

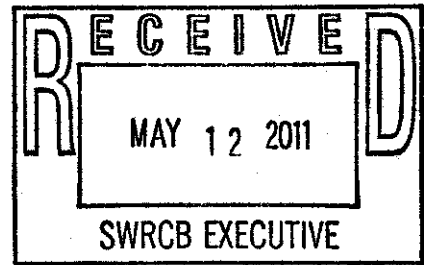
Public Comment
Sanitary Sewer System WDRs
Deadline: 5/13/11 by 12 noon

Department of Transportation
HANS F. LARSEN, DIRECTOR

May 12, 2011

Via Electronic Mail

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



Subject: Draft Waste Discharge Requirements for Sanitary Sewer Systems

Dear Ms. Townsend:

The City of San José (City) appreciates the opportunity to provide our comments and recommendations regarding the State Water Quality Control Board's proposed revisions to the Sanitary Sewer System Waste Discharge Requirements (SSS WDR). The City owns, operates and maintains the sanitary sewer collection system that serves the residents of San Jose. The collection system consists of approximately 2,259 miles of sanitary sewer mains (which vary in size from 6 inches to 90 inches in diameter), 45,000 manholes and 15 pump stations. The collected wastewater is conveyed to the San Jose/Santa Clara Water Pollution Control Plant (WPCP) by major interceptor pipelines located in the northern part of San Jose. Operation and maintenance of these facilities is governed by Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, State Water Resources Control Board Order No. 2006-0003-DWQ (Order). The City and its staff throughout multiple departments work diligently to implement the existing general order and has dedicated significant resources toward improving our collection system operation and maintenance practices to reduce sanitary sewer overflows and ensure accurate reporting.

The City is concerned that some of the proposed modifications to the SSS WDR will invoke a significant departure from programmatic aspects of the current general waste discharge requirements. We support the State Water Board's staff efforts to address regulatory weaknesses with the current WDR, but wish to be mindful that a number of the proposed revisions will noticeably remove program flexibility and necessitate implementation of overly prescriptive SSMP requirements, while providing questionable program advances and benefits. The City is very concerned with proposed changes that will divert already limited resources from operation and maintenance practices essential to maintain the collection system and prevent sanitary sewer overflows. On behalf of the City, and as the Director of Transportation who oversees the maintenance and operation of the City's Sanitary Sewer Collection System and all other

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infrastructure within the public right-of-way, I offer the following comments for your staff's consideration:

1. **The SSS WDR should not mandate public agency reporting of private lateral sewer discharges (PLSDs) involving infrastructure they neither own nor operate.**

The proposed SSS WDR would require enrollees to report sewer spills from private sewer laterals (PSLs) when they become aware of them. PLSD reporting is currently voluntary by a collection system agency. The stated intent of this additional reporting is to evaluate the magnitude of PLSDs statewide and identify collection systems with "systemic issues." However, the corresponding Staff Report includes a technical reference that indicates that the total volume of sewage from private laterals is only about 5% of the total volume from SSOs, almost all of which never pose a threat to waters. Requiring public agencies to provide detailed information regarding such a small percentage of overflow volumes from parts of the system over which they have no control is not appropriate and would divert limited staff resources from higher priority issues that actually protect waters. State Water Board staff has neither provided an adequate justification nor has it thoroughly considered the staffing and financial resources necessary to require public agencies to report PLSDs that are not affiliated with the collection system agency. Therefore, the City recommends that reporting of PLSDs remain voluntary.

2. **Significant additional Sewer System Management Plan (SSMP) requirements should not be mandated until the State Water Board provides adequate justification, program guidance and funding.**

The proposed SSS WDR contains many new programmatic and reporting requirements that are overly prescriptive and highly burdensome for many public agencies experiencing unparalleled financial hardships and constraints. Many of the newly proposed requirements and functions are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. Examples include the staff assessment program, contingency planning, system replacement funding, risk and threat analysis, and performance targets and program. Requiring the development and implementation of a Staff Assessment Program on an agency-by-agency basis is simply unrealistic. The proposed Risk and Threat Analysis of all sanitary sewer assets would be complex and resource-intensive, and would not provide incrementally more benefit than that provided by an otherwise well-operated and managed system.

The proposed SSS WDR contains many new provisions that are highly prescriptive with regard to administrative requirements, planning and reporting. The City questions the merits of mandating an ever increasing administrative burden, while removing program flexibility at the local level, without an evaluation of the agency's program performance. As an example, requiring the updating of the "collection system questionnaire" annually would not provide significant information to improve the operation and maintenance of

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the collection system. However, what appears to be a simple task would entail an extensive amount of staff time and resources with marginal benefit to system performance.

As the corresponding Staff Report indicates, development and implementation of SSMPs by enrollees has just been completed and these plans need to be fully implemented so their effectiveness can be properly identified. Further, it is recognized that dramatically changing SSMP requirements before full implementation will likely lead to confusion regarding the SSMP requirements among enrollees, the public, and Water Board staff. Therefore, the City recommends that the State Water Board not implement these additional programmatic and reporting requirements at this time, and then only after providing detailed implementation guidance, as appropriate.

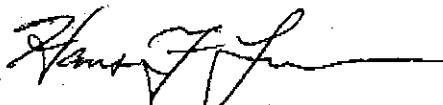
3. Requiring de-chlorination of clean-up water is counter-productive.

Prohibition C.3 implies that potable drinking water would have to be de-chlorinated before it could be used for spill clean-up (in the event water used for clean-up is not fully recovered). Putting restrictions on the use of potable water in cleaning up an SSO that is otherwise likely to violate either of the first two prohibitions simply adds further unnecessary challenges. The City recommends that the incidental discharge of potable water should not be considered a prohibited discharge.

In closing, it is the City's view that many of the proposed revisions to the SSS WDR are highly prescriptive, premature and overly burdensome. Implementation of the existing general waste discharge requirements has already resulted in improved collection system performance and reduced impacts of SSOs on surface water. It would be frustrating to have invested significant resources in meeting the current requirements only to have them change before our current efforts have come to fruition. The City recommends that the State Water Board accentuate compliance and continued implementation with the current permit before initiating revisions that would apply to all agencies, regardless of their compliance history or the effectiveness of current programs.

If you have any comments or questions on this correspondence, please contact David Tucker, Deputy Director for Environmental Services at (408) 975-2553 or Kevin O'Connor, Deputy Director for Infrastructure Maintenance at (408)277-3028.

Sincerely,



HANS F. LARSEN
Director of Transportation