

Board of Directors

May 13, 2011

**President and
Treasurer**

Joseph J. Kuebler, CPA

Vice President

Philip E. Paule

Ronald W. Sullivan

Randy A. Record

David J. Stawson

Board Secretary

Rosemarie V. Howard

General Manager

Anthony J. Pack

**Director of The
Metropolitan Water
District of So. Calif.**

Randy A. Record

Legal Counsel

Redwine and Sherrill

Via E-mail & U.S. Mail

Charles R. Hoppin, Chair, and Members

State Water Resources Control Board

1001 I Street

Sacramento, CA 95814

Attn: Jeanine Townsend, Clerk to the Board

(commentletters@waterboards.ca.gov)

Dear Chair Hoppin and Members of the Board:

SUBJECT: Comment Letter – SSS WDRs Review & Update

Eastern Municipal Water District (EMWD) appreciates the opportunity to provide our comments on the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (SSS WDR). We support the State's goal to update the SSS WDR in protecting surface water objectives. The draft SSS WDR has significant changes and additional requirements that present concern to EMWD.

EMWD currently provides potable water and water reclamation services to a population of 750,000 people in a service area of 550 square miles. Two (2) Water Filtration Plants and one (1) Desalinization Facility, in addition to MWD connection and local wells, provide potable water to the customer the District serves. Additionally, four (4) POTW provide wastewater services to a portion of western Riverside County which include a number of cities. As the provider of both water and water reclamation services, EMWD shares responsibility to effectively manage the surface and groundwater basins within our District boundaries.

EMWD understands the State Water Resources Control Board's rationale and requirement to update the SSS WDR and wants to acknowledge the positive changes that Board staff has proposed. Streamlining spill notification procedures will greatly reduce staff time and anxiety in attempting to reach various regulatory agency contacts within the two hour required time frame. Clarification that SSOs to land are not the focus of the SSS WDR and that surface waters of the state do not include groundwater is appreciated as well. Lastly, EMWD is in agreement with reported Private Lateral Sewer Discharges (PLSD) *not* having to be certified by our agencies Legally Responsible Official (LRO) any longer.

However, there are also a number of provisions that EMWD is concerned with in the draft SSS WDR especially the State Board's request to seek comment on whether to adopt a "hybrid" two-tiered approach to regulate sanitary sewer systems.

Two-Tiered WDRs and NPDES Permit

Although not contained within the draft SSS WDR proposed by State Board staff, comments have still been solicited on whether the SSS WDR should be revised to be a two-tiered WDR and NPDES permit. Under this two-tiered approach any enrollee who has at least one SSO that has reached waters of the United States would be required to seek coverage under the NPDES permit. EMWD is *strongly opposed* to this approach. The SSS WDR already contains provisions that any SSOs to waters of the United States are prohibited, and turning this permit into an NPDES permit can no more increase improved water quality or a reduction of SSOs than with this permit remaining a WDR. However, what it can increase is agencies with strained resources being exposed to citizen group lawsuits and higher administrative penalties. A two-tiered system, would not only be a burden on the permittees, but also on State Board staff as it would require additional resources to track and implement the different permit tiers.

Once again, EMWD is opposed to the two-tiered WDR and NPDES permit alternative and would urge the State Board to keep the permit structure as is.

Additional Comments

EMWD provides the following additional comments and recommendations on the draft SSS WDR:

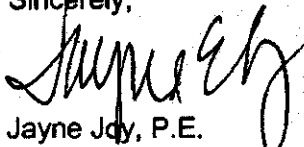
1. Page 4, 14., states that each Enrollee shall, "...develop and implement a system-specific Sewer System Management Plan (SSMP) for each sanitary sewer system enrolled for coverage under the SSS WDR." There are some agencies, like EMWD, whose sanitary sewer systems are physically interconnected and managed as one system, but whose district spans between the jurisdictions of two separate Regional Water Boards. This requires agencies like EMWD to have multiple enrollments under the SSS WDR. From the language in the draft SSS WDR, it is not EMWD's belief that it is the State Board's intention for agencies in this type of situation to have to develop separate and multiple SSMP's. However, EMWD would request that the language in this section be clarified with the addition of language that an SSMP must be developed and implemented for each sanitary sewer system enrolled for coverage under the SSS WDR *unless they are physically interconnected and managed as one system.*
2. Page 12, B.4., states that current enrollees under Order No. 2006-0003-DWQ are required to submit a complete package application for coverage under the SSS WDR sometime after adoption. There appears to be no exit strategy, or mention of an exit strategy for current enrollees who will no longer fall under the applicability criteria of the new SSS WDR, or for those enrollees who perhaps did at the beginning, but no longer meet the applicability criteria after enrolling under the new SSS WDR.

3. Page 12, C.1., is of concern to EMWD as it expands the liability for SSOs by prohibiting, "...discharge of untreated or partially treated wastewater to surface water of the state...", instead of only those reaching, "...waters of the United States." This revision would include discharge to drainage channels. Additionally, this includes discharges to storm drains that are not fully captured, since the assumption has to now be made that per the revision in Monitoring and Reporting Requirement, Section B.1.C., that wastewater not recovered from a storm drain pipe is considered to have reached surface water, no matter what volume, if it reached a surface water, how far it is from a surface water, or if that surface water body is dry at the time or not.
4. Page 13, C.3, discusses the prohibition against the discharge of chlorine, or other toxic substances used for disinfection and cleanup of SSOs into any surface water body. It also applies the prohibition to the, "...chlorine residual in the potable water used for wash down and clean-up of wastewater spills." This requirement is very problematic and will make it extremely difficult for agencies staff to fully clean and disinfect SSOs on roads, gutters and in storm drains or ditches. While EMWD does all that it can to recover and collect both the overflow and the wash down water from a downstream location, this requirement would prohibit the use of potable wash down water with a chlorine residual from even entering a surface water, which would include a storm drain or drainage channel. This requirement would greatly impede clean up efforts and expose permittees to additional liability for doing something that is supposed to be mitigating public health and environmental impacts of the SSO.
5. Page 23, D.12.k, states that enrollees shall, "...communicate, at a minimum, on an annual basis with any sanitary sewer systems that are tributary and/or satellite to the Enrollee's sanitary sewer system." While there are obvious satellite systems within regional agencies that enrollees have identified and have interagency agreements with, the draft SSS WDR now also includes other smaller public and private entities, like private residential and commercial development owners, mobile home parks and other entities that are within the proposed new applicability criteria. How does the State Board plan to identify these newly included entities? Additionally, what expectation does the State Board have for regional wastewater agencies to have knowledge of some of these smaller systems that are tributary to our system to be able to establish communication with? Lastly, will the State Board be establishing some type of mechanism for regional wastewater agencies to be notified upon a system being enrolled under the SSS WDR that is tributary to their system?
6. Page 28, F.4.2, states that enrollees must address the clarifications and additions to our SSMP as required by the revised SSS WDR according to their bi-annual SSMP audit schedule. As existing enrollees have varying dates for when they approved their SSMP, and as this draft SSS WDR will require some agencies to greatly expand their SSMP, it is suggested that the time frame for revising the SSMP to satisfy the new requirements be at some set time period (i.e. 18 months) after the adoption of the SSS WDR.

Chair Hoppin and Members of the Board
May 13, 2011
Page Four

Thank you for the opportunity to comment, if you have any questions, please feel free to contact Al Javier at (951) 928-3777 extension 6327 or at javiera@emwd.org.

Sincerely,



Jayne Joy, P.E.
Director of Environmental & Regulatory Compliance

JJ/AJ: tg

cc: Records Management

3. Page 12, C.1., is of concern to EMWD as it expands the liability for SSOs by prohibiting, "...discharge of untreated or partially treated wastewater to surface water of the state...", instead of only those reaching, "...waters of the United States." This revision would include discharge to drainage channels. Additionally, this includes discharges to storm drains that are not fully captured, since the assumption has to now be made that per the revision in Monitoring and Reporting Requirement, Section B.1.C., that wastewater not recovered from a storm drain pipe is considered to have reached surface water, no matter what volume, if it reached a surface water, how far it is from a surface water, or if that surface water body is dry at the time or not.
4. Page 13, C.3, discusses the prohibition against the discharge of chlorine, or other toxic substances used for disinfection and cleanup of SSOs into any surface water body. It also applies the prohibition to the, "...chlorine residual in the potable water used for wash down and clean-up of wastewater spills." This requirement is very problematic and will make it extremely difficult for agencies staff to fully clean and disinfect SSOs on roads, gutters and in storm drains or ditches. While EMWD does all that it can to recover and collect both the overflow and the wash down water from a downstream location, this requirement would prohibit the use of potable wash down water with a chlorine residual from even entering a surface water, which would include a storm drain or drainage channel. This requirement would greatly impede clean up efforts and expose permittees to additional liability for doing something that is supposed to be mitigating public health and environmental impacts of the SSO.
5. Page 23, D.12.k, states that enrollees shall, "...communicate, at a minimum, on an annual basis with any sanitary sewer systems that are tributary and/or satellite to the Enrollee's sanitary sewer system." While there are obvious satellite systems within regional agencies that enrollees have identified and have interagency agreements with, the draft SSS WDR now also includes other smaller public and private entities, like private residential and commercial development owners, mobile home parks and other entities that are within the proposed new applicability criteria. How does the State Board plan to identify these newly included entities? Additionally, what expectation does the State Board have for regional wastewater agencies to have knowledge of some of these smaller systems that are tributary to our system to be able to establish communication with? Lastly, will the State Board be establishing some type of mechanism for regional wastewater agencies to be notified upon a system being enrolled under the SSS WDR that is tributary to their system?
6. Page 28, F.4.2, states that enrollees must address the clarifications and additions to our SSMP as required by the revised SSS WDR according to their bi-annual SSMP audit schedule. As existing enrollees have varying dates for when they approved their SSMP, and as this draft SSS WDR will require some agencies to greatly expand their SSMP, it is suggested that the time frame for revising the SSMP to satisfy the new requirements be at some set time period (i.e. 18 months) after the adoption of the SSS WDR.