

May 13, 2011

Via email: commentletters@waterboards.ca.gov

Re: Comments - WDR Review and Update

South Coast Water District  
31592 West Street  
Laguna Beach, CA 92651

Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Dear Ms. Townsend:

South Coast Water District appreciates the opportunity to comment on the State Water Quality Control Board's proposed revisions to the Sanitary Sewer System Waste Discharge Requirements (SSS WDRs). South Coast Water District ("SCWD") operates 140 miles of sewer collection, lift stations and force mains, which serve primarily the community of Dana Point, and a portion of the City of Laguna Beach, California. The SCWD has incorporated sewer system management and planning into day to day operations for many years in response to the planned federal CMOM program and prior to the State WDR. SCWD serves a resident community of 40,000 and the summer visitor population is up to 2 million persons per year. As a coastal community SCWD Board and staff know that it is imperative to operate and maintain a high quality sanitary sewer system, not only for compliance with the State WDR, but to protect the health and economy of our community. Last year, SCWD's system had zero sewer spills and the SCWD Board of Directors sets and maintains a "zero spill policy" for this agency. Although important as a statewide standard, it is our constituents and not the State WDR that sets the highest standard for full protection of the health of the community and the environment.

SCWD welcomed the notion of every sanitary sewer agency complying with similar statewide requirement and supported the 2006 general order WDR. With respect to the extensive changes proposed in the draft now before you, the SCWD does not support the majority of the changes and concurs in the comments made and submitted by the California Association of Sanitation Agencies and the concurring industry comment providers.

We strongly agree with the staff recommendation that the order should remain in the form of a WDR and not an NPDES permit or a "hybrid" NPDES/WDR. We believe the issues regarding the form of the order were fully vetted through the SSO Guidance Committee in 2005-2006, and circumstances have not fundamentally changed. Given that an NPDES permit would simply prohibit sanitary sewer overflows (SSOs) in essentially the same manner as the WDR, we view the potential shift to a federal permit

as unwarranted, punitive and not likely to result in better quality programs as resources are diverted to legal defenses and arguments over what is and is not compliant.

The proposed WDR is unreasonably prescriptive and remarkably broad with regard to major 'new additions' to the administration and documentation of local programs. The wholesale changes to the program as proposed are highly bureaucratic, vague as to what approaches that will equal compliance and our assessment is that implementation will be costly and highly variable as individual agencies attempt to decipher what is being required. As one example, the requirements for administrative inspections fail to address that inspection warrants are necessary where the private property owners do not provide consent to an inspection, therefore, the local agency would not be able to facilitate the inspections that the order would require on private property.

The existing WDR reflects the practical discussion among stakeholders that took place in 2006, yet the current draft reflects an academic exercise lacking knowledge in implementation and missing any better approach to focus resources toward results. As a consequence, SCWD requests that any detailed and further revision to the current draft undergo additional rounds of stakeholder input prior to State Board consideration.

We request that the State Board consider the success of the existing order and focus on bringing agencies into compliance with the existing permit prior to consideration of sweeping revisions.

Sincerely,

Betty Burnett  
District Counsel  
South Coast Water District