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DIVISION OF WATER QUALITY



January 14, 2013

Mr. Russell Norman
SSO Reduction Program
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

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President

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Roland P. Williams, Jr.
General Manager

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

Dear Mr. Norman:

On behalf of the Castro Valley Sanitary District, we appreciate the opportunity to comment on the recently released proposed modifications to the Sanitary Sewer System (SSS) Waste Discharge requirements (WDRs) Monitoring and Reporting Program (MRP). Castro Valley Sanitary District is a small independent sanitary sewer agency with 12 employees dedicated to wastewater operations. These employees perform maintenance, operations, and code enforcement, pretreatment, engineering and administrative functions on a very tight budget. Castro Valley Sanitary District has complied with the requirements of the existing WDR and the new requirements will require additional efforts that the District may find challenging with our current budget structure. We are committed to the effective and appropriate implementation of the SSS WDR, and through our membership in the California Association of Sanitation Agencies (CASA), we have been an active partner with the State Water Resources Control Board (State Water Board) in facilitating understanding of, and compliance with, the order. The Castro Valley Sanitary District supports CASA's comments on the proposed amendments to the MRP, and incorporates those comments by reference.

Our primary concern is that the proposed amendments constitute a broad and significant revision of the MRP, contrary to both State Water Board direction and prior representations to stakeholders regarding the cleanup nature of the amendment process. Though the current version of the MRP has been narrowed from the prior draft, the proposed revisions remain extensive. Many of the proposed changes do not fall within the limited scope of an MRP and create new policy or substantive requirements, which should only be imposed through amendments to the WDR itself. For example, the proposed changes to the MRP include the creation of a new "Sanitary Sewer System" (SSS) and the requirement that the SSS be "designed to meet the requirements of the WDR". This is a significant change from the current MRP, which only requires that the SSS be "designed to meet the requirements of the WDR".




- The amount of information required for the 2-hour reporting requirement is significant, and in most cases entirely impractical for reporting entities;
- The new time limit of 120 days to amend a Sanitary Sewer Overflow (SSO) report inhibits the ability of entities to report the most accurate spill volumes possible after a complete investigation into the facts and circumstances surrounding an SSO;
- The new technical report and monitoring program required for all SSOs greater than 50,000 gallons is incredibly burdensome and is a significant new requirement;
- The new, extensive requirements in the revised MRP will result in agency staff devoting their limited time and resources to simply compiling more documentation, which does not achieve the intent of the SSS WDR and the MRP—to reduce SSOs.

The Castro Valley Sanitary District supports a number of the changes to the MRP originally proposed in early 2012. For example, we support the delineation of the two existing overflow categories into three, clarification of the event-based approach to reporting, and clarification that agencies should only contact CalEMA for immediate reporting. Nonetheless, the changes noted above, as well as many others, are outside the scope of the MRP amendment process and are inappropriate. We request that the proposed amendments to the MRP be revised consistent with the specific language recommendations submitted by CASA.

We appreciate the opportunity to provide comments on proposed changes to the MRP, and look forward to working with State Water Board staff in the future on issues related to the SSS WDR. Please contact me at 510-537-0757 or roland@cvsan.org if you would like additional information regarding our comments.

Yours truly,



Roland P. Williams, Jr.
General Manager