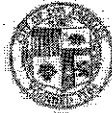


Department of Water and Power



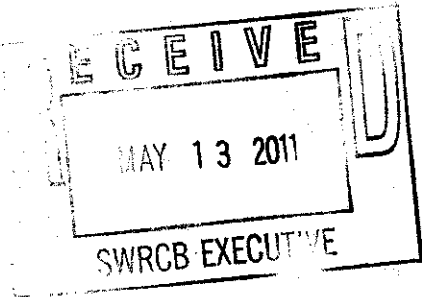
the City of Los Angeles

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May 13, 2011



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

Dear Ms. Townsend:

Subject: Comment Letter – SSS WDRs Review & Update

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to comment on the State Water Resources Control Board's (SWRCB) review and update of the Sanitary Sewer System (SSS) Waste Discharge Requirements (WDRs). LADWP understands the public health concerns related to sewer overflows that occur throughout the State, and supports the SWRCB's efforts in reducing pathogen contamination to the State's waters. However, LADWP has concerns about the revised WDRs, as detailed below.

Applicability of the WDRs

Finding no. 5 of the WDRs states:

"To ensure all of an Enrollee's collection system assets are managed properly and spills from them are reported, where an Enrollee owns at least one sanitary sewer system meeting the two applicability criteria in Finding No. 3 and additional sanitary sewer systems with connected systems of pipes less than one mile in contiguous length not physically connected to the Enrollee's enrolled sanitary sewer system, the Enrollee must comply with the SSS WDRs for those sanitary sewer systems they own that are under one mile in contiguous length and manage them under a Sanitary Sewer Management Plan."

LADWP is concerned that an entity with at least one qualifying sanitary sewer system and many small systems with sewage collection pipes that are all less than one mile in length is required by the SSS WDR to cover all of those small systems under the SSS WDR, even though those facilities are a low threat as reported in a study or survey. An example of a sanitary survey would be the Watershed Sanitary Survey (WSS) that is

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currently required for all water purveyors using surface water by the California Department of Public Health (CDPH); data for the WSS report is collected and reported every five years. The purpose of the WSS is to ensure that a watershed is protected from contamination by pollutants and pathogens. The WSS discusses any potential contaminant sources as well as any sanitary sewer overflows (SSOs), cleanup information, threats to local waterbodies, and corrective action taken. Based on the WSS CDPH requirement, LADWP believes for all water purveyors that that are required to conduct this survey be exempt from the requirements of the SSO WDRs. In addition, smaller low threat systems should also be exempt.

Recommendation: SWRCB should include exemption criteria so that small low threat systems called out in Finding no. 5 will not be included under the WDR. One exemption criterion should be an evaluation of existing systems, such as those required to perform a WSS.

Onsite Treatment Systems (Septic Systems)

LADWP understands that the SSS WDRs do not apply to sewage collection systems connecting to Onsite Treatment Systems (Septic Systems) because such systems are covered under the Onsite Treatment System Policy.

Recommendation: SWRCB should provide clarification in the Staff Report and Findings of the WDR indicating that the WDR does not cover Onsite Treatment Systems.

Response to SWRCB's Tiered Permitting Process Question

In the Notice for Opportunity to Comment, SWRCB was interested in whether or not a tiered permitting process (TPP) would be beneficial. The TPP would require a NPDES permit for those entities discharging at least once via a SSO to Waters of the United States, and a WDR for those entities that have not yet discharged to such waters. The TPP also requires a conversion from WDR to NPDES permit following the first SSO discharge to Waters of the United States.

Keeping the current Sanitary Sewer System WDRs in place is offers the advantages of

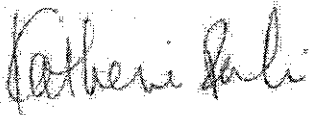
- 1) Lower administrative costs because the WDRs would not have to be converted to NPDES permits,
- 2) lower costs because only one permit program would have to be administered,
- 3) an already-established program for WDRs,
- 4) less confusion over different requirements between the two types of permits, including enforcement,
- 5) no need to go through the renewal process every five years for WDRs as compared with NPDES permits

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Recommendation: SWRCB should retain the Statewide WDRs for Sanitary Sewer Systems rather than expand the program to include NPDES permits.

If there are any questions, please feel free to contact Mr. Clayton Yoshida, of the Wastewater Quality and Compliance Group, at (213) 367-4651.

Sincerely



Katherine Rubin, Manager
Wastewater Quality and Compliance Group

CY:db
By Electronic Mail and Regular Mail
c: Clayton Yoshida