5/2/06 Item 7
SSORP
deadline: 4/24/06

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Wastewater Treatment

Technology in balance with nature

April 24, 2006

Ms. Tam Doduc, Chair
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

SUBJECT: Comments on March 24, 2006 Proposed General Waste Discharge Requirements for Wastewater Collection System Agencies

Submitted via e-mail

Dear Chair Doduc:

The Sacramento Regional County Sanitation District (SRCSD) supports the collaborative process undertaken to develop a program to reduce SSOs and as an active participant on the SSO Guidance Committee appreciates the opportunity to comment on the March 24, 2006 State Water Resources Control Board's (State Water Board) Draft Statewide General Waste Discharge Requirements (WDR) for Wastewater Collection Systems addressing Sanitary Sewer Overflows (SSOs). Our remaining concerns with the current draft are highlighted below.

Prohibitions
The Draft WDR specifies a "prohibition" that any wastewater from a sanitary sewer to waters of the United States or that creates a nuisance is prohibited. We would like to emphasize again that collection system agencies cannot guarantee they will not have a SSO. For instance, unusually large storm events cannot be designed for and could cause an unpreventable SSO.

Duplicative Requirements
Although the intent of the Draft WDR is to provide statewide consistency, as currently written it implies that Regional Boards may adopt more stringent WDRs for collection system agencies. It also requires Regional Boards when issuing a new, or reissuing an existing, NPDES or WDR permit with sanitary sewer requirements to review the permit and this WDR identifying and including requirements more stringent and removing less stringent requirements. If Regional Boards are allowed to impose different requirements, this is contrary to the goal of a unified statewide program.

Our concerns are that this may lead to inconsistent standards and could create compliance problems for permittees that may be subject to conflicting requirements. We strongly encourage the State Water Board to modify the current language in the WDR to encourage Regional Boards to rescind existing individual and general WDRs and make all permittees subject only to this general statewide permit.

Reporting of SSOs

There should be a separate category for reporting "public" lateral SSOs, also known as a serviceline SSOs, so that these types of spills are not included with SSOs from a mainline or trunkline. Many agencies may not own lateral lines from a private property boundary to the mainline of the collection system, however, those agencies that do own this type of lateral will show a higher number of overall spills if there is not a separate category for reporting these "public lateral" SSOs.

The Draft WDR requires the reporting of all SSOs electronically. Our concern remains that reporting all SSOs will result in a false perception that the number of SSOs are increasing. In addition, field testing of the on-line reporting system has been minimal, therefore we are not ensured that the electronic reporting system will work within the six-month time frame required in the WDR, nor are we sure there is adequate time to train the industry on the WDR and the reporting requirements.

Training

Three to six months is not adequate time to educate and train the industry on the WDR requirements and on-line reporting system. It has been recommended several times to phase the program in, similar to how the General Stormwater permit was phased, allowing ample time for training.

Schedule

The implementation schedule is too short and very prescriptive. We continue to recommend extending the timeframes, with less specificity on the milestones, in order to provide more flexibility to agencies in developing and implementing a SSMP that addresses their unique circumstances. For instance, rather than specifying individual compliance dates for the SSMP milestones, the WDRs should simply specify the deadline for completion of an SSMP that includes all the required components.

Design Capacity

We support the language added to the current draft that implies design capacity should be considered when evaluating enforcement in the event of an SSO. However, we are disappointed with the deletion of the provision that a wet weather event that exceeds the design capacity as documented in the SSMP should be considered in an enforcement action. We recommend including enforcement discretion language on wet weather events exceeding the design criteria in the System Evaluation and Capacity Assurance Plan.

Enforcement Discretion / Affirmative Defense

We encourage the State Water Board to continue providing clear enforcement discretion specifying enforcement action is only warranted if the permittee has a history of chronic SSOs, is not complying with its SSMP, or did not respond in a timely manner, where practical, to contain and mitigate SSOs. We further believe that there must be clear direction to State Water Board and Regional Board staff that enforcement would not normally be warranted for exceptional spills that are caused by severe natural actions, storms that exceed a sewer agency's design storm, or in an area that has had a State or federally declared natural disaster or emergency. There must be some protection from enforcement to permittees that are in compliance with the terms of the WDR, yet experience unavoidable overflows.

If you have any questions regarding our comments, please feel free to contact me or Terrie Mitchell at 916-876-6092.

Sincerely,

Wendell H. Kido

for Mary K. Snyder
District Manager

cc: Bryan Brock - SWRCB
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