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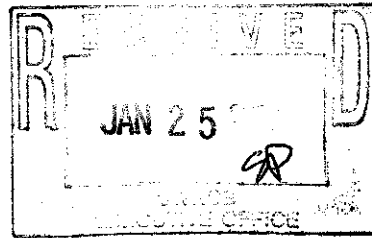
City Hall, Pomona, California 91769

MARCO A. ROBLES
Vice Mayor, District Number Two

SSO Hearing: 2/8/06

January 23, 2006

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



Dear Chairwoman Doduc and Members:

COMMENT LETTER -2/8/06 PUBLIC HEARING FOR SSORP

This letter is written on behalf of the City of Pomona to express opposition to certain requirements contained in the proposed Statewide General Waste Discharge Requirements (WDR) for Wastewater Collection System Agencies and the accompanying Monitoring and Reporting Program (MRP).

The City of Pomona is supportive of the goals of the State Water Resources Control Board (SWRCB) to implement the Sanitary Sewer Overflow Reduction Program (SSORP) to reduce the number and volume of Sanitary Sewer Overflows (SSOs) throughout the state. However, the City of Pomona believes 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 older, established cities.

The current residential sewer rate for the typical Pomona residential account is \$ 6.48 per month. The estimated additional costs for full implementation of the WDR/SSORP regulations developed by SWRCB staff would dramatically increase the sewer rate for Pomona customers, a cost that our customers could not afford. The estimated \$870 million dollars that would be spent statewide to comply with the WDR/SORP needs to be examined in light of other fees and charges that citizens throughout the state will be asked to bear over the next several years. This unfunded mandate is unacceptable and would result in less advantaged communities being unfairly burdened. 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 to cover the costs.

Most importantly, these additional costs should not be increased further by fines or third party litigation due to SSOs that may occur, even after full implementation and full compliance with WDR/SSORP and MRP requirements. Additionally, protection for cities and other agencies from "Acts of God" occurrences must be included in order to protect our customers from unnecessary litigation.

Comment Letter for Public Hearing on February 8, 2006

January 23, 2006


Page 2

In order to develop a more cost-effective approach and to reduce frivolous litigation, the WDR/SSORP must strongly differentiate between negligent and non-negligent SSOs. Also, the WDR/SSORP fails to address privately owned sewer laterals that are allowed to deteriorate and which may result in root intrusion caused blockages in the publicly owned and operated sewer mains. The "zero limit discharge" requirement and reporting of all spills, no matter how small or minor, will create an opportunity for enforcement actions and potential litigation, even though there may be no threat to human or environmental health. To exercise fiscal responsibility, we must provide our residents with protection against the cost impact of fines and lawsuits. Litigation that is based on SSOs that may occur, even when the collection system is managed, operated and maintained according to the standards and requirements established by this new regulatory program, is wasteful and would create an undue burden on Pomona ratepayers.

Additionally, the City of Pomona believes the proposed time schedule for implementation of the various program elements is too short and overly prescriptive. In particular, the development and implementation of a comprehensive Overflow Emergency Response Program within 12 months would require new and very expensive large sized bypass pumping equipment, additional personnel and significantly increased training. The City of Pomona believes more implementation time should be allowed and separate deadlines for individual program elements should be eliminated.

The City of Pomona strongly urges the SWRCB not to adopt the WDR/SSORP and MRP as proposed in the materials released on December 8, 2005. We request additional funding support, changes in language to allow for uncontrollable events and protection for our ratepayers from potentially unfair and unreasonable third party litigation. Without some relief in these areas and more time for program implementation to allow for capital development and additional personnel and equipment, we would not be able to fully support any action taken by the SWRCB regarding the proposed statewide waste discharge requirements.

Sincerely,



Marco Robles

Vice Mayor, City of Pomona

cc: Bryan Brock, SWRCB staff