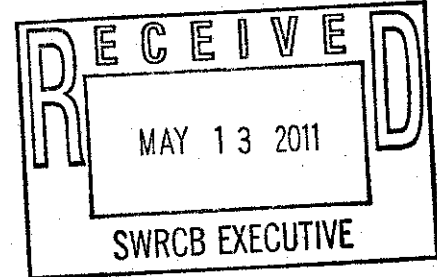


May 13, 2011

By E-mail and Fax

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street,
Sacramento, CA 95814



Subject: Comment Letter – SSS WDRs Review & Update

Dear Ms. Townsend:

Thank you for providing the County of Orange/OC Public Works Department the opportunity to submit comments on the Sanitary Sewer System (SSS) Waste Discharge Requirements (WDRs) Review & Update. OC Public Works appreciates the efforts of the State Water Resources Control Board to prevent and control sanitary sewer overflows (SSOs).

The County of Orange is currently subject to two Phase I Municipal Separate Storm Sewer System (MS4) Permits (Santa Ana and San Diego Regions), both of which require permittees to prevent and respond to SSOs from any source:

Directive F.4.h of Order No. R9-2009-0002 (MS4 Permit for the San Diego Region of Orange County)

h. PREVENT AND RESPOND TO SEWAGE SPILLS (INCLUDING FROM PRIVATE LATERALS AND FAILING SEPTIC SYSTEMS) AND OTHER SPILLS

- (1) *Each Copermiittee must implement management measures and procedures to prevent, respond to, contain and clean up all sewage (see below) and other spills that may discharge into its MS4 from any source (including private laterals and failing septic systems). Copermiitees must coordinate with spill response teams to prevent entry of spills into the MS4 and contamination of surface water, ground water and soil. Each Copermiittee must coordinate spill prevention, containment and response activities throughout all appropriate departments, programs and agencies so that maximum water quality protection is available at all times.*
- (2) *Each Copermiittee must develop and implement a mechanism whereby it is notified of all sewage spills from private laterals and failing septic systems into its MS4. Each Copermiittee must implement management measures and procedures to prevent, respond to, and coordinate a response to contain and clean up sewage from any such notification.*

Directive VII.7 of Order No. R8-2009-0030 (MS4 Permit for the Santa Ana Region of Orange County)

7. *The Permittees who are regulated under State Board's Water Quality Order No. 2006-0003 shall continue to comply with that order to control sanitary system overflows. The principal permittee shall continue to evaluate the applicability of the "Countywide Area Spill Control Program (CASC)" to all areas within the Santa Ana Regional Board's jurisdiction to control and mitigate sanitary sewer overflows. This evaluation shall be included in the first annual report due after adoption of this order. Within 12 months of adoption of this order, the principal permittee in collaboration with the Orange County Sanitation District, Irvine Ranch Water District and the co-permittees shall implement essential elements of the CASC or other equally effective programs (Such as the Statewide SSO order) to control and mitigate sanitary sewer overflows in Orange County areas that are within the Region.*

For the 2010/11 fiscal year, the County paid \$22,499 in annual fees to the State Water Resources Control Board for coverage under these two NPDES permits. The County has developed and implemented a Local Implementation Plan which addresses the above-referenced SSO control requirements and as of May 22nd, 2010, the Countywide Area Spill Control (CASC) program has been implemented throughout the County. This unique program has established a coordinated SSO response network of owners/operators of the MS4 (cities) and owners/operators of the sanitary sewer system (cities/sanitation districts).

The County does not own or operate a public sewage treatment system and owns very little in the way of sewer lines which meet the definition of a "sanitary sewer system" or "satellite sanitary sewer system" in Section A of the draft WDR. In fact, most of the sewer lines owned by the County which may be greater than one mile in contiguous length and collect and convey more than 25,000 gallons per day, at any time, are associated with facilities such as regional parks or large buildings and would fall under the Section A definition of a "private lateral", except that in almost every case, they are tributary to a sanitary sewer system owned and operated by another agency and already subject to the WDR requirements.

To require the County to apply for coverage under the SSS WDR for facilities such as regional parks or buildings with private laterals which meet the applicability criteria and manage each of these facilities under separate sanitary sewer management plans (SSMP) as required in Section B.2 and B.3 of the draft WDR, is redundant when an "equally effective" program already exists and is being implemented through the County's NPDES program. In light of the fact that the County already has an effective program in place to prevent and respond to SSOs from any source, we question the need to submit a Notice of Intent (NOI) once the new WDR is adopted. Additionally, we submit the following comments on the draft WDR:

- 1) Provision D.12 on Page 13 of the draft WDR contains language that includes: "If the Enrollee believes that any element of this section is not appropriate or applicable to their sanitary sewer system, that element is not required until the mandatory element is applicable to the Enrollee's sanitary sewer system." In the context of California Water Code Section 13360(a), this language is critical. 13360(a) clearly allows parties subject to WDRs to substitute "any lawful manner" to prevent sanitary sewer overflows and private lateral sewage discharges for the "particular manner" of compliance described in these WDRs. Recognition of the right of persons to substitute other means than those specified until such time as said other means are declared illegal is appreciated.
- 2) Provision D.12(d)(vi) on Page 16 of the WDR, Sewer System Management Plan (SSMP) O&M and Sewer System Replacement Funding, requires funding in perpetuity which

violates County, if not state law, mandating annual public budget hearings and approval. Accordingly, under Water Code Section 13360(a), the County would choose to disregard this provision.

Thank you for the opportunity to review the draft SSS WDR. If you require any additional information or have any questions regarding this correspondence, please contact Grant Sharp at (714) 955-0674.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Crompton", written over a horizontal line.

Chris Crompton, Manager
Environmental Resources