



NOVATO SANITARY DISTRICT

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DIVISION OF WATER QUALITY

BEVERLY B. JAMES
Manager-Engineer-Secretary

KENTON L. ALM
Legal Counsel

January 15, 2013

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

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

Dear Mr. Norman:

Novato Sanitary District appreciates this opportunity to comment on the recently released proposed modifications to the Sanitary Sewer System (SSS) Waste Discharge requirements (WDRs) Monitoring and Reporting Program (MRP). Novato Sanitary District manages 225 miles of sewer and 39 pump stations in Novato, as well as treatment and recycling facilities. We are committed to the effective and appropriate implementation of the SSS WDR, and have 6 years of practical experience in implementing the order. In addition, Novato 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:

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- The amount of information required for the 2-hour reporting deadline is more than is needed for the initial emergency response, and will interfere with an agency's ability to focus on stopping the overflow and protecting the public health and the environment. Setting a 4-hour time frame for the initial report or requiring only minimal critical information such as spill location and category would allow first responders to more effectively respond to and mitigate a spill;
- 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 to surface waters 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.

Novato 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 Beverly James, bevj@novatosan.com, if you would like additional information regarding our comments.

Sincerely,



Beverly B. James
Manager-Engineer