

January 22, 2013

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

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

Dear Mr. Norman:

On behalf of the City of Sunnyvale, we appreciate the opportunity to comment on the recently released proposed modifications to the Sanitary Sewer System (SSS) Waste Discharge requirements (WDRs) Monitoring and Reporting Program (MRP). Sunnyvale owns and operates a medium-sized sanitary sewer collection system comprised of some 280 miles of pipe. We have been successful with reducing the number and volume of SSOs in recent years by implementing an aggressive proactive preventive maintenance program consistent with the goals and objectives of the SSS WDR and the current MRP. We are committed to the effective and appropriate implementation of the SSS WDR, and through our membership in the Bay Area Clean Water Agency (BACWA), we have been an active partner with the State Water Resources Control Board (State Water Board) in facilitating understanding of, and compliance with, the order. The City of Sunnyvale supports CASA's comments on the proposed amendments to the MRP, and incorporates those comments by reference.

Our primary concern is 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, which should only be imposed through amendments to the WDR itself. For example:

- The amount of information required for the 2-hour reporting requirement is significant, and in most cases entirely impractical for reporting entities;
- The new time limit of 120 days to amend a Sanitary Sewer Overflow (SSO) report inhibits the ability of entities to report the most accurate spill volumes possible after a complete investigation into the facts and circumstances surrounding an SSO;
- The new technical report and monitoring program required for all SSOs greater than 50,000 gallons is incredibly burdensome and is a significant new requirement;

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- The new, extensive requirements in the revised MRP will result in agency staff devoting their limited time and resources to simply compiling more documentation, which does not achieve the intent of the SSS WDR and the MRP—to reduce SSOs and improve water quality;
- Requiring photographic evidence of each Sanitary Sewer Overflow (SSO) regardless of discharge size or site conditions.

The City of Sunnyvale supports a number of the changes to the MRP originally proposed in early 2012. For example, we support the delineation of the two existing overflow categories into three, clarification of the event-based approach to reporting, and clarification that agencies should only contact CalEMA for immediate reporting. Nonetheless, the changes noted above, as well as many others, are outside the scope of the MRP amendment process and are inappropriate. We request that the proposed amendments to the MRP be revised consistent with the specific language recommendations submitted by CASA.

We appreciate the opportunity to provide comments on proposed changes to the MRP, and look forward to working with State Water Board staff in the future on issues related to the SSS WDR. Please contact me at 408-730-2781 if you would like additional information regarding our comments.

Sincerely,

Dan Stevenson
Wastewater Operations Manager
City of Sunnyvale