

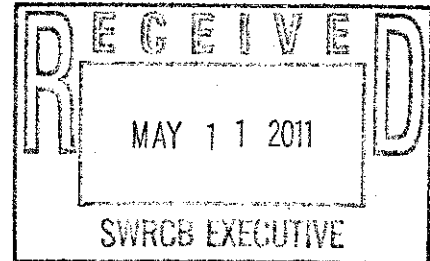
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May 11, 2011

Jeanine Townsend, Clerk to the
State Water Resources Control Board
1001 "I" Street, 24th Floor
Sacramento, CA 95814



Subject: COMMENT LETTER – SSS WDRs REVIEW & UPDATE

Dear Chair Hoppin and Members of the Board:

Sewer lines owned by the City of Rolling Hills Estates are operated and maintained through the Los Angeles County Consolidated Sewer Maintenance Districts (CSMD) operated by the County of Los Angeles Department of Public Works. The CSMD also provides sanitary sewer overflow (SSO) incident response and reporting services for the City of Rolling Hills Estates (City). However, the City still maintains full ownership of the sewer system and is thus an enrollee in the SSS WDR. The City-owned sewer lines are tributary to trunk lines and the wastewater treatment system owned and operated by the Sanitation Districts of Los Angeles County. Accordingly the City of Rolling Hills Estates has reviewed and supports the comments being provided via separate letters by the County of Los Angeles Department of Public Works and the Sanitation Districts of Los Angeles County.

The City takes seriously the prevention of sanitary sewer overflows and believes that prevention and effective response should be the primary objective and focus of the statewide SSS WDRs. Reporting is certainly a means of verifying that objective, but not an end in itself and we believe that overly burdensome reporting siphons public resources away from the essential focus of preventing SSOs and providing prompt and efficient response when they do occur. Thus we appreciate and support the State Board staff's recommendation to eliminate duplicative notification requirements thereby streamlining spill notification allowing CSMD staff to better deploy and focus resources on prompt and effective spill response.

The City of Rolling Hills Estates also agrees with the State Board staff's recommendation against a change in regulatory structure either to a two-tiered WDR/NPDES program or a strictly NPDES program. Changing regulatory structure will

not demonstrably improve water quality but will create confusion amongst the regulated community, will create additional administrative burdens on both the regulated community and the Regional Board staffs, and will only serve to elevate legal costs borne by municipalities and their residents in defending against third party lawsuits.

Contrary to the stated intention in the State Board staff's report to allow the full implementation of the sanitary sewer system management plans that have just been completed statewide by SSS WDR enrollees, and to assess their effectiveness and shortcomings before undertaking dramatic changes to the SSMP requirements¹, the proposed revisions come before most agencies have had the opportunity to audit the effectiveness of their programs in accordance with the schedule of the current SSS WDR. Revision of the existing programs in order to comply with the proposed revisions to the SSS WDR will require significant staff and resources for enrollees at a time when public agency budgets are shrinking. The County of Los Angeles Board of Supervisors has already made the difficult decision to raise the Consolidated Sewer Maintenance District's annual sewer service charge by 45 percent to comply with the requirements under the existing WDRs. It will be extremely difficult to justify additional rate increases to our residents to comply with the proposed SSS WDRs, especially since it is unclear how the additional efforts required under the revised permit will produce corresponding environmental or public health benefits..

The proposed revisions to the SSS WDR move away from the approach developed by the Stakeholder SSO Guidance Committee in 2005-06 which focused on reporting of SSOs and reducing SSOs with the potential to affect water quality or public health to a very prescriptive order that dictates the way local sewer system programs are managed and implemented. The City disagrees with many of the changes being proposed by State Board staff. Our concerns include but are not limited to the following:

1. Finding 5 on page 2 of the proposed SSS WDR to have enrollees cover all sewer systems they own has far reaching implications that have not been fully considered. The City of Rolling Hills Estates owns private sewer laterals serving its facilities such as City Hall, park facilities, and the maintenance yard that have not been annexed into the Consolidated Sewer Maintenance Districts and are currently maintained by the City's maintenance staff, not under the SSMP implemented by CSMD. To require all of these municipal facilities to be enrolled and covered under the SSS WDRs would require the City to go through the legal process of annexing these systems under the CSMD or to create an entirely separate Sanitary Sewer Management Plan which would be carried out by City staff. This imposes a huge administrative and financial burden that will have little if any benefit to the environment or public health. This section needs to be eliminated or revised to exclude municipal sewer systems that are the equivalent of private laterals.

¹ 3/22/2011 Staff Report for Order No. 2011-XXX-DWQ, Statewide WDRs for Sanitary Sewer Systems, page 11 last paragraph.

2. The City recommends striking the proposed requirement for reporting discharges from private laterals that do not reach the storm drain system or Waters of the State for the following reasons:
 - a. The proposed changes to the SSS WDRs will require reporting of spills from privately owned sewer laterals over which the City has no authority or responsibility. This measure is not directed at assessment of the effectiveness of the City's sanitary sewer system management plan, but over private laterals over which the City neither owns nor has operational responsibility. Such a reporting requirement for private property would place a significant and unreasonable burden on the City. It also has the potential to create a disincentive for property owners to call for emergency assistance with an overflow from a private lateral if the municipality is required to report to the State whether or not there is actually a discharge to the MS4 or waters of the State. Such disincentive to call for assistance could result in an increase rather than a decrease in the number of SSOs which result in a discharge to the MS4 or waters of the state.
 - b. The proposed requirement for reporting discharges from private laterals is not only inappropriate, but it strains the relationship between city and resident if the City is required to report the name of the property owner to the State, especially if the spill has been properly addressed and does not reach any waters of the state. If all that is intended is for the State Board to obtain a better understanding of the frequency of SSOs from private laterals, there is no reason for reporting of the name of the property owner/responsible party.
 - c. Furthermore, to mandate that Enrollees expend resources to investigate and report private lateral spills is an unfunded State mandate.
3. Part D.12 d (vi) O&M Sewer System Replacement Funding: The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets must be approved year-to-year. No public agency can guarantee a specified level of funding beyond what has been approved by its legislative body, let alone, in perpetuity.
4. Part B. 4. Application Requirements should be revised to exempt Enrollees of Order No. 2006-003-DWQ from reapplying. They should be grandfathered for coverage thus eliminating unnecessary application fee costs and staff time.
5. Part D.12 i (vi) should be removed. The SSMP is a comprehensive document containing operations maps, equipment inventory, asset information, performance measures, capital programs, overflow logs, etc., and is updated on a continuous basis. To compile a log of every change is an onerous task that will not reduce or mitigate the impact of sewer overflows and represents a misuse of

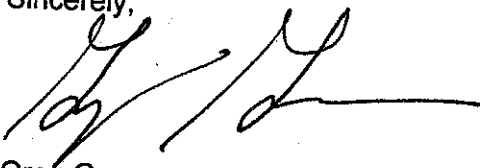
public funds, in effect reporting for the sake of reporting with no clear public benefit.

6. Part D.12. c) v) Legal Authority which requires the City to have necessary legal authority to ban new connections seems to be counterintuitive and counterproductive. In fact the City and CSMD wish retain the legal authority to require new connections to the sanitary sewer when existing onsite wastewater treatment systems (septic systems) in the City must be replaced. We recommend striking this section.

California is the only state in the nation with a comprehensive regulatory program governing sanitary sewer collection systems. USEPA Region 9 has referred in public testimony to this SSS WDR program as the best in the country. The fundamental and ill-advised changes proposed in the draft SSS WDR represent a wholesale revision of the course set five years ago through an extensive stakeholder effort. The City of Rolling Hills Estates strongly urges the State Board to scale back these revisions to allow the existing program to be fully implemented and the effectiveness and shortcomings identified as well as for USEPA to propose national NPDES sanitary sewer system requirements before embarking upon such fundamental changes to the SSS WDRs.

In closing, the City of Rolling Hills Estates will continue to work cooperatively with the State and Regional Board to protect the waters of the State of California for the public benefit of the people of California and the residents of the City of Rolling Hills Estates.

Sincerely,



Greg Grammer
Assistant City Manager/Director of Public Works