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January 22, 2013

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

Re: Comments on Proposed Changes to Sanitary Sewer System (SSS) Waste Discharge Requirements (WDR) Monitoring and Reporting Program (MRP)

Dear Mr. Norman:

The County of San Mateo (County) appreciates the opportunity to comment on the recently released proposed modifications to the Sanitary Sewer System (SSS) Waste Discharge Requirements (WDRs) Monitoring and Reporting Program (MRP). The County operates and maintains ten (10) sewer maintenance and sanitation districts, which are all satellite collection systems. Each district is an independent entity with its own separate budget. Most districts have a small customer base, which makes any increase in sewer service fees a potentially significant impact to the customers and securing sufficient funding to properly operate and maintain the sewer systems and comply with regulatory requirements extremely difficult with the basis of Proposition 218. The proposed revisions to the SSS WDRs MRP would require significant increase in resources that are already limited. Under the current SSS WDRs MRP we have been proactively implementing programs that have already shown positive results in the reduction of sanitary sewer overflows (SSOs). The proposed revisions to the SSS WDRs MRP would cause an undue setback for us as the implementation of these revisions requires resources, which reduces funding and the amount of time for staff to work on the programs that are currently in progress and making a difference.

We are committed to the effective and appropriate implementation of the SSS WDR, and through our membership in the Bay Area Clean Water Agencies (BACWA), we have been an active partner with the State Water Resources Control Board (State Water Board) in facilitating understanding of, and compliance with, the order. The County supports BACWA's comments on the proposed amendments to the MRP, and incorporates those comments by reference.

Our primary concern is that the proposed amendments constitute a broad and significant revision of the MRP, contrary to both State Water Board direction and prior representations to stakeholders regarding the cleanup nature of the amendment process. Though the current version of the MRP has been narrowed from the prior draft, the proposed revisions remain extensive. Many of the proposed changes

Mr. Russell Norman, SSO Reduction Program, State Water Resources Control Board
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Page 2

do not fall within the limited scope of an MRP and create new policy or substantive requirements, which should only be imposed through amendments to the WDR itself. For example:

- The amount of information required for the 2-hour reporting requirement is significant, and in most cases entirely impractical for reporting entities;
- The new time limit of 120 days to amend a Sanitary Sewer Overflow (SSO) report inhibits the ability of entities to report the most accurate spill volumes possible after a complete investigation into the facts and circumstances surrounding an SSO;
- The new technical report and monitoring program required for all SSOs greater than 50,000 gallons is incredibly burdensome and is a significant new requirement;
- The new, extensive requirements in the revised MRP will result in agency staff devoting their limited time and resources to simply compiling more documentation, which does not achieve the intent of the SSS WDR and the MRP – to reduce SSOs.

The County supports a number of the changes to the MRP originally proposed in early 2012. For example, we support the delineation of the two existing overflow categories into three, clarification of the event-based approach to reporting, and clarification that agencies should only contact CalEMA for immediate reporting. Nonetheless, the changes noted above, as well as many others, are outside the scope of the MRP amendment process and are inappropriate. We request that the proposed amendments to the MRP be revised consistent with the specific language recommendations submitted by BACWA.

The County hopes that the State Water Board will take these comments under serious consideration. If you have any questions or need additional information, please call Julie Young or me at (650) 363-4100.

Very truly yours,



Mark Chow, P.E.
Principal Civil Engineer
Utilities-Flood Control-Watershed Protection

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