



FAIRFIELD-SUISUN SEWER DISTRICT

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KATHY HOPKINS, GENERAL MANAGER

October 19, 2009

BY EMAIL

Darrin Polhemus
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

Dear Mr. Polhemus:

This letter is a response to the State's efforts to review the need for revisions to Order 2006-003 WDR for Sanitary Sewer Overflows. Below are answers to many of the questions included in the document "Example Questions – SSO Reduction Program Review and Update (9/2009)" regarding possible revisions to the Waste Discharge Requirements (WDR).

Should sewer systems be regulated under the NPDES permit system (Clean Water Act) or under WDRs pursuant to the Porter-Cologne Act (NPDES vs. WDR)?

Prior to initiating the SSO Reduction Program, the State conducted a thorough review of the key advantages and disadvantages of NPDES vs. WDR and concluded that the best approach was to issue the statewide WDR. We agree with the State's initial findings and believe that the best mechanism is WDR, not a NPDES permit.

Should the SSO WDR be revised to require reporting of private lateral spills?

No. Several agencies have expressed that they would be more likely to report private lateral spills if these spills were not then associated with the agency. However, considering what the initial CIWQS data shows; the bigger problem is with larger spills caused by pump stations and forcemain failures. Why expend more resources to target an area that has already been identified as less significant?

Should the SSO WDR be revised to cover privately owned collection systems?

No. Privately owned collection systems tend to be small systems and are not likely to have significant impacts on water quality or public health. The State should instead focus resources on getting public collection systems enrolled in the program that are currently not participating.

Should the SSO WDR provide exemptions for seasonal or intermittently operated facilities?

Yes, if these facilities are known to pose a low threat to public health and the environment, by all means, provide appropriate exemptions. It is not a good use of public funds to promulgate regulations which garner no constructive impact, but consume scarce resources for compliance and enforcement.

Are the existing notification/reporting requirements adequate?

Yes, it is understandable that local and regional agencies need to be notified immediately of sewage spills that could have a significant impact on public health and the environment. However, treating minor spills with the same urgency is a distraction and waste of scarce human resources. The current spill category definitions are out of step with reality.

Could the existing notification/reporting requirements be simplified?

Yes, existing notification/reporting requirements could be simplified if the reporting thresholds/spill category definitions were revised such that the 2-hour reporting requirements apply to Category 1 spills which are defined to only include spills of 1,000 or more gallons and have the potential to impact public health or the environment. Category 2 spills should not be reported to CIWQS, but should be recorded by the agency and used to identify problems in the system. Category 2 spills could be reported in a summary format in the annual report. Several agencies have commented that they are using scarce resources to report on very small spills (only a few gallons) and that this is preventing focus on more critical issues such as pump station and forcemain reliability.

Are the existing SSMP requirements adequate?

Yes, the program is showing signs of reducing the number of SSOs as evidenced by the CIWQS data. The program is very young; many agencies have just completed their SSMPs and are starting the implementation phase. Changes at this early stage would be premature.

What level of analysis is required to address the SSMP System Evaluation and Capacity Assurance Plan?

The level of analysis required to address capacity needs of a sewer system and service area depends on several factors such as the size of the system, the extent of capacity deficiencies, and the portion of the service area that will be developed in the future. The SSO WDR states that specific elements of the SSMP that require professional evaluation and judgments shall be prepared by or under the direction of appropriately qualified professionals. The System Evaluation and Capacity Assurance element as described in the existing WDR is sufficient and appropriate for assuring proper collection system capacity.

What actions should the Water Boards take to improve compliance with the SSO WDR basic requirements (i.e., failure to report, failure to certify SSMP elements, inaccurate reporting, etc.)?

Continue efforts of collaboration, outreach, and education.

What actions, for example additional enforcement or assistance, should the Water Boards take to reduce the number of SSOs?

The answer may be best addressed on a case-by-case basis. The Water Boards should focus resources first on agencies who are not participating. After that, agencies that are making a good faith effort should be given assistance; whereas repeat offenders or agencies that are not committed to improvement may only respond to enforcement. However, in some cases enforcement may prevent harmful third party lawsuits against an agency that is making good faith efforts.

How can the SSO WDR be improved to reduce the number of SSOs and volume of sewage spilled statewide?

By changing the focus from the high frequency/low volume spills to the high volume/high impact spills, the program could shift focus to the more critical problem areas such as pump station and forcemain reliability. Raising the threshold of spill reporting (defined as spills over 1,000 gallons that have the potential to impact public health or the environment) would shift resources to the more critical causes of the larger volume spills. The CIWQS data shows that the program is already working because SSOs are decreasing for agencies that are reporting. Program changes should consider what can be learned from the data.

Is there a need for the State Board to establish a new SSO Data Review Committee? If so, what should the goals of the committee be?

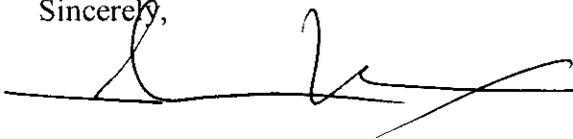
A data review committee is a good idea. The goals of the committee should be to evaluate the data and identify trends that can be used to focus resources for both compliance and regulation where they will have the most benefit.

Should the SSO WDR be modified to require reporting of sewage spills from public or private WWTPs?

No, adequate regulation and reporting exist through the NPDES permit program.

Thank you for the opportunity to contribute to the SSO Reduction Program review.

Sincerely,



Marcie Bodeaux, P.E.
Sr. Environmental Engineer

cc: James Fischer, State Water Resources Control Board/Division of Water Quality (by mail)