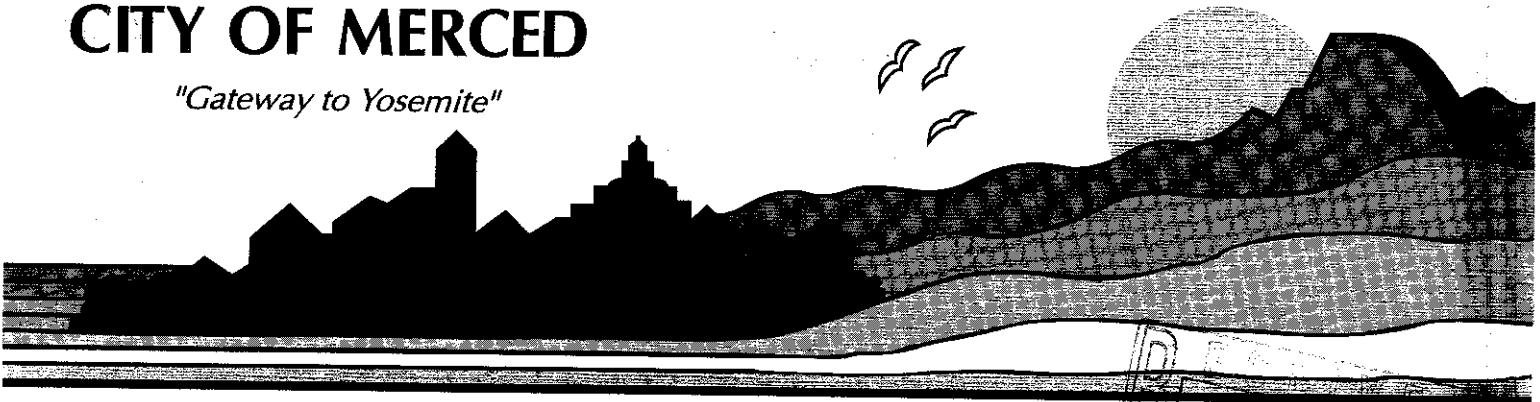


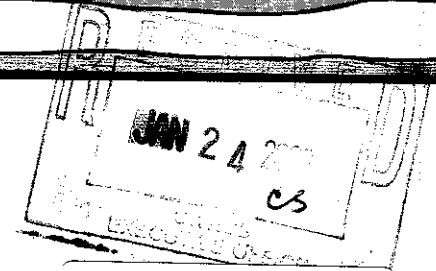
# CITY OF MERCED

"Gateway to Yosemite"



January 20, 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



SSO Hearing: 2/8/06

**Re: 1/19/06 PUBLIC HEARING FOR SSORP-- regarding the Statewide General Waste Discharge Requirements (WDR) for Wastewater Collection System Agencies and the accompanying Monitoring and Reporting Program (MRP)**

**Dear Sirs:**

The City of Merced strongly urges 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.

As an economically disadvantaged community already forced to increase rates in order to meet overly prescriptive waste discharge requirements, the projected cost per household to implement the Statewide WDR represents a very significant cost increase to be borne by our ratepayers. Even if the \$72 annual cost projection proves accurate, the true cost of unavoidable fines and third party lawsuits for cities such as ours can be devastating to low-income households. 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 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, and maintained according to the standards and requirements established by this new regulatory program. The program costs should not be allowed to be further impacted by fines or third party litigation due to SSOs that

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occur even after full SSMP implementation and full compliance with WDR and MRP requirements.

The proposed time schedule for implementation of the various program elements is too short and overly prescriptive. For example, Merced 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.

Sincerely,



Ellie Wooten  
Mayor, City of Merced

cc: Jim Marshall, City Manager, Merced  
Greg Diaz, City Attorney, Merced  
Dave Tucker, City Engineer, Merced  
John Raggio, Public Works Director, Merced  
Mike Wegley, Public Works Deputy Director, Merced