

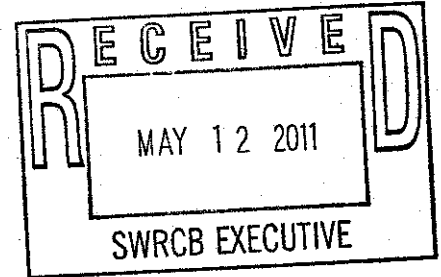


City of Palm Springs

Department of Public Works and Engineering
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May 12, 2011

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



Re: **Comment Letter - SSS WDRs Review & Update**

Dear Ms. Townsend,

On March 24, 2011, the State Water Resources Control Board released for public comment draft Waste Discharge Requirements for Sanitary Sewer Systems (SSS WDR). If adopted, the proposed SSS WDR would replace the existing statewide SSS WDR (Order WQ 2006-003.).

The City of Palm Springs owns and operates a 10.9 million gallon per day Waste Water Treatment Plant ("WWTP") and 250 mile sanitary sewer collection system. Since adoption of the existing statewide SSS WDR, the City has ambitiously pursued implementation of various programs to meet the requirements of the WDR. Significant City funding and resources are being invested in management and maintenance of the City's sewer collection system, and programs have been implemented or improved under the existing statewide SSS WDR (Fats, Oils & Grease "FOG" Program; Sanitary Sewer Spill Response Plan; Sewer Collection System Cleaning Program, etc.). Consequently, the number or volume of sanitary sewer overflows ("SSOs") in Palm Springs has significantly been reduced and/or eliminated.

We believe the proposed revisions represent a major departure from the program that has been successfully implemented under the existing statewide SSS WDR.

We request that the State Water Board reject the proposed SSS WDR, and allow the programs initiated by the City of Palm Springs pursuant to the existing statewide SSS WDR to be fully implemented, since many of these programs involve capital improvements that will take time to implement.

Following are specific comments regarding the proposed SSS WDR:

- 1) The proposed SSS WDR moves away from the approach developed by the Stakeholder SSO Guidance Committee in 2005-2006 (which focused on reporting of SSOs and reducing SSOs with the potential to affect water quality or public health), to a very prescriptive and burdensome WDR that seeks to dictate at the state level decisions regarding the way local sewer system programs are managed and implemented.
- 2) Compliance with the proposed SSS WDR would require far greater staff and resources for Enrollees, at a time when public agency budgets have been significantly reduced. Furthermore, it is unclear how the additional information that must be generated will be used by the Water Board or that the efforts required under the proposed SSS WDR will result in additional environmental or public health benefits.

Ms. Jeanine Townsend
May 12, 2011
Page 2

- 3) The proposed SSS WDR would expand liability for SSOs by including all spills to surface water as prohibited SSOs subject to enforcement, instead of only those reaching a "water of the United States."
- 4) The proposed SSS WDR would transform the existing enforcement discretion language (which expresses a clear statement of the State Water Board's intent regarding enforcement priorities and responses) into a purely advisory provision, which individual Regional Boards would be free to follow or ignore as they choose.
- 5) The proposed SSS WDR is overly focused on private sewer laterals ("PSL"), requiring reporting of PSL spills by Enrollees who have no authority over the privately owned laterals and requiring detailed information regarding local lateral programs.
- 6) The proposed 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 and gutters, and in storm drains or ditches.

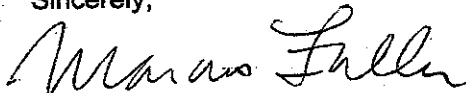
Although not part of the proposed SSS WDR, the State Water Board is also seeking comment on whether to adopt a "hybrid" two-tiered approach to regulation of sanitary sewer systems. We urge you not to adopt a "hybrid" two-tiered permit scheme.

Under the two-tiered permit scheme: (1) enrollees who have had at least one SSO that has reached waters of the United States would be required to seek coverage under a NPDES permit; (2) enrollees who have never had a SSO that has reached waters of the United States would be required to seek coverage only under the SSS WDR; and (3) when an Enrollee covered under the SSS WDR reports a SSO that has reached waters of the United States, the Enrollee would be required to switch coverage from the WDR to a NPDES permit. Both the SSS WDR and NPDES permit regulations include express prohibitions against all SSOs reaching waters of the United States. Thus, we see no public benefit to implementing a two-tiered permit scheme given the current restrictions against all SSOs reaching waters of the United States, or how such a two-tiered permit scheme would reduce SSOs and improve water quality.

We appreciate the opportunity to review and comment on the draft SSO WDR, and request the State Water Board to reject the proposed changes, and to allow the on-going sewer collection system monitoring and maintenance efforts of Enrollees under the existing statewide SSO WDR to continue.

If you have any questions, please feel free to contact me at (760) 323-8253, extension 8744, or by e-mail at Marcus.Fuller@palmspringsca.gov.

Sincerely,



Marcus L. Fuller, P.E., P.L.S.
Assistant Director of Public Works/
Assistant City Engineer

cc: file