

CITY OF CARSON

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

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 – 5-02-06 Board Hearing- SSORP

Dear Chair Doduc and Board Members:

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

We are disappointed that the draft WRD has been changed to include an *outright prohibition* of local sewer overflows and that it does not differentiate between preventable and unpreventable overflows. We urge the Board to include a reasonable affirmative defense provision that would provide our residents 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 WRD process 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. We do not accept the Board's estimate that the increase in local sewer fees will be limited to \$72.00 annually for our residents. We believe that the fees will be substantially higher in order to comply, especially considering the very real threat of fines and litigation resulting from unpreventable spills.

The Board should consider granting sufficient time for cities to address the very real issues of compliance, including preparation of revised master plans, reviewing operational and maintenance changes and the potential of accelerated capital improvement programming. Our city will require additional time to develop these revisions for our public outreach and information program, prior to considering new or increased sewer fees necessary to comply with these new state regulations.

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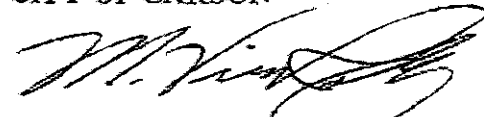
It is important that the Board assist cities in obtaining grants in order to comply with the new programs, since the new regulations may constitute an unfunded mandate. As you know, Congress is considering the elimination of the State Revolving fund, which would severely limit the financial options for our community in applying for federal sewer system grants. The Board should be actively seeking sources of funding to assist communities in helping to pay for new planning and capital improvement costs of the new state regulations. Financial assistance is especially critical for the low-income residents of our community.

We urge the Board to consider granting sufficient time for the cities to become familiar with the new statewide electronic database reporting spills. We understand that this reporting system has not yet been tested, local personnel have not yet been trained and there has been no troubleshooting, yet we will be held responsible to date certain compliance. We remain concerned that our field staff will be unable to make the required legal and technical judgment call that a sewer spill has reached Waters of the United States or caused a public nuisance, prior to our having to report the spill on the new electronic database. These requirements should be eliminated from the electronic reporting template.

We request that the Board not adopt the draft WRD without addressing these issues. The proposed WRD will prove to be unfair without providing these basic protections to the state's residents and businesses.

Sincerely,

CITY OF CARSON



M. VICTOR ROLLINGER
General Manager
Development Service

MVR/PE

cc: Jerry G. Groomes, City Manager