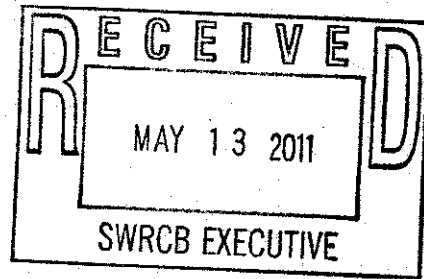




Environmental Utilities
Administration
2005 Hilltop Circle
Roseville, California 95747



May 13, 2011

Via email: 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

Dear Ms. Townsend:

The City of Roseville (City) appreciates the opportunity to comment on the State Water Resources Control Board's (State Water Board) proposed revisions to the Sanitary Sewer System Waste Discharge Requirements (SSS WDRs). The City has successfully complied with all the requirements of the current WDRs and has been a model agency for the preparation of Sewer System Management Plans (SSMPs). In fact, after the 2006 WDRs were adopted, City of Roseville staff was actively involved in the State Water Board programs to train the Regional Water Quality Control Board (Regional Water Board) staff on effective maintenance and management of sanitary sewer systems. Mr. Art O'Brien (now retired from the City) assisted in more than 5 training programs where the State Water Board staff used the City's SSMP as a model document for training the Regional Water Board staff. Moreover, the City was recently awarded the highest honor in the State by receiving the California Water Environment Association's Sanitary Sewer System of the Year Award.

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 we appreciate the State Water Board's efforts to address certain issues associated with the existing WDRs, our agency is very 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. As requirements become more complicated and confusing, more agency staff time is directed towards preparing reports and re-organizing information and operating procedures, and less time is spent actually managing or conducting the appropriate operations and maintenance (O&M) activities to prevent sewer system overflows (SSOs) and properly maintain the collection system.

The City endorses the comments provided by the Central Valley Clean Water Association (CVCWA). We request that CVCWA's comments be included in our comments by reference.

General Comments

In addition to CVCWA comments, the City's comments on the proposed SSS WDR are as follows:

1. **Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit.**

The public notice for the SSS WDR invites comments on whether the Board should consider substituting a two tiered "hybrid" system for regulating collection systems, in which some agencies are regulated via NPDES permit and others via WDR. We urge the Board not to move forward with this option, for policy, legal and practical reasons.

We 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. The result of triggering an NPDES permit would subject local public agencies to additional and more egregious non-governmental organization (NGO) lawsuits and higher administrative penalties with absolutely no demonstration that this would improve water quality or further reduce SSOs.

As described in the Staff Report, this alternative would also require significant additional Water Board staff resources to track and implement the different permit tiers. We understand that these staff resources are limited (as are many local agencies), and believe that they should instead be used to further improve SSO reduction efforts under the existing SSS WDRs.

In light of these comments, the City requests that all reference to the staff report as shown in Paragraph 27 of the Findings be removed. It is not appropriate to include reference to a staff report in the findings of a WDR. The staff report offers alternatives for the Board members to consider. This type of language is not helpful in administering these regulations and will, in fact, present a more confusing response to any interpretation of the WDRs.

Therefore, we respectfully request that Paragraph 27 of the Findings, which reads "*The Staff Report, which is incorporated by reference in the SSS WDRs, contains...these requirements.*" be completely stricken from the WDRs.

2. Significant additional Sewer System Management Plan (SSMP) requirements should not be mandated until the State Water Board provides guidance and funding.

The proposed "Risk and Threat Analysis" and "Staff Performance Assessment Program" are vague, not statistically supported, unnecessarily complicated, and overly prescriptive.

The proposed Risk and Threat Analysis of all sanitary sewer assets would be complex and resource-intensive, and would not provide incrementally more benefit than that provided by an otherwise well-operated and managed system like the City's system. It is not appropriate to require agencies to implement this requirement unless the Water Board can demonstrate that those agencies complying with current requirements have been ineffective in reducing SSOs. This program should also only be required if and when adequate Water Board guidance has been developed and funding is provided.

Requiring development and implementation of the proposed Staff Assessment Program on an agency-by-agency basis is unrealistic. The expectations outlined in the proposed revisions to the SSS WDRs suggest that agency staff would be responsible for developing a program similar to the existing Technical Certification Program offered by the California Water Environment Association, which would require a

substantial investment of resources to do redundant work at each agency. It is also not appropriate to require public agencies to train contractors (which are separate, private entities).

The Water Board should not implement these new requirements until detailed program guidance is provided. Also, Water Board staff has not demonstrated that the current training requirements are deficient.

3. Revisions to SSMP requirements are premature.

We are concerned that the proposed revisions to the SSS WDRs include *significant* changes to SSMP program requirements. We strongly believe that the existing SSMP requirements should be preserved as they are in the existing SSS WDRs. As the Staff Report indicates, 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.

4. Re-enrollment requirements are unnecessary and wasteful.

The City strongly urges the State Water Board to reconsider the need to re-enroll an already enrolled agency. The Application Requirements, Section B, should be focused on new enrollees. This requirement to reenroll is frankly, a waste of public funds; the State Water Board has all the information needed in the City's enrollment under the 2006 WDRs.

Line by Line Comments on Individual Portions of the SSS WDR

Section D, 12. (b) (ii) Organization

Board member information as part of the SSMP contacts should be limited to that which is otherwise already public. It is completely inappropriate to release any personal information on board members or agency personnel.

Section D, 12 (d) (i) Map

The City maintains an up-to-date map as part of its computerized maintenance management system (CMMS). This CMMS is updated regularly (e.g. weekly) as the City encounters needed changes during its routine maintenance activities. We request that these requirements be clarified to so that the map in the SSMP needs only to depict the geographical extent of the system and not the detailed data contained in the CMMS.

Section D, 12. (d) (ii) Contractors

The City may have numerous construction contractors available or installing systems consistent with the City's Construction Specifications. We request that the intent of this requirement be focused on operators of the complete system, often known as "Contract Operators" or "Contract Operations". We request that this clarification be included in this section and other sections where contract operations are referenced (e.g. Section D, 12 (d) (iv)).

Section D, 12. (d) (iii) Operations and Maintenance Programs

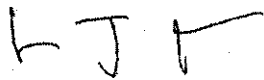
The City requests that the last paragraph of this section regarding private sewer laterals be deleted. It is not the City's responsibility and the City is not in a position to describe private sewer lateral inspection and replacement. By definition, these are not owned by the City and should not be included in the City's rehabilitation and replacement program.

Closing

In general, it is our view that 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. It would be frustrating to have invested significant resources in meeting the current requirements only to have them change before our current efforts have come to fruition. We 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.

The City of Roseville hopes that the State Water Resources Control Board will take these comments under serious consideration.

Sincerely,



Kenneth J. Glotzbach, P.E.
Wastewater Utility Manager