

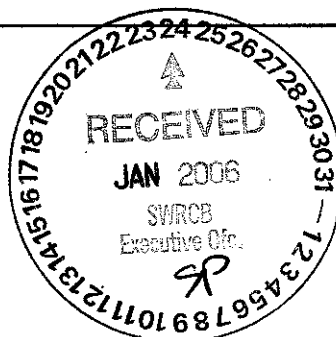


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January 24, 2006

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



SSO Hearing: 2/8/06

Re: VIA EMAIL ONLY - COMMENT LETTER - 1/19/06 PUBLIC HEARING FOR SSORP

Dear Ms. Potter:

Our District staff and Board of Directors have reviewed the background information, draft Statewide General WDR and draft Reporting Program for Wastewater Collection Agencies and submit the following comments for your consideration.

Overall, we appreciate the effort provided by the SSO workgroup and agree with the need for the development and implementation of a WDR versus an NPDES permit process. We do have concerns, however, that the timeline for implementation of the majority of the program aspects of the WDR are too short to allow small agencies to cost effectively and comprehensively evaluate their systems. Many systems will proceed on a fast tracked, cookie cutter approach rather than having the opportunity to use the SSMP as a long range planning tool.

1. **Provide a limited affirmative defense for exceptional and unavoidable events.** The WDR findings detailed in Item 4 (page 2 of 19) state that many SSOs are preventable with adequate and appropriate source control measures and operation and maintenance of the sanitary sewer system. In this finding, it is evident that SWRCB staff has determined that some SSOs are unavoidable, even with adequate source control and O&M. Therefore, an affirmative defense would be appropriate for those incidents where SSOs are exceptional and unavoidable such as catastrophic flood, acts of terrorism or god, contractor damage or unauthorized/illegal discharge into the system.
2. **Allow technically qualified and experienced operations and management staff to prepare and certify the SSMP.** Consistent with this, the WDR findings detailed in Item 7 (page 2 of 19) state that the SSMP should be prepared and certified by technically qualified and experienced person. However, in Section C - Provisions, Item 12, the proposed regulations exceed the recommendation in the findings by requiring the use of a professional engineer. If preparation of the SSMP by an engineer is not intended by Section 12, clarification of this language is needed to clearly define when an enrollee can use technically competent staff in SSMP development. The requirement to have the SSMP prepared and/or stamped by a professional engineer will prove to be extremely expensive, especially given the shortage of engineers in the state and short timeframe for completion of the SSMP. This cost will be increased exponentially for rural agencies due to travel distance required for engineers, lack of

3. record drawings, lack of master planning documents and limited budgets. This cost of this requirement alone may be enough to encourage rural agencies to delay enrollment and purposely risk enforcement action.
4. **The regulations should require the issuance of individual WDRs based on the circumstances of each utility.** Location of the sewer collection system in relationship to water bodies or waters of the state, amount and type of wastes discharged, population, likelihood of public exposure, etc should be taken into consideration when issuing WDRs.
5. **Provide enforcement exemption for certain discharges.** The provisions in Section C. Provisions, 6 (iv) should state that such discharges are exempt from enforcement action.
6. **Provide 5 years for the development of the Operation and Maintenance program and 7 years for the system evaluation and capacity assurance plan.**
  - a. **Extend the timeline for development of system maps from 27 months to 60 months.** Section 13. iv (a) requires the public agency to maintain up to date maps of the sewer collection system. Twenty-seven months are allowed for compliance with this provision. Unfortunately, many systems possess inaccurate maps or no maps at all. Developing a request for proposals, hiring an engineer and completing the surveying and mapping required could take up to 4 years at significant cost. Compliance with this provision may be impossible within the timelines established in the WDR.
  - b. **Extend the timeline for completion of evaluation of the existing sewer system including capital improvement plans from 27 months to 60 months.** Section 13. iv (c) as proposed requires the complete evaluation of the sewer system including video inspection, documentation of problem areas, development of remedial action plans, maintenance schedules, capital improvement plans, etc. The preparation of a capital improvement plan, in and of itself, takes approximately 2 years to complete. The level of investigation and program development required by the WDR to be completed within 27 months is impossible to complete.
  - c. **Extend the timeline for completion of capacity evaluation of system, development of design criteria and capacity enhancement measures from 39 months to 84 months.** Section 13 vii (a, b, c) require significant evaluation of a sanitary sewer system. This evaluation will likely be conducted by an engineer. Engineers throughout the state, of which there is a current shortage, will be extremely busy in developing plans in compliance with the proposed WDRs. It will be virtually impossible to develop specifications and hire a qualified engineer, complete such a comprehensive analysis within the required 39 months following WDR adoption. Lacking competition and with such short timelines, the engineering costs will likely skyrocket, especially for small rural systems.
7. **Eliminate the requirement to develop an implementation plan for the Capital Improvement Plan and identification of funding sources.** Section 13 viii (c) requires the preparation of capital improvement plans to include a plan for funding such improvements, if required. It is not unusual for capital improvements to be delayed until reasonable project funding can be secured. Although a system operator can estimate when improvements are needed and may occur, to require such a plan and schedule to be codified will render many systems out of compliance with their own CIPs.

8. **Specify a level of training and/or certification.** Section 13 iv (d) requires operator and contractor training. Lacking specificity with regard to the level of training required, such as certification level or annual hours of training, enforcement action could be administered as the result of an SSO based on an arbitrary determination that system operators did not comply with the training provisions of this section.

We appreciate the opportunity to comment on these regulations. Please feel free to give me a call at the above numbers should you have any questions.

Sincerely,



Peter J. Kampa  
General Manager

Cc: Ralph Heim, CSDA Legislative Advocate