



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

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GRACE ROBINSON CHAN
Chief Engineer and General Manager

January 22, 2013

File No. 31-370-40.4A

Mr. Russell Norman
SSO Reduction Program
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Mr. Norman:

**Comments on Proposed Changes to Sanitary Sewer System
Waste Discharge Requirements Monitoring and Reporting Program**

The Sanitation Districts of Los Angeles County (Sanitation Districts) own and operate a collection system that consists of 1400 miles of sewer and 52 pumping plants. As enrollees of the Statewide General Waste Discharge Requirements (WDR) for Sanitary Sewer Systems, we are impacted by changes to the Monitoring and Reporting Program (MRP). As such, on August 30, 2012, Sanitation Districts' staff attended the Southern California Data Review Committee meeting convened by SSO Reduction Program staff and submitted a comment letter on the previous draft MRP on October 2, 2012. The Sanitation Districts appreciate the State Water Resources Control Board's (State Water Board's) time and effort to hear comments and incorporate many of them into this most recent draft MRP, which was distributed for review on January 7, 2013. The Sanitation Districts are pleased that the scope of the MRP has decreased, however, there are still many items of concern. The Sanitation Districts are supportive of California Association of Sanitation Agencies' (CASA) comments on the proposed amendments to the MRP, and incorporates those comments by reference. If the State Water Board does not modify the draft MRP as recommended by CASA, the Sanitation Districts request that the attached alternative comments be considered.

The Sanitation Districts look forward to continuing our efforts in working with State Water Board staff to address these issues. If you have any questions, please contact the undersigned at (310) 638-1161, extension 6803.

Very truly yours,

Grace Robinson Chan

Martha Tremblay
Section Head
Wastewater Collection Systems

Attachment 1
Detailed Items of Concern for the January 7, 2013 Draft SSS WDR MRP

Reporting Timeframes

Several of the information requirements to obtain a Cal EMA control number may not be known within the first two hours. Information should only be required if known by the enrollee.

Section B.2 of the draft MRP requires that specific information be provided by the enrollee to Cal EMA before receiving a control number. However, not all of the required information may be known within the first two hours after an enrollee has knowledge of the discharge. During the first two hours of a spill, an enrollee is focusing efforts on stopping and possibly containing the spill, rather than gathering information on responsibility and impacts. The enrollee should not be penalized and considered out of compliance with the MRP for failure to have all of this information. To address this issue, we request the following language addition to Section B.2:

“To satisfy SSO notification requirements for each applicable SSO, the enrollee shall provide, at a minimum, if known, the following information to Cal EMA before receiving a control number.”

There should be no time limit as to when certified SSO reports can be updated or have additional information added to them.

Section C.4.iv would limit the time an enrollee may update or add additional information to a certified SSO report to 120 calendar days. While this may be sufficient for a majority of SSOs, for large volume spills that involve multiple agencies and entities, 120 days is not adequate. In addition, since CIWQS maintains a log for changes to each certified report, it is not necessary to limit when changes to a report can be made. The Sanitation Districts recommend that all of Section C.4.iv be removed.

In the event that the CIWQS SSO Online Database is not available, the State Water Board should notify enrollees via email when the system becomes available again.

In the event that the CIWQS SSO Online Database is not available, Section C.7 requires the enrollee to enter all required information into the CIWQS Online SSO Database as soon as the database becomes available. The Sanitation Districts agree timely entry of data is important, however, it is unreasonable to expect enrollees to continually check the database to determine if it is available. The enrollees should be notified via email when the database is available again. Therefore, the following language addition is suggested:

“In the event that the CIWQS SSO Online Database is not available, the enrollee must ~~also~~ enter all required information into the CIWQS Online SSO Database as soon as practical after the database becomes available again. Unless the time when the database will become available again is posted on the CIWQS website, the State Water Board will notify enrollees via email when the system becomes available again.”

A SSO Technical Report and water quality sampling results should not be required in a Certified Category 1 SSO Report.

The draft MRP allows 45 calendar days for completion of a SSO Technical Report, however, Section C.8.i.b.18 requires the SSO Technical Report to be attached to a Certified Category 1 SSO report, which is due in 15 calendar days. Since it is not practical to complete a thorough SSO Technical Report in 15 calendar days and the MRP would allow up to 45 calendar days, the SSO Technical Report should not be a requirement of a Certified Category 1 SSO Report.

Section C.8.i.b.18 also requires water quality sampling results be included in the Certified Category 1 SSO report. It is impractical to receive all water quality sample results in 15 calendar days because of time needed to process the samples and review the results, especially when other demands on the laboratories processing the samples are considered. While it may be possible to obtain sample results sooner, the extra expense needed to rush the samples would not be justified to simply meet an arbitrary deadline.

Based on the above, Section C.8.i.b.18 should be removed from the MRP.

Record keeping

Photographic evidence should only be required where practical.

Section E.2.i requires photographic evidence for “all SSOs”. The Sanitation Districts agree it is important to document incidents and does, to the extent practical, take photographic evidence of SSOs events; however, for incidents that occur at night or during rain events, it is impractical to take photographic evidence. Therefore, we request the following language change:

“When practical, pPhotographic evidence for ~~all~~ SSOs to support ~~all~~ information certified by the Legally Responsible Official in CIWQS including volume estimates.”

It is inappropriate to require personal information of anybody other than the Legally Responsible Official.

Sections E.2.ii.e and E.2.ii.f require that personal information for a complainant or informant of a potential SSO be obtained and maintained in records, unless the SSO is reported anonymously. Personal information for anybody other than the Legally Responsible Official should never be required, due to privacy concerns, because POTW records are public information. Furthermore, an enrollee should not be deemed out of compliance with the MRP if an informant provides their name and, for instance, not a telephone number. Under that scenario, the report is not “anonymous”, however, the information required under Sections E.2.ii.e and E.2.ii.f would not be available and the enrollee could, therefore, be deemed out of compliance. Because of this, these two sections should be removed completely from the MRP.

Miscellaneous Comments

There should be consistency between the requirements in Table 2 and the text within the MRP.

Table 2 states the Category 3 Certified Report must be submitted within 30 “calendar days” of the end of month in which SSO occurred; however, Section C.4.ii. of the MRP, the section which is being summarized in the table, states that such reports shall be submitted within 30 “days” and does not specify “calendar.” This should be corrected to be consistent.

Similarly, Table 2 states the “No Spill” Monthly Report must be certified within 30 “calendar days” of end of month in which no SSOs occurred; however, Section C.4.iii states that this report must be certified within 30 “days” and does not specify “calendar.” This should also be corrected to be consistent.

Section C.5 requires the enrollee to submit and certify a SSO Technical Report within 45 calendar days of SSO stop date and end time for any SSO in which 50,000 gallons or greater are not recovered from waters of the State. However, Table 2 states the SSO Technical Report is due within 45 calendar days after any Category 1 SSO of which 50,000 gallons or greater is not recovered from waters of the State. The wording in Table 2 should be consistent with Section C.5. In particular, it should clarify 45 calendar days from SSO “stop date and end time” as spills can last more than one day.

Cal EMA updates should only be required for substantial or significant changes regarding the estimated volume discharged or known impacts to surface waters.

Section B.3 of the draft MRP requires the enrollee to update Cal EMA on all changes regarding the estimated volume of untreated or partially treated sewage discharged including any change(s) to known impact(s) to surface water(s). As currently written, even a one gallon change in volume estimations would require the enrollee to provide an update to Cal EMA, which could drastically increase the amount of calls received by Cal EMA. Based on discussions at the Southern California Data Review Committee meeting convened by SSO Reduction Program staff, this does not seem to be the intent. Therefore, we request, the following language change to Section B.3:

“Following the initial notification to Cal EMA and until such time that an enrollee submits a “certified” report in to the CIWQS Online SSO Database, the enrollee shall provide updates to Cal EMA regarding substantial changes to the estimated volume of untreated or partially treated sewage discharged including any substantial change(s) to known impact(s) to surface water(s).”

Clarification of the mandatory information for a draft Category 1 SSO Report is requested.

Section C.8.i.a.1 requires SSO Contact Information, including the name, address, and telephone number of the enrollee contact person who can answer specific questions regarding the SSO. It is inappropriate to require this information for anybody other than the legally responsible official. Therefore, we request the following language change:

“SSO Contact Information: Name, address, title, and telephone number of the Legally Responsible Official ~~enrollee contact person who can answer specific questions about this SSO;~~”

Sections C.8.i.a.15 and C.8.i.a.16 require a Draft Category 1 SSO Report to include the date and time Cal EMA was called along with the Cal EMA control number. However, Cal EMA notification is not required for all Category 1 SSOs. Notification is only required for SSOs greater than 1,000 gallons. Therefore, the following language change is suggested:

- “15. Date and time Cal EMA was called (for Category 1 SSOs greater than 1,000 gallons only).
- 16. Cal EMA control number (for Category 1 SSOs greater than 1,000 gallons only).”