

SSO Hearing - 2/8/06



# City of Sierra Madre

Tam Doduc, Chair, and Members  
 State Water Resources Control Board  
 Executive Office  
 1001 I Street, 24<sup>th</sup> Floor  
 Sacramento, CA 95814  
 Attn: Selica Potter, Acting Clerk of the Board

## COMMENT LETTER - 1-19-06 PUBLIC HEARING FOR SSORP

Office of the  
 City Council

Dear Chairwoman Dudac and Members:

George Maurer  
 Mayor

Tonja Torres  
 Mayor Pro Tem

John Buchanan  
 Enid Joffe

Robert Stockly  
 Councilmembers

The City of Sierra Madre supports of the goals of the State Water Resources Control Board to implement the Sanitary Sewer Overflow reduction program, and wholeheartedly recognizes the need for reduction in the number of sanitary sewer overflows throughout the State. However, the City of Sierra Madre is **strongly opposed** 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.

As stated in the SWRCB Fact Sheet, the projected annual cost of implementing the Statewide WDR is approximately \$870 million, or an average cost of \$71.86 per household. While this cost may be manageable for many households, costs are expected to exceed this estimate in the City of Sierra Madre as we are a small community with relatively few (approximately 3500) sewer customers among which to spread the costs of compliance. Additional costs for a needed utility service such as sewer will cause a severe hardship on this community's less advantaged households and Senior fixed-income residents, particularly coming on the heels of rate increases for natural gas, electricity and water rates.

The City is in agreement with the need for an implementation schedule to be attached to the proposed regulations. However, we believe that the schedule as currently written is unrealistic. Many smaller cities like Sierra Madre will have to hire consulting firms to assist in development of the various plans and studies that will be required under the new regulations. The pool of

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consultants qualified to undertake these tasks is limited, and the large number of agencies trying to meet the stated deadlines will certainly overwhelm the market. This will further drive up the costs as agencies scramble to meet artificially short deadlines and avoid huge fines for non-compliance.

Further, compliance with the regulations is likely to require that agencies obtain highly specialized sewer maintenance equipment; long-lead items that cannot be obtained within the specified time frames, because it would literally require that the equipment already have been budgeted and ordered by now. The City of Sierra Madre respectfully requests that the implementation schedule be extended in order to allow for compliance.

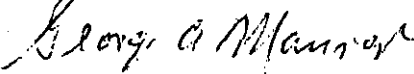
Finally, it is our understanding that the proposed regulations were patterned after the regulations currently in place in Region 8. The Region 8 regulations include affirmative defense language. Under the Statewide regulations currently before the Board for review and adoption, the affirmative defense language has been deleted. Local agencies would be subject to fines and third party litigation for SSO's even after the agencies have fully complied with WDR and MRP requirements. These costs would further impact the residents of the City, or reduce the funding available for compliance with the regulations. Without affirmative defense safe harbor, the City would have to further raise rates to build in a legal services contingency and a mandatory fines and settlement costs contingency.

The WDR must clearly and strongly differentiate between negligent and non-negligent SSO's, and must surely provide the citizens of California and each local agency with protection against fines and citizen lawsuits based on SSO's from collection systems managed, operated, and maintained according to the standards and requirements established by this new regulatory program. As the regulations are now written, without safe-harbor provision, they amount to "enforcement-by-bounty hunter" requirements, clearly written for the financial benefit of NGO's and their attorneys. In an era of extremely limited local revenues, cities such as Sierra Madre cannot and should not be placed in jeopardy of losing precious WDR-compliance revenue to Environmental Attorneys for non-negligent SSO's resulting from vandalism, disasters, or other acts-of-God which cannot be prepared for or prevented.

The City Council of the City of Sierra Madre strongly urges the SWRCB not to adopt the WDR and the MRP without extending the schedule for compliance and without inclusion of language that will offer protection to the citizens of California and the residents of Sierra Madre from potentially unfair and unreasonable regulatory fines and third party litigation.

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Yours truly,



George Maurer  
Mayor, City of Sierra Madre

cc: Hon. Arnold Schwarznegger, Governor  
Honorable Senator Bob Margett  
Honorable Assemblyman Dennis Mountjoy  
Honorable Supervisor Michael Antonovich  
Honorable Mary Ann Lutz, Boardmember Los Angeles Regional  
Water Quality Control Board  
Honorable Mayor and City Council



# City of Sierra Madre

**Transmittal**

Date: January 11, 2006

To: **Tam Doduc, Chair, and Members**  
**SWRCB Executive Office**  
**1001 I Street, 24th Floor**  
**Sacramento, CA 95814**

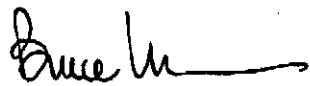
Attn: **Selicia Potter**

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We are forwarding by:            Mail             Facsimile             UPS   
   Messenger             Overnight  Pickup by staff

Items Attached: **Copy of:**  
**Letter of Opposition to Statewide Sanitary Sewer WDR**  
**Original to follow by mail**

Telephone No. **916-341.5250**            Fax No. **916.341.5252**

From:   
**Bruce Inman**  
**Director of Public Works**

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