

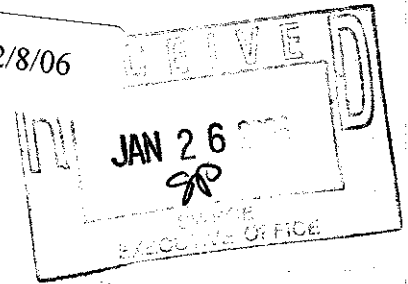


City of Santa Fe Springs

11710 Telegraph Road • CA • 90670-3679 • (562) 868-0511 • Fax (562) 868-7112 • www.santafesprings.org

SSO Hearing: 2/8/06

January 19, 2006



State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Attention: Tam M. Doduc, Chair

Subject: Comments for the Public Hearing on Proposed Sanitary Sewer Overflow
Reduction Program (SSORP) Waste Discharge Requirement

Dear Chair Doduc:

The City of Santa Fe Springs is supportive of the goals of the State Water Resources Control Board (SWRCB) to implement the Sanitary Sewer Overflow Reduction Program to reduce the number and volume of Sanitary Sewer Overflows (SSOs) throughout the State. While the City is supportive of these goals, this letter is written to express opposition to the Statewide General Waste Discharge Requirements (WDR) for Wastewater Collection System Agencies and the accompanying Monitoring and Reporting Program (MRP) in their current form.

The City of Santa Fe Springs is concerned with the mechanics of how this is to be achieved with regard to some of the requirements mandated in these regulations and believes these issues should be resolved prior to adoption by the SWRCB. The City has the following concerns:

- 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 smaller 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 by tripling their existing rates of \$30.50 to \$102.50. The State should attempt to identify a source of funding to support these new costs rather than simply requiring the cities to enact rate increases and burden our ratepayers to cover the costs.

Louie González, Mayor • Joseph D. Serrano, Sr., Mayor Pro Tem
City Council
Ronald S. Kernes • Betty Putnam • Gustavo R. Velasco
City Manager
Frederick W. Latham

- The proposed time schedule for implementation of the Sewer System Management Plan does not appear to give sufficient time to plan and budget for the large cost associated with the WDR. In particular, for our city (population 17,867), we believe that the requirements that cities with a population falling between 10,000 and 100,000 people, to develop and implement a comprehensive Sewer System Management Plan Program in less than 3 years covering the following areas: Monitoring and Reporting Program, SSMP Development Plan and Schedule, Goals and Organization Structure, Overflow Emergency Response Program, Legal Authority Requirements, Operations and Maintenance Program, Grease Control Program, Design and Performance, and System Evaluation and Capacity Assurance Program is unreasonable and would be difficult to comply with when taking into consideration the funding costs, time needed for program development, the need for additional personnel, hiring of consultants, new equipment, and training, to name just a few. More time should be afforded and separate deadlines for individual program elements should be eliminated.
- What is most disturbing is the removal of the "affirmative defense" provision from the WDR draft that seems unjustified and appears to be based on improbable worst case scenarios leaving cities open to the potential for additional costs by fines or third party litigation due to SSOs that occur **even after full SSMP implementation and full compliance with WDR and MRP requirements are met**. It should be made clear that the City does not seek an affirmative action defense provision to evade the purpose of the proposed SSORP, which it once again supports. Instead it wishes to be spared from liability in the event of an accidental sewage release caused by an earthquake, rare intense storm event or other issue out of our control even after our collection system is managed, operated and maintained according to the standards and requirements established by this new regulatory program.

What is needed is an affirmative defense language that would effectively balance the interests of non-governmental organizations (NGOs) against the legitimate concerns of subject dischargers, and again, our concerns of being in compliance with the standard and requirements of the regulatory program and still being subject to fines and third party litigation. Therefore, the City of Santa Fe Springs asks the State Board to include a provision into the WDR for affirmative defense language that would be acceptable to both parties.

Tam M. Doduc, Chair
January 19, 2006
Page 3

The WDR should acknowledge that because flood control channels and recharge basins are not navigable during the dry season, releases to such waters should not be considered a Clean Water Act violation.

In summary, the City of Santa Fe Springs strongly urges the State Board **not** to adopt the WDR and MRP without a thorough cost analysis, State funding support, additional time for program implementation, proper protection through affirmative defense for local cities such as Santa Fe Springs. Thank you for your consideration and we are confident that you will fairly evaluate our concerns prior to making your decision.

Sincerely,



Frederick W. Latham
City Manager

xc: Santa Fe Springs City Council
Donald K. Jensen, Director of Public Works
Bryan Brock, California Environmental Protection Agency,
State Water Resources Control Board, Office of Statewide Initiatives