

Department of Public Works



COUNTY OF SAN MATEO

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November 6, 2009

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

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

The County of San Mateo thanks you for the opportunity to provide our comments. We have considered the questions that your staff proposed in advance of the two meetings held in September with regard to possible revisions to the Waste Discharge Requirements (WDR) Order 2006-003 related to Sanitary Sewer Overflows (SSOs). In addition, many of us participated in the thorough task force efforts to help State Water Resources Control Board (State Water Board) staff create the Order. The Task Force process drew on the lessons learned from regional programs initiated in prior years and allowed for stakeholders to reach agreements on many of the key issues. A great deal of technical work was involved, as well as considerations of public policy and funding, and determination of what was achievable. We work with the requirements of the Order on a daily basis and are responding to your questions with that experience in mind.

In our view, implementation of the SSO WDR should be allowed to reach completion of its initial stated goals for enrollment and reporting by all public agencies before major changes are made. The full SSO WDR program has been in effect for all agencies for only two years, and the requirement for some agencies to complete their Sewer System Management Plans (SSMPs) is not calendared until the summer of 2010. Many enrollees are still in the initial stages of the implementation period for this General Order. We note that NPDES permits are in effect for five years before revisions and renewal, and most individual and general WDRs remain in effect for more than five years in recognition of the time required to implement programs and conduct studies. Moreover, results from efforts to improve collection system performance, particularly where capital improvements are necessary, will occur over a number of years, and should not be expected to occur on the same timeframe as implementation of the spill reporting system.

We believe that the program is at a point where the State Water Board could most positively focus its resources on achieving compliance with the existing program, which has not yet been completely implemented. The slide show presented at the September workshops indicated that nearly forty percent of agencies are not reporting on a regular basis. Fifteen percent of agencies have not completed the CIWQS Questionnaire. Only half of the agencies have certified completion of their SSMPs. The lack of reporting by the non-compliant agencies is unfair to the agencies that are reporting. The map of spills shown on the State Water Board's website is misleading because of the agencies that are not yet included in the program or are not reporting appropriately.

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We also find that the 2-hour/24-hour notification reporting is quite challenging. It is nearly impossible to assess an SSO within 2 hours, especially in the cases where the SSO occurs outside of normal business hours. Without sufficient time to evaluate a SSO, information reported can sometime be inaccurate and misleading. There are times when an initial assessment indicates that a SSO is Category 1 and requires immediate notification to multiple agencies, only to find out a few hours later that the spill was actually a Category 2 SSO. In these cases we have to re-notify the agencies as well as amending our spill report. This process consumes resources, which can be better used in preventing SSOs. This affects not only our staff but also the State Office of Emergency Services and County Environmental Health Services Department staff.

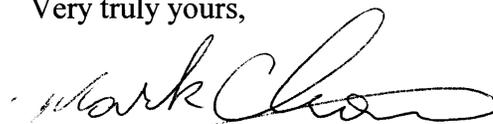
It is also noteworthy, and somewhat reassuring, that only 4% of SSOs are greater than 1,000 gallons in volume, which is the reporting threshold contained in Title 23 regulations for the purposes of reporting unauthorized discharges under California Water Code §13271(23 CCR §2250). These data are readily available for all reporting entities and should inform the enforcement program. Most small SSOs are unlikely to cause a public health or water quality impact and, therefore, should be given much lower priority. The category of small spills represents more than 95% of the reported spills. The State Water Board is about to adopt a revised Water Quality Enforcement Policy that confirms that the State's limited enforcement resources should be focused on violations that pose an immediate and substantial threat to water quality, as well as on those entities that avoid water quality regulation, and we concur with these priorities.

We suggest the WDR be left unchanged for the present, except for that the 2-hour/24-hour notification reporting requirement be modified to report SSOs greater than 1,000 gallons. Making major changes in the requirements of the WDR now will result in confusion and new challenges for both collection system agencies and the State Water Board. Many of the smaller agencies and some of the larger ones are just becoming accustomed to the reporting challenges, have worked with the CIWQS long enough to have mastered it, and are beginning to feel comfortable with their compliance requirements.

However, if the WDR should be revised we believe it should allow agencies responsible for the maintenance and operation of multiple systems to register under one Waste Discharge Identification Number for ease of reporting and better use of resources.

If you have any questions or need additional information, please call Julie Young or me at (650) 363-4100.

Very truly yours,



Mark Chow
Principal Civil Engineer
Utilities-Flood Control-Watershed Protection

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