



City of Santa Barbara

Public Works Department

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SSO Hearing: 2/8/06

January 25, 2006

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Ms. Tam Doduc, Chair and Members
State Water Resources Control Board
Attention: Selica Potter, Acting Clerk to the Board
Executive Office
10011 I Street, 24th Floor
Sacramento, CA 95814



SUBJECT: COMMENT LETTER 1/19/06 -- PUBLIC HEARING FOR SSORP

Dear Chair Doduc and Members:

The draft Waste Discharge Requirements for represents many months of collaborative work by interested parties. It is much easier for individuals to critique and revise independently than to work together to develop a document that reflects the varied experience, responsibilities and objectives of a large group. I hope the State Water Resources Control Board members will give adequate weight to the truly open and inclusive process that the Board's staff used to develop this document. The document is not perfect, but it reflects the input of those interested in participating to develop a workable permit. There are a couple of significant issues and several minor technical issues with the WDR that I discuss below.

Existing Permits

The permit, as currently drafted, applies to all publicly owned collection systems. It includes those that already have permits with collection system conditions. Failure to either defer to, or preempt existing collection system permits is duplicative and confusing. For those of us with existing permits, the issue of how to comply with them both (and how to determine which of the competing provisions is more stringent) is far from clear. The permit attempts to have one reporting site for spills, an ambitious and meritorious goal, but does not relieve those with differing reporting requirements from also submitting those reports. The permit should be clear that one set of requirements or another apply. Given the goal of consistency, the draft WDR should become the state model with site-specific permits written only if there are extenuating circumstances not addressed in the WDR.

Very Small Collection Systems

Application of the permit to very small collection systems seems onerous. School campuses may suddenly find themselves implementing an expensive and unfunded administrative process to maintain relatively small amounts of pipe. Similarly, parks or other small collection systems could have disproportionate costs for administering a complex program far in excess of what is needed to maintain and operate a small system.

Designating a minimum size for permit applicability, such as five miles of pipe, will exempt these very small systems from the permit. Should individual small systems prove to be poorly operated or consistently cause spills, they can be issued a site specific permit appropriate to their size and infrastructure, but the local Regional Water Quality Control Board.

Certification of No Spills

The requirement to certify that no spills have occurred is problematic both in the frequency of the requirement and in the wording of the certification. This requirement should be quarterly, not monthly, and the signer should be required to certify that the agency is not aware of any spills rather than that no spills have occurred. If spills are later identified, the signer would submit an amended report. Signing under penalty of perjury that something has not occurred for a large system would require omniscience.

Sewer System Management Plan

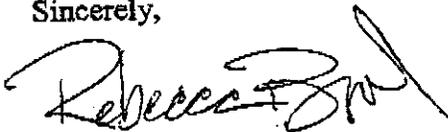
The requirement to have a licensed professional stamp the Sewer System Management Plan (SSMP) is overbroad. This requirement should apply only to those portions that require engineering of geological judgment, such as the capacity study and development of standards.

The timeline for developing the SSMP is extremely ambitious, especially for those who have limited (or no) administrative staff. Additionally, the emphasis on SSMP development should be on the completion of the final document. The interim milestones for development of SSMP components should be guidance rather than deadlines. The requirement to have the SSMP certified by the elected board should apply to the completed document rather than to each of the subsections.

Conclusion

In closing I would like to again compliment staff for the open public process used to develop this permit. It was truly inclusive. The WDR sets the stage for developing good management plans and requiring appropriate investment in infrastructure. It does not change the condition of infrastructure in the ground. Spills will continue to happen and the State Board must develop a document that ensures that public resources can be spent in good faith to improve infrastructure rather than developing a document that subjects the enrollees to increased diversion of funds to the defense of lawsuits and payment of attorneys' fees. The proposed WDR does not restrict the existing Clean Water Act provisions allowing enforcement through citizen suits for discharges to Waters of the US. Nor does it preempt local Regional Boards from issuing site-specific permits. I urge the State Board to recognize the careful balance this permit has attempted to gain and be sensitive to the issues of how public resources can best be shepherded.

Sincerely,



Rebecca Bjork
Wastewater System Manager
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To Selica Potter, Acting Clerk to the Board **From** Rebecca Bjork, Wastewater System Mgr.

Fax 916 341 5620 **Date** 1/25/06

Phone **Pages** 3

Re COMMENT LETTER 1/19/06 – PUBLIC **CC:**
HEARING FOR SSORP

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