



San Francisco Water Power Sewer

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BY EMAIL AND U.S. MAIL

Mr. Russell Norman
State Water Resources Control Board
Division of Water Quality
1011 I Street, 15th Floor
Sacramento CA 95814
rnorman@waterboards.ca.gov

**Re: Comments on Proposed Changes to Sanitary Sewer System
Waste Discharge Requirements (SSS WDR) Monitoring and
Reporting Program (MRP)**

Dear Mr. Norman,

The City and County of San Francisco Public Utilities Commission (San Francisco or SFPUC) respectfully submits the following comments on the proposed amendments to the Monitoring and Reporting Program (MRP) for the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (SSS WDRs).

San Francisco is served primarily by a combined sewer system that collects and treats most of San Francisco's wastewater and stormwater flow. However a small portion of San Francisco is served by separate sanitary sewers. Therefore, we are concerned that the newly proposed reporting and record keeping requirements be reasonable and effective.

We appreciate that staff has taken considerable time to revise the MRP and have incorporated changes recommended by the Enrollee Community.

While progress has been made since earlier versions and while the current draft reflects some important recommended changes, a few outstanding issues remain which we believe must be addressed to ensure an effective and successful program. In addition to general comments, we have also provided detailed comments on the specific provisions of the permit in the table below.

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General Manager



1. MRP Revisions Contain Changes which Modify Intent of Waste Discharge Requirements which is Inappropriate for an Administrative Action

The following serves as the basis for the Executive Director's authority to update the MRP: Section G.2. of the WDR states "the Enrollee shall comply with the attached Monitoring and Reporting Program No. 2006-0003 and future revisions thereto, as specified by the Executive Director." While this updating authority exists, we have found no basis which would allow the Executive Director to make changes to the MRP which in allows for contradictions or changes to the intent of the WDR.

We are particularly concerned that in the October 2012 proposal and now in this version Staff has modified the receiving water from 'waters of the United States' to 'waters of the State.' As explicitly defined in the WDR, SSO's are:

any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system. SSOs include:

- (i) Overflows or releases of untreated or partially treated wastewater that reach waters of the United States;
- (ii) Overflows or releases of untreated or partially treated wastewater that do not reach waters of the United States; and
- (iii) Wastewater backups into buildings and on private property that are caused by blockages or flow conditions within the publicly owned portion of a sanitary sewer system.

The jurisdictional reach of the WDR is explicitly limited to the Waters of the United States. Expanding jurisdiction to the waters of the State goes beyond an administrative action to a fundamental change to the WDR, which would be inappropriate without a full public review process. We respectfully and strongly suggest that proposed changes which extend jurisdiction beyond waters of the United States be removed.

In addition, it is our understanding from CASA and BACWA, following a meeting with the Water Board, that the MRP changes were intended to be surgical and to provide clarity. Many of the proposed changes, however, go far beyond surgical and impose new heavy reporting burdens (without providing a corresponding improvement to water quality). The proposed MRP contains significant changes, including requirements for additional monitoring, reporting, and other extensive paperwork. Moreover, there are no findings, description of value, cost or benefits provided for the proposed new requirements.

We believe amendments to the MRP should be limited to administrative updates, and not include significant changes to the SSS WDR which are

more appropriately done in an open public review process which allows for formal written and oral comments and a hearing before the State Board members.

2. Consistency with Clean Water Act definitions

The MRP refers to a “separate municipal storm drain system.” We believe that Staff’s intent was to reference the Municipal Separate Storm Sewer Systems as defined by the Clean Water Act. Therefore, we request the MRP refer to the Municipal Separate Storm Sewer System (MS4).

3. SFPUC Supports BACWA & CASA/Tri-Tac Comment Letters

We agree with views expressed by other organizations, including those of BACWA and CASA. Some of the proposed amendments appear to be too substantive to qualify as mere reporting changes, especially ones which are intended to be surgical in nature in order to provide clarity to existing MRP.

4. Our specific comments are as follows:

SECTIONS		COMMENTS
1.	B. Sanitary Sewer Overflow Notification Requirements	<p>It is inappropriate to require that a municipal agency report a Category 1 SSO to Cal EMA without first verifying 1) an SSO has occurred and that 2) it is in fact a Category 1 SSO. Unlike Enrollee staff, members of the public are not trained, knowledgeable experts and therefore the Enrollee cannot rely on information provided by the public without verification. It is the responsibility of agency staff to confirm an SSO has in fact occurred. We request that “by discovery or receiving information from a public informant or other source(s)” be stricken from the following sentence.</p> <p><i>1. For any SSO <u>greater than or equal to 1000 gallons</u> that results or may result in a discharge to a surface water of the state, either directly or by way of a drainage channel or separate municipal storm drain system, the enrollee shall, as soon as possible, <u>but not later than two (2) hours</u> after (A) that enrollee has knowledge of the discharge by discovery or receiving information from a public informant or other source(s), (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures, notify the California Emergency Management Agency (Cal EMA) and obtain a notification control number.</i></p>
2.	B. Sanitary Sewer Overflow Notification Requirements	<p>The list of new required information for the 2 hour reporting to Cal EMA is excessive and impractical; efforts during this time should be focused on containing and mitigating an SSO and on emergency notification.</p>

		We request requiring only the most pertinent information be reported to Cal EMA. We respectfully request the following items be removed: iv.b,d, viii, and ix.
3.	B. Sanitary Sewer Overflow Notification Requirements	New requirements for continuous reporting, without direct public health or receiving water protections, to Cal EMA is highly burdensome on valuable resources needed to address an SSO event. We request the language be modified to “Following the initial notification to Cal EMA and until such time that an enrollee submits a ‘certified’ report into the CIWQS Online SSO Database, the enrollee shall provide updates to Cal EMA if the category of SSO changes.”
4.	C.5. SSO Technical Report	We fully concur with CASA/Tri-Tac and other associations that have voiced concerns that Section 5. SSO Technical Report of the proposed MRP is outside the bounds of a surgical improvement. The WDR and the MRP already requires significant information be reported into CIWQS; The State Water Board has other means to require more information on a case-by-case basis. We recommend that this entire section be deleted from the MRP.
5.	C.5. SSO Technical Report	In addition to the comment above, without well-defined, highly detailed and clear criteria to ‘evaluate short- and long-term impacts to beneficial uses’ a Technical Report will lack useful insight and ultimately will not aid in the protection of Public health and receiving waters. As requested in the previous comment (#4), we strongly and respectfully request the SSO Technical Report section be deleted from the MRP.
6.	C.5. SSO Technical Report (and all other pertinent sections)	The MRP should only include water quality sampling for larger SSOs exceeding 50,000 gallons or more of unrecovered sewage.
7.	C.6. Private Lateral Sewage Discharges	We would like state our support for PLSD reporting to remain optional.
8.	C.8. Mandatory Information to Be Included in SSO Online Reporting	The requirement for all Enrollees to fill out a Questionnaire is unnecessary for the State and burdensome for the local agency. This requirement should be revised to require one questionnaire be filled out per agency per year.
9.	C.8. Mandatory Information to Be Included in SSO Online Reporting	The requirement for each new LRO to fill out a Questionnaire within 30 days of receiving an account is unnecessary and does not provide new, valuable information to the Water Board. It is unclear what informational needs would be unmet by filling out the annual questionnaire. We therefore request that you remove the following sentence from the MRP: <i>‘Additionally, within thirty (30) days of receiving an account and prior to recording SSOs into the CIWQS Online SSO Database, all enrollees must complete a Collection System Questionnaire (Questionnaire).’</i>
10.	C.8.i.c. Draft Category 2 SSOs	It seems a typographical error occurred, the sentence should be updated to read as follows: ‘1. All Items specified in section 8.i.a above for Draft Category 1

		SSO, except items 11-16, 18.”
11.	D. Water Quality Monitoring Requirements	<p>The water quality monitoring requirements standards in the MRP require an impact assessment to be development within the 48-hours following an SSO of 50,000 or more gallons that has not been recovered. The criteria for determining impacts, is undefined. Aside from sampling parameters, detailed and clear criteria has not been provided to aid in the required impact assessment.</p> <p>In addition to undefined criteria, the 48-hour time frame to prepare an impacts assessment in unreasonable and shifts the focus away from SSO mitigation activities to unwieldy paperwork assessments.</p> <p>In the interest of public health and water quality benefit, we respectfully request items #3 and #5 be removed from Water Quality Monitoring Requirements.</p>
12.	E. Record Keeping Requirements	<p>The newly drafted SSO reporting requirements are overly burdensome, do not directly benefit water quality, and is not in the spirit of a “surgical” markup. The language the existing MRP should be maintained and the new language under Record Keeping Requirements should be deleted. If any additional information is required by the Water Board it can be provided on a case-by-case basis instead of burdening all agencies who are unlikely to be required to provide such information. Resources are limited and should be used in a way which is most beneficial to the public and receiving waters.</p>
13.	E.2.ii.f.	<p>Providing follow-up contact information of each complainant should be made option. As all SSOs are to be Enrollee verified and many communities, such as San Francisco have a large renter base, this information would not be valuable and would quickly become irrelevant.</p>

Thank you for this opportunity to provide input on Sanitary Sewer System Waste Discharge Requirements (SSS WDR) Monitoring and Reporting Program (MRP). We greatly appreciate the responsiveness of your staff to previous comments, and we hope that the comments provided here aid in achieving effective changes furthering responsible stewardship of the water environment.

Sincerely,



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