



January 16, 2013

Russell Norman
SSO Reduction Program
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Transmitted via e-mail to: rnorman@waterboards.ca.gov

Re: Comments on Proposed Changes to Sanitary Sewer System (SSS) Waste Discharge Requirements (WDR) Monitoring and Reporting Program (MRP)

Dear Mr. Norman:

The undersigned statewide associations (Associations) sincerely appreciate the opportunity to provide written comments on proposed administrative changes to the Sanitary Sewer System (SSS) Waste Discharge requirements (WDRs) Monitoring and Reporting Program (MRP) released in a revised draft form by State Water Board staff on January 7, 2013. Our associations represent public wastewater agencies providing sewer collection, wastewater treatment, and water recycling services to millions of Californians. Our associations are committed to the effective and appropriate implementation of the SSS WDR and have been partners with the State Water Resources Control Board in facilitating understanding of, and compliance with, the order.

We appreciate that this revised draft contains less extensive revisions to the existing MRP than the version released on August 14, 2012. However, it was our understanding that the current revised draft MRP would be a "surgical" markup, or revision, of the existing MRP. We are very concerned that the current revised draft MRP will create significant additional burdens for municipal collection system agencies, with no benefit to water quality.

More specifically, we are concerned that the proposed amendments constitute a broad and significant revision of the MRP, contrary to both State Water Board direction and prior representations to stakeholders regarding the cleanup nature of the amendment process. Though the current version of the MRP has been narrowed from the prior draft, the proposed revisions remain extensive. Many of the proposed changes do not fall within the limited scope of an MRP and create new policy or substantive requirements.

Our detailed comments are attached, in an underline/strikeout format, with explanations in yellow-highlighting immediately following the more substantive changes or changes that are otherwise not necessarily self-explanatory. In summary, we have the following general comments about the proposed MRP:

- We continue to support three of the proposed changes to the MRP. These are (1) delineating three categories of overflows in place of the current two, by dividing Category 1 into two categories (new 1 and 2); (2) clarifying the event-based approach to reporting, and (3) clarifying that agencies should only contact CalEMA for immediate reporting.
- Category 1 should have the same conditions as those conditions which require reporting to Cal EMA, since the intent of a Category 1 is to be able to distinguish overflows that are considered high threat.
- Several of the proposed changes to the MRP create new policy or substantive requirements, such as the proposed requirement for special technical reports beyond the extensive electronic reporting, the proposed requirement to conduct water quality sampling, the time limit on amending SSO reports, the level of detail to be reported within two hours, several new language edits that are now very unclear, and many other proposed changes as indicated in the attached mark-up.
- The proposed changes are so numerous that even preparing a comparison document in MS Word with the existing MRP shows almost every word as underlined or struck out. This situation is not a “surgical” markup.

As we have indicated before, we understand that many of the proposed changes in the MRP were made in order to make the enforcement process easier for State Water Board staff. However, it is inappropriate to request this level of information from thousands of systems just in case there is an enforcement action. In addition, State Water Board staff already has plentiful information on which to target agencies for investigation and enforcement. For example, the Regional Water Boards have brought, and continue to pursue, many enforcement actions for sanitary sewer overflows with the current level of information being reported.

The Associations emphasize that many of our comments are consistent with the Resource Alignment Initiative as directed by State Water Board members in Resolution No. 2011-0052. Thank you again for the opportunity to comment on the proposed revisions to the MRP. Please contact Bobbi Larson at (916) 446-0388 or blarson@casaweb.org or Monica Oakley at (925) 627-4100 or moakley@rmcwater.com if you have any questions or need additional information.

Sincerely,



Alan Wolken
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