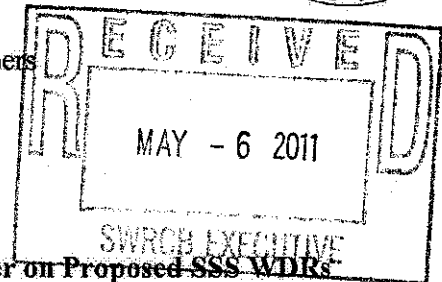


May 5, 2011



**By EMAIL, FAX and U.S. MAIL**

Charles R. Hoppin, Chair and State Water Board Members  
c/o Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814



**Re: Sacramento and San Francisco Comment Letter on Proposed SSS WDRs  
Review & Update**

Dear Chair Hoppin and State Water Board Members:

The City of Sacramento (Sacramento) and the City and County of San Francisco Public Utilities Commission (San Francisco) respectfully submit the following comments on the proposed Sanitary Sewer Systems Waste Discharge Requirements (SSS WDRs). Our comments seek to improve clarity regarding the scope of the SSS WDRs so that they are not misunderstood to apply to combined sewer systems. Combined sewer systems and separate sewer systems are different enough that they should be addressed under separate regulatory structures.

As you know, Sacramento and San Francisco both operate combined sewer systems. Combined Sewer Systems convey both sanitary sewage and stormwater in the same network of pipes for treatment. According to the U.S. Environmental Protection Agency, combined sewer systems (although rare in California) are relatively common in the United States, serving approximately 40 million people in 772 communities. Sacramento is primarily a separated system but has 257 miles of combined sewer. San Francisco is almost entirely combined, with approximately 90% of its system comprised of combined sewers.

Combined sewer systems provide valuable environmental benefits because nearly every drop of water that falls in a combined sewer system area is treated, including stormwater. This is important because stormwater picks up oils, contaminants, car emission particulates, trash, animal feces and more as it runs into a storm drain system and eventually into our receiving waters. Combined systems are designed to retain and treat, to varying levels defined in NPDES permits, wastewater containing such pollutants.

**1. SSS WDRs language should be clarified to ensure its scope is not misunderstood to include Combined Sewer Systems**

Based on our review, we believe that the draft SSS WDRs correctly intends to limit its scope to separated sewers. However, some aspects of the proposed regulation require clarifying language to ensure this separation is clear. In the past, questions

have been raised as to whether the current SSS WDRs (Water Quality Order No. 2006-0003-DWQ) apply to our combined systems, which has wasted time and resources (e.g., in permit renewal discussions) and caused unnecessary contention. As we believe you agree, separate sewer systems and combined sewer systems are different enough that they should be regulated under different policies. The combined sewer systems are already regulated nationally by the USEPA Combined Sewer Overflow (CSO) Control Policy, which includes regulations for collection system and treatment facilities with a CSS.

We therefore request the following modifications to the text to clarify that the proposed SSS WDRs are applicable only to separate sanitary sewer systems.

*Comment #1 - Finding 6. (page 2/26).* Our suggested edits are shown in red, underline, and strikeout text:

*"Several sanitary sewer systems in the State of California are combined. They collect and convey both wastewater and storm water. These combined sanitary sewer systems are owned by entities that also own publicly owned treatment works that have been issued National Pollutant Discharge Elimination System (NPDES) permits. Requirements for proper operation and maintenance of these combined sanitary sewer systems are incorporated via standard conditions in their NPDES permits. The permits also regulate and require reporting of combined sewer overflows. Consequently, this SSS WDR does not apply to the combined sewer portions of sanitary sewer collection systems. Requirements for spill reporting from these combined sanitary sewer systems shall be incorporated in their Monitoring and Reporting Programs (MRPs)."*

The added text is intended to clarify applicability as discussed above. We propose deleting the last sentence because it is not needed. NPDES permits regulating combined sewer systems are required to have public notification in conformance with the *Combined Sewer Overflow Control Policy* which is part of the Clean Water Act.<sup>1</sup> The permits also require monitoring for all combined sewer overflows.

*Comment #2 - Definition 10. (page 8/26).* The definition of sanitary sewer overflow on its face appears to include combined sewer overflows and other discharges from combined systems. Our suggested clarification is added as a footnote.<sup>2</sup>

*Sanitary sewer overflow (SSO) - Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system upstream of a treatment plant head-works. SSOs do not include combined sewer overflows (CSOs) or other discharges from the combined portions of a combined sewer system. SSOs include:*

<sup>1</sup> Minimum control measure #8 in the *CSO Control Policy* requires public notification, including the development of notification plans, to ensure that the public receives adequate notification of CSO occurrences and CSO impacts.

<sup>2</sup> The Clean Water Act considers SSOs and CSOs as distinct: see 33 U.S.C. § 1301.

(a) Overflows or releases of untreated or partially treated wastewater that reach surface waters of the state. This includes all wastewater releases to storm drain pipes that are tributary to waters of the state that are not fully recovered;

(b) Overflows or releases of untreated or partially treated wastewater that do not reach surface waters of the state; and

(c) Wastewater backups into buildings and on private properties that are caused by blockages or flow conditions within the Enrollee owned portion of a sanitary sewer system.

**Comment #3 - Definition 11. (page 8/26).** Similarly, the definition of sanitary sewer system could be interpreted as including combined systems.

*Sanitary sewer system – Any system of publicly or privately owned pipes, pump stations, sewer lines, or other conveyances, upstream of a wastewater treatment plant head-works used to collect and convey wastewater to a treatment facility or downstream sanitary sewer system...*

We suggest the following addition at the end of the definition.

*A combined sewer system is not a sanitary sewer system.*

This addition is consistent with the descriptions used by USEPA in its June 1, 2010, notice regarding a proposal to adopt SSO regulations.<sup>3</sup>

**Comment #4 - Definition 13. (page 9/26).** We suggest the following clarification.

*Spill - Generic term referring to any discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system upstream of a wastewater treatment plant head-works. Discharges from combined sewers are not included in this definition for purposes of this SSS WDR.*

<sup>3</sup> See page 30397 in the June 1, 2010, Federal Register SSO notice that describes sanitary sewers (also known as separate sanitary sewers) as distinct from combined sewer systems.

Thank you for this opportunity to comment on this issue of mutual concern to the City of Sacramento and San Francisco. We hope our comments are useful in clarifying the proposed SSO WDRs' scope so that we can achieve more efficient governance.

Sincerely,



Marty Hanneman, P.E.  
Director  
Department of Utilities  
City of Sacramento



Tommy T. Moala  
SFPUC Assistant General Manager  
Wastewater Enterprise  
San Francisco Public Utilities Commission

LP/TTM/hc