

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

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April 21, 2006

Via Facsimile (916) 341-5620 and Certified Mail

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 Ms. Song:

Hatch & Parent serves as general counsel to the Goleta West Sanitary District ("Goleta West"), an independent special district that operates a wastewater collection system located within the County of Santa Barbara. By prior letter dated January 23, 2006, our office submitted comments on behalf of Goleta West with regard to an earlier draft of the proposed Statewide General Waste Discharge Requirements for Wastewater Collection System Agencies ("SSO WDRs") and the related monitoring and reporting program currently under consideration by the State Water Resources Control Board ("State Board"). As discussed in greater detail therein, Goleta West objects to the adoption of the proposed SSO WDRs for the following reasons: (1) the State Board lacks legal authority to issue waste discharge requirements to public agencies that do not engage or propose to engage in ongoing controlled discharges of waste as part of their day-to-day operations; (2) the proposed SSO WDRs fail to provide an affirmative defense or other meaningful restriction upon liability for unavoidable SSOs that occur notwithstanding compliance with the numerous requirements of the SSO reduction program; (3) the program mandated by the proposed SSO WDRs would result in a significant expenditure of public funds by all affected wastewater collection system agencies, with no consideration of whether such costs are warranted on a case-by-case basis; and (4) absent the preemption of overlapping Regional Board orders, the adoption of the proposed SSO WDRs will not further the objective of implementing a uniform statewide program for SSO prevention and reporting.

The revised draft SSO WDRs dated March 24, 2006 fail to meaningfully address the above concerns. For this reason, Goleta West hereby incorporates the comments set forth in our prior comment letter dated January 26, 2006 as if set forth fully herein and resubmits such comments to the State Board with regard to the revised draft SSO WDRs. Moreover, the proposed revision to the SSO WDRs regarding prohibited discharges (*see* SSO WDRs draft dated 3/24/06 at Section C, p. 7) merely duplicates existing statutory prohibitions, whereby the inclusion of such language in the SSO WDRs is unnecessary and confusing.

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For the reasons stated above, together with the reasons set forth in our prior letter dated January 26, 2006, Goleta West formally objects to the adoption of the proposed SSO WDRs. Goleta West reserves the right to submit additional comments regarding the draft SSO WDRs at or prior to any State Board hearing on this matter.

Should you have any questions regarding the foregoing, please do not hesitate to contact me at (805) 963-7000. Thank you for your attention to this matter.

Very truly yours,



Steven A. Amerikaner
For HATCH & PARENT
A Law Corporation

cc: Board of Directors, Goleta West Sanitary District
Mr. Mark Nation, General Manager, Goleta West Sanitary District