



Heal the Bay

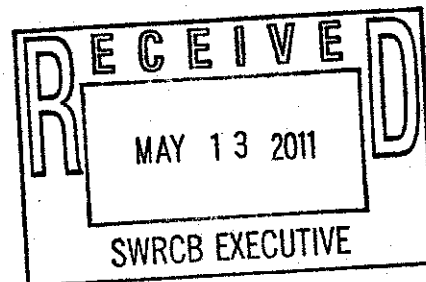
1444 9th Street  
Santa Monica CA 90401

ph 310 451 1550  
fax 310 496 1902

info@healthebay.org  
www.healthebay.org

May 13, 2010

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814



**Re: Comments on the Draft Statewide General Waste Discharge Requirements and Monitoring and Reporting Program for Sanitary Sewer Systems**

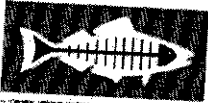
Dear Chairman Hoppin and State Board Members:

On behalf of Heal the Bay, we submit the following comments on the Draft Statewide General Waste Discharge Requirements and Monitoring and Reporting Program for Sanitary Sewer Systems ("Draft SSS WDRs" or "Draft WDRs"). We appreciate the opportunity to provide these comments. Heal the Bay has concerns that the Draft WDRs do not include specific requirements for areas vital to maintaining water quality and ensuring public health such as monitoring sanitary sewer overflow (SSO) impacts and promptly notifying the public of spill events. Further, there is no guarantee that the discharger-developed-and-approved Sewer System Management Plans (SSMPs) will provide these necessary details. Unfortunately, these comments echo concerns in our letter dated April 24, 2006, as these items have not yet been addressed.

**The monitoring requirements should be enhanced to adequately characterize sanitary sewer overflow impacts**

The Draft SSS WDRs should include a sampling protocol to determine the nature and impact of the release. The Monitoring and Reporting Program ("MRP") of the Draft WDRs should *require* extensive sampling for any spill reaching a receiving water, as this is an unregulated discharge to a surface water. The MRP should outline specific procedures for conducting monitoring that captures the size of the plume and any variability in the system. Specifically, the State Board should outline a detailed water quality monitoring protocol that includes parameters, such as frequency (i.e. daily or hourly sampling), number of sample points (i.e. 3 upstream and 3 downstream), time of collection (i.e. a set time after a spill has occurred), upstream and downstream distances of the spill (i.e. every 100 yards). Spill monitoring efforts should occur until Fecal Indicator Bacteria densities are below water quality standards. Such a protocol is necessary to capture the variability in the type of spill and current environmental conditions such as tides, flows, time of day, and currents. Also, all spills that visibly reach receiving waters must be monitored immediately. It should take no more than two hours after the spill is known to reach receiving waters to initiate receiving water sampling after a spill. Additionally, the policy needs to state that beaches *must* be closed when sewage spills reach the beach, as required in the health code through AB411. Furthermore, SSO online reporting should include a description of receiving water impacts, with public notification taking place as soon as possible but no longer than two hours.

In addition, the Draft WDRs should require that the discharger secure an additional, unbiased party to collect samples concurrently with its own sampling. In other words, the agency responsible for the pollution should not be the only party monitoring all aspects of a possible



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catastrophic event. This critical weakness was highlighted during the 2006 Manhattan Beach spill. In that case, ideally, the independent party should have been the Los Angeles County Department of Health Services, however, the health department failed to fill that role. Many parties and the public have questioned how the Manhattan Beach sewage spill was handled in terms of volume estimates and sampling protocol, both of which were conducted solely by the County Sanitation Districts. Independent involvement in such an effort helps to ameliorate, if not eliminate, perceived or actual bias in the reporting process.

**Public Notification Should Take Place as soon as possible but Not Later Than Two Hours After Knowledge of an Incident, and Notification Procedures Should be Independent of Spill Volume.**

The WDRs call for "adequate public notification to protect the public from exposure to the SSO" (WDRs at 9). Again, what does the State Board find to be "adequate?" The WDRs outline SSO Reporting timeframes but do not include notification specifics. After a spill to receiving waters of any size is identified by a responsible party, notification should take place *immediately*, so that water quality and public health are not compromised due to a reporting time-lag and appropriate protective measures are implemented in a timely fashion. It is not acceptable to only notify the California Emergency Management Agency (Cal EMA) after a discharge, as stated on page 1 of the Monitoring and Reporting program. A two-hour maximum after the spill is known to reach receiving waters for completing public notification is more appropriate as public notification will become a priority for the discharger in the event of a spill and not just an after-thought. Remember, under the health code, a beach must be closed by the local health agency, in the event a sewage spill reaches the beach. Notification cannot consist of leaving a message on an answering machine. Notification must be directly to a Regional Board and local county health agency staff member. In addition, the State Board should include local media as part of the public notification protocol for spills to beaches and spills deemed a threat to public health. The public is blatantly absent from the Overflow Emergency Response Plan in the WDRs. The WDRs state that "[p]rocedures to ensure prompt notification to appropriate regulatory agencies and other potentially affected entities (e.g. health agencies, regional water boards, water suppliers, etc...) of all SSOs that potentially affect public health ...." (WDRs at 12). Clearly, the public is a "potentially affected entity" and should be promptly notified of a SSO via the media or other means.

**SSO Online Reporting Should Include a Description of Receiving Water Impacts**

The WDRs require reporting of "[w]hether or not the SSO entered a drainage channel and/or surface water" and "[b]eaches impacted (if applicable)." In addition, there should be a requirement to specify any Rec-1 receiving waters that were impacted. Any waters that have an existing or potential beneficial use for contact water recreation must be included in the reporting.

**Sanitary Sewer Overflow (SSO) should be modified**

The definition of a Sanitary Sewer Overflow (SSO) (language also included in Draft Monitoring and Reporting Program Draft Monitoring and Reporting Program at 1, page 3) should be



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modified to ensure that all waterbodies are equally protected (Draft WDRs at 10, page 9). Specifically, we suggest the following modifications: "Overflows or releases of untreated or partially treated wastewater that reach surface waters of state. This includes all wastewater releases to stormdrain pipes that are tributary to *receiving waters*." Even if a spill is fully recovered, it *is* still an unpermitted discharge that should not have occurred and needs to be accounted for. In this same vein, the Prohibitions should be identical to the definition of an SSO (Draft WDRs, Section C, page 12).

### Performance Targets should be "zero" spills

The Performance Targets and Program Modifications section requires that the enrollee develop "performance targets and incorporate necessary program modifications to monitor the Enrollee's progress in reducing SSOs over time" (Draft WDRs at 22). There is no justification for a performance target other than "zero," as the enrollee should be striving for no SSOs. Thus, the permit should set a performance target at zero. The permit should then require that program actions and preventative measures (i.e. operation and maintenance) are sufficient to meet and maintain these targets.

### Conclusion

The Draft SSS WDRs needs to include more detailed language and guidelines especially pertaining to Enrollees' (SSMP) development. As written, the vagueness of the permit language can be interpreted many ways, which could translate into inconsistent applications in the development of SSMPs Statewide. The State Board should re-examine this language and include a more detailed protocol for appropriate SSMPs. Monitoring requirements *must* include immediate extensive monitoring and public notification, no longer than 2 hours after a detected spill, for any spill reaching receiving waters. Additionally, all beaches *must* be closed when sewage spills reach the beach and SSO online reporting requirements should include a description of the monitoring program initiated including length and frequency, as well as impacts to any receiving waters. SSMPs and water and health safety provisions should be clarified and clearly outlined, therefore not leaving all public health protection dependent on the Enrollees.

If you have any questions or would like to discuss any of these comments, please feel free to contact us at (310) 451-1500. Thank you for your consideration of these comments.

Sincerely,

Amanda Griesbach, MS  
Water Quality Scientist

Kirsten James, MESM  
Water Quality Director

Mark Gold, D. Env  
President

