



Public Comment  
Sanitary Sewer System WDRs  
Deadline: 5/13/11 by 12 noon

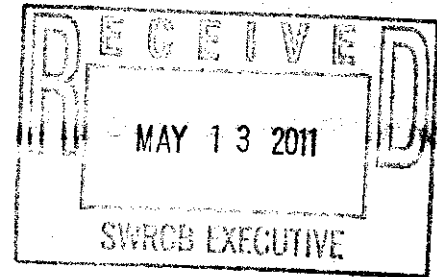
Department of Utilities  
Office of the Director

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May 5, 2011

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



**Re: Comment Letter - SSS WDRs Review & Update**

Dear Ms. Townsend:

The City of Sacramento (City) respectfully submits the following comments on the proposed Sanitary Sewer Systems Waste Discharge Requirements (SSS WDRs) as they relate to the City separated sanitary sewage collection system. The City is submitting a separate comment letter in partnership with the City and County of San Francisco Public Utilities Commission regarding the proposed SSS WDRs as they relate to combined sewer systems.

Let me begin by saying that the City supports and concurs with the comment letter being submitted by the Central Valley Clean Water Association, the California Association of Sanitation Agencies and others. This letter provides additional general comments pertaining to (1) the comprehensive nature of the proposed revisions to the SSS WDRs, and (2) the proposed two tiered permitting proposal, followed by the City's additional comments on specific SSS WDR revisions..

***Concern with comprehensive nature of revisions to the SSS WDRs:***

- 1) The original SSS WDRs required the City to invest significant staff time and resources to develop and begin implementation of the required Sewer System Management Plan (SSMP). Funding for the SSMP is provided by City sewer customers who pay the sewer rates set by the City Council. The required goal of the City SSMP is to "reduce and prevent SSOs, as well as mitigate any SSOs that do occur". The City is currently auditing the first two years of SSMP implementation, as are other agencies throughout the State. The audit is intended to evaluate SSMP performance and identify needed improvements for meeting the goal.

We are deeply concerned that the resources that would have been dedicated to implementing the needed improvements identified in the first City SSMP audit will now be diverted to a new compliance program with no guarantee that the SSMP goal – to reduce and prevent SSOs - will be accomplished. Changes to the SSMP should only be required where there is a demonstrated need for specific new



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regulatory requirements. We request the Board reconsider the comprehensive changes to the SSS WDRs and limit the changes in the SSS WDRs to those revisions that clarify the intent of the SSS WDRs or provide a demonstrated benefit in terms of reducing and preventing SSOs.

The proposed changes to the SSS WDRs are comprehensive and prescriptive, yet, the staff report does not quantify the benefit these changes will have in reducing SSOs. The staff report simply presumes the prescribed requirements will reduce SSOs. This is concerning since the new SSS WDRs require the City monitor the effectiveness and success of each SSMP element in meeting performance targets; however, there is no similar direct quantifiable reduction in SSOs identified in the staff report that will be garnered through the implementation of the proposed new SSS WDR provisions. For example, the staff report does not identify the direct quantifiable reduction in SSOs garnered by the completion and ongoing annual update of a new required annual Staff Assessment Program; new required Risk and Threat Analysis and associated required activities, procedures, and strategies; and expanded requirement for specific contingency and natural disaster response planning. In complying with such prescribed programs and activities the City will expend limited resources that do not directly result in a reduction or prevention of SSOs – resources that would be better spent on implementing the recommendations of the City's SSMP audit.

Also, the new provisions mandating sewer system replacement funding are significant, along with the new potential for State enforcement actions based on "proper funding" of the SSMP. Funding for replacement of a sewer system is not within the State's authority to mandate and again was not demonstrated in the staff report to result in a quantifiable reduction in SSOs. Infrastructure funding decisions are the fiduciary responsibility of our local elected bodies and have been based on the ability of the local communities to fund needed improvements in consideration of the local economy.

The City is very concerned that after an investment of significant resources, funded by City customers, our customers will be expected to pay to re-write, re-adopt and begin to implement a new more costly compliance scheme without first realizing the benefit of the initial investments into the compliance program. We strongly suggest reconsidering the comprehensive nature of the new regulatory requirements and the impact these types of changes will have on cost-effective collection system operations that further the goal of reducing and preventing SSOs.

***Concern with proposed two-tier permitting:***

- 2) The public notice for the SSS WDRs invited comments on whether the Board should consider substituting a two-tiered permitting system for the current SSS WDRs regulatory approach. We urge the Board not to move forward with this option. It is simply impractical and unnecessarily costly to comply with two permitting programs intended to meet identical performance goals. The Board should focus its efforts on reducing and preventing SSOs in a manner that is effective in achieving these goals and that considers the limited resources available to local agencies.

***The City provides the following additional comments on specific SSS WDR revisions:***

- The definition for surface waters of the state provided in SSS WDRs section A. 16. needs further clarification or limiting language. For example, a stormwater treatment facility should be excluded from this definition.

- Clearly, a rate of zero overflows is unattainable for most agencies. The permit should provide an affirmative defense in sections D. Provisions and D. 12. (j) SSMP Program Audits. Language should be added in these sections of the SSS WDRs that is consistent with Provision 12 that states “The SSMP and all its components shall be considered living documents that need to be amended as conditions change in the service area or in system operations, management, or funding.”
- The basis for mandatory reporting of Private Lateral Sewage Discharges (PLSDs) is not justified, and, again, overreaches the State’s authority in mandating that the City expend ratepayer funds on infrastructure not owned by the City. These new requirements should be eliminated from the SSS WDRs.

The focus on private laterals raises several concerns. First, it appears to be directed towards shifting responsibility for privately owned sewer laterals to public agencies. For example, while the SSS WDRs do acknowledge that maintenance and repair of private laterals may be the responsibility of the private owners, it would require the City to be responsible for mapping and documentation of all private lateral facilities, including the existence of back flow devices, clean outs, etc. The proposed revisions also appear to impose responsibility for lateral inspection and clean out programs. At worst, these programs create an additional financial burden on public agencies in violation of Proposition 218. At best, they create unnecessary confusion by giving the false impression that public agencies are in some fashion now responsible for privately owned sewer laterals.

- Finding 9 in the proposed SSS WDRs includes the statement: “Major causes of SSOs and PLSDs include but are not limited to: grease blockages, root blockages, debris blockages, sewer line flood damage, manhole structure failures, pipe failures, vandalism, pump station mechanical failures, power outages, excessive storm or ground water inflow/infiltration, sanitary sewer age, construction and related material failures, lack of proper operation and maintenance, insufficient capacity, and contractor-caused damages. Many SSOs and PLSDs can be prevented by having adequate facilities, source control measures, and proper operation and maintenance of the sanitary sewer system.” Including PLSDs in these descriptions is incorrect: many of the items on the first list are not causes of PLSDs, and many PLSDs cannot be prevented as described in the second sentence. References to PLSDs should be removed.
- A *de minimis* spill volume for reporting should be allowed as set by precedent. 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 an insignificant threat to public health and surface waters of the state, and therefore not worth reporting. *De minimis* spill volumes from Enrollees’ systems are equally insignificant in their potential impacts to public health and the environment and not worth reporting. 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. We suggest that overflows of less than 100 gallons need not be reported, a threshold previously established by the San Francisco Bay Regional Water Board.

We believe that the significant proposed revisions to the SSS WDRs are premature, overly burdensome and inappropriately prescriptive. Implementation of the existing permit has already been successful in reducing impacts of SSOs on surface water and improved statewide reporting. This progress will be in jeopardy should agencies need to divert limited resources away from implementation of audit recommendations and into compliance with a new State regulatory program. Our customers should not be required to invest significant limited resources in meeting the current State requirements only to have them change before the current

efforts have come to fruition. It would be more productive for the 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Marty Hanneman", with a long horizontal flourish extending to the right.

Marty Hanneman, P.E.  
Director  
Department of Utilities