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5/2/06 - Item 7
SSORP
Deadline: 4/24/06
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GENERAL MANAGER/
DISTRICT ENGINEER

KAMIL S. AZOURY, P.E.

April 21, 2006



Via Overnight Delivery and E-mail (commentletters@waterboards.ca.gov)

Song Her, Clerk to the Board
State Water Resources Control Board
Executive Office
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: COMMENT LETTER - 5/3/06 BOARD MEETING - SSORP

Dear Board Members:

We are writing to provide you with our comments relating to the revised draft Statewide General Waste Discharge Requirements for Wastewater Collection System Agencies dated March 24, 2006 (the "WDRs"). Your Board is scheduled to consider the revised WDRs at a public hearing on May 2, 2006.

Private Collection Facilities

By letter dated January 24, 2006, the Goleta Sanitary District ("GSD") submitted comments on the earlier draft of the WDRs. We are pleased that the revised WDRs address the concern raised by GSD relating to the applicability of the WDRs to private sewer laterals. We believe that the revised definition of "sanitary sewer system" at page 6 of the WDRs makes it clear that GSD will not be responsible for responding to sanitary sewer overflows ("SSOs") originating from privately owned collection facilities. This conclusion is supported by the statement added to the revised Draft Fact Sheet at page 8 that, "[g]iven the limited responsibility of oversight, public entities are not responsible or liable for private laterals". However, in order to ensure consistency, we believe that Section 9 at page 3 of the Monitoring and Reporting Program relating to "Private Lateral SSOs" should be deleted. By definition, a sanitary sewer overflow does not include overflows from private laterals. Accordingly, GSD should have no reporting obligations with respect to spills from private laterals.

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Regional Board Requirements

GSD remains concerned that the revised WDRs do not adequately address the situation where a Regional Board has previously imposed its own collection system requirements on an agency through an NPDES permit or waste discharge requirements. As stated in GSD's January 24 letter, GSD is currently subject to comprehensive collection system management requirements that were imposed by the Central Coast Regional Water Quality Control Board in November of 2004. GSD is in the process of implementing these requirements. In many cases, the requirements imposed by the Regional Board differ from those contained in the State Board's proposed WDRs. In addition, in many cases it cannot be readily determined whether one requirement is more stringent than another, or whether the State Board and Regional Board requirements are redundant, inconsistent or simply different. Accordingly, if the Regional Board simply addresses these differing requirements "as time allows" or upon reissuance of existing WDRs or permits, there could be a period of years during which GSD may be forced to implement parallel, redundant and/or inconsistent collection system management and reporting programs to ensure compliance with the requirements of both the State Board and Regional Board. It seems particularly inefficient and inappropriate to require GSD to comply with Regional Board requirements when it is anticipated that they will be superseded by the State Board requirements in the future.

GSD suggests that there are two ways to address this issue. The first would be to have the State Board's WDRs expressly provide that they rescind and entirely supersede any collection system management and spill reporting requirements previously imposed by Regional Boards. If a Regional Board needs to impose more stringent or prescriptive requirements in the future to address particular circumstances, it can do so after making appropriate findings and following required procedures. In this way, it would be clear from the outset which collection system and reporting requirements apply to every agency.

A second approach would be to provide that the State Board's WDRs do not go into effect until any existing Regional Board's collection system requirements have been rescinded. In this way, GSD would be bound to comply with the Regional Board requirements imposed in November of 2004 until the Regional Board rescinds those requirements, which would presumably take place upon the renewal of GSD's existing 5-year permit in 2009. At that time, GSD would become subject to the State Board's WDRs.

Involvement by Other Regulatory Agencies

GSD also requests that, before adopting the proposed WDRs, the State Board hold workshops with other agencies and departments that play a role in responding to SSOs, including, for example, representatives from (i) county and city public works departments, (ii) county and city

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public health departments, (iii) county and city fire and emergency services departments, (iv) the California Department of Fish & Game, and (v) the U.S. Army Corps of Engineers. The focus of such workshops would be to develop procedures for collection system agencies to respond to SSOs without being delayed by permitting and other requirements of other regulatory agencies.

CASA and Tri-TAC Comments

Finally, GSD wants to state its support of the comments that have been submitted to the State Board by the California Association of Sanitation Agencies (CASA) and Tri-TAC in connection with the proposed WDRs. In particular, because SSOs cannot be entirely eliminated, GSD believes the WDRs should provide for a specific affirmative defense in cases where an SSO is clearly beyond the reasonable control of the collection system owner and where the owner is in full compliance with the WDRs. GSD also endorses the CASA and Tri-TAC proposal to establish different categories for spills and to trigger enforcement only where a spill reaches waters of the State or has the potential to harm public health and/or the environment.

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We appreciate your consideration of these comments.

Respectfully submitted,

GOLETA SANITARY DISTRICT

Kamil S. Azoury by PGB

Kamil S. Azoury, P.E.
General Manager/District Engineer