

EBDA

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A Joint Powers Public Agency

January 25, 2006

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State Water Resources Control Board
Executive Office
1001 I Street, 24th Floor
Sacramento, CA 95814



SSO Hearing: 2/8/06

Via email: commentletters@waterboards.ca.gov

Statewide General Waste Discharge Requirements for Wastewater Collection System Agencies

The East Bay Dischargers Authority and its member agencies are pleased to provide these comments on the draft waste discharge requirements (WDR) for sanitary sewer overflows (SSOs). Collectively we serve a population of approximately 800,000 residents of southern and eastern Alameda County. The Authority and its member agencies support the overall goals of the WDR to reduce SSOs to protect public health and the environment.

We appreciate the efforts of State Water Board staff, particularly Bryan Brock, to develop a workable program. The collaborative effort that was used throughout the process is a model that should be used whenever new regulatory programs are considered.

We support the comments submitted by California Association of Sanitation Agencies (CASA), League of California Cities, Tri-TAC, Bay Area Clean Water Agencies (BACWA), Central Valley Clean Water Association (CVCWA), and Southern California Alliance of POTWs (SCAP).

Our main concerns include the following:

1. Lack of an Explicit Affirmative Defense as described by BACWA and others.
2. Requirement to Report all SSOs as described by BACWA and others. It is far more logical to report only those spills that have the potential to create problems. A threshold reporting limit of greater than 100 gallons should be used.
3. The Potential for Duplicate Reporting as described by BACWA and others. The Authority and its member agencies have been participating in the San Francisco Bay Regional Water Board program since its inception and have been reporting SSOs to an electronic reporting system since late 2004. We believe it would be inappropriate

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to submit duplicate reports and request that all agencies participating in the Regional Water Board program be exempted from the WDR until the reporting systems are fully merged.

4. Lack of Specific Financial Assistance by the State Water Board. The fact sheet indicates that implementation of the program will cost local agencies close to \$1,000,000,000. Despite this cost the report indicates that it will only cost ratepayers an average of \$6 per month, "a very manageable sum." There is no indication that the State Water Board intends to provide grant or bond funding through the State Revolving Loan program for the WDR, which some may consider an unfunded mandate. In addition, the economic analysis provides no cost versus benefit analysis. No specific problem has been identified or quantified to justify the expenditure of nearly one billion dollars of taxpayer money.
5. Implementation Issues Have Been Underestimated. This program will impact nearly 2,000 agencies statewide. The size and sophistication of collection system agencies varies greatly, and implementing this program will be far more complex than the State Water Board anticipates. Rather than issuing the WDR at this time, please consider an alternative approach of educating agencies, and requiring them to participate in an electronic reporting system to gather data to identify program needs and costs. Development and implementation of an SSMP can also be a requirement. This would be consistent with the Bay Area approach, which has been supported by the collection system agencies and BACWA.

Thank you for consideration of our comments. Should you have any questions, please feel free to contact me.

Sincerely,



Charles V. Weir
General Manager

c: Commissioners
Member Agency Managers
BACWA
CASA
CVCWA
SCAP
League of Cities