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CALIFORNIA



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October 19, 2009

State Water Resources Control Board
Waste Discharge Requirements Unit
1001 I Street, 15th Floor
Sacramento, CA 95814

SSO Reduction Program Review and Update

The City of Los Angeles Bureau of Sanitation (Bureau) thanks the State Water Resources Control Board (SWRCB) for the opportunity to comment on the Statewide General Waste Discharge Requirements (WDRs) and Monitoring and Reporting Program (MRP) for collection systems. As you may already know, the Bureau has been very effective and successful in its collection system management and spill reduction programs. The Bureau has worked proactively with regulators, industry representatives, and other community stakeholders in reducing the number of sanitary sewer overflows (SSOs) and in curbing their impact on the environment.

The City has one of the largest sewer systems in the world including more than 6,600 miles of sewers that serve a population of more than 4 million. Over the last several years, SSOs are steadily declining. The total number of SSOs in fiscal year 2008/2009 was 159. This is a new all-time low number representing a 77 percent reduction from the 687 SSOs reported in baseline FY 2000/01. This represents only 2.4 SSOs per 100 miles of sewer.

To comply with the State WDR and to reduce the number of SSOs, the Bureau has implemented and accomplished the following activities over the past few years:

- Acquired online accounts from the State Water Board and began reporting Sanitary Sewer Overflows (SSOs) by the due date of January 2, 2007.
- Developed a Sewer System Management Plan (SSMP) for each of the three sanitary sewer systems on February 18, 2009.
- Developed a comprehensive Fat, Oil, and Grease (FOG) program designed to reduce the number of SSOs throughout the Los Angeles service area.
- Cleaned more than 100,000 sewer pipe reaches annually.
- Assessed the structural and maintenance conditions of more than 600 miles of sewers annually.

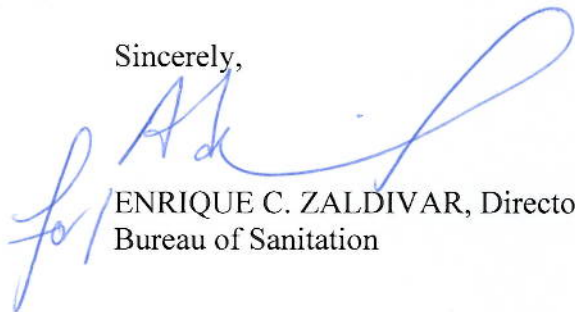


- Annually inspected all 8,974 Food Service Establishments (FSE) for compliance with Clean Kitchen BMPs, industrial wastewater permit requirements, and other FOG control program requirements.
- Renewed a total of 155 miles of sewers over the last 2 years (FY 07/08 and 08/09).
- Expended \$257 million in wastewater capital improvements including \$98 million for the collection system in FY 2008/09.

Recognizing the need for consistent and clear regulatory requirements for the operation and management of collection systems throughout the State, the Bureau supports the current WDRs and MRP. While the Bureau is supportive of the current WDRs and MRP, the enclosed attachment is provided in hopes of improving and streamlining the WDRs and MRP while providing a unified, consistent statewide approach for enforcement, reporting and tracking SSOs.

If you should have any additional comments or questions, please contact Omar Moghaddam of the Regulatory Affairs Division at (310) 648-5423.

Sincerely,



ENRIQUE C. ZALDIVAR, Director
Bureau of Sanitation

Attachment 1

c (w/Attachment 1):

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ATTACHMENT 1

CITY OF LOS ANGELES BUREAU OF SANITATION COMMENTS ON THE STATEWIDE WDR AND MRP FOR WASTEWATER COLLECTION SYSTEMS

Regional Board Discretion

The City of Los Angeles Bureau of Sanitation (Bureau) supports the State Water Resources Control Board's (SWRCB's) goal in reducing Sanitary Sewer Overflows (SSOs) through the development of a WDR with consistent and clear regulatory requirements for the operation and management of collection systems throughout the State. However, the SWRCB's intent to make the WDRs the primary regulatory mechanism for regulating SSO collection systems statewide is not being accomplished by the current WDR.

The current WDR allows the Regional Water Quality Control Boards (Regional Boards) to issue more stringent or more prescriptive WDRs for sanitary sewer systems. The WDR also requires the Regional Boards to coordinate its efforts with the current WDR when issuing or reissuing NPDES permits that cover collections systems in order to provide consistency in reporting.

Regional Boards have already placed additional requirements in NPDES permits. For example, the Bureau's current NPDES permits require monitoring of sewage spills for indicators of fecal coliforms. Bacteria are inherent in every sewage spill. Monitoring a sewage spill for bacteria is an unnecessary expenditure of resources, particularly when most sewage spills do not have public contact and are contained and mitigated before reaching a body of water.

Regional Board discretion to impose more stringent or more prescriptive requirements in NPDES permits than found in the WDRs does not meet the intended goal of providing clear and consistent regulatory requirements governing collection systems throughout the State. The SWRCB should strengthen the language requiring the coordination of efforts with the current WDR when issuing or reissuing NPDES permits. Regional Boards should be required to obtain SWRCB approval and amend their respective basin plans prior to imposing more prescriptive requirements than those found in the WDRs.

Definition of Sanitary Sewer Overflows

The current WDR defines SSOs as follows:

“Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system. SSOs include:

- (i) Overflows or releases of untreated or partially treated wastewater that reach waters of the United States;
- (ii) Overflows or releases of untreated or partially treated wastewater that do not reach waters of the United States; and
- (iii) Wastewater backups into buildings and on private property that are caused by blockages or flow conditions within the publicly owned portion of a sanitary sewer system.”

Based on the current definition, a single spill-causing incident that causes overflows at multiple locations must be interpreted and reported as separate spills. The current interpretation by the state may cause misleading reporting of SSOs, as Category I spills could become Category II spills from reporting at multiple locations.

The definition should recognize that a single spill-causing incident can have multiple spill points. It is unfair to penalize a sanitation agency that has an exemplary sewer control program for multiple spills caused from one event. The Bureau requests that the current definition be clarified on how to report a single spill-causing event which causes discharges at multiple locations.

Private Lateral Spills on Private Property

The current WDR encourages voluntary reporting of private lateral spills. The Bureau supports voluntary reporting of private lateral spills if the spill reaches public areas or the enrollee is involved with cleanup and mitigation efforts. Privately caused spills fully contained and mitigated on private property should not create any reporting responsibility for the enrollee.

The Bureau recommends that the SWRCB create a separate screen section on the SSO electronic database exclusively for recording private lateral spills. To encourage voluntary reporting of sewage spills, the SWRCB must ensure that the private lateral spill is not linked to the enrollee reporting the spill on the SSO database; that the private lateral spills is not included in the total count of spills for the enrollee’s collection system; that the private lateral spill is not included when evaluating the performance of the enrollee’s collection system; and that the private lateral spills will not result in liability for the enrollee reporting the spill.

WDR Priorities

The Bureau supports the current WDR’s goal of reducing SSOs through the development of clear and consistent regulatory requirements governing collection systems throughout the State. However, if a statewide approach of consistent enforcement for SSOs is the goal,

it is essential that all required owners or operators of sewer systems be enrolled under the WDR. Timely development, completion, and implementation of all elements of a Sewer System Management Plan (SSMP) is the first step in reducing the number and frequency of sewage spills while maintaining consistent, predictable, and fair enforcement for SSOs from region to region.

Even the most well run collection systems have unavoidable sewage spills. Collection system agencies who exercise reasonable care in the operation, maintenance, and management of collections systems; who take all reasonable steps to stop and mitigate the impact of SSOs; and who have fully implemented, approved, and certified SSMP should not be the target of formal enforcement.

Formal enforcement action should only be warranted if the Permittee has a history of chronic SSOs that have not been addressed through corrective actions; the Permittee is not operating its system per the adopted SSMP; and the Permittee did not respond in a timely manner, where practical, to contain and mitigate SSOs.

The SWRCB should place emphasis on full enrollment and SSMP completion instead of formal enforcement action penalties for agencies with exemplary collection systems. The Bureau fears that computer generated enforcement citations for SSOs that posed no threat to public health or the environment will replace enforcement discretion based on sound science, good faith, and fairness.

Due to the development and implementation of the Bureau's SSMP, over the past ten years the City of Los Angeles has reduced sewage spills by 77% averaging only 2.4 SSOs per 100 miles of sewer. If the State Board places emphasis on complete enrollment under the WDR and gives SSMPs a chance to work, sewage spills will be reduced throughout the state just as they have been reduced within the City of Los Angeles.