drain system and public storm drain system.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section A.12: The definition of a private sanitary system should clarify that a satellite system is only a system that is an immediate tributary to a collection system. Also, it is recommended that this language be included: "A sewer system is not considered a "Satellite" unless it individually bills connected properties a maintenance or user fee established to provide for maintenance of said sewer system."

In reference to Section C.3: Chlorine removal practices are only effective to certain levels and the State Water Board must recognize this limitation. This section should also recognize that potable water could be used for cleaning.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	151	First Name	Terrie	Last Name	Mitchell
Organization	Sacramento Area Sewer District	Title	Manager, Legislative and Regulatory Aff		

Comment_Summary

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Section D.12(d)(v): The requirement for Contingency Planning is duplicative and overly burdensome, and should be deleted. There may be many other considerations that need to be included in planning for future SSO conditions, and such planning should be left to an individual agency.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	151	First Name	Terrie	Last Name	Mitchell
Organization	Sacramento Area Sewer District	Title	Manager, Legislative and Regulatory Aff		

Comment_Summary

In reference to Section D.12(d)(vi): The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets are approved year-to-year, and no public agency can guarantee a specified level of funding beyond what has been approved by its legislative body let alone "in perpetuity."

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(f)(ii): Requiring contracts and agreements be included as part of the SSMP should be eliminated because it is unduly burdensome, and is likely to create confusion regarding the requirements for an adequate SSMP. This requirement is burdensome since the SSMP would have to be updated each time contracts are revised or changed.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

General MRP Comment: Is the State Water Board going to issue a list of methods used for SSO volume estimates so everyone is consistent?

In reference to MRP Section C : Record keeping requirements will be extremely onerous to enrollees. A private property owner may not allow access to take pictures, photographic evidence distract staff from responding to the spill, and draft reports do not contain 100% complete and accurate information. Photographic documentation should only be required for Category 1 spills or when practicable.

In reference to Section D.12(d)(iii): Enrollee sewer systems differ significantly in age, size, volume conveyed, material, and user type. Mandatory TV inspections may not be the best way for some enrollees to spend their resources.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 152	First Name Doug	Last Name Anders
Organization Saticoy Sanitary District	Title District Manager	

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	153	First Name	Betty	Last Name	Burnett
Organization	South Coast Water District	Title	District Counsel		

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: The proposed SSS WDRs should be evaluated and refined using a stakeholder approach similar to the 2005-2006 approach used to develop them.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 154

First Name Matt

Last Name van der Lind

Organization City of Solvang

Title Public Works Director/ City Engineer

Comment_Summary

General Comment: Provisions within the MPR should be made for small sewer systems who cannot readily comply with the reporting requirements. In addition, compliance requirements (e.g. staff assessments, monitoring, audits, communication program, etc.) should apply to larger agencies and requirements should be simplified for smaller agencies that convey low volumes of wastewater.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 155

First Name Sam

Last Name Rose

Organization South Placer Municipal Utility District

Title Technical Services Manager

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 156		First Name Dale	Last Name Rise
Organization South Tahoe Public Utility District		Title President, Board of Directors	

Comment_Summary

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 156

First Name Dale

Last Name Rise

Organization South Tahoe Public Utility District

Title President, Board of Directors

Comment_Summary

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section B.1(b): Commenters support the addition of the flow criteria (25,000 gpd) in addition to the existing mileage criteria. However, for publicly owned sewer systems, the criteria should be based on average dry weather flow (ADWF), monthly or annual average flow, or equivalent number of dwelling units (EDUs). The mileage threshold should be increased. Additional applicability criteria should be added to eliminate collection systems that get limited use with seasonal peak use (e.g., parks, campgrounds).

In reference to Section B.1: Commenters support expanding coverage of the SSS WDRs to privately owned collection systems.

In reference to Section C.1: Commenters support clarifying that SSOs to land are not the focus of the SSS WDRs.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	157	First Name	Terrie	Last Name	Mitchell
Organization	Sacramento Regional County Sanitation District	Title	Legislative and Regulatory Affairs		

Comment_Summary

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	157	First Name	Terrie	Last Name	Mitchell
Organization	Sacramento Regional County Sanitation District	Title	Legislative and Regulatory Affairs		

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 157	First Name Terrie	Last Name Mitchell
Organization Sacramento Regional County Sanitation District	Title Legislative and Regulatory Affairs	

Comment_Summary

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

General MRP Comment: The State Water Board should make water quality data collected from sanitary sewer overflows available.

In reference to Finding 14: Asset management varies from agency to agency and it is inappropriate for a general permit to attempt to require asset management, and then to try to dictate what the "proper" outcomes of an asset management program should be. In fact, requiring asset management and then dictating what a "proper" response should be is inherently contrary to asset management principles. The proposed revisions to this section should be deleted, and it should remain as written in the existing SSS WDRs.

In reference to Finding 23: Water Codes and Health and Safety Codes should not be summarized or interpreted in the SSS WDR. The listed Code sections in Finding 23 are not linked to any specific provisions of the order, and simply state that unspecified provisions of the WDR implement the statutory section. These findings are inadequate, and must either be deleted or revised to link each cited statute with the WDR provisions that implement it.

In reference to Section A.3: The definitions of drainage channels and storm drains lead to confusion for sewer systems that are connected to retention basins and dry wells. Additionally, the definition is too broad, and needs clarification to not include curbs, gutters, and swales. Fully captured discharges to drainage channels that are not waters of the U.S. should not be prohibited. Additional definitions should include private storm drain system and public storm drain system.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section A.12: The definition of a private sanitary system should clarify that a satellite system is only a system that is an immediate tributary to a collection system. Also, it is recommended that this language be included: "A sewer system is not considered a "Satellite" unless it individually bills connected properties a maintenance or user fee established to provide for maintenance of said sewer system."

In reference to Section C.3: Chlorine removal practices are only effective to certain levels and the State Water Board must recognize this limitation. This section should also recognize that potable water could be used for cleaning.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	157	First Name	Terrie	Last Name	Mitchell
Organization	Sacramento Regional County Sanitation District	Title	Legislative and Regulatory Affairs		

Comment_Summary

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Section D.12(d)(v): The requirement for Contingency Planning is duplicative and overly burdensome, and should be deleted. There may be many other considerations that need to be included in planning for future SSO conditions, and such planning should be left to an individual agency.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	157	First Name	Terrie	Last Name	Mitchell
Organization	Sacramento Regional County Sanitation District	Title	Legislative and Regulatory Affairs		

Comment_Summary

In reference to Section D.12(d)(vi): The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets are approved year-to-year, and no public agency can guarantee a specified level of funding beyond what has been approved by its legislative body let alone "in perpetuity."

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(f)(ii): Requiring contracts and agreements be included as part of the SSMP should be eliminated because it is unduly burdensome, and is likely to create confusion regarding the requirements for an adequate SSMP. This requirement is burdensome since the SSMP would have to be updated each time contracts are revised or changed.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

General MRP Comment: Is the State Water Board going to issue a list of methods used for SSO volume estimates so everyone is consistent?

In reference to MRP Section C : Record keeping requirements will be extremely onerous to enrollees. A private property owner may not allow access to take pictures, photographic evidence distract staff from responding to the spill, and draft reports do not contain 100% complete and accurate information. Photographic documentation should only be required for Category 1 spills or when practicable.

In reference to Section D.12(d)(iii): Enrollee sewer systems differ significantly in age, size, volume conveyed, material, and user type. Mandatory TV inspections may not be the best way for some enrollees to spend their resources.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	158	First Name	Jon	Last Name	Elam
Organization	Tamalpais Community Services District	Title	General Manager		

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	159	First Name	Karl	Last Name	Drexel
Organization	Tomales Village Community Services District	Title	Administrator		

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 160	First Name Doug	Last Name Anders
Organization Triunfo Sanitation District	Title District Manager	

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 161

First Name Larry

Last Name Gilley

Organization City of Turlock

Title Staff

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	162	First Name	Richard	Last Name	Currie
Organization	Union Sanitary District	Title	General Manager		

Comment_Summary

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section B.1(b): Commenters support the addition of the flow criteria (25,000 gpd) in addition to the existing mileage criteria. However, for publicly owned sewer systems, the criteria should be based on average dry weather flow (ADWF), monthly or annual average flow, or equivalent number of dwelling units (EDUs). The mileage threshold should be increased. Additional applicability criteria should be added to eliminate collection systems that get limited use with seasonal peak use (e.g., parks, campgrounds).

In reference to Section B.1: Commenters support expanding coverage of the SSS WDRs to privately owned collection systems.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	162	First Name	Richard	Last Name	Currie
Organization	Union Sanitary District	Title	General Manager		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 163		First Name Shaun	Last Name Stone
Organization City of Upland		Title Principal Utilities Engineer	

Comment_Summary

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

General Comment: The State Water Board should consider the costs and benefits of the prescriptive requirements added by the revised SSS WDRs. The proposed regulations add a significant burden to agencies. New regulations may act to redirect resources from sewer maintenance work to burdensome administrative procedures. The proposed SSS WDRs are a financial burden to well managed systems, and the new requirements will result in more agency staff time directed towards preparing reports, organizing information, and operating procedures rather than on O&M activities. Following the logic that proper O&M will provide meaningful public health benefits, any activity which pulls resources from O&M activities will increase the risk to the public health.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 163	First Name Shaun	Last Name Stone
Organization City of Upland	Title Principal Utilities Engineer	

Comment_Summary

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 163	First Name Shaun	Last Name Stone
Organization City of Upland	Title Principal Utilities Engineer	

Comment_Summary

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

In reference to Section D.12(f)(ii): Requiring contracts and agreements be included as part of the SSMP should be eliminated because it is unduly burdensome, and is likely to create confusion regarding the requirements for an adequate SSMP. This requirement is burdensome since the SSMP would have to be updated each time contracts are revised or changed.

In reference to Section B.1: Commenters support expanding coverage of the SSS WDRs to privately owned collection systems.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.12(d)(i): Clarifying the requirement for sewer system mapping is a positive improvement to the SSS WDRs.

In reference to Section C.1: Commenters support clarifying that SSOs to land are not the focus of the SSS WDRs.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 164	First Name Samuel	Last Name Wilson
Organization City of Vernon	Title Director of Community Services and Wat	

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 165

First Name Robert **Last Name** Reid

Organization West Valley Sanitation District

Title General Manager and District Engineer

Comment_Summary

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 165

First Name Robert **Last Name** Reid

Organization West Valley Sanitation District

Title General Manager and District Engineer

Comment_Summary

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section A.3: The definitions of drainage channels and storm drains lead to confusion for sewer systems that are connected to retention basins and dry wells. Additionally, the definition is too broad, and needs clarification to not include curbs, gutters, and swales. Fully captured discharges to drainage channels that are not waters of the U.S. should not be prohibited. Additional definitions should include private storm drain system and public storm drain system.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

In reference to Section A.16: The definition of "surface waters of the state" needs further clarification or limiting language. For example, a stormwater treatment facility should be excluded from this definition. The definition of "Surface Waters of the State" is overly broad, and it could include stagnant waters that are not hydraulically connected to creeks, rivers, etc. The definition of "surface waters of the state" needs further clarification.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 165

First Name Robert **Last Name** Reid

Organization West Valley Sanitation District

Title General Manager and District Engineer

Comment_Summary

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Section D.12(d)(vi): The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets are approved year-to-year, and no public agency can guarantee a specified level of funding beyond what has been approved by its legislative body let alone "in perpetuity."

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 166	First Name Ron	Last Name Shepard
Organization West Bay Sanitary District	Title	
Comment_Summary		

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section B.1(b): Commenters support the addition of the flow criteria (25,000 gpd) in addition to the existing mileage criteria. However, for publicly owned sewer systems, the criteria should be based on average dry weather flow (ADWF), monthly or annual average flow, or equivalent number of dwelling units (EDUs). The mileage threshold should be increased. Additional applicability criteria should be added to eliminate collection systems that get limited use with seasonal peak use (e.g., parks, campgrounds).

In reference to Section B.1: Commenters support expanding coverage of the SSS WDRs to privately owned collection systems.

In reference to Section C.1: Commenters support clarifying that SSOs to land are not the focus of the SSS WDRs.

General Comment: The proposed SSS WDRs should be evaluated and refined using a stakeholder approach similar to the 2005-2006 approach used to develop them.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 166	First Name Ron	Last Name Shepard
Organization West Bay Sanitary District	Title	
Comment_Summary		

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 166	First Name Ron	Last Name Shepard
Organization West Bay Sanitary District	Title	
Comment_Summary		

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to MRP Section B: The WDR should be amended to provide a de-minimis spill volume. De-minimis spills are low threat and consume significant staff resources in terms of reporting. Reporting requirements for the de-minimis spill should be minimal. Commenters suggest that SSOs <100gal, SSOs <10gal not reaching surface water or a 50 gallon threshold for category 2 spills for de-minimis thresholds under which SSOs would not have to be reported. Providing batch uploading of spills will not save time, and the reports for small spills will provide information of limited value in terms of assessing the adequacy, condition, O&M effectiveness, etc. of a sewer system.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	167	First Name	Jeffrey	Last Name	Sims
Organization	Western Riverside County Regional Wastewater Authority	Title	Administrator		

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 168	First Name Stephen	Last Name Sawyer
Organization City of Vacaville	Title Senior Civil Engineer	

Comment_Summary

General Comment: The State Water Board should consider the costs and benefits of the prescriptive requirements added by the revised SSS WDRs. The proposed regulations add a significant burden to agencies. New regulations may act to redirect resources from sewer maintenance work to burdensome administrative procedures. The proposed SSS WDRs are a financial burden to well managed systems, and the new requirements will result in more agency staff time directed towards preparing reports, organizing information, and operating procedures rather than on O&M activities. Following the logic that proper O&M will provide meaningful public health benefits, any activity which pulls resources from O&M activities will increase the risk to the public health.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 168	First Name Stephen	Last Name Sawyer
Organization City of Vacaville	Title Senior Civil Engineer	

Comment_Summary

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section B.4: The requirement to re-enroll under the amended SSS WDRs within six months of adoption is a waste of staff resources, will lead to confusion, is unnecessary and burdensome, and will be a significant irritation to the enrolled agencies. This requirement should be deleted. Only those that will no longer be covered and new applicants should be required to submit notifications. Informing enrollees when the revised SSS WDRs is adopted will be more productive.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 168	First Name Stephen	Last Name Sawyer
Organization City of Vacaville	Title Senior Civil Engineer	

Comment_Summary

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

In reference to Section A.3: The definitions of drainage channels and storm drains lead to confusion for sewer systems that are connected to retention basins and dry wells. Additionally, the definition is too broad, and needs clarification to not include curbs, gutters, and swales. Fully captured discharges to drainage channels that are not waters of the U.S. should not be prohibited. Additional definitions should include private storm drain system and public storm drain system.

In reference to Section A.10: The definition of a "sanitary sewer system" should be revised. Construction trenches should not be excluded in the definition of a sanitary sewer system. It will be a burden on sewer agencies during the repair or replacement of facilities to exclude construction trenches. The definition should exclude private systems. Definitions for Privately-Owned Sanitary Sewer Systems and Publicly-Owned Sanitary Sewer Systems should be included in SSS WDRs Section A to support their use in Sections D.14(a) and D.14(b). The definition should be revised to clarify that it only applies to facilities owned by the enrollee.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 168	First Name Stephen	Last Name Sawyer
Organization City of Vacaville	Title Senior Civil Engineer	

Comment_Summary

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Section D.12(f)(ii): Requiring contracts and agreements be included as part of the SSMP should be eliminated because it is unduly burdensome, and is likely to create confusion regarding the requirements for an adequate SSMP. This requirement is burdensome since the SSMP would have to be updated each time contracts are revised or changed.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 169	First Name Richard	Last Name Sweet
Organization City of Santa Maria	Title Director of Utilities	

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.12(c): No government agency can arbitrarily deny or limit service within its jurisdiction.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 170

First Name Royal **Last Name** Lloyd

Organization City of Los Banos

Title Wastewater Treatment Plant Supervisor

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Compliance with the revised SSS WDRs will place a financial impact on rate payers. In order to cover the costs of implementation, cities, counties and districts would have to pass a Proposition 218 fee.

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 171

First Name Ann

Last Name Schwab

Organization City of Chico

Title Mayor

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 172	First Name Jorge	Last Name Rifa
Organization City of Commerce	Title City Administrator	

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section B.3: This Requirement should be removed. To require all municipal facilities (airports, administration buildings, courthouses, etc.) to be enrolled and covered under the SSS WDRs is unrealistic and imposes a huge administrative and financial burden that will have little, if any, benefit to the environment or public health. This new requirement will result in additional enrollee staff time to track and implement the SSMP for improbable SSOs. This requirement discourages regionalization and regional approaches to sewer system management.

In reference to Section A.4: The language in the SSS WDRs needs to include Enrollees who "operate" sanitary sewer systems in addition to those who "own" sanitary sewer systems.

In reference to Section B.4: The requirement to re-enroll under the amended SSS WDRs within six months of adoption is a waste of staff resources, will lead to confusion, is unnecessary and burdensome, and will be a significant irritation to the enrolled agencies. This requirement should be deleted. Only those that will no longer be covered and new applicants should be required to submit notifications. Informing enrollees when the revised SSS WDRs is adopted will be more productive.

In reference to Section C.3: The State Water Board should clarify if the use of potable water for clean up of sewage spills is permissible as long as all the water is fully captured and returned to the sanitary sewer system.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 172	First Name Jorge	Last Name Rifa
Organization City of Commerce	Title City Administrator	

Comment_Summary

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Section D.12(d)(vi): The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets are approved year-to-year, and no public agency can guarantee a specified level of funding beyond what has been approved by its legislative body let alone "in perpetuity."

In reference to Section D.12(f)(vi): The second paragraph should be excluded from the WDRs or moved to Item 12(h).

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 172

First Name Jorge

Last Name Rifa

Organization City of Commerce

Title City Administrator

Comment_Summary

In reference to Section D.12(i)(vi): Part D.12(i)(vi) should be removed. To compile a log of every SSMP change is an onerous task that will not reduce or mitigate the impact of sewer overflows.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 173

First Name Robert **Last Name** Martin

Organization East Valley Water District

Title General Manager

Comment_Summary

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section B.1(b): Commenters support the addition of the flow criteria (25,000 gpd) in addition to the existing mileage criteria. However, for publicly owned sewer systems, the criteria should be based on average dry weather flow (ADWF), monthly or annual average flow, or equivalent number of dwelling units (EDUs). The mileage threshold should be increased. Additional applicability criteria should be added to eliminate collection systems that get limited use with seasonal peak use (e.g., parks, campgrounds).

In reference to Section B.1: Commenters support expanding coverage of the SSS WDRs to privately owned collection systems.

In reference to Section C.1: Commenters support clarifying that SSOs to land are not the focus of the SSS WDRs.

General Comment: The proposed SSS WDRs should be evaluated and refined using a stakeholder approach similar to the 2005-2006 approach used to develop them.

General Comment: Compliance with the revised SSS WDRs will place a financial impact on rate payers. In order to cover the costs of implementation, cities, counties and districts would have to pass a Proposition 218 fee.

In reference to Section C.1: Changing the prohibition of SSOs from Waters of the U.S. to "Surface Waters of the State" will increase enrollee liability and exposure to enforcement actions for low priority spills. The SSS WDRs should retain the existing prohibition of SSOs to "Waters of the United States".

In reference to Finding 14: Asset management varies from agency to agency and it is inappropriate for a general permit to attempt to require asset management, and then to try to dictate what the "proper" outcomes of an asset management program should be. In fact, requiring asset management and then dictating what a "proper" response should be is inherently contrary to asset management principles. The proposed revisions to this section should be deleted, and it should remain as written in the existing SSS WDRs.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 173	First Name Robert	Last Name Martin
Organization East Valley Water District	Title General Manager	

Comment_Summary

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

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In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	173	First Name	Robert	Last Name	Martin
Organization	East Valley Water District	Title	General Manager		

Comment_Summary

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 173

First Name Robert **Last Name** Martin

Organization East Valley Water District

Title General Manager

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 174

First Name Jim

Last Name Arndt

Organization City of Manhattan Beach, Public Works Dept.

Title Director of Public Works

Comment_Summary

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupportable under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The Sate Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLDSs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 174	First Name Jim	Last Name Arndt
Organization City of Manhattan Beach, Public Works Dept.	Title Director of Public Works	

Comment_Summary

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Section D.12(d)(vi): The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets are approved year-to-year, and no public agency can guarantee a specified level of funding beyond what has been approved by its legislative body let alone "in perpetuity."

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section B.4: The requirement to re-enroll under the amended SSS WDRs within six months of adoption is a waste of staff resources, will lead to confusion, is unnecessary and burdensome, and will be a significant irritation to the enrolled agencies. This requirement should be deleted. Only those that will no longer be covered and new applicants should be required to submit notifications. Informing enrollees when the revised SSS WDRs is adopted will be more productive.

In reference to Section D.12(i)(vi): Part D.12(i)(vi) should be removed. To compile a log of every SSMP change is an onerous task that will not reduce or mitigate the impact of sewer overflows.

In reference to Section B.3: This Requirement should be removed. To require all municipal facilities (airports, administration buildings, courthouses, etc.) to be enrolled and covered under the SSS WDRs is unrealistic and imposes a huge administrative and financial burden that will have little, if any, benefit to the environment or public health. This new requirement will result in additional enrollee staff time to track and implement the SSMP for improbable SSOs. This requirement discourages regionalization and regional approaches to sewer system management.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 174

First Name Jim

Last Name Arndt

Organization City of Manhattan Beach, Public Works Dept.

Title Director of Public Works

Comment_Summary

In reference to Section B.1: Commenters do not support expanding coverage of the SSS WDRs to privately owned collection systems. Including private entities in the SSS WDRs is redundant. Presently, a private sewer spill is a violation of local NPDES regulations (MS4 permits). It is also likely a violation of local sewer WDR Program Regulations, and is also subject to Regional Board and even Health Agency Enforcement. The regulatory requirements for private sanitary sewer systems under the SSS WDRs are unduly prescriptive and impose unwarranted costs and significant administrative burdens. For instance, the SSMP development requirement will affect fixed-income retired residents of private communities. The State Water Board should consider eliminating the requirement to enroll under the SSS WDRs for private communities, and handle any problems with these systems via enforcement of existing laws. Including satellite systems connected to enrollee collection systems such as shopping malls, private gated communities, mobile home parks, and other private collection systems is unworkable, and imposes new burdens on small businesses.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 175	First Name Daniel	Last Name Child
Organization South Bayside System Authority	Title Manager	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

In reference to Section D.4: Mandatory Private Lateral Sewage Discharge (PLSD) reporting should not be required. Reporting of PLSDs should remain voluntary. The State Board has not justified the basis for requiring mandatory reporting of PLSDs. Mandatory PLSD reporting creates an inappropriate burden for public agency staff. It is unrealistic and inappropriate to expect sewer system agencies to solve all the States' overflow problems. PLSDs are insignificant since they are spills of low volume that are unlikely to reach surface waters, and typically only affect the property owner. This requirement will result in enrollees expending additional staffing and financial resources that will divert staff time from higher priorities. Enrollees may be liable for property owner errors if they report the spills. The State Water Board should work with the California Department of Public Health and local environmental officials to obtain the desired information. MS4 permits prohibit illegal discharges, including PLSDs. Enrollees have no authority over privately-owned laterals. No authority exist under the Water Code or any other provision of law that allows the State Water Board to require enrollees to report on the activities of others. It is inappropriate to use incomplete information about PLSDs to characterize sanitary sewer system condition and management (Provision 4). Meaningful statistics cannot be derived from data for only those PLSDs that an agency becomes aware of, and State Water Board staff can not realistically decide that sewer systems have systemic issues based on these incomplete data sets.

In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 175		First Name Daniel	Last Name Child
Organization South Bayside System Authority		Title Manager	

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

General Comment: Lower laterals unfairly skew spill metrics for those agencies that own them. In order to solve the problem, the CIWQS database and SSO/mile/yr data should reflect only mainline spills as a performance measure.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 175		First Name Daniel	Last Name Child
Organization South Bayside System Authority		Title Manager	

Comment_Summary

In reference to Section D.12: Revisions to SSMP requirements are premature. Development of these plans has just been completed and they need to have time to be fully implemented so their effectiveness can be properly assessed. Dramatically changing the SSMP requirements now could lead to confusion and increased costs for enrollees with no benefit in terms of reducing SSOs.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 175		First Name Daniel	Last Name Child
Organization South Bayside System Authority		Title Manager	

Comment_Summary

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to Section D.13: The SSMP four-year board re-certification requirement frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. Commenters suggest the SSMP re-certification should not be required every 4 years rather, re-certification should be required every 5-10 years or just when significant changes to the SSMP are made.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 176	First Name George	Last Name Troxcil
Organization City of South Gate	Title Interim City Manager	

Comment_Summary

General Comment: The proposed SSS WDRs are prescriptive and onerous with regard to local program implementation. The proposed changes to the SSMP are too prescriptive and don't allow the flexibility to local agencies. The SSS WDRs now dictate how a sanitary sewer system should be operated. The Porter Cologne Water Quality Act (Water Code) section 13360(a) prohibits the State and Regional Water Boards from specifying the manner in which a discharger must comply with waste discharge requirements.

General Comment: Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit. Enrollees will be subject to third-party lawsuits and higher administrative penalties with no demonstration that this will improve water quality and reduce SSOs. Adoption of the order as a two-tiered WDRs and NPDES will lead to confusion and waste of resources. Also, NPDES regulation of 'probable' discharges is invalid under existing law (CAFO I, CAFO II) and requiring NPDES Permits in perpetuity after a single, isolated SSO event is likely unsupported under the CAFO decisions. Commenters agree with the State Water Board staff recommendation to maintain the permit as a WDR.

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In reference to Section D.6: State and Regional Water Board staff should consider the reasons for each SSO in any enforcement action. The proposed language will change SSO enforcement from discretionary into an advisory provision that could then be followed or ignored as the Water Boards choose. The existing WDR language should be retained.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	176	First Name	George	Last Name	Troxcil
Organization	City of South Gate	Title	Interim City Manager		

Comment_Summary

In reference to Section D.12: The significant additional Sewer System Management Plan (SSMP) requirements in the revised SSS WDRs constitute an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The enhanced SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. As more time is spent compiling the reports, etc. to meet these new requirements, less time is available for agencies to conduct O&M, etc. The enhanced SSMP requirements are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Until every agency is in compliance with these minimum requirements the addition of more requirements on agencies that perform their legal obligations is inconsistent with the stated Enforcement Policy of the State Water Board.

In reference to Sections D.12(i) & D.12(j): SSMP sections (i) and (j) should be combined because, otherwise, the requirements for routine review and revisions of the SSMP are redundant and contradictory. Section (i) calls for revisions once per year whereas section (j) specifies once per 2 years. The State Water Board should clarify the requirements.

In reference to Finding 7 & Finding 9: Findings 7 and 9 include several incorrect statements about PLSDs. Finding 7: PLSDs are very small in volume and pose a lower threat to water quality. Finding 9: References to PLSDs should be removed. PLSDs should not be in the same class of spills as SSOs. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs.

In reference to Section C.3: De-chlorinating clean-up water should not be required. Requiring de-chlorination of clean-up water is counter-productive and illogical. Chlorine residuals will be stripped during the spilling and spraying of cleanup water, and would readily degrade by the distance traveled to reach a surface water body. There is no scientific evidence that the use of chlorinated water for wash down is or has caused any degradation to water quality from its use to date. The public health and environmental benefits of using chlorine or other disinfectants in the cleanup of sewage spills far outweighs the minimal risks to the environment. This requirement adds further unnecessary challenges to spill cleanup.

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In reference to Section D.8: The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. Sewer system assets should not be replaced just because they are a certain age.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID	176	First Name	George	Last Name	Troxcil
Organization	City of South Gate	Title	Interim City Manager		

Comment_Summary

In reference to Section A.8 & 9: The definitions related to private laterals are confusing and contradictory and should be modified. The definition of a lateral should not include any reference to satellite sewer systems, as the management and performance of each are very different. It is misleading to state that sewer use agreements dictate lateral responsibility. The definition of a "private lateral sewage discharge" is inconsistent with that describing a "private lateral" and it does not make any reference to upper and lower laterals.

In reference to Section D.12(b): Under the SSMP Organization requirements, including names, email addresses, and telephone numbers for the staff described in paragraph (b)(ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included to minimize the amount of time required to update the SSMP. Board members should not be listed since they work on policy only and do not implement the SSMP.

In reference to Sections D.12(c): The additional requirements regarding authority to limit flows under D.12(c) - Legal Authority, which requires enrollees to have the ability to ban new connections and to specify whether the enrollees own and maintain service laterals, are unnecessary, and have the potential to create confusion. The requirement to "ensure access" is unnecessary. The authority to ban connections should be limited to when necessary to prevent nuisance or otherwise protect public health. The language regarding limiting the discharge of "roots" should be eliminated.

In reference to Section D.12(d)(i): The requirement to update the sewer systems map to show all backflow prevention devices will be too onerous, and clarification is needed as it is impractical to include an entire detailed map in the SSMP. Additionally the mapping requirements are overly burdensome, substantially expand the area of mapping required to include private laterals and related systems such as siphons, backflow prevention devices, etc. Enrollees should not be held responsible for documenting and mapping privately owned and maintained facilities. The SSMP needs only to depict the geographical extent of the system, and not the detailed data contained in the CMMS.

In reference to Section D.12(e): The addition of the phrase "all aspects of" in both paragraphs (i) and (ii) should be removed. Requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on enrollees.

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 176	First Name George	Last Name Troxcil
Organization City of South Gate	Title Interim City Manager	

Comment_Summary

In reference to Section D.12(g): The proposed revisions to the language in D.12(g)(iii) are contradictory by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. The requirement to identify "required staffing levels" under D.12(g) should be removed because it presumes a fixed staffing level for each Enrollee at all times. In addition, the language appears to apply to commercial and residential sources but does not recognize that residential FOG control activities may not be warranted. Commenters request that the existing language be retained.

In reference to Section D.12(i) & (j): All references to performance targets should be removed from paragraphs (i) and (j). Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. Requiring each enrollee to update their standards and specifications to cover every minor detail of sewer system construction is a burden.

In reference to Section D.12(k): The proposed Communication Program language needs to be clarified so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. The language for this requirement implies that the program would not apply to those that communicate primarily via their web sites. The original language of the current SSS WDRs should be retained as is.

In reference to MRP Section A: Commenters agree with the streamlining of notification requirements. However, it should be made clear that notification shall only be made to Cal EMA, and Cal EMA will notify other agencies.

In reference to Section D.13: Uploading the SSMP in electronic format to CIWQS should not be required. Commenters suggest that providing the SSMP in electronic format is not always practical since not all enrollees have their SSMP in electronic format, and there could be references to hardcopy documents.

In reference to MRP Sections B.1.H, B.1.I (Mandatory Information to be Included in SSO Online Reporting), & C.1.D : Commenters support the changes to the MRP. The paragraph referring to 'other notification' and reporting are unnecessary and confusing, and should be removed. Commenters suggest that flow measurement should be required in the MRP. The Online Reporting should include a description of receiving water impacts. Items 1.H, 3.I,1.D need additional clarification. Qualifying text under items 1.D, I.H, and 3.1 should be added to clarify that required reporting of information should be "if applicable" and/or "if known".

SSS WDR Review Update - Draft WDR Comment Summaries

Thursday, December 15, 2011

Letter_ID 176

First Name George **Last Name** Troxcil

Organization City of South Gate

Title Interim City Manager

Comment_Summary

General Comment: The proposed SSS WDRs changes are premature, unnecessary, and overly burdensome. It will be more productive for the State Water Board to focus on bringing all agencies into compliance, conducting inspections, ensuring data quality and consistency, developing performance metrics, and streamlining reporting requirements. The existing SSS WDRs requirements have already successfully reduced impacts from SSOs. Many SSMPs are just now being fully implemented, and the full results of SSMP implementation are not yet fully apparent. Additional improvements in SSO rates and the volume of sewage spilled will be forthcoming as SSMPs are fully implemented by enrollees. It is frustrating to expend significant resources to meet the current SSS WDR requirements just to have them change before current efforts come to fruition.

In reference to Section D.12(d)(iv): The "Staff Performance Assessment Program", Sewer System Management Plan (SSMP) requirement constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive and depart from the approach taken by the SSS WDRs stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs. Also, State Water Board staff has not demonstrated that the current training requirements are deficient. The new requirements should not apply to contractors. Enrollees should not be required to reproduce training/certification programs like CWEA already offers.

In reference to Section D.12(f)(vi): The SSMP Risk and Threat Analysis requirement should be eliminated. This requirement will be complex, resource-intensive, and costly. This requirement would require enrollees to conduct extensive studies, the value of which would be limited. The significant additional SSMP requirements in the revised SSS WDRs constitutes an unfunded mandate which should not be required until the State Water Board provides clarification, guidance, and funding. The SSMP requirements are too prescriptive, and depart from the approach taken by the SSS WDR stakeholder committee in 2005-2006. These enhanced requirements should only apply to those agencies not complying with current requirements, and that have been ineffective at reducing SSOs.

In reference to Section D.12(d)(iii): The Rehabilitation and Replacement requirement should be clarified, it is not correct to imply that age alone is problematic or the same a "deteriorating". The third sentence in paragraph (d)(iii) should be revised to read: "Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages". The O&M and Sewer System Replacement Funding requirement in section (d)(vi) should include additional language "as determined by careful evaluation of condition of the system". Delete "Adopt" and replace with "Develop" an R&R plan. Delete references to "shall" and use "should" when delineating work (such as CCTV, inspections, etc.). Let public agencies decide which methods are best implemented and most effective.