

**PUBLIC WORKS DEPARTMENT**  
**2220 HACKETT ROAD**  
**CERES, CA 95307-3600**  
**(209) 538-5732**  
**FAX (209) 538-5605**

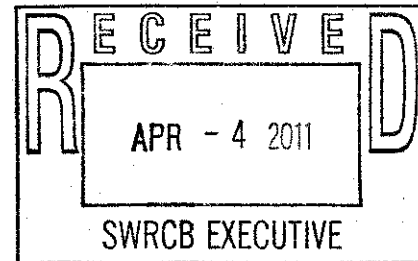


**CITY COUNCIL**

Chris Vierra, Mayor  
Ken Lane, Council Member  
Guillermo Ochoa, Council Member  
Bret Durossette, Council Member

April 4, 2011

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



Dear Ms. Townsend:

On March 24, 2011, the State Water Resources Control Board released for public comment draft Waste Discharge Requirements for Sanitary Sewer Systems (SSS WDR). If adopted, the proposed SSS WDR would replace the existing statewide SSO WDR (Order WQ 2006-003.)

Here are some of the key points the City of Ceres would like to include in our letter with regard to the **problems with the SSS WDR as proposed:**

- The SSS WDR would move away from the approach developed by the Stakeholder SSO Guidance Committee in 2005-2006, which focused on reporting of SSO's and reducing SSO's with the potential to affect water quality or public health, to a very prescriptive and onerous order that seeks to dictate decisions regarding the way local sewer system programs are managed and implemented. Compliance with the revised SSS WDR would require far greater staff and resources for permit enrollees, at a time when public agency budgets are shrinking. Furthermore, it is unclear how the additional information that must be generated will be used by the Water Boards or that the efforts required under the revised permit will produce corresponding environmental or public health benefits.
- The SSS WDR would expand liability for SSO's by including all spills to surface water as prohibited SSO's subject to enforcement, instead of only those reaching a "water of the United States."
- The proposed SSS WDR would transform the existing enforcement discretion language, which expresses a clear statement of the State Board's intent regarding enforcement priorities and responses, into a purely advisory provision, which individual regional boards are free to follow or ignore as they choose.

- The SSS WDR is overly focused on private sewer laterals ("PSL"), requiring reporting of PSL spills by enrollees who have no authority over the privately owned laterals and requiring detailed information regarding local lateral programs.
- The SSS WDR would include a new prohibition on the use of chlorine during spill cleanups, including any potential chlorine residual in potable water, thus making it very difficult to wash down and fully clean up and disinfect SSO's on roads and gutters, and in storm drains or ditches.

Here are some key points the City of Ceres would like to include in our letter with regard to the **positive aspects of the SSS WDR as proposed:**

- Revisions to streamline spill notification points of contact
- Modifying applicability criteria to include a flow threshold (>25K gallons on any single day) and a pipe mileage threshold (>1 mile)
- Expanding coverage of the SSS WDR's to private collection systems meeting the pipe mileage and proposed flow thresholds
- Clarifying that SSO's to land are not the focus of the SSS WDR

***We urge you to oppose this alternative.***

Under the two-tiered WDR's and NPDES permit: (1) enrollees who have had at least one SSO that has reached waters of the United States would be required to seek coverage under the NPDES permit; (2) enrollees who have never had any SSO that has reached waters of the United States would be required to seek coverage only under the WDR's; and (3) when an Enrollee covered under the WDR's reports an SSO that has reached waters of the United States, the Enrollee would be required to switch coverage from the WDR's to the NPDES permit. The NPDES permit (as does the SSO WDR) would include a prohibition against all SSO's to waters of the United States.

Since the SSS WDR does not authorize any SSO's to waters of the United States, there is no need for an NPDES permit. ***The result of such a change would be to subject local public agencies to additional citizen group lawsuits and higher administrative penalties with absolutely no demonstration that this would improve water quality or reduce SSO's.*** This alternative would also require additional Water Board staff resources to track and implement the different permit tiers.

Sincerely,



Michael Riddell  
Public Works Superintendent  
(209) 538-5688  
[michael.riddell@ci.ceres.ca.us](mailto:michael.riddell@ci.ceres.ca.us)