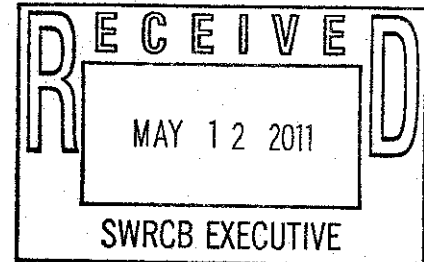




May 12, 2011

Jeanie Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, California 95814

**PUBLIC WORKS DEPARTMENT**  
1370 N Benson Ave  
Upland CA 91786-0460  
Telephone (909) 291-2930  
Facsimile (909) 291-2974



RE: Comment Letter – SSS-WDR Review and Update

Dear Ms. Townsend:

The City of Upland appreciates the opportunity to comment on the State Water Resources Control Board's (SWRCB) proposed revisions in the draft Sanitary Sewer System Waste Discharge Requirements (SSS-WDR). The City of Upland is located in the west end of San Bernardino County and occupies approximately 15 square miles. The City of Upland is purely a gravity-flow system, which provides sewer service to most businesses and residents within the City as well as the unincorporated San Bernardino County area of San Antonio Heights.

While we appreciate the SWRCB diligence in addressing issues with existing SSO-WDR, the City has a number of concerns with the proposed revisions. The concerns are outlined below:

- Public agencies would be subject to enforcement for all spills to surface water instead of those reaching the "surface waters of the United States", thus increasing the public agency's liability. Our agency does not discharge to "waters of the United States" or "surface waters of the State". All discharges (storm water or other) are captured and sent to basins within the City.
- The SSS-WDR would require enrollees to report spills from Private Sewer Lateral Discharges (PLSDs) when they become aware of them. Currently this reporting is voluntary. Requiring public agencies to provide detailed information regarding PLSDs which they have no control over and typically do not threaten the waters of the U.S. would divert limited staff and resources of the public agency from the higher priority goals and objectives of eliminating and reducing sanitary sewer overflows (SSOs).
- The SSS-WDR would require public agency staff to spend more time and resources (without additional funding), providing details of PLSDs rather than managing operation and maintenance activities to properly maintain the agency's collection system. We understand that the goal of the SWRCB is to produce better information regarding PLSDs, however requiring agencies to report spills on behalf of PLSDs may also cause the agency to be liable to the property owner for errors in reporting if a claims stem from the reported spill.

- In order to comply with the revised SSS-WDR's additional requirement, public agencies will require additional staff and resources/funding. The level of detail required for the additional information generated is not clear. Also, it is unclear how the information provided will be used in future efforts.
- The SSS-WDR proposes that the use of chlorine would be prohibited, thus potable water would have to be de-chlorinated before it could be used for a spill clean-up (if a spill is not fully recovered). The SWRCB allows de minimis discharges of potable water to stormdrains and the chlorine content is not an issue. Also, the chlorine content of 0.5 ug/L is safe and allowed in drinking water. Prohibiting the use of chlorine and chlorine residuals during spill clean-ups will make it almost impossible to properly clean-up and disinfect SSO areas after a spill.
- The proposed "Risk and Threat Analysis" would require considerable staff, resources and funding. A "Risk and Threat Analysis" can be complex and benefits from performing such analyses are not proven to be substantially greater than a well managed sewer system. Additionally, the SWRCB has not provided any guidance as to how to develop or fund the "Risk and Threat Analysis".
- Requiring public agencies to develop and implement Staff Assessment Programs means the agency would be responsible for creating a program that is similar to the existing technical certification program offered by California Water Environmental Association (CWEA) or pay a contractor to develop a program. This requirement will burden the public agency, since it would require additional staff, funding and guidance that does not currently exist and be redundant as there is an existing certification program in place.
- Under the proposed SSS-WDR, public agencies would also be required to update sewer system maps to identify backflow prevention devices which are not owned by the agency. It is unlikely that an agency would maintain records for assets that they do not own. This requirement would be time-consuming for the agency and require staff and resources that are currently not available.
- The SSMP already addresses system performance and reducing impacts of SSOs. The additional Performance Targets and Program Modifications do not provide any guidance on how to develop these targets and offers no validation if success or failure.
- Provision 8 suggests that sanitary sewer systems will need replacing within the timeframe of these WDRs. The reference to "eventual replacement" should be removed because the need to replace sewers is dependent on several factors, such as age of the pipe, structural condition gathered from internal (CCTV) inspections, material, location and criticality of the pipe, among others. Sewers should not be replaced automatically when they reach a certain age, especially when they are in good condition and functioning as designed. This would not be a good use of limited public resources.

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- Under the O&M section of the SSMP, the SSS WDRs state that "rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages due to pipe defects." It is not correct to imply that age alone is problematic. We know that it does not, nor is it correct to imply 'aging' is the same as 'deteriorating'.
- The Overflow Emergency Response Plan requirement (ii), states "...program to ensure appropriate response to all overflows including documentations of steps needed to prepare for natural disasters, hazardous weather events, and other severe circumstances that will affect sewer system operation. Program documentation should include contracts or agreements in place that may be needed in the event of SSOs to help mitigate the discharge. The proposed requirements are broad and extensive, without guidance, and seem to be unrealistic as to the resource and priority the City has to use or react with in case of natural disasters which are unpredictable and difficult to foresee to have an extensive preparation meeting the Board's expectation as outlined.

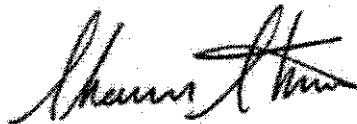
It should be noted that the proposed SSS-WDR does contain improvements to the existing SSO WDR which include:

- Expanding the coverage of the SSS-WDR to private collection systems
- Streamlining spill reporting
- Clarified requirement for mapping
- Clarifying that SSOs to land are not the focus of the SSS-WDR

Even though, there are positive improvements in the proposed SSS-WDR, we feel that the proposed revisions represent a major departure from the program that has been successfully implemented under the existing SSO-WDR. We believe that it would be more productive for the board to focus on bringing all agencies into compliance with the current permit rather than initiating sweeping revisions that would apply to all agencies, regardless of compliance history or the effectiveness of current programs. The City of Upland hopes that the SWRCB will take these comments into consideration when expanding the program requirements.

Respectfully,

CITY OF UPLAND



Shaun Stone, P.E.  
Principal Utilities Engineer