



# City of South Gate

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**GARY MILLIMAN**  
CITY MANAGER

January 24, 2006

Attn: Selica Potter, Clerk to the Board  
Tam Doduc, Chair and members  
State Water Resources Control Board  
Executive Office  
1001 I street, 24<sup>th</sup> Floor  
Sacramento, California 95814



SSO Hearing: 2/8/06

***Subject: Proposed Regulations: Sanitary Sewer Overflows***

Dear Chair Doduc and Members:

Reference is made to proposed regulations being promulgated by the State Water Resources Control Board regarding sanitary sewer overflows. The City of South Gate shares the Board's concern regarding the prevention of sanitary sewer overflows and the maintenance of public health and safety.

For your information, the City of South Gate was incorporated in 1923 and is an "older" community. Over the years there have been periodic sewer problems, but we have addressed these problems:

- The city implemented an ongoing annual inspection and permitting program in 1991, and currently regulates over 250 businesses which have the potential to negatively impact the sanitary sewer system.
- In 2001, a voter approved bond issue (\$30 million) provided funds to repair and improve the city's sanitary sewer system. The project repaired and relined 404,000 lineal feet of deteriorating city-owned concrete sewer lines and was completed in 2005.

The city is primarily concerned with two sections of the proposed Sanitary Sewer Regulations:

First, under the proposed regulations, the city will be required to develop a sewer capacity study. The specific nature of this study is not defined. As a result of the recent and extensive work involving the sanitary sewer system, city personnel is aware of where any sewer capacity problems are likely to exist. The city's Industrial Waste program does not permit businesses to discharge flows to the sanitary sewer system greater than

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the sewer's design flow, unless the business performs a sanitary sewer capacity study. The city is concerned that under the proposed regulations, a comprehensive and expensive sewer capacity study which is capable of withstanding legal or Board scrutiny will have to be developed to restate what is already routinely known by city personnel.

Secondly, even after making the level of effort mentioned above which was all done at the city's sole initiative, the city could now be exposed to penalties and third party lawsuits for sewer overflows that may well be beyond its reasonable control.

Adopting the SSO regulations as proposed penalizes pro-active communities like South Gate whose citizens voted to tax themselves to reduce the likelihood of sewer overflows. While supportive of the overall goal of reducing sewer overflows, the City of South Gate recommends two modifications to the proposed SSO regulations at this time:

1. A committee made up of Board staff and the regulated community be convened to develop standards for the technical aspects of the SSO regulations, and
2. The affirmative defense clause that was in the previous version of the draft SSO be reinserted in the final version.

Thank you for your consideration to modify the SSO's as requested. Should you have any questions, please let me know.

Sincerely,



Gary Milliman  
City Manager

cc: Robert T. Dickey, Director of Public Works  
Bryan Brock, SWRCB staff  
Phil Friess, Sanitation Districts of Los Angeles County  
John Hunter, John L. Hunter and Associates

