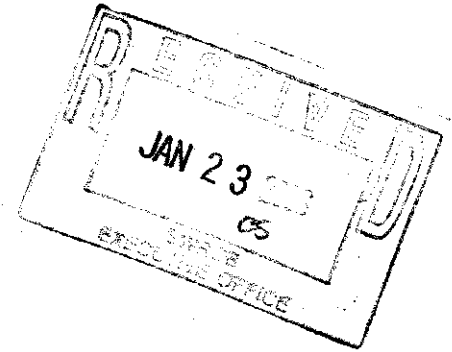




SSO Hearing: 2/8/06



Public Works Department

January 17, 2006

Tam Doduc, Chair, and Members
State Water Resources Control Board
Executive Office
1001 I Street, 24th Floor
Sacramento, California 95814
Attn: Selica Potter, Clerk to the Board

SUBJECT: COMMENTS CONCERNING THE FEBRUARY 8, 2006 SSORP HEARING

Dear Mr. Doduc:

Below are the City of Benicia's comments concerning the February 8, 2006 Hearing for SSORP regarding the Statewide General Waste Discharge Requirements (WDR) for Wastewater Collection System Agencies and the accompanying Monitoring and Reporting Program (MRP).

- We support the goals of the State Water Resources Control Board (SWRCB) to implement the Sanitary Sewer Overflow Reduction Program (SSORP) to reduce the number and volume of Sanitary Sewer Overflows (SSOs) throughout the state.
- We strongly urge the SWRCB **not** to adopt the WDR and MRP unless and until state funding (in the form of grants and/or loans) is provided, protection for our ratepayers from potentially unfair and unreasonable regulatory fines and third party litigation is added, and additional time for program implementation is built into the compliance schedule.
- The projected \$72 annual cost per household to implement the Statewide WDR that is shown in the Fact Sheet may underestimate the true cost for cities such as ours. Even if the cost projection proves accurate, it does represent a very significant cost increase to be borne by our ratepayers.
- The State should identify a source of funding to support these new costs rather than simply requiring the cities to enact rate increases to cover the costs.
- We have grave concerns about the potential impacts of fines or third party litigation. The program costs should not be further impacted by fines or third party litigation due to SSOs that occur even after full SSMP implementation and full compliance with WDR and MRP requirements.
- The WDR must strongly differentiate between preventable and unavoidable SSOs, and must provide cities and their residents with protection against the cost impact of fines and lawsuits based on SSOs that occur even after our collection system is managed, operated

STEVE MESSINA, *Mayor*
Members of the City Council
ALAN M. SCHWARTZMAN, *Vice Mayor* • MARK C. HUGHES • ELIZABETH PATTERSON • BILL WHITNEY

JIM ERICKSON, *City Manager*
VIRGINIA SOUZA, *City Treasurer*
LISA WOLFE, *City Clerk*

and maintained according to the standards and requirements established by this new regulatory program.

- The proposed time schedule for implementation of the various program elements is too short and overly prescriptive. For example, an agency with a population falling between 10,000 and 100,000 people must develop and implement a comprehensive Overflow Emergency Response Program within 12 months, which will require new equipment, personnel and training. This would be very difficult.
- Additional time should be provided and separate deadlines for individual program elements should be eliminated.

Should you have any questions, please feel free to give me a call at 746-4240.

Sincerely,



Daniel Schiada
Director of Public Works

DS:kt

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Cc: Chris Tomasik, Assistant Director of Public Works/Utilities Manager
Bryan Brock, SWRCB staff