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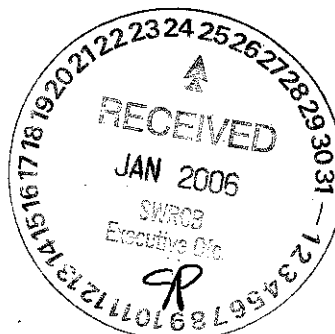
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January 25, 2006

SSO Hearing: 2/8/06

VIA E-MAIL & FACSIMILE

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



RE: 1/19/06 PUBLIC HEARING FOR SSORP-- regarding the Statewide General Waste Discharge Requirements (WDR) for Wastewater Collection System Agencies and the accompanying Monitoring and Reporting Program (MRP)

Dear Ladies & Gentlemen:

We serve as general counsel to the Metro Wastewater Joint Powers Authority ("Metro JPA"), a joint powers agency, organized and operating pursuant to California Government Code section 6500 et seq. The Metro JPA was established to provide the cities of Coronado, Del Mar, El Cajon, Imperial Beach, La Mesa, National City and Poway, the County of San Diego (on behalf of Winter Gardens Sewer Maintenance District, Alpine Sanitation District, Lakeside Sanitation District and Spring Valley Sanitation District), the Lemon Grove Sanitation District, the Otay Water District and the Padre Dam Municipal Water District, with a stronger voice in the operation of the City of San Diego's regional sewer system.

The Metro JPA supports the goals of the State Water Resources Control Board (SWRCB) to implement a Sanitary Sewer Overflow Reduction Program to reduce the number and volume of Sanitary Sewer Overflows (SSOs) throughout the state. However, the Metro JPA has concerns. Accordingly, on behalf of the Metro JPA, we submit the following comments on the State Water Resource Control Board's proposed General Waste Discharge Requirements (WDR) for Wastewater Collection System Agencies and the accompanying Monitoring and Reporting Program (MRP):

1. The Metro JPA strongly urges the SWRCB not to adopt the WDR and MRP unless and until state funding (in the form of grants and/or loans) is provided, consistent with the purpose and intent of Proposition 1A.

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2. The Metro JPA is concerned with the SWRCB's projected \$72 annual cost per household to implement the Statewide WDR. The Metro JPA believes that the estimate may underestimate the true cost sewerage agencies, such as the members of the Metro JPA. Even if the cost projection proves accurate, it does represent a very significant cost increase to be borne by ratepayers.
3. The proposed WDR conflicts with existing WDRs and NPDES Permits and will subject agencies to duplicative and/or conflicting requirements. Without consistency and fairness, sewerage agencies, such as the members of the Metro JPA, will be put into a position of determining which requirement applies in any given instance. The resources, in terms of time and money, as well as the uncertainty in knowing whether the correct requirements are being followed, puts sewerage agencies in an uncertain position.
4. The Metro JPA is also concerned about the potential impacts of fines or third party litigation. To that end, the Metro JPA is concerned that the WDR and MRP do not provide enough protection from enforcement of unavoidable SSOs, thereby subjecting sewerage agencies with potential liability for incidents that may be beyond their control.
5. The WDR must strongly differentiate between preventable and unavoidable SSOs, and must provide cities and their residents with protection against the cost impact of fines and lawsuits based on SSOs that occur even after collection systems are managed, operated and maintained according to the standards and requirements established by the proposed new regulatory program.
6. The Metro JPA finds that the proposed time schedule for implementation of the various program elements is too short. This is especially so for sewerage agencies already subject to SSO reporting requirements under Regional Board permits/orders. Additional time should be provided and separate deadlines for individual program elements must be eliminated.

In summary, the Metro JPA supports the goals of the State Water Resources Control Board (SWRCB) to reduce the number and volume of Sanitary Sewer Overflows (SSOs) throughout the state. The Metro JPA, however, urges the SWRCB to take the time to revise the WDRs to address the concerns, as delineated above, and re-circulate a revised draft for additional comment, prior to adoption by the Board.

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Thank you for your consideration of the Metro JPA's comments.

Very truly yours,



Paula C. P. de Sousa
of Best Best & Krieger LLP
General Counsel
Metro Wastewater JPA

cc: Bryan Brock, SWRCB
Metro JPA Commissioners

PDS:mod