



# CITY OF ORANGE

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September 24, 2012

Comments submitted via E-mail

Victor Lopez  
State Water Resources Control Board  
1011 I Street 15<sup>th</sup> Floor  
Sacramento, CA 95814

Subject: Comments on Proposed Waste Discharge Requirements (WDR) for Sanitary Sewer System Monitoring Program Revisions

Dear Mr. Lopez:

Thank you for providing the opportunity to comment on the proposed changes to the Monitoring and Reporting Program (MRP) of the Sewer Collection System WDR. Unfortunately, representatives from the City of Orange were unable to attend the workshop held at the Orange County Sanitary District's facilities on August 30, 2012. As an enrollee of the statewide WDR for sewer collection systems, we are very concerned with the proposed changes and submit these comments for your consideration.

The proposed draft MRP changes seem overwhelming for a simple MRP revision. The expectation was that changes to the MRP would simply clarify existing requirements and not add significant new requirements. While the new additions are based on existing documents with new requirements, it is unclear why these documents are included as part of the MRP revisions. If included in the WDR, these programs should be part of the main body and not the MRP. In addition, ample time should be given to discuss these changes in public hearings. With these revisions the MRP has grown from 5 pages to 30 pages, which is not a simple revision but a major overhaul that deserves careful consideration since some requirements involve significant costs and manpower.

Appendix 1 contains information to be reported to the online CIWQS system after an SSO event with additional requirements. Appendix 2 is the Collection System Questionnaire with additional questions. Appendix 3 is the new SSMP audit program.

Why these questionnaires/programs are being included as appendices to the MRP is not clear. The current system seems to be working fine so it is puzzling that these changes are being proposed. Changes to the WDR should be tied



directly to an improvement or deficiency in the current program. Using this as a threshold for changes, it is hard to justify the revisions proposed.

The CIWQS information and Collection System Questionnaire are currently provided separately and each is modified periodically by the statewide Data Collection group to clarify or add information that improves the SSO program. Including these as appendices in the MRP reduces the flexibility to modify or revise these documents in the future.

A similar case can be made for Appendix 3, the SSMP audit. If this is intended to be a template for future SSMP audits, it may be preferable to post the template on the SSO website so that it can be used by enrollees. This also provides an opportunity to modify or revise the template as needed.

We are also concerned that some of the proposed changes in the MRP and its appendices appear to dictate how enrollee programs should be carried out. This is in direct violation of Porter-Cologne Section 13360, which states that no state order shall specify how compliance is to be achieved to satisfy a requirement or order. For instance, there are requirements to monitor flows from different land uses, which are valuable but providing the information at one location does not accurately assess the entire collection system and is meaningless. There are also financial questions which do not accurately describe how the system is managed but only a collection of data. How these result in SSO reductions is not clear.

However, there are some positive aspects to the revised MRP and we would like to commend the state on that. The clarification on private lateral discharge reporting is welcomed and appreciated.

Specific comments on the proposed MRP changes are discussed below.

#### Comments

1. Page 6 C.1- a definition of waters of the state needs to be provided. This definition is important because it will determine whether a spill is a Category 1 SSO or another category.
2. Page 6 C.1 – there is a requirement to notify Cal EMA within 2 hours of becoming aware of an SSO. This requirement should be clarified to indicate that the notification should be provided within 2 hours as long as it does not interfere with SSO response activities.
3. Page 6 C.2.h – this paragraph requires the name and telephone number of the complainant to be provided to Cal EMA. Individuals reporting incidents do not generally wish their names to be provided to anyone outside the agency and this requirement would have to be disclosed to the complainant who would more than likely see this as private information and not wish that it be disclosed to anyone, which is also the City's policy. As a result, only city staff names are likely be provided. This requirement should be deleted.

4. Page 7 3. – Definitions – the MRP revision proposes to further categorize spills into three categories. What was previously Category 1 is now broken down into two separate categories to distinguish spills that reach waters of the state and spills that do not reach waters of the state but are at least 1000 gallons. The need for these separate categories is not clear. Category 2 appears to be useful only to identify spills of 1000 gallons or greater that do not reach waters of the state. This information if required can now be obtained by conducting a search of the CIWQS database without a need to include a new category through an MRP revision. Enrollees are familiar with the existing categories and making changes simply to make it easier to conduct data searches does not seem like a reason to change a program.
5. Page 7 D.3.a – the definition for Category 1 should exclude any discharge captured within the storm drain or not reaching waters of the state.
6. Page 9 D.7. Collection System Questionnaire – see discussion of Appendix 2.
7. Page 9.E. Water Quality Monitoring Requirements – this section addresses impacts from large discharges, which need to be defined. In addition, it should only apply to SSOs that have a potential impact to the public welfare. It does not make sense to require monitoring of a spill that a) infiltrates directly into the ground, b) is confined to an area that is not accessible to the public, or c) does not pose a problem to the public because of location. SSOs to beaches or recreational areas accessible to the public should be protected and are locations where monitoring is appropriate.
8. Page 10 E.5.b,c,d and 6 – the requirement to assess short and long term impacts to animal and plant communities and other ecosystems will require contracts with outside experts and will be very costly and may not be necessary. This requirement should be reassessed because not only is it expensive but will require monitoring for long periods to determine an SSOs impact to the communities. In most cases beaches or areas impacted by SSOs reopen within days once the bacteria levels have subsided without noticeable impacts.
9. Page 11 F.3 – SSMP Records – this section requiring information on the SSMP should be included in the main body of the WDR under the SSMP development program D.13 instead of the reporting program. Including it in the main body would ensure that enrollees are aware of the reporting requirement of the SSMP. Including it under the MRP revision appears to be using the MRP as a way to include additional requirements in the WDR without a revision to the WDR itself.

## **Appendix 1**

For the most part this appendix revises the information that is currently provided in the online CIWQS system when reporting SSOs with additional requirements. Including this information as an Appendix to the MRP loses the flexibility to revise questions, which are continually being modified or revised by the existing Data

Collections work group. If adopted, any changes to these questions will require a revision to the MRP making this a less useful tool and placing more barriers to clarifying a CIWQS reporting question.

1. Page 14 A.3. – see discussion item 3 above.
2. Page 15 A.5 – the need for this question is not clear. It seems to be laying a framework for fines if an enrollee asserts that it may have been possible to prevent an SSO. The WDR requires all actions that are feasible be attempted to reduce or prevent SSOs. While it may be possible through maintenance, inspection, rehabilitation, repair of structural deficiencies and education that an SSO may be prevented, the timing and implementation of these measures is important in preventing SSOs. Even if all of these measures are implemented SSOs still occur. It appears that the question is looking to assign blame for any SSO that is not vandalism or other action that is beyond the control of the enrollee. This question should be deleted.
3. Page 15 A.6.c – the difference between a drainage channel and waters of the state needs to be provided.
4. Page 18 B.3 – this question asks the names and titles of the field personnel responding to an SSO. The reason for this question is not clear and why this is important. The important information is how the SSO event was responded to and was it done in a timely manner. Who responded is not germane to the SSO response.
5. Page 18 B.4.b – this question asks for the methodology used to calculate SSO volumes and seems to imply that only flow monitoring, SCADA or telemetry records can be used to calculate spill volumes. In field conditions where flow occurs from a manhole it is not reasonable to do flow monitoring and there is no SCADA or telemetry. Charts or other methods are used to calculate spill volumes yet it appears that these methods are not allowed. The question should be revised to simply ask how the volume was calculated.
6. Page 23 H – this question has three certifications. Not sure which is applicable and should be clarified.

## **Appendix 2**

The information required in this appendix is the current annual Collection System Questionnaire with additional questions. Similar to Appendix 1, it is unclear why this questionnaire is now proposed as part of the MRP. Including this information as an Appendix to the MRP loses the flexibility of revising questions, which are continually being modified or revised through the Data Collection work group. As proposed, any changes to the questions will require a revision to the MRP making the Questionnaire more cumbersome to work with if a question needs to be revised.

1. Page 25 C.1 – the need to provide an inventory of the sewer systems assets is unclear. What needs to be included as part of the asset table is

not defined. This is a costly and time consuming effort. Aside from the number of pipe miles, what is in an inventory may vary greatly among enrollees and there does not appear to be a clear nexus between this requirement and the goal of the WDR to help reduce or prevent SSOs. How assets are managed should not be a concern of the WDR.

2. Page 25 C.6 – this question regarding the finances of the enrollee for private sewer laterals is not clear since the enrollee is not responsible for private sewer laterals. This question should be deleted.
3. Page 25 C.7 – the need to quantify how many sewer laterals are connected to the various land categories identified in the question is unclear and will be costly and time consuming. How answering these questions helps in reducing SSOs is unclear.
4. Page 26 D.1 – estimating flows for the different land uses will be extremely expensive and time consuming. It may not be feasible to provide a single answer without additional monitoring since more than one land use may be tied to a sewer line that was assessed at a downstream point and contains various land uses. The information will also vary from location to location. Knowing your system's capacity is useful but identifying a flow rate at a specific location will create an additional burden and cost that may not be necessary.
5. Page 26 D.2 – estimating the amount of dry weather flow and wet weather flow will be problematic, expensive and time consuming and the need is unclear. This question makes sense at the treatment plant location where inflow can be measured at one location. When there is a system-wide collection of pipes with multiple trunk lines that ultimately tie into a collection system that comeslingles with other jurisdictions, it is difficult to assess wet and dry weather flows for the jurisdiction without sampling multiple collection points. This is difficult to justify when there does not appear to be a clear nexus to reducing SSOs, which can occur anywhere in a system not just at the location being monitored.
6. Page 26 D.3 – the need for this question on continuous flow monitoring is not clear nor its purpose. Suggest it be deleted.
7. Page 27 F Financial Information – the need to provide the information as required in numbers, 1,2,3,5 and 7 goes beyond the requirements of the WDR. Enrollees should only be asked to ensure that they have appropriate programs to comply with the permit. Asking specific financial information goes beyond the requirements of the WDR to manage SSOs.

### **Appendix 3**

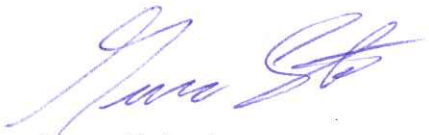
The introductory paragraph for this appendix states that its purpose is to provide the mandatory information that must be included in the enrollees SSMP Program audits. We welcome guidance on what must be included in an audit and it is greatly appreciated. Previous audits were simply conducted based on what was contained in the SSMP and what was committed to by the enrollee in the program. However, the proposed questions must have a direct correlation to the requirements of the WDR.

In reviewing the proposed questions, most information can be provided or the SSMP revised to include the required information. However, the nexus to the WDR sections cited in certain questions is not clear. For instance the information required in section A and B while not specifically required in the SSMP can be provided with modifications to the SSMP.

However, question C.8 regarding corrective actions and the listing of causes has very little to do with preventing SSOs at the same location as required by the referenced section D.7(iv). Question C.9 regarding the top three challenges and corresponding initiatives to operate and maintain the sewer system has very little to do with D.8, which requires that employees be properly trained.

In short, if this is to be a template for future enrollee audits, all questions should be reviewed to ensure they have a direct correlation to the requirements in the WDR. Questions which are subjective or someone's interpretation of what is intended to be in the SSMP leave the enrollee in a vulnerable position and exposed to a violation because the required information is not clear.

Sincerely,



Gene Estrada  
Environmental Program Manager  
City of Orange

cc: Joe Defrancesco, Public Works Director  
Frank Sun, Deputy Public Works Director/City Engineer  
Michael Wolfe, Deputy Director Maintenance and Operations  
Russell Norman, State Water Resources Control Board