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To: <commentletters@waterboards.ca.gov>
Date: Mon, Apr 24, 2006 10:32 AM
Subject: Comment Letter - May 2, 2006 Board Hearing- SSORP

VIA E-Mail commentletters@waterboards.ca.gov

April 24, 2006

Ms. Tam Doduc, Chair and Members
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: Comment Letter - May 2, 2006 Board Hearing- SSORP

Dear Chair Doduc and Board Members:

This letter is written to express concern regarding the current March 24, 2006 draft of the proposed Statewide General Waste Discharge Requirements (WDR) for Wastewater Collection System Agencies and the accompanying Monitoring and Reporting Program. While the goals of the State Water Resources Control Board (Board) to decrease sewer overflows statewide are commendable, the proposed WDR will immediately impose new sewer management, operational and capital improvement programs on our local sewer system.

I am disappointed that the draft WDR has been amended to include a prohibition of local sewer overflows and that it does not differentiate between preventable and unpreventable overflows. I ask the Board to include a reasonable affirmative defense provision that would provide collection system agencies with protection against the costs of fines and lawsuits based on sewer overflows that occur even after our collection system is managed, operated and maintained according to the new state standards.

The proposed WDR will present funding and logistical issues for our community, especially considering that the regulations will become effective after the adoption of our FY2006-07 budget in July of this year. The Board's estimate that the increase in local sewer fees will be limited to \$72.00 annually for our residents appears to minimize the true costs of implementing the requirements of the WDR. The increase in local sewer fees will likely be substantially higher in order to comply with these new requirements. In addition, potential fines and litigation resulting from unpreventable spills will also impact sewer fees.

The Board should consider granting sufficient time for cities to implement the requirements of the WDR, including preparation of revised master plans, review of operational and maintenance changes and the acceleration of capital improvement programming.

It is important that the Board assist cities in identifying and obtaining funds to comply with the WDR, since the new regulations may constitute an unfunded mandate. As you are aware, Congress is considering the elimination of the State Revolving Fund. Elimination of



this fund would all but eliminate Federal monies for sewer systems. The Board should actively seek sources of funding to assist communities in paying for the new planning and capital improvements that are being mandated by the WDR. Financial assistance is especially critical for the low-income residents in the community.

I urge the Board to consider granting sufficient time for agencies to become familiar with the new statewide electronic spill reporting database. It is my understanding that this reporting system has not yet been tested, and I know that local personnel have not yet been trained in its use. Yet sewer collection agencies will be held responsible for its use. I am also concerned that field staff will be unable to consistently make the required legal and technical determination that a sewer spill has reached Waters of the United States or caused a public nuisance, prior to having to report the spill on the new electronic database. The requirement to make this determination should be eliminated from the electronic reporting template.

No one wants sanitary sewer overflows, and it is my desire to work with the Board to eliminate them. However, money that is spent on paying fines and on legal defense is money that cannot be used to prevent spills. I ask that the Board not adopt the draft WDR without addressing the issues outlined above.

Respectfully,

Daniel Wall, P.E.
City Engineer
City of San Fernando