

January 23, 2006



Selica Potter, Acting Clerk to the Board
State Water Resources Control Board
Executive Office
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Comments on Draft Waste Discharge Requirements

Dear Selica:

Thank you for the opportunity to review and comment on the Statewide General Waste Discharge Requirements (WDR) for Wastewater Collection System Agencies. The first list below contains general, conceptual comments and concerns and the second list contains comments on specific items.

First, the South Tahoe Public Utility District (District) supports and embraces the overall goals of the WDR program. We understand the time and effort that went into developing the comprehensive approach outlined in the Draft Requirements. However, the District feels there are some areas of concern for agencies that would be required to implement the program. Some of these concerns are:

- **This appears to be an unfunded mandate.** The costs for the additional requirements are recognized, but there is no mention of funding alternatives. To pass on all costs associated with these requirements to our small ratepayer base is unfair and unreasonable. In addition to the cost of developing and implementing the program, there are potential regulatory fines and third party litigation expenses that must be considered.
- **The WDR must differentiate between negligent and non-negligent SSO's.** In addition to strict definitions, this includes discharges to drainage channels or storm drains that can be contained and cleaned up without adversely affecting water quality in the surrounding environment. The importance of the differentiation is for potential fines and the development of spill history and evaluation.

- **There needs to be clear definition of the terms and conditions of the WDR.** There are numerous instances in the WDR that inexact words are used such as "appropriate", "adequate", "feasible", "reasonable", "critical", "relevant", and "regular". This type of phrasing creates a convoluted set of requirements that are entirely open to interpretation of agencies and the regional boards enforcing the WDR's.
- **How will enforcement be fair and equitable throughout the state?** There does not appear to be controls or guidelines for enforcement actions by the Regional Boards on the WDR's.

The following comments concern specific sections as noted by the page and item number prior to each comment:

- Page 6, C.1 : The statement is counterproductive in that it appears that the WDR is less result-oriented and more prone to enforcement action.
- Page 7, C.6.iii : The last sentence is confusing and should be re-written to better convey the intended meaning.
- Page 8, C.8 : The paragraph references adequate training, knowledge, skills, and abilities. Please define what is adequate. Also, are there certification requirements?
- Page 8, C.9 : The WDR goes beyond its scope by recommending "proper rate structure". An increase in resource demand and the resulting increase in rates are the responsibility and function of individual agencies.
- Page 8, C.10 : Define what magnitude of a wet weather event should be considered when developing capacity considerations.
- Page 10, iv.c : Much of the content of this item is more applicable to the System Evaluation and Capacity Assurance Plan as opposed to the Operation and maintenance Program.
- Page 13, ix.b : Please define how to measure effectiveness. If left up to the Regional Boards there will likely be inconsistent application of the regulation.
- Page 17, F.4 : Where the term "water of the State" is used, it should be preceded by the word "surface". Unless the intent is to include ground water.

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In the Monitoring and Reporting Program:

- Page 2, item 8: What is the difference between "F. Spill amount in gallons" and "M. Final spill amount in gallons"?

If you have any questions or need additional information please contact me.

Sincerely,

Paul A. Sciuto, P.E.
Assistant General Manager/Engineer