



# CITY OF ATASCADERO

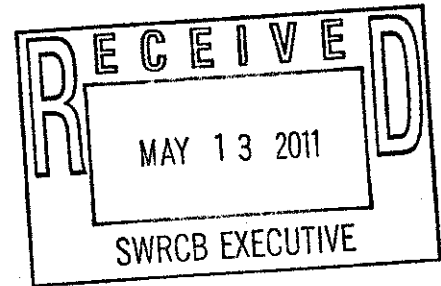
## PUBLIC WORKS DEPARTMENT

6907 EL CAMINO REAL, ATASCADERO, CA 93422

Telephone (805) 461-5000

May 13, 2011

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



**Subject: Comment Letter – SSS WDRs Review & Update**

Dear Ms. Townsend

The City of Atascadero (City) appreciates the opportunity to provide comments on the Draft Waste Discharge Requirements for Sanitary Sewer Systems (SSS WDRs) issued by the State Water Resources Control Board (State Water Board.) The following outlines the City's concerns with the newly proposed language:

1. The proposed SSS WDRs appear to move away from the approach developed by the Stakeholder Sanitary Sewer Overflow (SSO) Guidance Committee in 2005-2006. This approach focused on reporting of SSOs and reducing SSOs with the potential to affect water quality or public health. The proposed SSS WDRs appear to be a very prescriptive and onerous and seeks to dictate decisions regarding the way local sewer system programs are managed and implemented. The City of Atascadero (City) recommends that the State Water Board remove the prescriptive requirements.
2. Compliance with the revised SSS WDR would require far greater staff and resources for permit enrollees, at a time when public agency budgets are shrinking. Furthermore, it is unclear how the additional information will be used by the Water Boards or that the efforts required under the revised permit will produce corresponding environmental or public health benefits.
3. The SSS WDR would expand liability for SSOs by including all spills to state surface waters instead of only those spills that reach a "water of the United States." This is problematic since any surface water could include puddles that are not hydraulically connected to a creek, stream, river, or saline waters. It is also feasible that a discharger could have a sewage overflow basin, whose sole purpose is to collect SSOs, which could also contain incidental stormwater, and, would therefore be in violation of this standard. The City does not believe this is the State Board's intent. Therefore, we recommend that the requirement be clarified to indicate that spills to surface waters that are hydraulically connected to surface water bodies such as streams, lakes or the ocean is the intent.

4. The SSS WDR would include a new prohibition on the use of chlorine during spill cleanups, including any potential chlorine residual in potable water, thus making it very difficult to wash down and fully clean up and disinfect SSOs on roads, gutters, and in storm drains or ditches. The City understands that chlorine, even chlorine residual, can affect aquatic organisms. However, the City believes that the need to protect aquatic organisms should be balanced with the need to protect public health. We recommend the following modification of the Prohibition:

*"...The discharge of chlorine, or any other toxic substance used for disinfection and cleanup of wastewater spills to any surface water body is prohibited. Discharge of Potable water (with a chlorine residual) used for wash down in amounts more than what is needed to clean up the spill is also prohibited. ~~This prohibition applies to the chlorine residual in the potable water used for wash down and clean-up of wastewater spills...~~"*

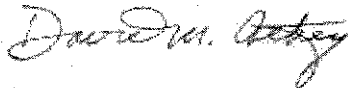
The City also believes that the SSS WDR has positive aspects, which the City would like to maintain. The key points regarding the positive aspects of the SSS WDR are:

1. Revisions that were made to streamline spill notification points of contact.
2. The modification of applicability criteria to include a flow threshold (>25K gallons on any single day) and a pipe mileage threshold (>1 mile).
3. The expansion of coverage of the SSS WDRs to private collection systems meeting the pipe mileage and proposed flow threshold.
4. The clarification that SSOs to land are not the focus of the SSS WDR.

#### **Comments on the Two Tiered Permit System**

In regards to the adoption of a "hybrid" two-tiered approach to regulation of sanitary sewer systems, we strongly oppose this alternative. As the SSS WDR does not authorize any SSOs to waters of the State, which includes waters of the United States, there appears to be no need for an NPDES permit. This alternative would unnecessarily complicate the permitting process, require additional State and Regional Water Board staff resources to track and implement the different permit tiers and provide no additional protection of water quality or beneficial uses since the discharge is already prohibited. Furthermore, there is no demonstration that this would reduce SSOs. Lastly, the collection system is not designed to discharge to surface water bodies. Therefore if a discharge did occur, the City would potentially be subject to minimum penalties. We believe this would be a mistake and would drain the money available for the City's fog program implementation. The fog and management plans, and not penalties, should be the method for reducing spills and protecting State waters.

Sincerely,



David M. Athey  
Deputy Director of Public Works, Engineering