



SSO Hearing: 2/8/06

January 25, 2006

VIA FACSIMILE: (916) 341-5620

Board of Directors**President**
Randy A. Record**Vice President**
David J. SlawsonRichard R. Hall
Rodger D. Siems
Ronald W. Sullivan**Board Secretary**
Rosemarie V. Howell**General Manager**
Anthony J. Pack**Director of the
Metropolitan Water
District of So. Calif.**
Randy A. Record**Treasurer**
Joseph J. Kuebler,
CPA**Legal Counsel**
Redwine & SherrillMs. Selica Potter, Acting Clerk to the Board
State Water Resources Control Board
Executive Office
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: COMMENT LETTER - 2/08/06 PUBLIC HEARING FOR SSORP

Dear Ms. Potter:

Eastern Municipal Water District (EMWD or District) has reviewed the Draft Statewide General Discharge Requirements for Wastewater Collection System Agencies (draft WDRs). EMWD provides water, wastewater, and recycled water service to over 550,000 people in a 555 square mile area of rapidly growing western Riverside County. The District owns and operates regional water reclamation facilities (RWRF) in each of its five wastewater service areas including Temecula Valley, Moreno Valley, Perris Valley, San Jacinto Valley and Winchester/Sun City. EMWD's Temecula Valley Regional Water Reclamation Facility is under the jurisdiction of the San Diego Regional Water Quality Control Board (SDRWQCB), while the other four reclamation facilities are under the jurisdiction of the Santa Ana Regional Water Quality Control Board (SARWQCB).

EMWD is already regulated for Sanitary Sewer Overflows (SSOs) under Order 96-04 issued by the SDRWQCB for its Temecula Valley RWRF. The draft statewide general permit differs slightly from the San Diego permit. The primary new requirement imposed by the statewide general permit is the development of a Sanitary Sewer Management Plan (SSMP).

EMWD is pleased that the new permit is in the form of statewide general waste discharge requirements instead of an NPDES permit. EMWD is concerned that the draft WDRs do not provide a meaningful affirmative defense to ensure that agencies will not be penalized or sued for overflows that could not have been prevented despite compliance with the requirements set forth in the WDRs and implementation of a comprehensive SSMPs. Instead, the draft WDRs include "enforcement discretion" language setting forth factors to be considered by the regional boards in assessing whether enforcement action is appropriate. Some SSOs are unavoidable, even in the best-maintained systems. It could be assumed that wastewater agencies will face enforcement action associated with this draft WDR at some point in the future due to technological and economic constraints. EMWD urges the SWRCB to include in the WDR protections for collection system entities against fines and lawsuits based on SSOs if a collection system is managed, operated, and maintained according to the standards and requirements of the WDR.

Mailing Address: Post Office Box 8300 Perris, CA 92572-8300 Telephone: (951) 928-3777 Fax: (951) 928-6177
Location: 2270 Trumble Road Perris, CA 92570 Internet: www.emwd.org

Ms. Selica Potter
January 25, 2005

Page 2

EMWD offers the following specific comments on the Statewide General Discharge Requirements for SSOs.

1. Fact Sheet, Page 9 of 9, last paragraph – The cost of complying with the proposed WDR is estimated to be \$5.99 per household per month and is characterized as a “very manageable sum.” As a special District, which has the ability to increase monthly rates to our customers, EMWD does not believe that this is an insignificant amount. For example, the magnitude of this cost is one-third of our current sewer rates. We are also concerned that the estimated cost does not reflect the higher cost per capita for sewer systems in rural areas and therefore may not represent the true cost impact for many communities.
2. Draft Order, Page 2 of 19, Section 7 and Page 9 of 19, Section 12 – Clarification is needed regarding the SSMP “certification by technically qualified and experienced persons” (pg 2) versus the requirement on page 9 stating that the “SSMP program shall be prepared by or under the direction of appropriately qualified professionals...” The SWRCB should define “qualified professionals”.
3. Draft Order, Page 6 of 19, Section B.3 – It is indicated that permit coverage will be in effect upon completion and approval of a complete application package. Will the enrollee receive a formal letter of approval from the State Water Resources Control Board affirming their enrollment?
4. Draft Order, Page 8 of 19, Section 7. (v) – It is stated that adequate sampling shall be performed to determine the nature and impact of the release. EMWD recommends that such sampling be restricted to those SSOs that affect surface waters. The impacts of SSOs occurring on land should be readily apparent from visual observations.
5. Draft Order, Page 10 of 19, Section (iii) (c) – “Ensure access for maintenance, inspection, or repairs for the portions of the lateral owned or maintained by the Public Agency”. Currently we are not responsible for any laterals, however we do perform the necessary repairs from the homeowner's property line to point of system connection. EMWD recommends that this be statement be deleted.
6. Draft Order, Page 10 of 19, Section (iv) – Operation and Maintenance Program
 - (a) “and applicable storm water conveyance facilities”. This statement needs to be clarified as to what extent regarding these facilities.
 - (c) “The program should include regular visual and TV inspections of manholes and sewer pipelines...”. Currently EMWD does not have a routine TV inspection program or crew. Our current activity and budget is related to addressing areas of infiltration not pipeline inspection for risk of collapse or defects. Typically complete system inspection is on a 10-year cycle, so this new requirement will be a significant activity if implemented. We will either have to contract this work at significant cost or hire staff and purchase equipment to perform this work in-house.
7. Draft Order, Page 13 of 19, Section 13 (x) – It is stated that the permittee shall conduct audits of the collection system at a minimum of every two years. To conduct audits on a frequency of at least every two years is too burdensome and costly for permittees with large collection systems. EMWD recommends that the audit frequency be lengthened to once every five years, to coincide with the update of the SSMP.

Ms. Selica Potter
January 25, 2005

Page 3

8. Draft Order, Page 17 of 19, Section G. Change of Ownership – Clarification is needed with respect to the extent of this requirement is needed. For example, EMWD has several agreements with other agencies regarding ownership or maintenance of the collection system. As these agreements continue to change, to what extent does this requirement apply.
9. Monitoring and Reporting Program, Page 1 of 5, Section A.2 – Currently the Porter Cologne Act requires all spills greater than 1,000 gallons as well as of any spill that reaches or threatens to reach surface waters be reported. At present, we only report spills that are less than 1,000 gallons to the local health department. The reporting of all spills provides no water quality or public health benefit, and reporting of all spills will result in misleading statistics suggesting a dramatic increase in SSOs. EMWD recommends that the permit require reporting spills of greater than 1,000 gallons only.
10. Monitoring and Reporting Program, Page 1 of 5, Section A.4 – For major spills, the draft permit requires initial reporting within three business days after the enrollee is made aware of the SSO. It is recommended that the timeframe be increased to five business days. This is consistent with SSO Order No. 96-04 adopted by the San Diego Regional Water Quality Control Board, which is often cited in this propose Order as a model program.
11. Monitoring and Reporting Program, Pages 1 and 2 of 5, Section A.4 – For major spills, a final report must be completed within 15 days of the spill conclusion. It is recommended that this be changed to 15 business days to be consistent with defining days as business days not calendar days.
12. Monitoring and Reporting Program, Page 3 of 5, Section A.10.J – For major spills, it is indicated that steps taken to reduce, eliminate and prevent a reoccurrence of the overflow and a schedule of major milestones for those steps be included in the certified spill report. Those certified reports are to be submitted within 15 days. This is not sufficient time to develop a schedule of major milestones for larger projects such as the replacement of a major section of a sewer line. It is recommended that either the requirement to submit a schedule of major milestones be eliminated or the time for submittal of the major milestones be extended to 45 business days.
13. Monitoring and Reporting Program, Page 3 of 5, Reporting to Other Regulatory Agencies, Section 1 – It is stated that the enrollee shall report SSOs to the Office of Emergency Services (OES) in accordance with California Water Code Section 13271. It is recommended that clarification be provided by specifying that major spills be reported to OES, which is consistent with California Water Code Section 13271. Minor spills do not need to be reported to OES.
14. Monitoring and Reporting Program, Page 4 of 5, Reporting to Other Regulatory Agencies, Section 3 – For major spills, the SSO database will automatically generate notifications to the Regional Board and County Health Officer. This is redundant since these notifications are already provided by OES. Multiple notifications may lead to confusion and double counting of spills. EMWD recommends that automatic notifications do not occur with the SSO database.
15. Monitoring and Reporting Program, Page 4 of 5, Section B. – Either item 2 is missing or Section B is numbered incorrectly.

Ms. Selica Potter
January 25, 2005

Page 4

16. Monitoring and Reporting Program, Pages 2 and 4 of 5 - In Section A.8.A, it is specified that the location of the spill shall be indicated by entering either the street address or the longitude and latitude whereas in Section B.5.f, the location of the spill shall be designated by street address or GPS coordinates. EMWD recommends that either longitude and latitude or GPS coordinates be specified, not both.

Thank you for the opportunity to comment on the Draft Statewide General Discharge Requirements for Wastewater Collection System Agencies. While EMWD supports the reduction of SSOs and bringing consistency to SSO reporting, compliance with the program mandated by the draft WDR would require significant local ratepayer dollars. EMWD agrees with the California Association of Sanitation Agencies (CASA's) goal of a statewide program that is fair, consistent, affordable, and that does not expose collection system agencies acting in good faith to increased enforcement and third party litigation. We urge the SWRCB to implement a SSO program with this goal in mind.

Sincerely,



Anthony J. Pack,
General Manager

/ch



To: SELICA POTTER ACTING CLERK TO THE BOARD
Company : STATE WATER RESOURCES CON
Fax Number : 1(916)3415620
Phone Number :

From : Eastern Municipal Water District
Fax Number :
Phone Number 4206

Time Sent : Wednesday, Jan 25, 2006 02:44PM
Pages : 5
Description : COMMENT LETTER 1/19/06 PUBLIC HEARING FOR SSORP

The attached document(s) is from:
Eastern Municipal Water District's
Legislative Affairs Department
PO Box 8300
Perris, CA 92572-8300

951-928-3777, ext. 4206
951-928-6160 fax
djacomet@emwd.org (e-address)
www.emwd.org (website)

If you do not receive all pages, or if you have any
questions, please feel free to call the number above between
8:00 am and 5:00 pm Pacific time.