



# Central Contra Costa Sanitary District

Protecting public health and the environment

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May 12, 2011

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SWRCB EXECUTIVE

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board (SWRCB)  
1001 I Street, 24th Floor  
Sacramento, California 95814

Dear Chairman Hoppin and Members of the Board:

**COMMENT LETTER - PROPOSED SWRCB ORDER NO. 2011-XXXX-DWQ,  
STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY  
SEWER SYSTEMS (SSS WDRs) REVIEW AND UPDATE**

Central Contra Costa Sanitary District (CCCSD) provides wastewater collection, treatment, disposal and recycling services. We collect and treat wastewater generated by more than 460,000 residents and businesses in Central Contra Costa County. The majority of the approximately 45 million gallons per day received secondary treatment and is discharged through a deep water outfall to Suisun Bay. Several million gallons per day are treated to a higher standard and utilized for landscape irrigation on our own treatment plant sight and on commercial properties, schools, parks, and golf courses in the cities of Martinez, Concord and Pleasant Hill.

The network of trunks, mains and interceptors of our collection system is comprised of 1,500 linear miles of pipeline and covers about 140 square miles of area. The size of our pipes range from 6 inches to 102 inches and they range in age from the 1930s to current installations. CCCSD also operates and maintains 17 pumping stations to lift flows from the low lying areas of our service area such that they can travel by gravity through our main trunk system to our treatment plant in Martinez.

The operation, maintenance, and continued investment in the infrastructure of our collection system have always been a priority for CCCSD. We note with pride the consistent decline in sanitary sewer overflows. Our rolling annual average through April 2011 is 39 spills, which for a network of 1,500 miles is a very small number. The total volume of those 39 spills is less than 3,700 gallons or less than 0.01% of the average daily flow that is transported to our treatment plant.

CCCSD shares the State Water Board's concerns about preventing sanitary sewer overflows (SSOs). Our staff and management participated actively in the stakeholder groups that worked with the State Water Board staff in 2004 through 2006 to develop your Order 2006-003-DWQ. Our staff participated in teaching sessions provided by CWEA to assist in the launch of your new Order in 2006 and 2007. We have maintained active participation as your approach to the Order evolved. Staff has participated in the CIWQX workgroup and in the Data Review workgroup. We believe the actions by those workgroups have materially improved the operations of collection systems across the State.

Our SSMP has been completed and approved by our Board for the last three years. The annual preparation of our Capital Improvement Budget and Ten-Year Plan is a thoughtful and careful exercise which addresses sewer renovation of our high priority lines as identified by our ongoing collection system closed circuit television program. Our Ten-Year Plan funds renovation of all known high priority lines within the first seven years of the plan. In addition, the Ten-Year Plan contains projects to address all identified capacity issues before they reach surcharge levels that could result in a wet weather discharge. In fact, we have no identified system capacity constraints currently where wet weather flows exceed system capacity and have had no wet weather-driven sewer system overflows in many years. Our collection system program was recognized by our peers in 2007 when we won the California Water Environment Association Collection System of the Year Award.

Based on the above information, we believe Order No. 2006-0003-DWQ has been effective in encouraging agencies such as ours to increase their focus on preventing sanitary sewer system overflows. We question the need for more expansive and prescriptive regulations at this time. That being said, we have worked with our professional organizations, CASA/Tri-TAC and BACWA, to develop comments on the proposed Order No. 2011-XXXX-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems. CCCSD supports the comments that will be submitted to you by these organizations. In addition, we are submitting our own comments and wanted to highlight three areas of concern.

**(1) We believe required reporting of spills from systems that we do not own or operate is inappropriate and will create a financial and potentially legal liability for us.**

CCCSD's authority does not include any portion of the private sewer lateral. As such, a requirement to report private sewer lateral spills when we become aware of them adds a task that will take staff time and may expose us to liability from property owners for erroneous reporting. In particular, if our on-call staff receives a report of an overflow which we know to be on a private system and therefore do not send a crew out to verify, we would be reporting an unverified spill if we reported it. Would we then be required to send a crew out to verify the spill on private property and the location in order to report it? Or if we reported it without field verification and got the location

wrong, would we be liable for our erroneous report? Also, if we did not field verify, how would we report the amount of the spill? Based on all of these concerns, CCCSD strongly recommends that the Order continue with the current practice of a voluntary reporting of observed private sewer lateral spills. The stated reason for the mandatory reporting is to get better data on the extent of private sewer lateral spills. In our experience, the vast majority of private sewer lateral spills are contained on site and may result in private property damage but do not reach waters of the State.

**(2) We are concerned by the overall tone of the proposed Order, which includes many components that are prescriptive in nature and removes the flexibility to operate and maintain sanitary sewer systems based on good judgment and considering local conditions and constraints.**

Many of the proposed revisions will be very burdensome and appear to increase the level of "command and control" over all programs, including those that are performing well. Our own agency has proactively addressed changing maintenance needs and continues to make significant capital investments in renovations to our sewer infrastructure. If there are believed to be problems with individual collection systems, we believe the Board has appropriate data to ferret out such systems, the appropriate authority to insist that the existing regulations be followed, and if necessary, the appropriate authority to issue notices of violation and levy fines. Imposing a multitude of new requirements on all agencies seems to us to be an inappropriate way to accomplish your stated goal of reducing sanitary sewer overflows.

One example of the overly prescriptive nature of the proposed Order is the requirement that each agency develop a Staff Assessment Program that must be updated every 12 months. This Assessment is to identify staff deficiencies by reviewing current staff job duties and skill sets and abilities. This requirement intrudes into human resources issues, such as job performance by individuals, and is not something that should be included in a public document. It would be more than adequate to simply ask for a description of operation and maintenance activities and processes in place to attempt to reduce sanitary sewer system overflows.

**(3) We strongly agree with the recommendation of your staff that the Order should remain a WDR and not change to an NPDES permit for any subset of the regulated community nor into a hybrid combination of the two.**

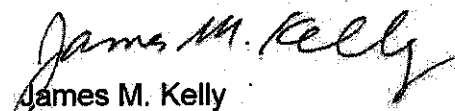
The issue as to the applicability of each form was fully vetted during the work of the SSO Guidance Committees in 2005-06 with participants from your staff and management, as well as the NGO and regulated communities. The SSO picture in California has *improved* in the past several years and we believe the WDR clearly

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suffices for requiring, allowing, and encouraging continuing improvement. Ken Greenberg of EPA, Region 9, has been widely cited, from testimony he provided in 2009, when he said that California's sanitary sewer system regulatory program is the best in the Country. Changing to an NPDES permit would create an administrative nightmare for your own staff, introduce needless confusion in the community at large, and increase non-productive work for our staff.

Thank you for your consideration. CCCSD, as well as our professional representatives, CASA and Tri-TAC, and the organizations that have allied with them on their comment letter stand ready to assist you to arrive at a revised Order that best protects the environment and the public health.

Sincerely,

  
James M. Kelly  
General Manager

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