



To: Selica Potter, Acting Clerk to the Board
State Water Resources Control Board

Subject: Comment Letter – 2/08/06 Public Hearing for SSO

Dear Ms. Potter:

The North San Mateo County Sanitation District (NSMCSD), a subsidiary of the City of Daly City, is responsible for the collection and treatment of sanitary sewer flows for Daly City, Broadmoor (unincorporated San Mateo County), and a portion of the Town of Colma. Under separate service agreements, the District is responsible for flows from the Westborough Water District (located in South San Francisco) and the San Francisco Jail located in San Bruno. With respect to the State Board's general Waste Discharge Requirements, staff provides the following comments.

The State Board needs to clarify the distinction between its program and that being undertaken by other regional boards. The NSMCSD falls under the jurisdiction of the Region 2 Board and is currently embarked upon meeting the requirements set forth under a Sanitary Sewer Management Program developed by Region 2 staff in conjunction with the Bay Area Clean Water Agencies (BACWA). Those requirements, especially spill reporting, are different from those being proposed by the State Board. The question of whose rules take precedence, and while initially understood the more stringent policies apply, seem contrary to the State Board's purpose of applying uniform and consistent standards throughout California. The State Board should avoid duplication of effort.

"Zero Tolerance" for discharge, while laudable in theory, is simply not reasonable or practicable. Despite any agency's best efforts and control programs, sewer overflows will occur. What is unclear is the impact now being thrust upon an agency to implement measures to respond and mitigate such occurrences yet face possible penalties as a result. The definition of a Sanitary Sewer Overflow includes "overflows or releases of untreated wastewater that do not reach surface waters" which begs the question on why such a discharge should be reported. The inclusion of such a discharge within the definition of an SSO seems out of place.

Waiver Liability for local agencies should be better defined as it readily appears from the proposed WDR local agencies will be facing increased punitive language. There is specific troublesome language that states, "It is inappropriate to consider the lack of feasible alternatives, if the Enrollee does not implement a periodic or continuing process to identify and correct problems." At issue is the very real possibility that an Enrollee may know the cause but lack the necessary resources to correct. Is it the State Board's intention to relegate important local policy decisions vis-à-vis enforcement action to force compliance? That appears to intrude upon local decision making powers and allocation of resources. Certainly the State Board recognizes local agency financial constraints pose significant burdens that are only exacerbated by imposition of fines and penalties, and that it is exceptionally difficult to assume an economic analysis within one agency (\$5.99 per month) can be applied to all agencies statewide. The State Board

should know this value represents upwards of a 20% annual increase in sewer service charges for this agency. Perhaps one-way of addressing this concern would be expanded language and criteria incorporated in the WDR that if satisfied would not lead to an enforcement action.

Certainly the NSMCSD applauds efforts aimed at protecting public health and improving water quality, and considers itself a good actor when addressing and mitigating the inevitable occurrence when sewer spill occur. Yet in some respects the aim to achieve zero discharge coupled with zero tolerance creates an exceptionally high burden to place upon local entities struggling with increasing fiscal constraints.

Thank you for the opportunity to respond and for your consideration of these comments.

Patrick Sweetland, Director
Department of Water and Wastewater Resources
City of Daly City

Cc: Patricia Martel, City Manager
Roberta Larsen, CASA