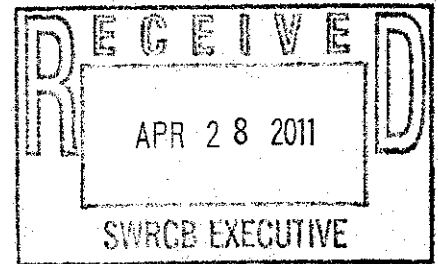


Public Comment
Sanitary Sewer System WDR
Deadline: 5/13/11 by 12 noon

April 28, 2011

Via email: commentletters@waterboards.ca.gov



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

Subject: **Comment Letter – SSS WDRs Review & Update**

Ladies and Gentlemen:

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 SSO WDR (Order WQ 2006-003.) The proposed revisions, if adopted would represent a major departure from the program that has been successfully implemented under the current SSO WDR.

The Mt. View Sanitary District (MVSD) respectfully requests that the State Water Board consider scaling back or delaying the proposed revisions in order to allow the programs and progress begun under the existing SSO WDR to be fully implemented. Since many of these programs require long time horizons to acquire, evaluate, plan and act on condition assessments, and in many cases involve capital improvements, it will take time for the District to realize the full benefits of these major investments.

Formed in 1923, MVSD maintains approximately 110 miles of public sewers and four (4) pump stations. In addition to wastewater collection, the District also provides enhanced secondary treatment. Under the current SSS WDR, MVSD in 2006 implemented a Sewer System Management Plan (SSMP) for its collection system. In order to fund the added administrative costs of the SSMP and in anticipation of a number of collection system improvement projects, our District's Board of Directors in June of 2006, approved a 40% increase in sewer user service charge rates. These rate increases were implemented over the last 5 years.

MVSD has made the following substantial progress under its current SSMP and the existing SSS WDR:

1. Collection system maps were digitized and a geographic information system (GIS) which links collection system facilities to construction plans, permits, maintenance records, video inspections and other data has been implemented.
2. An emergency response plan has been developed and implemented and all members of our maintenance crew are routinely trained in Sanitary Sewer Overflow (SSO) response procedures.

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State Water Resources Control Board
Proposed revisions to SSS WDR

3. A Fats, Oils and Grease (FOG) removal program has been implemented including adoption of a new rate structure with financial incentives for food handling establishments that install interceptors.
4. A systems reliability evaluation of the four District pump stations was conducted and recommended short term improvements implemented. Longer term pump station improvement projects are being prioritized and included in the District's Capital Improvement Program.
5. The District is routinely performing digital video inspections of approximately seven (7) miles of pipelines per year. These videos are being assembled and pipelines rated according to total defects and proximity to creeks and watercourses and public facilities.
6. MVSD recently adopted and has implemented a new District Code. The new Code includes strengthened requirements for FOG control and backwater overflow prevention devices. Requirements for amalgam separators and best management practices for dental offices have also been added to the Code.
7. In order to better implement the SSMP, the organization of the District maintenance personnel has been realigned.
8. A computerized maintenance management system (MMS) for the collection system is being implemented and incorporated into the GIS. A list of prioritized hot spots has been created and increased maintenance routines developed for these.
9. Optical level sensing devices with remote alarm function have been installed in critical manholes within the collection system in order to provide advance notice of surcharging and improve response time.
10. One of the District's four pump stations was completely renovated at a cost of over one million dollars, and several thousand feet of sewer pipeline have been rehabilitated.
11. MVSD has budgeted for and is set to embark upon an inflow and infiltration investigation program in targeted older neighborhoods within the District.
12. The District has further committed funds toward a focused hydraulic modeling project within specific areas of concern within the collection system.
13. In spite of the more sensitive reporting thresholds contained in the existing WDR's the Districts' frequency of SSO's has declined significantly.

The District is confident that the above activities which have been implemented in direct response to the existing SSS WDR will continue to improve the performance of the collection system and reduce further the number of SSOs over the next several years.

In addition, MVSD has reviewed the proposed SSS WDR and identified the following several areas which cause us concern:

- The SSS WDR would move 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 onerous order that seeks to direct decisions regarding the way local sewer system programs are managed and implemented. We are concerned that this may discourage the creation of innovative approaches to system management.

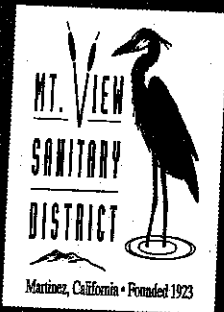
- Compliance with the revised SSS WDR would require far greater staff and resources for permit enrollees, at a time when public agency budgets are shrinking. Furthermore, it is unclear how the additional information that must be generated will be used by the Water Boards or that the efforts required under the revised permit will produce corresponding environmental or public health benefits.
- The 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."
- The proposed SSS WDR would transform the existing enforcement discretion language, which expresses a clear statement of the State Board's intent regarding enforcement priorities and responses, into a purely advisory provision, which individual regional boards are free to follow or ignore as they choose.
- The 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.
- The 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.

MVSD feels that the following are positive aspects of the proposed SSS WDR:

- Revisions to streamline spill notification points of contact
- Modifying applicability criteria to include a flow threshold (>25K gallons on any single day) and a pipe mileage threshold (>1 mile)
- Expanding coverage of the SSS WDRs to private collection systems meeting the pipe mileage and proposed flow thresholds
- Clarifying that SSOs to land are not the focus of the SSS WDR

The State Water Board has also invited comments on whether or not the Board should adopt a "hybrid" two-tiered approach to regulation of sanitary sewer systems. **MVSD opposes the two-tiered approach for the following reasons:**

- a. Under a two-tiered WDR and NPDES permit: (1) enrollees who have had at least one SSO that has reached waters of the United States would be required to seek coverage under the NPDES permit; (2) enrollees who have never had any SSO that has reached waters of the United States would be required to seek coverage only under the WDR; and (3) when an Enrollee covered under



the WDR reports an SSO that has reached waters of the United States, the Enrollee would be required to switch coverage from the WDR to the NPDES permit. The NPDES permit (as does the SSO WDR) would include a prohibition against all SSOs to waters of the United States. Since the SSS WDR does not authorize any SSOs to waters of the United States, there is no need for an NPDES permit.

- b. The result of such a change would be subject local public agencies to additional citizen group lawsuits and higher administrative penalties with absolutely no demonstration that this would improve water quality or reduce SSOs.
- c. This alternative would also require additional Water Board staff resources to track and implement the different permit tiers.

Thank you for providing MVSD with the opportunity to comment on these important decisions. Please feel free to contact our District Manager, Mike Roe at 925.228.5635 x 32 or mroe@mvsd.org with a cc to nallen@mvsd.org should you have questions or wish to discuss any of the foregoing.

Sincerely,

MT. VIEW SANITARY DISTRICT

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District Manager

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