



**COUNTY OF PLACER  
FACILITY SERVICES DEPARTMENT**

Phone 530-886-4900 Fax 530-889-6809  
www.placer.ca.gov

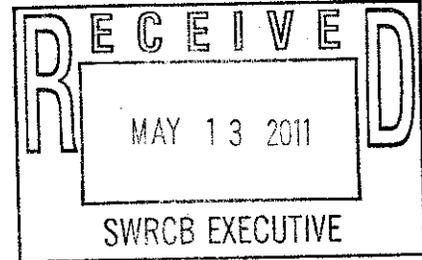
Public Comment  
Sanitary Sewer System WDRs  
Deadline: 5/13/11 by 12 noon

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May 13, 2011

**Via email:** [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, Sacramento, CA 95814



**RE: COMMENT LETTER – SSS WDRS REVIEW & UPDATE**

Dear Ms. Townsend:

Placer County appreciates the opportunity to comment on the State Water Quality Control Board's (Board) proposed revisions to the Sanitary Sewer System Waste Discharge Requirements (SSS WDRs). The County operates and maintains five wastewater treatment facilities, 275 miles of pipe and 42 lift stations in Placer County. Areas served include unincorporated portions of North Auburn, Granite Bay, Loomis, western Placer County (Dry Creek), Livoti, Sunset Industrial area, Sheridan, Applegate and Blue Canyon.

The proposed revisions to the SSS WDRs represent a major departure from the program that has been successfully implemented under the existing SSS WDRs. While we appreciate your Board's efforts to address certain issues associated with the existing WDRs, Placer County is very concerned about the number and extent of the proposed revisions, particularly those related to reporting of private lateral sewage discharges (PLSDs) and additions to sewer system management plan (SSMP). As requirements become more complicated, more staff time must be allocated to administrative tasks, resulting in less time spent actually conducting the operations and maintenance activities to prevent sanitary sewer overflows (SSOs) and properly maintain the collection system. Also, we strongly oppose any kind of NPDES permitting approach because it is unnecessary and would not directly reduce SSOs.

Specific comments on the proposed SSS WDR are as follows:

11476 C Avenue Auburn CA 95603  
Entrance at 2855 2nd Street

Administration – Building Maintenance – Capital Improvements – Museums – Parks  
Property Management – Environmental Engineering - Utilities

**1. Sanitary sewer system regulations should not be adopted under a two-tiered WDRs and NPDES permit.**

The public notice for the SSS WDR invites comments on whether the Board should consider substituting a two tiered "hybrid" system for regulating collection systems, in which some agencies are regulated via NPDES permit and others via WDR. We urge your Board not to move forward with this option.

We strongly oppose the hybrid alternative, whereby an SSO occurring previously or in the future would trigger the requirement to apply for an NPDES permit, and agree with several points included in the Staff Report also opposing an NPDES permit. Since the existing SSS WDRs and the proposed revisions to the SSS WDRs do not authorize SSOs to waters of the United States, there is no need for an NPDES permit. In addition, the requirements would potentially subject local public agencies to lawsuits and higher administrative penalties with no demonstration that this would improve water quality or further reduce SSOs.

As described in the Staff Report, this alternative would also require significant additional Water Board staff resources to track and implement the different permit tiers. We believe that staff resources should instead be used to further improve SSO reduction efforts under the existing SSS WDRs. Again, we urge your Board not to move forward with this option.

**2. The mandatory reporting of Private Lateral Sewage Discharges (PLSDs) is not justified and creates an inappropriate burden for public agency staff.**

The SSS WDR would require enrollees to report spills from privately owned laterals when they become aware of them; such reporting is currently voluntary. Water Board staff has not provided adequate justification for, and should thoroughly consider, the staffing and financial resources necessary to require public agencies to report PLSDs that are not affiliated with the collection system agency.

This requirement also raises additional concerns. First, it appears to shift the responsibility for privately owned sewer laterals to public agencies. For example, while the draft SSS WDR does acknowledge that maintenance and repair of private laterals may be the responsibility of the private owners, it would require public agencies to be responsible for mapping and documentation of all private lateral facilities, including the existence of back flow devices, clean outs, etc. The proposed revisions also appear to impose responsibility for lateral inspection and clean out programs on enrollees. Overall, this requirement creates significant financial and liability burden on public agencies and confusion by giving the false impression that public agencies are responsible for the well being of privately owned and maintained sewer laterals.

In addition, the Board's Staff Report includes a reference to a study that indicated the total volume of sewage from private laterals is about 5% of the total volume from SSOs, almost all of which never pose a threat to waters. Requiring public agencies to provide detailed information regarding such a small percentage of overflow volumes from parts of the system over which they have no control is not appropriate; as well, it would divert limited staff resources from higher priority efforts that actually protect waters. We request that this requirement be removed from the proposed SSS WDR.

**3. It is essential that State and Regional Water Board staff consider the reasons for each SSO in any enforcement action.**

The existing SSS WDRs included language in Provision D.6 that provided reassurance that, in the case of an SSO enforcement action, the State and/or Regional Water Board would consider why the SSO might have occurred and to what extent it would have been reasonably possible for the Enrollee to prevent it: "*In assessing these factors, the State and/or Regional Water Boards will also consider whether...*" (emphasis added).

In the proposed revisions to the SSS WDRs, this language was changed to read: "*In assessing these factors, the State and/or Regional Water Boards may also consider whether...*" (emphasis added).

The proposed revision would change the language, from a clear enforcement direction to a purely advisory statement which individual regional boards would be free to follow or ignore as they choose. The factors described in (a) through (g) of Provision D.6 are highly relevant to the Enrollee's efforts to properly manage, operate and maintain its system and these factors should definitely be considered in enforcement actions.

We request that the existing language be retained; enrollees should not be made to suffer consequences for conditions that are outside their reasonable control.

**4. Significant additional Sewer System Management Plan (SSMP) requirements are overly prescriptive.**

The proposed "Risk and Threat Analysis" and "Staff Performance Assessment Program" are unsupported, unnecessarily complicated, and overly prescriptive.

The proposed Risk and Threat Analysis of all sanitary sewer assets would be complex and resource-intensive, and would not provide incrementally more benefit than that provided by an otherwise well-operated and managed system. It is not appropriate to require every agency to implement this requirement unless the Water Board can demonstrate that those agencies complying with current requirements have been ineffective in reducing SSOs.

Requiring development and implementation of the proposed Staff Assessment Program on an agency-by-agency basis is unrealistic. These expectations would require a

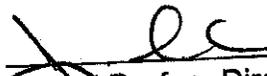
substantial investment of resources to do redundant work at each agency. The Water Board should not implement these new requirements until it has demonstrated the current training requirements are deficient.

Placer County is a member of the Central Valley Clean Water Association (CVCWA) and County staff has been actively involved in the development of the more detailed CVCWA comment letter. We support CVCWA's comments as well as their detailed proposed revisions, submitted separately.

In conclusion, we restate our view that significant proposed revisions to the SSS WDRs are premature and overly burdensome. Implementation of the existing permit has already successfully resulted in reduced impacts of SSOs on surface water. Additional improvements are expected as capital improvements identified under our current permits are completed. Please consider that many agencies are investing significant resources toward meeting the current requirements; it does not make sense to increase the requirements before current efforts are completed and properly evaluated. We believe that it would be more productive for the Water Board to focus on bringing all agencies into compliance with the current permit rather than initiating sweeping revisions that would apply to all agencies, regardless of compliance history or the effectiveness of current programs.

Placer County appreciates you taking our comments under serious consideration.

Sincerely,

  
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James Durfee, Director  
Placer County Department of Facility Services

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