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October 19, 2009

Mr. Darrin Polhemus
Deputy Director Division of Water Quality
State Water Resources Control Board
1001 I Street, 15th Floor
Sacramento, CA 95814

Re: Sanitary Sewer Overflow (SSO) Reduction Program Review and Update

Dear Mr. Darrin Polhemus:

The City of Santa Clara thanks you for soliciting our comments and is pleased to lend our support to the associated public agencies who also represent our interests in the review and update of the Sanitary Sewer Overflow Waste Discharge Requirements.

As you know, many of us participated in the efforts with other stakeholders in providing input to the State Water Resources Control Board (Board) in creating the Waste Discharge Requirements (WDR) for Order 2006-003. A great deal of technical work was involved to determine what would be achievable. With the development of the Sewer System Management Plan (SSMP) reflecting the requirements of the WDR and the experience of our crews who work with it on a daily basis, we feel that our input to the process comes from a hands on point of view.

The City of Santa Clara believes that the program is at a point where the State Water Board should continue to focus its resources on achieving compliance with the existing program. It has been noted that full implementation has not been achieved across all agencies in this region. We do understand that there are a variety of reasons for this condition. It is not possible to accurately evaluate the true effectiveness of the current WDR, if the WDR has not been fully implemented by all agencies. Therefore, it does not seem to be prudent to move the baseline requirements without all agencies on board.

It should be noted that those agencies that have implemented the WDR have achieved impressive results in the relatively short timeframe of two years. The data gathered by these agencies should also lend perspective to the future revisions. Allowing additional time to collect data would be beneficial to the Board and agencies.

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Mr. Darin Polhemus, Deputy Director Division of Water Quality
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It should be reassuring that only 4% of SSOs are greater than 1,000 gallons in volume. Emergency procedures developed by the implementing collection systems/agencies also prevented the majority of these overflows from causing major impacts to Waters of the State.

Given these statistics, it would seem that the State's enforcement resources should be focused on compliance with the current Order and on violations that pose an immediate and substantial threat to water quality.

At this time, we believe that efforts by the Board to analyze program data would be useful and productive. In addition, the changes and modifications to the program for reporting purposes, as suggested by the Task Force, would benefit all parties. We acknowledge the hard work of Board staff to resolve initial software challenges with the CIWQS system. We understand that CIWQS still presents challenges that many participants find problematic. It would be prudent to allow Board staff the time to address the identified issues in the CIWQS system without substantive revisions to the Order.

In conclusion, the City of Santa Clara believes that changes to the SSO WDR would be premature at this time. We also believe that it may not be in the public interest to allocated limited resources on changes to a program that has not been fully implemented by all agencies and evaluated for effectiveness.

We look forward to continuing to work with you to make the program increasingly efficient and effective.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Kurotori".

Alan Kurotori
Director of Water & Sewer Utilities

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cc: SSMP file, chron

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