

The City of Bellflower

Families. Businesses. Futures.

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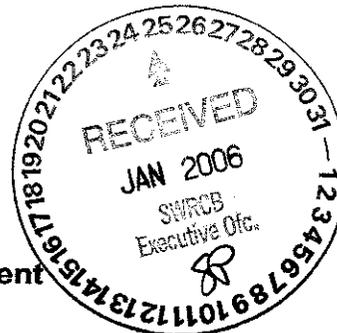
January 25, 2006

SSO Hearing: 2/8/06

Ms. Tam Doduc, Chair
State Water Resources Control Board
Executive Office
1001 I Street, 24th Floor
Sacramento, CA. 95814

Attention: Selica Potter, Acting Clerk

Re: Proposed SSORP Discharge Requirement



Dear Chairperson Doduc:

The City of Bellflower (City) is thankful for the opportunity to comment on the State Water Resources Control Board's (State Board) proposed Sewer System Overflow Requirement Program (Program).

1. *Need for Clean Water:* The City appreciates the charge of the State Board to keep the State's waters clean. The City will continue to do its part to add in this effort as it has done as a storm water co-permittee in the Los Angeles basin.
2. *WDR v. NPDES Permit:* The City agrees with the State Board's determination that a Waste Discharge Requirement is the correct instrument for implementation as opposed to an NPDES storm water permit. To include it in a storm water permit would only dilute its importance and further complicate an already very complicated subject.
3. *Necessity Defined:* As stated above, the City supports the admiral goal of clean California waters. However, the State Board distributed Fact Sheets fail to make a case for the statewide need for such a program. It cites examples of reported spills but provides no specifics as to the amounts spilled, any damage caused or whether the number of spills is even a concern. What is the standard or tolerance level? Certainly it can not be zero given the size of the State's population and complexity of its infrastructure.

Page 1 of 3

> Randy Bomgaars
Mayor

Ray T. Smith
Mayor Pro Tem

John K. Pratt
Council Member

Scott A. Larsen
Council Member

Dorothy R. King
Council Member

WDR Comment Letter
January 24, 2006
Page 2 of 3

4. *Of State Significance:* The City is 6 square miles and has a population of 77,000. We are a contract city. County of Los Angeles reported that none of our few overflows even reached a storm drain. How can this be of State significance? How does this justify the projected cost?
5. *Need for Cost/Benefit Analysis:* The aforementioned Fact Sheet offers estimates of cost to implement this draft requirement. Even if the single example is accurate and the extrapolation methodology acceptable, there is no cost/benefit analysis performed to establish what the return will be. Once we agree on the definition/magnitude of the problem, how much of the problem will be remedied by the suggested expenditure? The City has embarked on a Sewer Master Plan study. The study alone costs \$110,000 dollars.
6. *Unfunded Mandate:* This draft requirement is an unfunded mandate. Again, if the case is made that this is a statewide concern and the State imposes such requirements, the State is obligated by its Constitution to provide an adequate funding source.
7. *Local Control:* The Fact Sheet's conclusion is that the annual cost per person and per household is "a very manageable sum". Based on what, or who's level of income? Obviously this amount is a greater percentage of total annual income for low-moderate income households and certainly fixed incomes, thus more of a burden for some communities than others. It is the job of local municipalities to best allocate their limited resources based on the need and will of each community. Further, if this is indeed a statewide issue and the will of the people of the State of California, should it not be the elected State Legislature, Governor and, ultimately, the people who determine what "a very manageable sum" is and how much it chooses to allocate to remedy the problem rather than an appointed Board?
8. *Duplication of Effort and Bureaucracy:* This draft requirement is a duplication of permittees' reporting efforts and regulators' monitoring. Much of the required information is captured as part of the current NPDES permits. Total Maximum Daily Load requirements (TMDLs) set within current and future NPDES permits already regulate the concerns of this requirement. TMDLs for bacteria and coliform are already, or will be, established for the State's receiving waters. Should overflows reach receiving waters, there is a process in place to mitigate the pollutants. If it does not, it is not of a State concern. Earlier, we suggested that a WDR is a preferable method to execute this draft regulation than are NPDES permits. Notwithstanding that statement, this argument speaks to the absence of necessity for draft regulation at all.

WDR Comment Letter
January 24, 2006
Page 3 of 3

9. *Affirmation Defense Provision*: The City strongly urges that such an Affirmation Defense Provision be **re-inserted** into the draft regulation. The State Board saw the wisdom and necessity for such a provision in its earlier drafts. The Fact Sheet does not address such language which is a significant flaw in its current arguments for the regulation. Small communities with limited financial resources, if burdened with this regulation, need to feel that their physical and fiscal efforts, if compliant or exceeding the requirements of the regulation and are designed, operated and maintained at best industry standards, are protected from unforeseen, unanticipated, or natural disasters beyond the control of collection system owners. This is a significant flaw of current NPDES permits which has led to a lack of cooperation, distrust and litigation between regulators and the regulated community up and down this State. It does not establish a fertile environment for partnership and problem solving.

Thank you again for this opportunity to comment. We hope these remarks will be accepted into consideration and aid the effort for cleaner waters in California.

Sincerely,



Brian R. Smith
Assistant Public Works Director



City of Bellflower

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fax transmittal

To:

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-
- Urgent For Review Please Comment Please Reply
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NOTES/COMMENTS: