



May 10, 2011

California Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, Ca. 95814
Attention: Jeanine Townsend, Clerk to the Board

Subject: Comment Letter – SSS WDR Review and Update

Thank you for the opportunity to review and comment on the proposed changes to the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (SSS WDR). Union Sanitary District, which serves the Cities of Fremont, Newark and Union City, is located in Region 2. Our agency has been an active participant in implementing best management practices for controlling sanitary sewer overflows and has worked with state and regional officials in providing training and implementing the current SSS WDR.

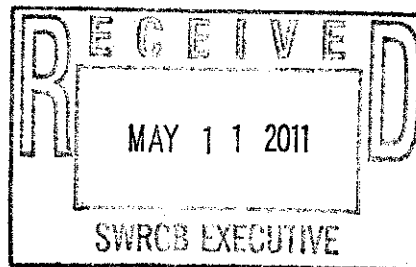
First, we would like to express our appreciation to the Water Board staff for their effort in preparing the proposed changes to the SSS WDR and for their willingness to work with our agencies and regional and statewide groups such as the Bay Area Clean Water Agencies (BACWA) and the California Association of Sanitation Agencies (CASA).

Our review of the proposed changes to the SSS WDR has found many positive elements. We support the proposed revisions to the spill notification process, which would significantly simplify reporting and reduce errors associated with potential redundant notices. We believe that modifying the applicable criteria to include a flow threshold (> 25,000 gallons on a given day) and a pipe mileage threshold of greater than one mile is appropriate. While we have concerns about reporting of private collection systems in general, we also support the criteria for pipe mileage and minimum flow thresholds for these systems.

There are several elements of the proposed revisions to the SSS WDR that are of significant concern. These are listed as follows.

1. **Mandatory Reporting of Private Sewer Lateral Spills.** USD expends significant resources to inspect, clean and maintain over 770 miles of sanitary sewers in our service area. We have worked hard to maintain our excellent record of less than two spills per hundred miles of pipe per year. We have diligently reported all spills occurring in our system, including those of 10 gallons or less. We believe it will be burdensome on our agency to have mandatory reporting of spills on private laterals. In addition to requiring additional staff time, it will also require our agency to report spills which are beyond our control, in pipelines that we do not own, maintain or

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



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service. While the intent may be to segregate these spills in the database, we believe they will still show as spills in our service area and reflect negatively on our performance.

The spills associated with private laterals tend to be small in nature and have less impact on the environment, rarely reaching waters of the state. They also tend to pose a less serious health risk to the public. It is questionable whether monitoring and reporting of these spills will further the mission of the SSS WDR program.

Because we are not responsible for operation or maintenance of these private laterals, we will be unable to provide first-hand accurate reporting of the spills. If the Water Board believes that private lateral spills constitute a significant contribution to the SSO problem in the State, then we recommend that the property owners retain the responsibility for reporting and that the County Health Departments continue to have jurisdiction over such spills.


2. **Creation of a Two-Tier System.** Union Sanitary District is opposed to the two tier system where those agencies that have no discharges to Waters of the State operate under the SSS WDR, and those that have said discharge operate under an NPDES permit. We believe the current system that is in place is working very well. In the last four years, more and more agencies are reporting and spills are being reduced. Requiring agencies to operate their collection system under a NPDES permit will only serve to encourage third party lawsuits under the Clean Water Act for even the smallest spills, but will not positively impact the program or serve to reduce spills. An unintended consequence of this change would be to have agencies spend more resources on defending legal actions and less on improving their systems. This could also place additional burden on State and Regional Water Board staff in creating new permits for both public and private systems.
3. **Additional SSMP Requirements.** USD has developed and maintains an outstanding SSMP. This is the result of our own initiatives and efforts within the structured framework of the SSMP program. We appreciate that the current SSMP allows us the freedom to develop what works best for us. Many of the new requirements are very prescriptive in nature, and frankly unnecessary and burdensome for agencies that are performing well. Specifically, requirements for a Staff Assessment Program, preparation of a Risk Threat Analysis, and development and implementation of performance targets linked to each element of the SSMP would require a significant level of effort which we feel is already addressed and would provide no benefit to our District. Perhaps these additional elements should be reserved for those agencies that are experiencing high levels of SSOs and do not have a program in place to address these issues.
4. **Prohibition on Use of Chlorine during Spill Clean-up.** Prohibition C.3 states that potable water would have to be de-chlorinated before it could be used for spill clean-up. We believe that placing restrictions on the use of potable (drinking water) for spill clean-up is counter-productive to achieving clean-up goals. To do this would require

that crews carry and handle an additional chemical when responding to an SSO. The small amount of chlorine residual in potable water would certainly be consumed or degraded long before it would reach surface waters. Contaminants present on the street, shoulder or storm drainage systems would quickly consume the minor chlorine residual. Additionally, water used for washing down a street is typically recovered by responding agencies and returned to the sanitary sewer. Use of potable water should always be the first choice for clean-up and not treated as a potentially harmful chemical.

- 5. **Provision 8 relating to Sanitary Sewer Replacement.** This provision suggests that replacement of sanitary sewers occur within the timeframe of the WDR. The reference to "eventual replacement" should be deleted as it would seem to indicate replacement of pipelines when they reach a certain age. While age is one consideration, the typical factors we use to assess whether an asset needs to be replaced include: specific pipe condition, type of pipe joint, pipe material and type of soils in which the pipe is installed, and the presence of specific defects. In addition, repair or rehabilitation by lining is an alternative that can extend life of some pipelines by 50 years or more.

In general, Union Sanitary District concurs with the comments described by BACWA, CASA, SVCWA, League of Cities, et.al, in their letter to the SWRCB. We believe a great deal of progress has been made by individual agencies during the last several years in which the current WDR has been in place. Greater accountability has been achieved, spills have been reduced, and reporting is occurring throughout the industry. While updates can lead to improvements, an overhaul of this successful program is unwarranted and may even be counterproductive. We encourage the State Water Board to consider our comments and use restraint in making wholesale changes to a program that is achieving the desired results.

Sincerely,



Richard B. Currie
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Union Sanitary District



Andy Morrison
Collection Services Manager
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