



CVCWA

CENTRAL VALLEY CLEAN WATER ASSOCIATION

Formerly the Central Valley Wastewater Manager's Association

Representing Over Forty Wastewater Agencies

STAN DEAN – CHAIR, SRCSD STEVE WILSON – VICE CHAIR, CERES
JACQUE McCALL – SECRETARY, VACAVILLE MICHAEL BERKLICH – TREASURER, TURLOCK

January 24, 2006

SSO Hearing: 2/8/06

Tam Doduc, Chair, and Members
State Water Resources Control Board
P.O. Box 100
1001 I Street, 24th Floor
Sacramento, CA 95814



commentletters@waterboards.ca.gov

**SUBJECT: Comment Letter – 2/8/06 Public Hearing for SSORP
General/Technical Comments**

Dear Chair Doduc and Members:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to provide comments on the proposed Statewide General Waste Discharge Requirements (WDR) for Wastewater Collection System Agencies. CVCWA consists of 47 local public agencies located within the Central Valley Region that provide wastewater collection, treatment and water recycling services to millions of Central Valley residents and businesses. The majority of our members are what you would consider small communities and a number of them are in the smallest population category proposed in the new requirements. All of our members operate wastewater collections systems and are very interested in the proposed WDR.

In general, CVCWA supports the concept of a state wide WDR for collection systems. We realize that it is in the best interests of the public to implement a program that will protect the public health and the environment and to protect one of the largest infrastructure systems in the State. However, we do have several general and technical comments on the draft permit. They are summarized as follows:

Application/Yearly Permit Fees

No mention was made in the proposed WDR of fees to be paid by collection system operators to either apply for the WDR or to be paid on a yearly basis as are done with NPDES Permits and Wastewater Treatment WDRs. The vast majority of collection systems in the State of California already have a NPDES or WDR permit and pay fees to the State for administration of those permits. Also, some NPDES permits already have requirements for maintenance of collection systems in them and yearly fees are paid to the State of California for administration of those permits. Accordingly, if it is decided that the State is to charge a fee for the Collection System WDR, credit should be given to those agencies that already pay a fee to the State. Fees should only be charged to agencies that do not currently pay a fee.

Double Reporting

At the current time all the Regional Boards in the State have adopted policies for reporting sewer system overflows (SSOs) to their offices. This proposed WDR institutes a centralized reporting system for every SSO in the State. Without any changes in the policies of the Regional Boards, collection system agencies will be double reporting every SSO. Direction needs to be given, in the proposed WDR, to the Regional Boards to revise their reporting policies to utilize the statewide system. Without direction, CVCWA feels that at the Central Valley Regional Board will continue to require verbal and written reporting to them, thus double reporting.

Registered Professionals

Provision 12 (page 9 of 19) of the proposed WDR appears to require that all engineering and geologic evaluations and judgments contained in the proposed SSMPs be stamped and signed by appropriately qualified professionals. However the last sentence of Provision 12 states that the entire SSMP shall be prepared by and signed & stamped by a professional person. As proposed, the SSMP contains eleven (11) sections, only a few of which will require engineering and geologic evaluations. For instance, why should a registered engineer sign and stamp the collection system use ordinance or service agreements. We suggest that the last sentence be revised as follows:

"The portions of the SSMP containing those evaluations and judgments The SSMP shall be prepared by and under the direction of appropriately....."

Certification

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Provision 14 (page 14 of 19) of the proposed WDR requires that each Enrollee certify compliance with the order and present the SSMP to its governing board. Provision 15 then lists a time schedule for eleven (11) tasks to be completed with varying time lines for their completion. It is unclear if the Enrollee is to certify each task as it is completed and present each task to its governing board separately, or if the entire SSMP is to be presented to the governing board upon completion and then certified to the State. To minimize the amount of work for both the applicant and for State Employees processing the permit, we recommend that the certification be completed as the final step of the SSMP.

Application

Section B, of the WDR requires all public agencies that currently operate sanitary sewer systems to apply for coverage under the WDR. It is unclear to which agency that application will be made (State Board or Regional Boards) and which agency will process that application. Furthermore, it is unclear if an actual WDR will be issued by the State and sent back to that agency as happens with NPDES Permits and Wastewater Treatment WDRs. We recommend that the time schedule for completion of the eleven tasks in the WDR begin when an approved WDR is received by the applicant, thus reflecting the time it may take for the State to accept, process and issue a formal WDR.

Thank you for your consideration of our comments.

Sincerely,



Warren Tellefson
Executive Officer

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**SUBJECT: Comment Letter – 2/8/06 Public Hearing for SSORP
Affordability Analysis**

Dear Chair Doduc and Members of the Board:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to provide comments on the proposed Statewide General Waste Discharge Requirements (WDR) for Wastewater Collection System Agencies. CVCWA consists of 47 local public agencies located within the Central Valley Region that provide wastewater treatment, sewage collection and conveyance, and water recycling services to millions of Central Valley residents and businesses. The majority of our members are what you would consider small communities and a number of them are in the smallest population category proposed in the new requirements. All of our members operate wastewater collections systems and are very interested in the proposed WDR.

In general, CVCWA supports the concept of a state wide WDR for collection systems. We realize that it is in the best interests of the public to implement a program that will protect the public health and the environment and to protect one of the largest infrastructure systems in the State. However, our primary concern is the **cost** of the

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Affordability Analysis
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program, especially to small and very small communities that will have the most difficulty funding these requirements.

CVCWA would like to thank your State Board Staff for their effort to perform a cost analysis for the proposed Collection System WDR. So many times in the past such analysis have been non-existent. However their effort was hampered by the fact that the only cost data they had was from twenty wastewater agencies in Orange County and that data only covered the last three years. The analysis developed an average statewide cost per equivalent dwelling unit to implement the proposed WDR of \$5.99 per household. That average, however, was developed using data from large collection systems and does not reflect the cost to the small and very small collection systems that are prevalent in the Central Valley. Those costs can be up to ten times that household average. These small communities also tend to not be populated by middle to high income tax payers, but with the lower income population of this State, who cannot afford to live in the expensive larger communities. Some of our members report that the average income level of their residences is well below the State average.

The smaller the population of a community, the more the WDR and resulting Sewer System Management Plan (SSMP) requirements will cost each resident. The smallest population category listed in the WDR Time Schedule equates to about 1,000 EDUs or smaller and less than 300,000 gallons per day of flow. Even though there are many communities in the Central Valley with less than 1,000 EDUs, using that as an example, a sample of the impact on small communities would be as follows:

A one-dollar per month increase in sewer user fees for 1,000 EDUs would generate only **\$12,000 per year** to be used for infrastructure maintenance and repair. A one-dollar increase in sewer user fees to an agency with 360,000 connections would generate **\$4,300,000 per year**. They both will have to develop a SSMP (which may require consultant costs) and they both may have to replace a portion of sewer pipe that would cost \$100,000 or more. The one-dollar increase for the small agency won't even cover the cost of administering the program.

Accordingly, CVCWA is requesting that consideration be given to small and low-income communities to help develop and implement this proposed WDR as follows:

Cost Analysis

The proposed WDR and its accompanying Information Sheet need to be revised to reflect that the analysis was completed using a small set of cost figures that do not reflect the real cost of the proposed Statewide WDR to small communities. The Information Sheet also needs to be revised to state that many small agencies may have to raise their rates to as much as ten times the average \$5.99 per household derived in the State's original analysis and that such rates may be beyond the capability of such agencies to collect.

Grants

Small and low-income communities in the State of California will need financial assistance to develop a SSMP and implement the operation, maintenance and rehabilitation programs it specifies. The State should pursue developing a grant program for small communities, possibly through a statewide bond issue. The State Revolving Fund (loan) program will not work for small and very small communities that are unable to generate the necessary funds to implement all of the WDR requirements because loans have to be paid back plus federal regulations may preclude its use for maintenance purposes without action by the Regional Boards due to health and environmental impacts. Your State Water Resources Control Board controls how Small Community Grants are allocated and as such should consider revising their regulations to give more priority to maintenance and rehabilitation projects. Your Board can also ask the State Legislature to allocate some of the proposed infrastructure bond issues towards sewer rehabilitation projects for small and low-income communities.

Affordability Analysis

Consideration should be given to adding to the proposed SSMP an affordability analysis for small and low-income communities. For every community, there is a breaking point where a monthly sewer user fees can not be afforded and some people will be forced from their homes or have to cut back on other essentials like food and medicine. When establishing how much a community can afford to spend rehabilitating it's sewer infrastructure it should also apply risk analysis principals to determine the extent of public health and environmental impacts of sewer system overflows within their community. Then, a time frame can be developed for implementing the SSMPs. For small and low-income communities, that would give them more time to generate the necessary revenue to implement new rehabilitation programs.

Thank you for your consideration of our comments.

Sincerely,



Warren Tellefson
Executive Officer

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