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January 25, 2005

SSO Hearing: 2/8/06

Ms. Selica Potter, Acting Clerk to the Board [Email to commentletters@waterboards.ca.gov]
State Water Resources Control Board
Executive Office
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: COMMENT LETTER ON SSORP [SSO Reduction Plan
[1/19/06 Public Hearing Postponed Until 2/8/06]



Dear Ms. Potter:

These comments constitute the written recommendations of the Planning and Conservation League on Draft State Water Resources Control Board ("SWRCB") Order No. 2006 ___, entitled Statewide General Waste Discharge Requirements for Wastewater Collection System Agencies.

I am the Executive Director of the Planning and Conservation League (PCL). The Planning and Conservation League is a statewide, nonprofit lobbying organization, an alliance of individuals and conservation organizations united to protect California's environment through legislative and administrative action. For more than forty years, PCL has fought to develop a body of environmental laws in California that is the best in the United States.

Prior to serving as the Executive Director of PCL, I had the privilege of serving for twenty years as an elected Supervisor of Santa Cruz County, from 1975 to 1995. In that capacity, I helped develop and enact stringent sewer system management requirements, including a requirement, adopted in the late 1970's, that restaurants install grease interceptors. I am thus very familiar with the issues being considered by the State Water Resources Control Board, and know that strong requirements work.

Overview

Sewage spills are an ugly fact of urban life today. Sewage spills spread noxious and often infectious contaminants on our streets, in our creeks, and in our bays and estuaries. Some counties, like Santa Cruz, took early action to avoid the most common cause of sewage spills—blockages caused by fats, oil, and grease (FOG)—by requiring food service facilities to install grease traps or interceptors and to pump them out on a frequent basis. (See Santa Cruz County Code Section 7.04.340) Both Watsonville and the City of Santa Cruz, both relatively small cities, have similar ordinances. (See Watsonville Code Section 6-3.514; Santa Cruz City Code Section 16.08.190 and website information from the Environmental Compliance Division,

Department of Public Works, at www.ci.santa-cruz.ca.us.) Other areas of the state have required controls only when sued, and still others have no controls at all.

It is high time to enact a statewide requirement to control sanitary sewer overflows. PCL is pleased that the State Board is considering such a requirement, even if its impact on sewer users themselves is indirect.

Specific Comments

We have considered the proposed WDRs, and are impressed by their generally comprehensive coverage. Two issues, however, stand out:

1. The Time Table for Compliance is Too Long

From San Diego, Orange, and Los Angeles in the South to Santa Cruz and other counties further north, many cities and counties already have Sewer System Management Plans of some sort. Section 15 of the draft WDR gives larger cities and counties three years to adopt a final plan, and cities the size of Watsonville or Santa Cruz are given three years and three months to do so. Smaller local governments are given 3.5 and 3.75 years, respectively.

California's environment is already under significant strain from the sewage spills that have been reported every week, often as first page news, in our urban areas. There is no reason why adoption of an SSMP should take any longer than one year, at least for the largest cities and counties.

Specifically, for the largest two tiers of local governments set forth in Section 15 of the draft WDR, PCL advocates a sharp reduction in the time allowed for adoption of a Final SSMP. Once several SSMPs are adopted by the larger entities, smaller entities will find much of the heavy lifting has been done, and can adopt versions of these plans to suit their needs. The larger local governments have the resources—and the environmental and public health need—to act more quickly.

If the Board staff need longer to process this many SSMPs, one solution is to require governments with a population over one million to adopt an SSMP within one year, then tailor the timelines to allow the rest of the entities in those first two tiers to take 1.5 to 2 years. We did it in Santa Cruz County, on an expeditious basis. Watsonville, which is not a large city, did it. In no case should there be a reason to extend compliance past two years, except for the very small towns and lightly populated counties in the third and fourth categories. If Board staff would like more input on realistic time deadlines to achieve these objectives, task by task, we will be pleased to provide further assistance.

2. Preventive Maintenance and Cleaning Are Key to Compliance

Board staff have appropriately recognized that preventive maintenance and cleaning are key to SSMP success. Section 13(iv)(b) requires that the System as a whole provide for "routine preventive operation and maintenance activities...including a system for regular maintenance and cleaning of the sanitary sewer system."

In Santa Cruz County and its cities we recognized that this concept must be brought down to the level of grease traps and interceptors, as well. Subsection (vii) of Section 13 requires sewer authorities to enact a Fats, Oil, and Grease (FOG) program, but does not contain a preventive maintenance requirement. In the cities and county of Santa Cruz we require that grease traps and interceptors be cleaned at least every 90 days. (The City of Santa Cruz requires monthly cleaning unless Public Works is persuaded to have a less frequent schedule). PCL suggests that you impose a similar requirement in the WDR. One way of doing this would be to add a new subsection (e) after subsection (d) in subsection (vii) that would parallel the preventive maintenance provision in subsection (iv):

(e) Requirements for preventive maintenance and cleaning of grease removal devices as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the device, including complete evacuation at least every ninety (90) days, or more often when the Enrollee determines that more frequent evacuation is necessary, or less often if the owner or operator of the device submits a request in writing for a lesser frequency and shows through analytical data that the device is used so infrequently that accumulation of sediment and floating materials will not impair the efficiency of the device if evacuation is at a specified frequency that is more than every 90 days.

The suggested language would establish a floor for complete cleaning every 90 days, which is the least frequent written requirement we know of, subject to adjustment for cause. The language thus provides both certainty for regulated entities and flexibility where warranted.

Conclusion

As California continues to grow, sewage spills will become an ever-increasing and ugly fact of life unless we require local governments and sewer users to act responsibly to control grease blockages and other causes of overflows. We support the Board's adoption of the General WDR, but urge the Board to improve the WDR by imposing the tighter timelines and preventive maintenance provisions suggested above.

Thank you for the opportunity to comment.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Gary Patton". The signature is written in a cursive, flowing style.

Gary Patton, Executive Director