

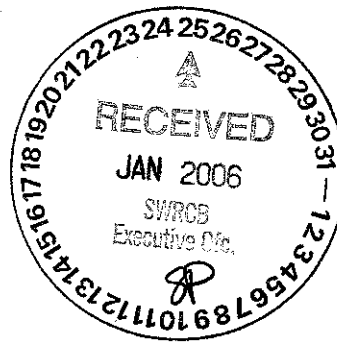
**From:** "Doug" <Doug@stegesd.dst.ca.us>  
**To:** <commentletters@waterboards.ca.gov>  
**Date:** Wed, Jan 25, 2006 12:51 PM  
**Subject:** Comment Letter - 1/19/06 PUBLIC HEARING FOR SSORP

Stege Sanitary District

SSO Hearing: 2/8/06

January 25, 2006

Selica Potter, Acting Clerk to the Board  
State Water Resources Control Board  
Executive Office  
1001 I Street, 24th Floor  
Sacramento, CA 95814



Email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

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

Dear Ms. Potter:

Thank you for the opportunity to comment on the draft waste discharge requirements (WDR) for sanitary sewer overflows (SSOs) in California. Stege Sanitary District (Stege) is located in the east side of the San Francisco Bay area and serves a population of about 40,000 in the communities of El Cerrito, Kensington, and Richmond Annex. The District operates and maintains a wastewater collection system that is a satellite system to the East Bay Municipal Utility District (EBMUD) Wastewater Treatment Plant.

Stege is a member of the Bay Area Clean Water Agencies (BACWA) and our District Manager was instrumental in assisting BACWA and the Region 2 Water Board with the development of a comprehensive sanitary sewer overflow (SSO) program, including electronic reporting and the development of sewer system management plans in advance of the state-wide program. Stege is very interested in ensuring that the new state program does not conflict with our successful regional program.

Our comments are described below.

1. Stege supports a uniform state-wide approach to requirements for wastewater collection systems.

Stege supports the overall concept of uniform application of regulatory direction for wastewater collection systems. It is important to be consistent state-wide, but also to rely on practical experience based on programs already implemented to date.

2. Stege urges the State Water Board to include an affirmative defense in the WDR.

The absence of affirmative defense language is an omission that will have severe consequences for collection system agencies, because some SSOs are unavoidable even in the most well-operated collection systems in the state. We support inclusion of an affirmative defense for SSOs in this WDR.

3. Absent inclusion of affirmative defense language, the State Water Board should require Regional Water Boards to use the enforcement discretion indicated in the proposed WDR.

It is very important for the State Water Board staff to wholly and completely evaluate mitigating factors when analyzing SSOs for enforcement. The proposed language contains directions to staff to conduct such an analysis prior to executing enforcement action and we urge that the Board reinforce such instructions at the time of adoption of the final WDR.

4. The State Water Board must ensure that there are no conflicts with the Region 2 SSO Program already successfully implemented.

Stege requests that the State Water Board carefully coordinate WDR implementation with the existing work and program in Region 2, in order to make the process as easy as possible for implementation and compliance assessment. We do not want to witness a backlash from frustrated collection system agencies that have cooperated to date with regional efforts but could become confused and disengaged if state-wide efforts are not coordinated properly, including education and outreach about exactly what is expected.

Bay Area agencies that currently participate in the Region 2 electronic reporting system should be exempt from reporting to this new State system until such time as the new State system is fully operational and the Region 2 system can be seamlessly merged with the State system. This approach will ensure that no data is lost and avoids duplicate reporting.

5. The State Water Board must indicate that the Operations and Maintenance Program should also be known as the Measures and Activities Program.

It is important to recognize this additional term that is now in common usage around the state, due to the draft unpublished federal regulations that used this terminology starting several years ago.

6. The State Water Board should retain the incremental SSMP development deadlines.

Stege requests that the State Water Board adopt the incremental SSMP development approach as stated in the draft WDR. This approach allows all concerned parties to monitor critical milestones and ensure on-time production of necessary documents. Also, the incremental approach allows development problems to be addressed in a more orderly fashion over a longer period of time rather than being compressed all at once at a single deadline. This is also consistent with the approach utilized in region 2.

7. The State Water Board should not waste limited public resources for reporting very small SSOs.

Stege requests that the State Water Board require reporting of only those SSOs in excess of 100 gallons unless, of course, there is a fish kill or a threat to public health and safety. A 100 gallon limit for reporting SSOs helps ensure two important goals of the WDR:

a. To monitor SSOs that may have a material effect on the environment, and the public health and safety. SSOs of less than 100 gallons are, for all intents and purposes, statistically unimportant and will skew the SSO statistics with large numbers of reports that are impractical to analyze or attach importance to.

b. To ensure accurate SSO reporting by collection system agencies. Since there is no secondary method (in almost all cases) to verify the size of an SSO, crew cooperation of accurate reporting is needed to make the WDR system work. The burden of reporting minor, non-consequential spills could foster misreporting or non-reporting.

8. The State Water Board must support the SSO control program with guidance documents, technology transfer, and financial assistance for communities.

Stege believes there are many advantages to agencies' preparation of their SSMPs. These advantages include the development of an enhanced understanding of cost-effective means for improving the overall

performance of wastewater collection systems and sustaining infrastructure integrity.

The chief disadvantages are increased cost and complexity, which will likely have the most negative impact on small and some medium utilities. We strongly suggest that the State Water Board support the development of guidance documents, technology transfer, and financial assistance for communities that are the most heavily impacted.

9. The State Water Board MUST allow enough time implement an accurate electronic SSO reporting system.

Early pilot testing of the state-wide electronic SSO reporting system has indicated that it has a long way to go prior to full scale operation. The information entered into and maintained in the system will have wide-ranging uses and impacts. The major challenge is that it will have thousands of agency staff entering data. Training, documentation, error checking, and quality control will be significant issues that will require significant time and resources to produce a reliable product. For this reason, and based on our experience in Region 2 with a very similar program, we ask the State Water Board to provide adequate resources and to be conservative in its implementation schedule.

Please let us know if you have any questions about these comments, and thanks again for the opportunity to comment.

Sincerely,

Stege Sanitary District

Douglas Humphrey

District Manager

cc: Michele Pla, BACWA Executive Director

Jim Kelly, Water Issues Forum Chair, CASA

Ben Horenstein, Water Committee Co-chair, Tri-TAC

Roberta Larson, CASA Director of Legal & Regulatory Affairs

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