



City of Thousand Oaks

PUBLIC WORKS DEPARTMENT
MARK D. WATKINS, DIRECTOR

January 25, 2006

SSO Hearing: 2/8/06

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



Email: commentletters@waterboards.ca.gov

Subject: Comment Letter – 2/8/06 Public Hearing for SSORP

Dear Chair Doduc and Board Members:

The City of Thousand Oaks respectfully submits our written comments regarding the proposed Sanitary Sewer Overflow Reduction Program (SSORP), Waste Discharge Requirements (WDRs) for Wastewater Collection System Agencies, and the accompanying Monitoring and Reporting Program (MRP). The City is committed to protecting the environment and the health and welfare of our residents and, therefore, we support the overall goals of the Board in reducing Sanitary Sewer Overflows (SSOs) and establishing uniform reporting requirements throughout the state. We also appreciate the flexibility the proposed SSORP provides for Sanitary Sewer Management Plan (SSMP) elements and design criteria.

The City of Thousand Oaks requests that our comments, listed below, be included in the February 8, 2006 public hearing record.

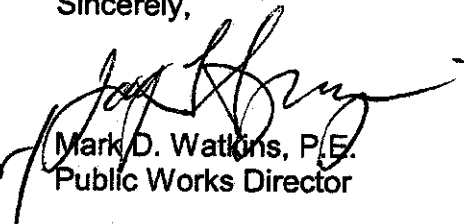
1. **Affirmative defense/enforcement discretion issue:** While the City of Thousand Oaks is committed to preventing SSOs, it is also widely recognized that prevention of all spills is not feasible, because spills can be caused by factors beyond our control. Therefore, the WDRs should differentiate between negligent and non-negligent SSOs, and should provide permittees with protection against fines and lawsuits based on SSOs if a collection system is managed, operated and maintained according to the standards and requirements established by the new SSORP.

2. **Implementation issues:** The State Board should clarify the permit enrollment process and the Regional Boards' roles in implementation of the permit. Furthermore, the State Board should simplify the compliance schedule (e.g. just include deadlines for enrollment, reporting, and SSMP completion) and should allow more time for SSMP development. The State Board should also specify that Regional Boards may NOT issue additional permit requirements for collection systems.

3. **Need for state funding:** The City of Thousand Oaks expects to incur significant costs as a result of the SSORP from additional staff needs, consultants, and system operation and maintenance. While the State Board's attempt to prepare a cost analysis is appreciated, that cost analysis is flawed (e.g. it assumes that the sample of cities in Orange County is representative of all communities in California, yet provides no support for that statement). Therefore, at this point, no valid cost figures are available. We understand that this program could cost billions of dollars on a statewide basis, and this significant cost must not only be recognized by the State Board but efforts should be made by the State Board to provide financial support. While the average cost per household may appear to be reasonable, these costs must be put into context with other costs, and the impacts on those paying more than average (or with lower incomes) must be considered.

Thank you for the opportunity to provide our input into this important public health program. Please feel free to call me at (805) 449-2399 if you have any questions.

Sincerely,


for Mark D. Watkins, P.E.
Public Works Director

c: City Council
League of California Cities
California Association of Sanitation Agencies

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