

From: Phil Deblasio <pdeblasio@ci.anderson.ca.us>
To: <commentletters@waterboards.ca.gov>
Date: 4/8/2011 10:10 AM
Subject: SSO WDR Comments

I agree with this news letter sent out by CWEA

Please send a comment letter on behalf of your agency requesting that the State Water Board significantly scale back the proposed SSS WDR and allow the programs and progress begun under the existing SSO WDR to be fully implemented, since many of these programs involve capital improvements that will take time to be put in place.

Some key points you may wish to include in your 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 SSOs and reducing SSOs 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 SSOs by including all spills to surface water as prohibited SSOs 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 Water 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 SSOs on roads and gutters, and in storm drains or ditches.

Some key points you may wish to include in your letter with regard to the positive aspects of the SSS WDR as proposed:

Revisions to streamline spill notification points of contact

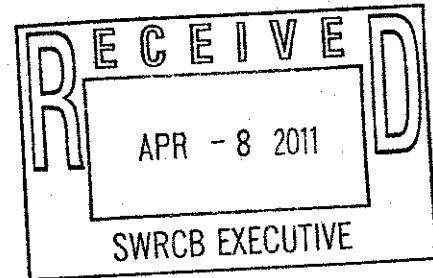
Modifying applicability criteria to include a flow threshold (>25K gallons on any single day) and a pipe mileage threshold (>1 mile)

Expanding coverage of the SSS WDRs to private collection systems meeting the pipe mileage and proposed flow threshold.

Clarifying that SSOs to land are not the focus of the SSS WDR

Though not part of the State Water Board staff proposal, the State Water Board is also seeking comment on whether to adopt a "hybrid" two-tiered approach to regulation of sanitary sewer systems. We urge you to oppose this alternative.

Under the two-tiered WDRs 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 WDRs; and (3) when an Enrollee covered under the WDRs reports an SSO that has reached waters of the United States, the Enrollee would be required to switch coverage from the WDRs to the NPDES permit. The NPDES permit (as does the SSO WDR) would include a prohibition against all SSOs to waters of the United States.

As the SSS WDR does not authorize any SSOs 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 SSOs.

This alternative would also require additional Water Board staff resources to track and implement the different permit tiers.

Phil DeBlasio

City of Anderson

Chief Plant Operator

pdeblasio@ci.anderson.ca.us

530.378.6665