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# COACHELLA VALLEY WATER DISTRICT

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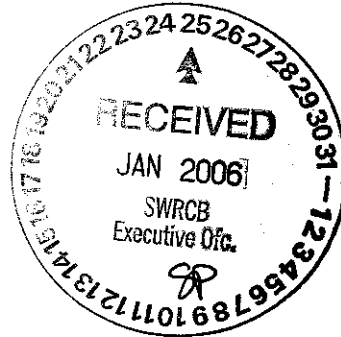
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JULIA FERNANDEZ, SECRETARY  
DAN PARKS, ASST. TO GENERAL MANAGER  
REDWINE AND SHERRILL, ATTORNEYS

January 24, 2006

File: 0552.11

SSO Hearing: 2/8/06

Selica Potter, Acting Clerk to the Board  
State Water Resources Control Board  
Executive Office  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814



Dear Ms. Potter:

Subject: COMMENT LETTER - 1/25/06 PUBLIC HEARING FOR SSORP

Thank you for the opportunity to participate by written submission regarding the proposed Sanitary Sewer Overflow Reduction Program. The District would like to take this opportunity to commend the State Board for taking the Waste Discharge Requirement approach, rather than turning to an NPDES permit program.

Enclosed are the Districts comments regarding the electronic reporting system, the provisions, the time schedule for application, preventing illicit infiltration and inflow into the system, and reporting minor spills.

If you have any questions, please call Olivia Todd, Engineering Technician, extension 2200.

Yours very truly,

Steve Bigley  
Water Quality Manager

Enclosure/1/as

OT:sa\cngtr\wtrres\06\jan\potter-comment letter

TRUE CONSERVATION  
USE WATER WISELY

## Coachella Valley Water District Comments

### Draft 12/5/2005 State Water Resources Control Board Order No. 2006- Statewide General Waste Discharge Requirements for Wastewater Collection System Agencies:

1. Finding 9. This plan requires uniform SSO reports and electronic reporting. The full details of this reporting program are not available for comment. The regulated community deserves the opportunity to evaluate this system and provide public comment prior to the adoption of this reporting requirement.

We understand some CIWQS reporting systems include fields that are filled in by the program based on calculations or decision trees that are not obvious during data entry. Responsible persons for sewer agencies can not properly certify data that is created by the reporting system and may not be representative of the observed event.

The requirement to perform electronic reporting can be added at a later date once the reporting system has been fully developed and vetted. The District opposes adopting the requirement to perform electronic SSO reporting at this time. Instead Finding 9 should read "A uniform SSO reporting and centralized statewide electronic database system is being developed at this time. When the system is completed a public comment period will be provided prior to adding this electronic reporting requirement to the general waste discharge requirements for wastewater collection system agencies."

2. Finding 21. The State Water Board finds that "The State Water Board conducted a public hearing on January 19, 2006". This statement includes an incorrect date that should be revised.
3. Definition 1. Sanitary Sewer Overflow - The definition for sanitary sewer overflow fails to define the quantity of a sanitary sewer overflow that needs to be reported because it may pose a risk to public health or the environment in accordance to section 13271 of the California Water Code. Section 2250, chapter 9.2, title 23 of the California Code of Regulations defines this quantity to be any unauthorized discharge of 1,000 gallons or more. This criteria needs to be added to this definition.
4. Application requirement 1. The 3-month deadline for applying for coverage under this order is too short. This is a new program being applied to a complex system which has not been permitted in the past. Agencies will need time to allocate resources to complete this application. An unreasonable schedule will only result in unnecessary administrative compliance failures and reduce the chances of a successful implementation. The District requests 6-months to submit the application for all population classes.
5. Provision 3. This provision includes the requirement that "The Enrollee shall take all feasible steps to eliminate SSOs." The phrase "all feasible steps" is too vague.

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It should be worded as follows "The Enrollee shall follow the steps in the certified SSMP to eliminate SSOs and to contain and mitigate the impacts of SSOs." This will limit the various ways in which the requirement can be interpreted.

6. Provision 6 (iii). This provision states that "There were no feasible alternatives to the discharge. . ." In this statement the phrase "no feasible alternatives" is too vague. As long as the certified SSMP is being followed, an enforcement action will not be necessary. This provision should read "All steps of the certified SSMP have been followed and all alternatives to the discharge, such as temporary storage or retention of untreated wastewater, reduction of inflow and infiltration, use of adequate backup equipment, collecting and hauling of untreated wastewater to a treatment facility, or an increase in the capacity of the system as necessary to contain the design storm event are identified in the SSMP and performed by the Enrollee."
7. Provision 6 (iv). A majority of all SSOs are unintentional. It is impossible to completely eliminate SSOs, which in fact are sometimes unavoidable. The Boards enforcement should be discretionary. By including an affirmative defense definition/clause, the enrollee will be protected from unnecessary enforcement actions when "The discharge was exceptional, unintentional, temporary, and caused by factors beyond the reasonable control of the Enrollee;"
8. Provision 6 (v). This provision contains the phrase "could have been prevented by the exercise of reasonable control of the Enrollee". In this phrase, the word "reasonable" is subject to the sole judgment by the RWQCB and there are no scientific standards that define what is "reasonable" especially as it relates to "all" spills since it is unacceptable to expect that zero discharge can be maintained by "reasonable" methods. Instead this provision should be worded as follows "The Enrollee has proven they have followed all steps in the certified SSMP to prevent the SSO."
9. Provision 6 (viii). This provision contains the phrase "took all reasonable steps to stop and mitigate the impact of the discharge as soon as possible." As in comment 8, the word "reasonable" is subject to the sole judgment by the RWQCB. Instead this provision should be worded as follows "The Enrollee has taken all steps in the certified SSMP to stop and mitigate the impact of the discharge as soon as possible."

More importantly, please describe the process of appealing an unfavorable judgment of the Board. The Plan should include "The Enrollee has 30 days to file for an appeal regarding the judgment of the Board. This appeal should contain the reported events of the SSO along with the Board's decision, and the requested change to the judgment. The Board will respond to the appeal within 14 days."

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10. Provision 7. This provision states that "the Enrollee shall take all feasible steps and necessary remedial actions to..." This should be worded as follows "the Enrollee shall take all steps and necessary remedial actions identified in the certified SSMP to..."
11. Provision 8. This provision includes the requirement that "The Enrollee shall properly, manage, operate, and maintain all parts of the sanitary sewer system. . ." The term "properly" is vague and undefined. It is important for provisions of Waste Discharge Orders to include criteria that can be clearly defined for agencies. This provision should state "The Enrollee shall follow the certified SSMP to manage, operate and maintain all parts of the sanitary sewer system..."
12. Provision 9. This provision states that "The Enrollee shall allocate adequate resources for the operation. . ." The term "adequate" should apply to what has been defined in the certified SSMP. This provision should be worded "The Enrollee shall allocate the resources described in the certified SSMP for the operation. . ."
13. Provision 10. This provision contains the statement "The Enrollee shall provide adequate capacity to convey base flows and peak flows..." As in comment 9, the term "adequate" should apply to what has been defined in the certified SSMP. This should be worded "The Enrollee shall provide the capacity to convey base flows and peak flows as described in the certified SSMP..."
14. Provision 13 (iii) (a). Preventing all illicit discharges into the system, as required by this provision, especially infiltration and inflow would be infeasible. Sewers are vast collection systems that are composed of countless entry points and joints that are not water tight. It would be cost prohibitive to design and build a water tight sewer system. Such a system would still be vulnerable to seismic events. The goals of the SSMP and the legal authority of the Enrollees need to acknowledge that it is infeasible to prevent all SSO's.
- This provision should state that "Each Enrollee...the necessary legal authority to: Prevent illicit discharges into its wastewater collection system (examples may include chemical dumping, unauthorized debris and cut roots, illicit connections, etc...) to the extent practical considering technological capabilities and affordability factors."
15. Provision 13 (iii) (b). This provision uses the word "properly" to describe the design and construction of the sewer and connections. "Properly" should be defined in terms of standards required for design and construction. This provision should read "Each Enrollee...the necessary legal authority to: Require that sewers and connections be designed and constructed in accordance to applicable standards."

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16. Provision 13 (vi) (a). This provision discusses the notification procedures of the primary responders and regulatory agencies. This provision also needs to include which SSO's are to be reported. According to the Water Code Section 13271. (e) "The regulations shall be based on what quantities should be reported because they may pose a risk to public health or the environment if discharged to ground or surface water." The State legislature has already defined the reportable volume of untreated or partially treated wastewater to be 1,000 gallons. According the CCR, Title 23, Division 3, Chapter 9.2, Article 2, Section 2250-2260 "For the purposes of Section 13271 of the Water Code, a reportable quantity for sewage is defined to be any unauthorized discharge of 1,000 gallons or more". Therefore, all spills less than 1,000 gallons are considered non-reportable. This proposed permit requests that non-reportable spills be reported to the electronic database. De minimus quantities need to be established and exempt from this reporting.
17. Provision 13 (ix) (b). This provision requests that the effectiveness of each element of the certified SSMP be monitored. This type of monitoring program will lead to an impossible duty. We know of no feasible method to monitor the effectiveness of "each element" of the collection system, which would include every part of the system, the maps, the maintenance schedules, external and internal audits, equipment inventories, every procedure, every component of the sewer system, every pipe section, every valve, every connection, etc. The provision should be worded, "The Enrollee shall: Monitor the implementation and measure the effectiveness of the measured elements identified in the certified SSMP."
18. Provision 15. The schedule for the Sewer System Management Plan Time Schedule requires completion deadlines as follows:
- 3-months to submit application for all population classes
  - 4-months for the reporting program for all population classes
  - 9-months for the SSMP Development Plan and Schedule for >100,000 population
  - 9-months for Goals and Organization Structure for >100,000 population
  - 9-months for Overflow Emergency Response Program for >100,000 population

The district would like to request the following changes to the suggested schedule:

- 6-months to submit application for all population classes
- 9-months for reporting program for all population classes
- 12-months for SSMP Development Plan and Schedule for >100,000 population
- 12-months for Goals & Organization Structure for >100,000 population
- 12-months for Overflow Emergency Response Program for >100,000 population

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There are several reasons for this request. This is a new program being applied to a complex system which has not been permitted in the past. Agencies will need time to budget resources to complete elements of the program. An unreasonable schedule will result in unnecessary administrative compliance failures and reduce the chances of successful implementation. It is common practice for EPA regulations to offer a guidance document to clarify implementation issues. We would like to recommend that the SWRCB prepare a guidance document to clarify implementation issues. The development of this document will push back the SSMP time schedule. The schedule requested by the District will allow more time for this to be accomplished. We request that the schedule be extended until this document is available.

19. General Monitoring and Reporting Requirements 3. This requirement should be removed from the subject order. As discussed in comment 1, the electronic reporting system for SSO's is not complete and can not be properly reviewed for public comment.
20. General Monitoring and Reporting Requirements 4. As stated in comment 16, the agencies should not be required to report spills that are less than 1,000 gallons as per the regulations of the Water Code and the CCR.

#### **Draft State Water Resources Control Board Monitoring and reporting program no. 2006-Statewide General Waste Discharge Requirements for Wastewater Collection System Agencies.**

Provision 1(B). As written, any volume of sewage discharged to a storm drain, drainage channel or surface water would be defined as a major discharge. This classification is unreasonable and does not account for municipal storm sewer systems in California's desert areas where storm drains discharge to dry washes. Discharges like this that do not contact receiving waters and are less than 1,000 gallons do not endanger the environment and should not be classified as a major spill. This provision needs to be revised to read, "B. Result in a discharge to a receiving water; or."

21. Provision 2 (B). This category needs to include spills that are less than 1,000 gallons and do not reach a receiving water. This category should be revised to read, "Do not result in a discharge to receiving waters."
22. Provision 4. This plan requires reporting SSO electronically. The full details of this reporting program are not available for comment and should be made available for public review before it is put into place. The regulated community deserves the opportunity to evaluate this system and provide public comment prior to the adoption of this reporting requirement. We understand some CIWQS reporting systems include fields that are filled in by the program based on

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- calculations or decision trees that are not obvious during data entry. Responsible persons for sewer agencies can not properly certify data that is created by the reporting system and may not be representative of the observed event. The requirement to perform electronic reporting can be added at a later date once the reporting system has been fully developed and vetted. The District opposes adopting the requirement to perform electronic SSO reporting at this time. Instead Provision 4 should read, "Initial reporting of Major spills must be reported in accordance to the Enrollee's certified SSMP."
23. Provision 5. The request of Minor Spills being reported should be removed from the Monitoring and Reporting requirements. According to the Water Code Section 13271. (e) "The regulations shall be based on what quantities should be reported because they may pose a risk to public health or the environment if discharged to ground or surface water." The State legislature has already defined the reportable volume of untreated or partially treated wastewater to be 1,000 gallons. According the CCR, Title 23, Division 3, Chapter 9.2, Article 2, Section 2250-2260 "For the purposes of Section 13271 of the Water Code, a reportable quantity for sewage is defined to be any unauthorized discharge of 1,000 gallons or more". Therefore, all spills less than 1,000 gallons are considered non-reportable. This proposed permit requests that non-reportable spills be reported to the electronic database. De minimus quantities have already been determined and need to be exempt from this reporting.
24. Provision 6. This requirement to report SSOs from Private Laterals should be removed from the Monitoring and Reporting requirements. Sewer agencies should not be responsible for reporting SSOs from private laterals. Collection system agencies do not have control of sewer laterals on private property.
25. Provision 7. This requirement to report that there are no SSOs during a calendar month should also be removed from the Monitoring and Reporting requirements. This is excessive and an unnecessary responsibility. It would be redundant to report that there were no SSOs during the calendar month. If there were not any SSOs events they would not be reported.
26. Provisions 8,9, and 10. Our previous comments related to removing requirements to perform electronic spill reporting at this time also apply to these provisions. In addition we have concerns about any reporting system that would make the specific locations (street addresses, latitude and longitude, etc.) of SSOs occurring at sanitation facilities available on a public electronic database. Some of these facilities may be critical elements of the collection system that are vulnerable to terrorist attacks. The locations of these facilities must be kept confidential. We ask that the State Board develop a secure method of reporting SSO's before implementing this requirement. We suggest the use of discharger ID codes to identify locations of SSO's and that these codes would remain confidential.

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# COACHELLA VALLEY WATER DISTRICT ENGINEERING DEPARTMENT

POST OFFICE BOX 1058, COACHELLA, CA 92236 – TELEPHONE (760) 398-2651 – FAX (760) 391-9637



# Fax

**To:** Selica Potter      **From:** Olivia Todd Coachella Valley w. District

**Fax:** 916 341-5620      **Pages:** 8

**Phone:** 916 341 5276      **Date:** Jan 25, 2006

**Re:** Comment letter 1/19/06      **CC:**

- Urgent     For Review     Please Comment     Please Reply     Original to follow by mail