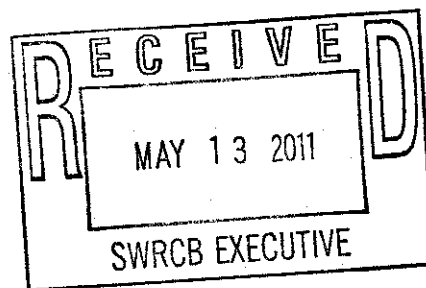


May 10, 2011

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, Sacramento, CA 95814



Subject: Comment Letter – SSS WDRs Review & Update

Dear Ms. Townsend:

I appreciate the opportunity to comment on the State Water Quality Control Board's proposed revisions to the Sanitary Sewer System Waste Discharge Requirements (SSS WDRs). I chose to comment as an individual who will be directly and professionally impacted by the proposed changes rather than speak on behalf of my agency. I am a Sewer Collections Operations and Maintenance Program Manager and am responsible for administering a monitoring the terms of the WDR for the system I oversee. I am also the Legally Responsible Official (LRO) for my agency as well. The agency's sewer collection system I am responsible for serves a population of approximately 140,000 and the system is comprised of approximately 283 miles of sewer pipe. We are located in Region 2. I have been employed by this agency for less than two years and have implemented an aggressive maintenance program which is yielding results.

The proposed revisions to the SSS WDRs represent a major departure from the program that has been successfully implemented under the existing SSS WDRs. While I appreciate the State Water Board's efforts to address certain issues associated with the existing WDRs, I am concerned about a number of the proposed revisions, especially those related to reporting of private lateral sewage discharges (PLSDs), and onerous additions to sewer system management plan (SSMP) requirements that should not be mandated unless State Water Board guidance and funding is made available. Also, I strongly oppose any kind of NPDES permitting approach.

What follows are a few issues which stand out that I wanted to comment on specifically.

1. Revisions to SSMP requirements are premature.

I am concerned that the proposed revisions to the SSS WDRs include *significant* changes to SSMP program requirements. I strongly urge that the existing SSMP requirements be preserved as in the existing SSS WDRs. Development and implementation of SSMPs by SSS WDRs enrollees has just been completed and these plans need to be fully implemented so their effectiveness can be properly identified. Further, it is recognized that dramatically changing SSMP requirements before full implementation will likely lead to confusion regarding the SSMP requirements among enrollees, the public, and Water Board staff.

2. Oppose two-tiered WDRs and NPDES permit alternative.

I strongly oppose the two-tiered WDRs and NPDES permit alternative, whereby an SSO occurring *previously* or in the future would trigger the requirement to apply for an NPDES permit, and agree

with several points included in the Staff Report also opposing an NPDES permit. Since the existing SSS WDRs and the proposed revisions to the SSS WDRs do not authorize sanitary-sewer overflows (SSOs) to waters of the United States, there is no need for an NPDES permit.

3. The basis for mandatory reporting of PLSDs is not justified and creates an inappropriate burden for public agency staff.

The State Water Board should only hold public agencies accountable and responsible for activities within their jurisdiction. It is difficult enough to manage the public system, the boundaries of which are likely to be well known. Water Board staff has not provided adequate justification to require public agencies to report PLSDs that are not affiliated with the collection system agency. In addition, it is unrealistic and inappropriate to expect public collection system agencies to solve (or even just report) all of the States' overflow problems, especially when they are insignificant in the realm of protecting water quality. Moreover, the Staff Report includes a reference to a study that indicated that the total volume of sewage from private laterals is about 5% of the total volume from SSOs, almost all of which never pose a threat to waters. Requiring public agencies to provide detailed information regarding such a small percentage of overflow volumes from parts of the system over which they have no control is not appropriate and would divert limited staff resources from higher priority issues that actually protect waters.

3. It is essential that State and Regional Water Board staff consider the reasons for each SSO in any enforcement action.

The existing SSS WDRs included language in Provision D.6 that provided some reassurance that, in the case of an SSO enforcement action, the State and/or Regional Water Board would consider why the SSO might have occurred and to what extent it would have been reasonably possible for the Enrollee to prevent it.

Existing language read: "*In assessing these factors, the State and/or Regional Water Boards will also consider whether...*" (emphasis added)

In the proposed revisions to the SSS WDRs, this language was changed to read: "*In assessing these factors, the State and/or Regional Water Boards may also consider whether...*" (emphasis added)

The proposed revisions to the SSS WDRs would transform the existing enforcement discretion language, which expresses a clear statement of the State Board's intent regarding enforcement priorities and responses, into a purely advisory provision, which individual regional boards are free to follow or ignore as they choose. The factors described in (a) through (g) of Provision D.6 are highly relevant to the Enrollee's efforts to properly manage, operate and maintain its system and these factors should definitely be considered in enforcement actions.

It is imperative that the existing language be retained. Enrollees should not be made to suffer consequences for conditions that are outside their reasonable control.

4. Requiring de-chlorination of clean-up water is counter-productive.

Prohibition C.3 indicates that potable water would have to be de-chlorinated before it could be used for spill clean-up (in the event water used for clean-up is not fully recovered). Putting restrictions on the use of potable water in cleaning up an SSO that is otherwise likely to violate either of the first two prohibitions simply adds further unnecessary challenges. In addition, the amount of potable water used, combined with the distance it would have to travel to reach a surface water (so the chlorine would readily degrade) does not warrant the additional on-site operational difficulty in dechlorination.

5. Oppose agency Staff Assessment Program when industry certification exists.

The burden of each agency to create and implement a Staff Assessment Program is not cost effective and diverts resources. Staff competency and abilities can be addressed by adopting an industry certification program such as the program with the California Water Environment Association (CWEA). If no such programs existed, then this might be necessary. However, certification is a measure of competency especially when there are various grade levels to demonstrate competency level.

6. Recognize that storm drain channels and creeks during dry weather may not have water flowing in them and can be fully contained and recovered there.

Often during dry months, a spill may make it to a drainage channel or creek, but will not pose a threat to health or the environment because there is no flowing water present. These spills can be fully contained and captured on site.

7. Provision 8 includes an incorrect assumption regarding sanitary sewer system replacement and age being a factor.

Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors. Sewers should not be replaced automatically when they reach a certain age, especially when they are in good condition and functioning as designed. This would not be a good use of limited public resources.

8. A *de minimis* spill volume for reporting should be allowed.

SSO reporting requirements do not apply to systems that do not meet the defined size threshold, recognizing that any spills from these systems would be insignificant, and therefore not worth reporting. Reporting of *de minimis* spill volumes from Enrollees' systems is likely equally insignificant in their potential impacts to public health and the environment. The limited value of information regarding the physical condition and adequacy of collection system operation and maintenance obtained from reporting very small spill volumes does not warrant the staff resources required to make these reports. Given our past experience with CIWQS, we are not confident that a batch uploading function will significantly save time. We request that overflows of less than 100 gallons need not be reported, a threshold previously established by the San Francisco Bay Regional Water Board.

9. 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. Therefore, they should not have to be reported to CIWQS. Not having to report these SSOs would provide an additional incentive to fully recover the overflow.

In my opinion, significant proposed revisions to the SSS WDRs are premature and overly burdensome. Implementation of the existing permit has already successfully resulted in reduced impacts of SSOs on surface water. Additional improvements are expected as capital improvements identified under the current permit are completed. It would be frustrating to have invested significant resources in meeting the current requirements only to have them change before the current efforts have come to fruition. I believe that it would be more productive for the Water Board to focus on bringing all agencies into compliance with the current permit rather than initiating sweeping revisions that would apply to all agencies, regardless of compliance history or the effectiveness of current programs.

I hope that the State Water Resources Control Board will take these comments under serious consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Stevenson', with a stylized flourish at the end.

Daniel Stevenson