

# CVCWA Central Valley Clean Water Association

Representing Over Sixty Wastewater Agencies

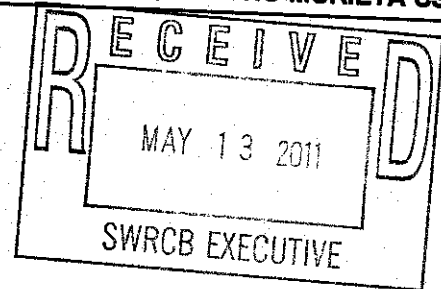
STEVE HOGG – CHAIR, FRESNO  
JEFF WILLETT – SECRETARY, STOCKTON

MICHAEL RIDDELL – VICE CHAIR, CERES  
ED CROUSE – TREASURER, RANCHO MURIETA CSD

May 13, 2011

Sent via email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

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



**Subject: Comment Letter – SSS WDRs Review & Update**

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to submit the following comments on the State Water Resources Control Board's (State Water Board) proposed revisions to the Sanitary Sewer System Waste Discharge Requirements (SSS WDR). CVCWA is a non-profit organization whose membership consist of more than 50 publically-owned wastewater treatment and collection agencies in the Central Valley. We represent our members in regulatory matters affecting surface water discharge and land application with a perspective to balance environmental and economic interests consistent with applicable law. Accordingly, the draft SSS WDR is of significant interest to CVCWA's members.

In 2006 the State Water Board adopted Water Quality Order No. 2006-003-DWQ after several years of developing the document by working with stakeholders state wide. The goal of this effort was to develop a regulatory mechanism to provide a consistent statewide approach for reducing Sanitary Sewer Overflows (SSOs). The State Water Board and stakeholder's recognized that virtually all collection systems have SSOs, and that implementation of a regulatory measure requiring SSO reporting and collection system management, along with required measures to limit SSOs, would greatly benefit California water quality. Implementation of these requirements would also greatly benefit and prolong the useful life of the sanitary sewer system, one of California's most valuable infrastructure items.<sup>1</sup>

To meet these goals, the State Water Board adopted the SSS WDR, which established a new system of spill data collection and set the groundwork for sewer system management through the development of Sewer System Management Plans (SSMPs). The purpose of those new sewer system requirements was to establish requirements to achieve better water quality and then to require permittees (enrollees) to meet those limits and goals in the best way they see

<sup>1</sup> Fact Sheet for Order No. 2006-0003, Statewide General WDR For Wastewater Collection System Agencies

fit. The 2006 SSS WDR contains provisions to provide proper and efficient management, operation, and maintenance of sanitary sewer systems, while taking into consideration risk management and cost-benefits. Additionally, the SSS WDR required the SSMP to contain a spill response plan that establishes standard procedures for immediate response to an SSO in a manner designed to minimize water quality impacts and potential nuisance conditions.

Under this approach, CVCWA member agencies and other Central Valley cities and sanitation agencies have developed SSMPs and complied with the SSS WDR based on the needs of their system. According to the regulatory deadlines established in the SSS WDR, the largest sanitary sewer systems have been operating under their SSMPs for two years; the smallest for approximately nine months. Agencies are still gaining experience implementing their SSMPs, refining their programs, and evaluating the data collected. The largest systems have just recently been required to complete their first audits per the time schedule in the WDR, and the smallest agencies will not be required to do so for another year. Moreover, results from efforts to improve collection system performance, particularly where capital improvements have been identified, will occur over a number of years. The State Water Board should not expect the benefits of these actions to occur on the same timeframe as implementation of the spill reporting system.

Because of the newness of this program, a three year review after the 2006 SSS WDR was contemplated so that if there were problematic areas of the SSS WDR, they could be addressed. In keeping with this, State Water Board staff began an SSO programmatic review of its SSO reduction program in 2009, and has now released its draft SSS WDR. CVCWA is very concerned in what it sees in shift in the tenor or approach of the State Water Board's SSO Reduction Program. This is evidenced in the shift of the programs goals to detailed specifications and/or requirements. The goals of the SSS WDR's goals have changed from a "consistent statewide approach to reducing SSOs"<sup>2</sup> to "improv(ing) wastewater spill data collection and oversight of sanitary sewer system management."<sup>3</sup> CVCWA does not support this shift and believes it will be counterproductive to the program.

The shift in approach is evidenced in the draft SSS WDR in new, very prescriptive requirements that may assist in regulatory oversight, but will likely divert resources from planned activities aimed toward reducing SSOs. Furthermore, the proposed revisions do not recognize that each agency and sewer system is unique. The draft SSS WDR removes much of the flexibility for an agency to determine the means by which to comply and reduce SSOs. The draft SSS WDR now operates on the premise that all agencies and sewer systems are identical by dictating how a sewer system must be operated, what type of equipment the system must have, the training that system operators must have, and other requirements, as evidenced in numerous locations throughout the permit, some of which are summarized as follows:

<sup>2</sup> Ibid

<sup>3</sup> Finding 1, March 22, 2011 draft of the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (SSS WDRs)

- In many locations throughout the WDR, the word "should" was changed to "shall," making these items program requirements and eliminating the discretion of an agency to comply in a manner that is appropriate for that agency.
- Finding 14 implies that Asset Management Principals shall be used.
- Finding 23 lists nine sections of the water code and then interprets them in writing thus setting into the WDR staff's impression of the intent of the codes.
- Provision C.3 limits use of wash down water from potable water supplies which may contain chlorine.
- Provisions D.5 lists step by step procedures for remedial actions after a spill, including the use of a vacuum truck. As written, an agency would be in violation of the WDR if it did not own and use a vacuum truck.
- Provision D.12(b) requires the names, addresses, phone numbers and email addresses of elected officials, management officials and maintenance officials to be added to the SSS WDR, thus requiring it to be constantly be updated every time a minor change is made in that data.
- Provision D.12 (c) requires that the enrollee have a web site.
- Provision D.12 (d)(i) requires storm water conveyance facilities to be on sewer maps.
- Provision D.12.(d)(iii) requires regular visual and TV inspections of manholes and sewer pipes , regardless of whether or not there have been spills.
- Provision D.12(iv) lists a detailed step by step process of doing a staff assessment program.
- Provision D.12(f)(ii) requires a detailed response plan for preparing for Natural Disasters and hazardous weather events.
- Provision D.12.(f)(vi) requires a risk and threat analysis of all sanitary sewer system assets.
- Provision D.12.(g) specifies exact requirements for FOG control programs regardless of the causes of spills in the system.
- Provision D.12.(i) details how performance targets are to be developed.

By dictating the day-to-day operations for all sewer agencies in the state, the proposed SSS WDR does not acknowledge that there are many agencies with excellent performance records. Instead, the increase in prescriptiveness in the draft SSS WDR would increase the liability for our member agencies. As drafted, an enrolled sewer system could have zero sewer system overflow (SSO) and still be in violation of the SSS WDR because it was not operated the way the permit required. An example of this is the requirement that every sewer system in the State develop an Asset Management System (ASM). An ASM is one way to manage a sewer system but not always the best fit for a particular agency.

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 its waste discharge requirements, allowing the discharger to comply in any lawful manner:

"No waste discharge requirement or other order of a regional board or the state board or decree of a court issued under this division shall specify the design, location, type of construction, or particular manner in which compliance may be had with that requirement, order, or decree, and the person so ordered shall be permitted to comply with the order in any lawful manner."

CVCWA requests that the State Water Resources Control Board return to the approach and goals set forth in the current program and permit, and limit changes to the current WDR and SSS Reduction Program to maintaining and upgrading the database based on the items identified several years ago by the CIWQS SSO workgroup and making the minor reporting changes.

Sincerely,

*Debbie Webster*

Debbie Webster  
Executive Officer – CVCWA

c: CVCWA Collection System Committee  
: Pamela Creedon – Executive Officer, CVRWQCB