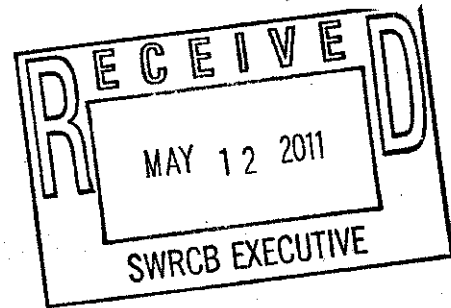




May 13, 2011

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



RE: Comments on the Draft Statewide General Waste Discharge Requirements for
Sanitary Sewer System, Order No. 2011-xxxx-DWQ

Dear Ms. Townsend:

The East Bay Municipal Utility District (the District) appreciates the opportunity to provide comments on the subject March 22, 2011 Draft General Waste Discharge Requirements (draft WDRs). The District currently is covered under WDR Order No. 2006-0003-DWQ for collection systems at Camanche North Shore Recreation Area, Camanche South Shore Recreation Area, and Pardee Recreation Area, all physically separate locations in Amador and Calaveras Counties. They are owned, operated, and maintained under the same District-funded operating and capital program budgets, consequently, inclusive under one Sewer System Management Plan (SSMP).

Since becoming enrolled on July 17, 2007, the District had no sanitary sewer overflow (SSO) greater than 1,000 gallons. The performance of the sanitary sewer system (SSS) has improved over recent years due to the commitment by our Board of Directors to fund a capital improvement program for SSS improvements. The annual average operating and maintenance budget is \$1 million with a commitment of \$25 million for the capital improvement program to implement the SSMP. To date, we have accrued capital program costs of over \$5 million. These costs are relatively high to service a small population of approximately 5,000. As a public agency, revenue sources from these recreation areas are extremely limited to fully fund the SSMP; however, the District is committed to implementing the WDR goals as originally intended to reduce SSOs.

The District commends the State Board's revisions to the draft WDRs to:

- Reduce the duplicative reporting burden on enrollees,
- Modify the applicability criteria by miles of pipeline and flow rates,
- Focus the intent of the WDRs on surface water and not land or groundwater impacts, and
- Clearly define terms and requirements in the Monitoring and Reporting Program and SSMP elements.

Conversely, the State Board has included extensive and unnecessary requirements into the SSMP which will add significant costs to our operating budget with little or no additional benefits or performance improvements to our existing SSMP program. The District is concerned that the draft is overly prescriptive and onerous to public agencies facing challenges from decreasing budgets and staff and increasing responsibilities. The proposed revisions to the SSS WDRs represent a major departure from the previous program that has been successfully implemented under the existing SSS WDRs. The following comments detail our specific concerns on the draft WDRs.

- **Applicability Criteria.** Enrollment into the WDR is required if the SSS is greater than one mile of continuous pipeline and collects more than 25,000 gallons per day (gpd) of untreated wastewater, as determined either by the measured peak daily flow rate or calculated peak daily flow rate based on acceptable industry practices. For small municipal collection systems, such as our recreation areas, it is difficult to maintain constant flow rates due to sudden changes in the service population, and therefore peak flow rates are not representative of typical operating conditions. For example, on holidays or special recreation events, the 25,000 gpd flow rate may be exceeded on one day out of the month or spike temporarily during seasonal uses. We recommend that the limit should be changed to a monthly or annual average.

For multiple SSSs that are not physically connected and satisfy both applicability criteria, the District concurs with the draft WDRs language intended to reduce the total number of systems and enroll all such systems under one agency. The additional requirement to enroll multiple systems, including those systems with less than one mile in contiguous length, should not be considered in this draft WDRs. These small collection systems have very low flow rates and potential SSOs would be *de minimis*. To include these smaller systems would require additional enrollee staff resources to track and implement the SSMP for unlikely SSOs

- **Prohibition C.3.** Banning the use of disinfection chemicals and potable water with residual chlorine will significantly hinder cleanup and disinfection of SSOs. Dechlorination of potable water before using it to clean up spills (in the event SSOs are not fully recovered) is counter-productive, restrictive, and adds unnecessary challenges during emergency operations to control and cleanup the SSO. Physical methods will not be completely effective in reducing public health threats from pathogens in SSOs on roads, storm drains, ditches, and other paved / covered surfaces.
- **Regulatory Considerations of a Two-Tiered WDRs and NPDES Permit.** The District supports the protection of beneficial uses and the State and Regional Board's objective of reducing SSOs into waters of the state. Since the existing SSS WDRs and the proposed revisions do not authorize SSOs to waters of the

U.S., there is no need for an NPDES permit. Tracking, permitting, and enforcing a two tier WDR/NPDES would require unnecessary and inefficient use of Water Board staff resources. The District strongly opposes this two-tiered permit alternative and concurs with several points included in the State Board's Staff Report, also opposing the NPDES permit.

- **Provisions for Mandatory Private Lateral Sewage Discharge (PLSD) Reporting.** The draft WDRs significantly deviate from the original intent and approach of the enrollee having the legal authority and responsibility to report its own SSOs to an all inclusive reporting of PLSDs. Enrollees should not be required to report any PLSDs because they do not own, fund, operate, and maintain private laterals, nor should enrollees be liable for reporting PLSDs subject to any enforcement actions. If the State Board's intent is to "get a better picture of" the magnitude of PLSDs and better identify collection systems with "systemic issues" with PLSDs, it is recommended that the State Board collaborate with the California Department of Public Health and local environmental health officers to determine the most cost effective means to collect this information. In our view, public health agencies have the best knowledge of PLSD overflows on private property, and are, in most instances, the most appropriate agencies to respond to these events.
- **Significant Additional Sewer System Management Plan (SSMP) Requirements.** The additional requirements for SSMP documentation have become excessively prescriptive and dictate decisions that should be at the discretion of the local agency regarding how the plan should be managed and implemented. The level of detail required in the SSMP would not significantly improve the original intent and goals of the SSMP, by reducing the number of SSOs. The proposed "Risk and Threat Analysis" and "Staff Performance Assessment Program" are vague, not statistically supported, unnecessarily complicated, and overly prescriptive. The Water Board should not implement these new requirements until detailed program guidance is provided. Also, State Board staff has not demonstrated that the current training requirements are deficient. The proposed revisions to the SSS WDRs would also require each agency to bring its SSMP before its governing board for re-certification at a minimum of every four years. This frequency is excessive considering that infrastructure projects typically occur over a longer timeframe. We request a re-certification every 5-10 years. Other specific SSMP requirements listed below are considered excessive, resource intensive, with no significant environmental protection benefits and should not be implemented.
 - **Organization** - Including names, email addresses, and telephone numbers for the staff described in paragraph (b) (ii) is excessive information and inappropriate in a public document. Only the position and phone number should be included. As written, the new requirement will require the

SSMP to be revised every time a phone number or email address is changed.

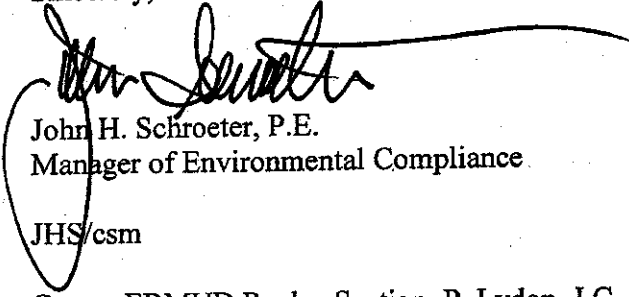
- *Legal Authority* – Paragraph (c) (v) should be revised to read: “Restrict, condition or prohibit new connections under certain conditions.” In addition, Paragraph (c) (vi) indicates that agencies must have legal authority to “limit the discharge of roots...” It is not clear if this phrase is intended to refer to limiting root intrusion (which would be covered by good standard specifications), or to limiting the illicit discharge of debris including cut roots (which is already included in paragraph (c) (i)). In any case, the word “roots” should be removed from this paragraph.
- *Operations and Maintenance Program*
 - * *Map* - The last sentence of this section indicates that an updated map should be included in the SSMP. This will require two things: (1) the SSMP will have to be updated every time a new sewer line is drawn on the map and (2) many sewer mapping systems have hundreds of pages of sewer maps and including all of them in the SSMP will be overly burdensome. The requirement should state that the SSMP should only include a reference to where sewer maps can be viewed.
 - * *Rehabilitation and Replacement* - The third sentence in paragraph (d) (iii) should be revised to read: “Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages due to pipe defects.” It is not correct to imply that age alone is problematic. We know that it does not, nor is it correct to imply ‘aging’ is the same as ‘deteriorating’.
 - * *O&M and Sewer System Replacement Funding* – The first sentence in section (d) (vi) should be revised to read “The SSMP shall include budgets for routine sewer system operation and maintenance and for the capital improvement plan including proposed replacement of sewer system assets over time as determined by careful evaluation of condition of the system.”
- *Design and Performance Provisions* – The addition of the phrase “all aspects of” in both paragraphs (i) and (ii) should be removed; requiring each agency to update their standards and specifications to cover every last possible minor detail of sanitary sewer system construction and inspections just to meet this requirement would create an unwarranted burden on staff. Also, the phrase is not necessary and is already implied.
- *FOG Control Program* – Proposed revisions to (g) (iii) would simultaneously require legal authority to prohibit FOG discharges to the

system and to require FOG dischargers to implement measures to prevent SSOs and blockages caused by FOG. This revised language contradicts itself, first by indicating that FOG discharges are to be prohibited, and then by including requirements for FOG dischargers. Also, the language appears to apply to both residential and commercial sources of FOG, but fails to recognize that logistical challenges may outweigh the benefits of *requiring* best management practices for residential FOG sources. We request that this existing language be preserved: "This plan shall include the following as appropriate:....The legal authority to prohibit discharges to the system and identify measures to prevent SSOs and blockages caused by FOG."

- *Performance Targets and Program Modifications* – Progress towards improving sewer system performance and reducing impacts of SSOs is already described in the SSMP and will be adequately characterized by a review of SSO trends. Also, without specific guidance on how to develop these targets, the requirement is vague and offers no validation of success or failure. All references to performance targets should be removed from paragraphs (i) and (j).
- *Communication Program* – The proposed revisions to the SSS WDRs would require each agency to communicate with the public on an annual basis regarding the development, implementation, and performance of its SSMP. This specified timeframe suggests that an agency would send out a notice of some sort at a certain time each year, but would not apply to agencies that communicate information to the public primarily via their websites; online information is made available 24 hours a day. The original language should be retained as is.

Additionally, the District supports comment letters submitted by the Central Valley Clean Water Association and its members. Thank you for your consideration. Should you have any questions or comments regarding these comments, please contact me at (510) 287-0345.

Sincerely,



John H. Schroeter, P.E.
Manager of Environmental Compliance

JHS/csm

Cc: EBMUD Pardee Section, P. Lydon, J.C. Johnson

