



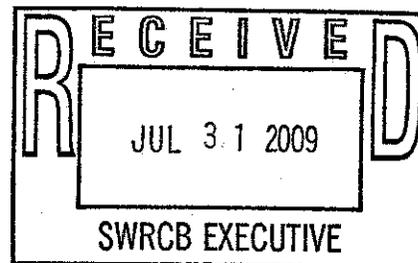
# CALIFORNIA ASSOCIATION of SANITATION AGENCIES

1215 K Street, Suite 2290, Sacramento, CA 95814 PH: (916) 446-0388 - FX: (916) 231-2141 www.casaweb.org

July 31, 2009

Via Electronic & U.S. Mail

Charles Hoppin, Chair and Members  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100  
c/o Jeanine Townsend, Clerk to the Board  
[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)



**SUBJECT: COMMENT LETTER - 8/4/09 BOARD MEETING: PROPOSED ORDER IN THE MATTER OF THE PETITION OF COUNTY OF LOS ANGELES, ET AL, WASTE DISCHARGE REQUIREMENTS ORDER NO. R4-2006-0074 (SWRCB/OCC FILE A-1780)**

Dear Chairman Hoppin and Members:

On behalf of the California Association of Sanitation Agencies (CASA), I am writing to provide comments on the proposed order in the above referenced matter. As you know, CASA is a statewide organization of publicly owned treatment works (POTWs) providing wastewater collection, treatment and reuse to millions of Californians.

CASA does not typically weigh in on issues relative to regulation of municipal stormwater, and we only recently became aware that the proposed order has the potential to adversely affect our members. *At this time, we are providing brief comments and requesting that the State Water Board postpone action on the order to allow additional time for POTWs to review and provide comments on the provision of the order dealing with dry weather discharges.*

The proposed State Water Board order would apply the "effectively prohibit" standard to discharges of non-stormwater from municipal separate storm sewer systems (MS4s). The proposed order states that "summer dry weather discharges, as defined by the Permit and the TMDL, are more appropriately regarded as non-storm water

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discharges, which the Clean Water Act requires to be effectively prohibited.” (Proposed Order at p. 8.) As noted by other commenters, this statement is problematic and contrary to federal law, current permitting practice, and simple practicality. Infiltrating groundwater, for example, is extremely difficult to stop unless the entire system is retrofitted. While dry weather discharges to storm drains are the legitimate target of municipal pollutant control campaigns, preventing all such discharges is impossible.

Our member agencies are concerned that the consequence of this precedential decision will be that MS4 systems will have no alternative other than to divert dry weather stormwater system flows to POTWs. We are very concerned about accepting these flows without regulatory assurance that our ability to comply with effluent limitations will not be compromised. POTWs are not designed to treat these flows, yet the proposed action may leave some MS4 jurisdictions with no real alternative. The proposed order fails to recognize that in some cases there may be environmental uses of these dry weather stormwater system flows that would be impaired through diversion. Most importantly, due to the many unique local constraints and different needs and priorities of POTWs throughout the State, acceptance of MS4 diversions *must be voluntary*.

We appreciate the opportunity to comment, but we urge the State Water Board to refrain from undertaking a significant policy shift with implications for the municipal wastewater community through a quasi-adjudicatory process with limited opportunity for review and comment. At a minimum, we request that the Board defer action on the proposed order to allow additional time for interested persons in the POTW community to review the order.

Sincerely,



Roberta L. Larson

RLL:mb

cc: Geoff Brosseau, CASQA  
Michelle Pla, BACWA  
Debbie Webster, CVCWA  
John Pastore, SCAP