



PUBLIC WORKS
DEPARTMENT

CITY OF BURBANK
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SSO Hearing: 2/8/06

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: Comment Letter – 2/8/06 Public Hearing for SSORP

Dear Chairperson Doduc and Members of the Board:

The City of Burbank Public Works Department (Burbank) appreciates the opportunity to comment on the proposed waste discharge requirements (WDRs) for sanitary sewer collection systems in California.

The City of Burbank is supportive of the goal of reducing sanitary sewer overflows and encouraging the preparation of sewer system management plans. We also commend the State Water Resources Control Board's (SWRCB) staff for their willingness to engage in a genuine dialogue with collection system operators as to the best approach to reducing SSOs. However, we are concerned regarding the lack of affirmative defense language in the WDRs.

The City of Burbank shares the goal of reducing SSOs and improving collection systems in California. We believe it is critical, however, for the Board to understand the scale and significance of the program mandated by the proposed WDRs.

The draft fact sheet for the WDRs estimates that compliance with this program will cost California municipalities \$870 million. Although this estimate is staggering, many consider it to be lower than actual anticipated costs. There do not appear to be any significant new sources of state or federal funding available to help pay for these new mandates. The WDRs will require cities to spend massive amounts of money on this new program, yet the proposed WDRs do not provide any defense against Clean Water Act citizen suits.

Earlier informal drafts of the WDRs provided a limited affirmative defense for rare and exceptional sanitary sewer overflows (SSOs) that are deemed unpreventable. This approach has been abandoned in favor of a provision recommending that regional boards exercise enforcement discretion under

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certain circumstances. While allowing enforcement discretion is a positive step forward, we believe that the WDRs should provide protection from enforcement for cities that are fully compliant with the terms of the draft WDRs yet experience unavoidable SSOs.

We urge the SWRCB to direct staff to revise the WDRs to include language on affirmative defense and re-circulate a revised draft for additional comment prior to adoption by the Board.

Thank you for your consideration of our comments. We applaud the SWRCB for undertaking development of an SSO Reduction Program through an open stakeholder process. If you have any questions, please call me at (818) 238-3931.

Sincerely,



Rodney Andersen, Principal Civil Engineer

CITY OF BURBANK

FACSIMILE TRANSMITTAL SHEET

TO:	Silica Potter	FROM:	Rodney Andersen
COMPANY:	SWRCB	DATE:	1/24/2006
FAX NUMBER:	916-341-5620	TOTAL NO. OF PAGES INCLUDING COVER:	3
PHONE NUMBER:		SENDER'S PHONE NUMBER:	818-238-3931
RE:	Comments on SSORP	SENDER'S FAX NUMBER:	818-238-3918

- URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

NOTES/COMMENTS:

The hard copy will follow by mail.