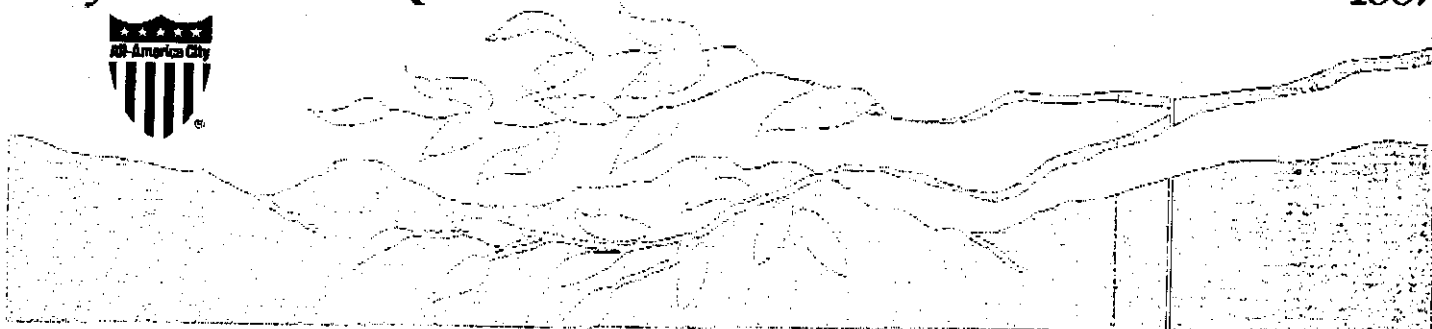


City of MONROVIA

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Office of the Mayor and the City Council

January 24, 2006

SSO Hearing: 2/8/06

Ms. Tam Dudoc, Chairperson
State Water Resources Control Board
Executive Office

1001 "I" Street, 24th Floor
Sacramento, CA 95814

Attn: Selica Potter – Clerk to the Board



RE: COMMENT LETTER – 1/19/06 PUBLIC HEARING FOR SSORP (CITY OF MONROVIA)

Dear State Water Resources Control Board:

The City of Monrovia appreciates the opportunity to provide comments on the above-mentioned regulation.

The City of Monrovia has serious concerns with the Statewide General Waste Discharge Requirement (WDR's) for Wastewater Collection System Agencies and the Monitoring Report Program (MRP) in their proposed form.

Like many of our fellow cities and the sanitation districts, the City of Monrovia is supportive of SWRCB's goals to implement the Sanitary Sewer Overflow Reduction Program to reduce the number and volume of Sanitary Sewer Overflows (SSO's) through the State.

We realize that reduction in SSOs will improve water quality and protect public health for all Californians. At the same time, these proposed WDR's and MRP must be balanced by funding limitations and the investments made by the local municipal collection agencies. For many large communities with populations in the millions, funding and investments on a per capita basis are relatively easier to put in place than they are for smaller communities with more limited funding.

The Draft Fact Sheet indicates that the cost for cities in Orange County would be the typical cost of all cities in California. This cost analysis did not include any cities in Los Angeles County. The City of Monrovia believes the projected annual cost of \$72 per household may not truly represent the actual costs for smaller cities, like those located in LA County. Currently, the City of Monrovia's annual sewer assessment fee per household is \$48.24. The projected annual cost per household of \$72 represents an increase of 49%; a cost that we believe is underestimated. Should the State's projected cost prove to be accurate, this still represents a very significant increase to be borne by our citizens—particularly for moderate to low income residents. The State must identify a funding source to support these WDR costs, rather than once again requiring cities to enact rate increases to cover the cost for the proposed regulations.

January 24, 2006
Comment Letter - 1/19/06 Public Hearing for SSORP
Page 2

Additionally, the City of Monrovia believes that the current WDR's must include Affirmative Defense and Hold Harmless language that provides cities protection against potential fines and third party litigation, particularly when a collection agency has implemented all the requirements of its Sanitary Sewer Management Plan (SSMP). It is our understanding that the SSO Guidance Committee (consisting of various collection agency stakeholders, EPA and non-governmental agencies) recommended this language in the first draft. However, State Board members, separately from the guidance committee, removed the Affirmative Defense language.

Without the Affirmative Defense language in the current WDR's, even if a collection agency has complied with requirements within the WDR and MRP, it is still subject to fines and third party litigation by non-governmental agencies. This is not a balanced approach considering it is a known fact in the sewer management arena that sewer overflows occur as the results of "acts of god" (earthquakes, excessive storms, etc.) and other forces beyond cities' control. It is imperative that this language be reinserted in the current WDRs.

The City of Monrovia requests the State Board take the following items into consideration:

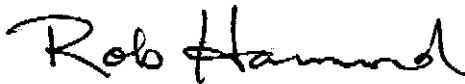
- Clarification of the permit enrollment process and the Regional Board's role in the implementation of the permit;
- Support the proposal of this regulatory program in the form of WDR's;
- Support the flexibility in the WDR's to allow collection agencies to include those SSMP elements that are necessary to an individual collection agency;
- Sanitary Sewer Overflow Reporting – Remove penalties on cities for private lateral spills. It is unfair to hold cities accountable for such incidents; and
- Proposed Compliance/Implementation Schedule – Request additional time to collect the required information in the areas of Overflow Emergency Response Plan development, System Evaluation and Capacity Assurance program, etc.

The City of Monrovia strongly urges the SWRCB not to adopt the WDR and MRP until the Board has considered these and the comments from the regulated community.

The goal of reducing SSO's in California is important to all of us, but not without cost support, protection for our taxpayers from potentially unfair and unreasonable regulatory fines and third party litigation, and additional time for program implementation.

The City of Monrovia thanks the State Board for its consideration.

Respectfully submitted,



Rob Hammond
Mayor

cc: City Council
City Manager
Director of Public Works
Brian Brock, SWRCB staff