



**California Regional Water Quality Control Board**  
**Santa Ana Region**



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**TO:** Bryan Brock  
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 State Water Resources Control Board

**FROM:** Gerard J. Thibeault  
 Executive Officer  
**SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD**

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**DATE:** February 2, 2006

**SUBJECT: DRAFT STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR WASTEWATER COLLECTION SYSTEM AGENCIES**

Thank you for the opportunity to comment on the subject draft order.

We support the adoption of the draft order by the State Water Resources Control Board (SWRCB). The draft order is essentially the same as our Order No. R8-2002-0014, which was issued by this Regional Board to all sewage collection agencies in the Orange County portion of our region. The draft order will ensure that all the sewage collection agencies in the remainder of our region will be operating and maintaining their sewers to the standards in the wastewater collection industry.

We believe the requirements in the proposed draft order are at least equivalent to those of sewer agencies that experience very few, if any, sewage spills. We have found that those agencies that do not implement a sewer system management plan, as would be required by the draft order, have more sewage spills, of larger volumes, than those sewer agencies that do not properly manage their collection systems.

Order No. R8-2002-0014 established waste discharge requirements (WDRs) for sewage collection agencies to prevent sewage spills and to properly operate and maintain the sewer system. The WDRs have established a very successful regulatory approach to reducing beach closures caused by sewage spills, and to ensure all sewage collection systems are properly operated and maintained to the standards in the wastewater collection industry in order to prevent sewage spills and protect and maintain a very valuable public asset. We have seen a 90% reduction in the volume of

sewage being discharged to surface waters of the state since the WDRs were adopted in April 2002, with a commensurate reduction in beach closures and beach mile days of recreational use lost due to sewage spills. We are also seeing a substantial increase in money being spent on maintenance and capital improvement projects in most of the sewer systems covered by the WDRs. However, it is important to note that this increase in expenditures is only for those systems that have neglected to maintain their sewers over the years. We also have sewer systems regulated by the WDRs that have implemented the type of sewer system management programs proposed by the draft order, which have not raised rates because they were already in compliance with the WDRs.

We support the proposal to have the State Board adopt WDRs instead of an NPDES permit. This is because our Basin Plan already prohibits discharges of sewage to surface waters, and discharges to surface waters of the state are not intended to be regulated by the draft order. We also support the proposed enforcement discretion language, as an alternative to an affirmative defense. Although some claim our WDRs include an affirmative defense provision, they do not. We have language that states the Regional Board will use its enforcement discretion and evaluate a discharger's compliance with the WDRs in determining appropriate enforcement actions for sewage spills.

In conclusion, we plan to recommend that the Regional Board rescind Order No. R8-2002-0014 if the SWRCB adopts the proposed draft WDRs. This is based on the fact that the proposed WDRs are not an NPDES permit, include enforcement discretion language, and include the requirements for a Sewer System Management Plan that is at least as stringent as what was adopted by this Regional Board. The current draft meets these requirements.

Thank you again for the opportunity to comment on the proposed draft WDRs. If you have any questions regarding these comments, please call Ken Theisen at (951) 320-2028.