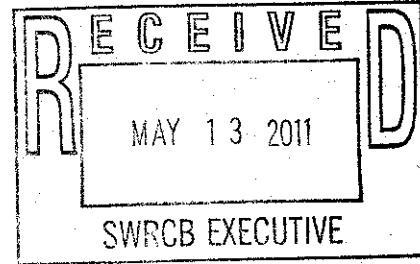


**SACRAMENTO AREA
SEWER DISTRICT**
SERVING YOU 24/7

Public Comment
Sanitary Sewer System WDRs
Deadline: 5/13/11 by 12 noon



May 13, 2011

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Via email to commentletters@waterboards.ca.gov

Subject: Comment Letter – SSS WDR Review & Update

Dear Ms. Townsend:

The Sacramento Area Sewer District (SASD) appreciates the opportunity to offer comments on the draft statewide Sanitary Sewer Systems Waste Discharge Requirements (Draft SSS WDR). By way of some background, SASD serves over 1 million people in the Sacramento region and owns and maintains over 3,000 miles of sewer mainlines and 1,300 miles of lower lateral sewer lines. SASD takes its mission to protect public health and the environment very seriously and we have committed significant staffing and financial resources to effectively manage our sewer system, reduce Sanitary Sewer Overflows (SSOs), and comply with the current SSO WDR.

SASD participated extensively in the SSO Guidance Committee in 2005-2006, as the WDR was being developed. We believe this robust stakeholder process yielded an effective program with the overall goal to reduce the number and frequency of SSOs within the state, while providing the needed flexibility for an agency to determine how best to comply and reduce SSOs. Unfortunately, the proposed changes in the Draft SSS WDR are much more prescriptive, are a significant shift in policy direction that is more burdensome, and will cost sewer collection systems millions of dollars. SASD is concerned that these new mandates will not have a corresponding environmental benefit, and in fact, may divert resources from actually maintaining and rehabilitating sewer systems.

The SSO WDR has been in effect for approximately five years, the majority of which was only partial implementation due to program phasing. As stated in previous letters, workshops and hearings, SASD believes that the fundamental framework of the existing WDR is still appropriate and that it is premature to "re-open" the WDR at this time. Instead, the State Board should focus on full enrollee participation, compliance inspections, data quality and consistency, performance metrics, streamlined reporting and the establishment of a de minimis threshold or third reporting category for reporting SSOs.

Board of Directors
Representing:

County of Sacramento
City of Citrus Heights
City of Elk Grove
City of Folsom
City of Rancho Cordova
City of Sacramento

Stan R. Dean
District Engineer

Prabhakar Somavarapu
Director of Policy and Planning

Christoph Dobson
Director of Operations

10060 Goethe Road
Sacramento, CA 95827-3553
Tel 916.876.6000
Fax 916.876.6160
www.sacsewer.com

Since the SSO WDR has been in effect, SASD has taken many steps to reduce its SSO rates and volumes. A few examples of the work we have done include:

- Development and implementation of an SSMP, including an internal audit;
- Increased staff and public awareness of SSO performance metrics;
- Development of a lower lateral preventive maintenance program, which includes cleaning, inspecting and repairing lower laterals;
- Updated sewer ordinance to provide a clearer enforcement approach;
- Updated long range planning documents which includes funding projections and capacity management plans;
- Updated and streamlined SSO response manual;
- Increased public outreach for calling the District first to get the most timely response possible;
- Increased new construction inspections to assure proper construction of laterals;
- Implementation of FOG and root control programs;
- Updated our SCADA system to provide more reliable spill notification, as well as better data for SSO analysis;
- Implementation of the Creek Protection Projects.

These are just a few examples of what has been accomplished. As implementation of our SSMP progresses we anticipate even more reductions in SSOs. We have yet to see the full benefit from implementing the original order, and it would be unfortunate to have our resources re-directed, just as overall positive changes are occurring throughout the state.

Unfortunately, the proposed changes to the order were done without any substantive stakeholder involvement. The last meeting held was in September of 2009, where significant comments were provided by enrollees. While many of the proposed changes may seem insignificant in nature to State Board staff, they in fact, have serious economic consequences for SASD, with questionable corresponding benefit to water quality or the environment. Below are just a few examples of proposed changes and their expected impact on our agency.

- Changing the Definition of a Sanitary Sewer System:
By omitting construction trenches as being part of the sanitary sewer system, combined with the lack of establishing a de minimis spill volume, SASD would be at serious risk of having an SSO every time a sewer main or lateral was repaired or replaced. Instead of encouraging enrollees to maintain their sewer system, this proposed change will punish sewer agencies for completing necessary repairs. The impact of this change alone could cost SASD up to \$1,000,000 annually.
- Mandating TV Inspection Requirements:
The proposed SSS WDR will change TV inspections from recommended to mandatory. While we agree that TV inspection of sewer lines can be a good maintenance tool for enrollees, we do not agree that TV inspections should be mandatory. Enrollee sewer systems differ significantly in age, size, volume conveyed, material, and user type; and mandatory TV inspections may not be the best way for some enrollees to spend their resources. Based on the

- proposed requirement to “regularly” TV inspect manholes and sewer lines, a five year program of TV inspecting our sewer system would cost more than \$20,000,000 per year.
- **Mandatory Private Lateral Sewer Discharge Reporting Requirements:**
We have serious concerns with the PLSD mandatory reporting requirements that are discussed in our major comment section of this letter. However, if the State Board accepted staff’s recommendation on this requirement, we estimate that it would cost SASD over \$100,000.
 - **Mandatory Risk and Threat Analysis:**
The proposed SSS WDR will require mandatory risk and threat analyses intended to identify possible sewer system failure points and the associated impact from those possible failures. SASD already implements asset management principles, but to implement the requirements of this section would cost roughly \$1,000,000 for an initial assessment and then \$140,000 every subsequent year to update the analysis.
 - **Reenrollment and SSMP Revision Costs:** The proposed SSS WDR will require reenrollment into the order and significant changes to the SSMP. The costs to reenroll and update our SSMP in order to meet the proposed requirements are estimated to be more than \$350,000. This cost does not include a new full-time position that likely will be needed due to the proposed changes.

The proposed changes to the SSS WDR are numerous. Outlined below are our major comments and concerns with more detailed line-by-line comments included in the enclosed attachment.

The Proposed Revisions to the SSS WDR are Overly Prescriptive

The original SSO WDR’s intent was to reduce the frequency and volume of SSOs and provide a mechanism for accurate reporting. In addition, it required agencies to prepare and implement Sanitary Sewer Management Plans (SSMPs). However, the proposed revisions remove the flexibility to allow an agency to determine the means by which to comply and reduce SSOs, and now mandate agencies to take specific actions. Examples of the prescriptive changes can be found throughout the draft permit (see Attachment for specific comments). For instance, the proposed revisions mandate the development of staff assessment programs, risk analysis for each sewer system asset, and TV inspections – the WDR essentially dictates how the enrollee is to operate their collection system. SASD believes these prescriptive requirements go far beyond what is reasonable and legal. Although the SWRCB can specify the performance based standard (e.g., prohibition of SSOs to waters of the US), it *cannot* dictate the manner in which an enrollee chooses to achieve compliance (per Water Code Section 13360(a)). As a result, SASD strongly recommends that these overly prescriptive requirements be removed and the needed flexibility be retained by the enrollee to determine the best approaches to manage its collection system to reduce SSOs, protect the environment and serve their communities in the most efficient manner. The list above provides just a few examples of the prescriptive changes and the negative impacts of those changes. The cost impacts to SASD alone are in the millions of dollars and would require additional staffing resources to be directed to the administrative aspects of the WDR, rather than to effective operation and maintenance activities.

The SSS WDR Should Remain as a WDR, and not a NPDES Permit

The Draft SSS WDR proposes not to change the WDR to an NPDES permit or a hybrid permit. We agree with State Board staff’s recommendation and request that State Board members accept this

recommendation as well. The SSS WDR currently prohibits SSOs from reaching waters of the United States, making an NPDES permit unnecessary.

The Expansion of the SSO Prohibition to Surface Waters of the State is not Appropriate

The Draft SSS WDR will change the spill prohibition from waters of the United States to surface waters of the state. This change will effectively establish a “zero” SSO threshold that is not achievable, thereby expanding liability for SSOs and increasing an enrollee’s exposure to enforcement. The result of this change could have unintended consequences by making any spill (regardless of whether it is contained and cleaned up before reaching a surface water) to be considered a violation.

The Revised Definition of Sanitary Sewer System is Very Problematic

The original SSO WDR included construction trenches in the definition of a sanitary sewer system. However, the proposed SSS WDR omits construction trenches from the definition of the sanitary sewer system. While it may seem like an insignificant change, this proposal will have serious consequences for all sewer systems in the state. This proposed definition, combined with the lack of de minimis spill volume, will put SASD at serious risk of having an SSO almost every time a sewer main or lateral was repaired or replaced.

Even if SASD could use plugs, bypass pumping, or restrict water use by homeowners or businesses (which are actions that are not feasible at many locations), there could still be small amounts of sewage entering into the construction trench – an event that the State Board has failed to show causes impacts to water quality. The proposed change to the definition of a sanitary sewer system would cause each of those instances to be an SSO and SASD would then be required to report and certify every time a drop of sewage entered a construction trench. The estimated impact to SASD is expected to be in the \$800,000 to \$1,000,000 range annually. This estimate does not include any increased risk to citizen lawsuits for SSOs, which could increase our costs significantly.

The State Board should be encouraging enrollees to replace and repair their sewer system as needed but this proposed change would punish enrollees each time they maintained their system. We strongly oppose the proposed change and request construction trenches to remain in the definition of a sanitary sewer system.

Public Agencies Should Not be Required to Report Spills From Privately Owned Sewer Laterals

The Draft SSS WDR will require enrollees to report a private lateral sewer discharge (PLSD) once they become aware of the spill, even if the enrollee has no responsibility for the lateral or the spill. This proposed change would again require additional resources from an enrollee that otherwise would be spent on operation and maintenance purposes. State Board staff’s reason for the PLSD reporting requirement is “to get a better picture of the magnitude of private lateral spills in California, to better identify systems with systemic issues with private laterals, and to level the field of enrollee spill reporting...”.

We do not believe the State Board has the legal authority to mandate agencies to report SSOs from private systems and are concerned that the State Board is directing enrollees to spend a large portion of their resources reporting on SSOs that are not the responsibility of the enrollee and are such a small source of SSO volume in the state.

The State Board also fails to address potential serious flaws with this proposal. Is an enrollee expected to remain on site during a PLSD spill to verify the volume spilled? If so, for how long? If the estimated spill volume is incorrect, will it be possible for the property owner to sue the enrollee for the inaccurate reporting on the spill? Will the data from the PLSDs skew spill data for enrollees and the region?

We also object to the premise that reporting PLSDs will identify systemic issues with sewer systems. If PLSDs occur, it is not the responsibility of the enrollee and therefore any data obtained from those spills cannot be attributed to or linked in any way to how the enrollee manages their sewer system.

The Communication Plan Requirements to Satellite Agencies Must Be Simplified

The proposed Communication Program language needs to be clarified, so that collection system enrollees are not required to develop a communication plan for hundreds of public and private sanitary sewer systems. Sewer ordinances currently address private and public users and establish requirements to connect and discharge to our collection system, including prohibition and enforcement provisions. To require further communication with these entities is unnecessary and extremely costly.

SSO Reporting Requirements Need to Be Streamlined and Mainline and Public Sewer Lateral SSOs need to be Separated

SASD supports statewide consistency in reporting SSOs. However, we believe an appropriate threshold should be established based on risk to public health and the environment. We believe the two tier reporting system currently drafted is on the "right track". However, we would encourage the SWRCB to establish a 50 gallon reporting threshold for Category II SSOs and specific exclusions from reporting those spills that are related to maintenance activities and those SSOs that are contained and pumped back into the sewer system and do not pose significant public health or water quality impacts. Moreover, not reporting small spills, less than 50 gallons, will provide a more realistic measurement of a sewer system's performance. Seventy-three percent of SASD SSOs from laterals are less than 10 gallons. The fact that small volume SSOs rarely have an impact to human health or the environment and that they are not prohibited should be acknowledged and these spills not reported. An alternative to not reporting these spills would be to create a new category for small spills, such as a third category. In addition, current SSO reporting combines all SSOs, whether they originate from a sewer mainline or a lateral sewer line, which does not provide an accurate comparison among collection system agencies. Therefore, we recommend separating lateral spills from mainline spills in the CIWQS database.

In closing, SASD encourages the State Board to consider our comments. We also support and endorse the comments provided by the joint letter of the Clean Water Associations, as well as the specific comments provided by the Central Valley Clean Water Association. In the current economic climate where local government and municipalities are struggling to balance budgets, increasing regulatory requirements and "dictating" the actions an agency must undertake to comply is counterproductive and could further strain resources needed for operations and maintenance budgets. As this regulatory process progresses, we strongly encourage staff to conduct a robust and collaborative stakeholder effort to address the issues and concerns raised. We believe early discussions and dialogue are imperative to exchange ideas and viewpoints so that an effective

Jeanine Townsend, Clerk to the Board
SASD Comment Letter – SSS WDR Review & Update
May 13, 2011
Page 6

program in reducing SSOs can be continued. If you have any questions, please contact myself at (916) 876-6092 or Jason Lofton at (916) 876-6008.

Sincerely,



Terrie Mitchell, Manager
Legislative and Regulatory Affairs

Attachment:

cc: Charles Hoppin, State Water Resources Control Board Chair
Members of the State Water Resources Control Board
Russell Norman, State Water Resources Control Board
Vicky Whitney, State Water Resources Control Board
Stan Dean, District Engineer
Prabhakar Somavarapu, Director of Policy and Planning
Christoph Dobson, Director of Operations

Attachment

Sacramento Area Sewer District (SASD) Specific Comments
(Listed by page number and item numbers as referenced in the Draft SSS WDR)

Our suggested language changes are shown in underline/strikeout format:

Page 1:

1. *"The implementation of the general Waste Discharge Requirements (WDRs) for sanitary sewer systems under Order No. 2006-0003-DWQ adopted in May 2006 has provided the State Water Board with information to assess water quality problems caused by wastewater spills from sanitary sewer systems."*

We are unaware of any water quality data collected due to the Sanitary Sewer Overflow (SSO) WDR. From what we have seen, only SSO data has been collected and uploaded to CIWQS and there is no data to link spill rates and volumes to water quality. If the State Board has such data, please make it available for review. Otherwise, the proposed changes to the section are inaccurate and must be amended.

3. *"Both the ~~lineal~~ linear footage..."*

"Lineal" should be replaced with "linear".

"To ensure that the number of wastewater spills and the volume of wastewater spilled in the state are reported ~~and oversight of sewer system management is provided...~~"

The original intent of the SSO WDR was to reduce the number and volume of SSOs. This language expands the scope to include "oversight of sewer system management". This is a major programmatic change and it is not appropriate for a general permit. It is impossible to have a prescriptive general order that can apply to all enrollees in the state. It is possible that a prescriptive order could cause *more* SSOs within the state because enrollees would lose the latitude to operate their system based upon the enrollee's expertise. There are many more examples of prescriptive changes below.

Page 2

9. *"Many SSOs ~~and PLSDs~~ can be prevented by having adequate facilities, source control measures, and proper operation and maintenance of the sanitary sewer system."*

This sentence is misleading. It is unlikely that "proper operation and maintenance of the sanitary sewer system" will have an impact on PLSDs. By the definitions provided in the proposed SSS WDR, a sanitary sewer system does not necessarily include private laterals and, therefore, operations and maintenance practices of sanitary sewer systems would have little or no impact on PLSDs. We request the deletion of the proposed addition of "PLSDs" language to this section.

Page 3

14. *"To facilitate implementation of asset management principles including proper maintenance, operations, management, and funding of sanitary sewer systems..."*

Asset management varies from agency to agency and it is inappropriate for a general permit to attempt to require asset management and then to try to dictate what the "proper" outcomes of an asset management program should be. In fact, requiring asset management and then dictating what a "proper" response should be is inherently contrary to asset management principles. The proposed revisions to this section should be deleted and it should remain as written in the existing SSO WDR.

Page 5

23. *"The provisions of the SSS WDRs are issued pursuant to the authority set forth in the following Water Code and Health and Safety Code provisions: (a)..." through "(i)..."*

Water Codes and Health and Safety Codes should not be summarized or interpreted in the SSS WDR. The summaries and interpretations provided in the Draft SSS WDR omit large portions of the codes and it could lead to misinterpretations, errors, omissions, etc. If Water Board staff believes it necessary to reference codes, we request that they simply quote the code name and number. This method will lead to less confusion and it would allow for possible future changes to the codes without having to change the WDR.

Page 7

- A.3. ***"Drainage Channel** - For the purposes of the SSS WDRs, a drainage channel is defined as a man-made or natural channel that conveys runoff as part of a separate storm water collection system but does not include curbs, gutters, or swales."*

As written, it is unclear if curbs, gutters, and swales are included in the definition of drainage channels. We believe that they should not be included in the definition and request clarification in the proposed language. It may be appropriate to explicitly say what a drainage channel is not (e.g. curbs, gutters, swales, etc.). This comment is important because the Monitoring and Reporting Program (MRP) states that a spill is considered a Category 1 spill if it reaches a drainage channel, regardless of the volume and if it was fully captured before reaching a surface water of the state.

Page 8

- A.9. ***"Private Lateral Sewage Discharge (PLSD)** - Wastewater discharges caused by blockages or other problems within private laterals are the responsibility of the private lateral owner and not the Enrollee. Discharges from sanitary sewer systems which are tributary to the Enrollee's sanitary sewer system but are not owned by the Enrollee and do not meet the applicability requirements for enrollment under the SSS WDRs are also considered PLSDs.*

We suggest adding "private" in the definition for PLSD as shown above. Without adding "private", the definition fails to recognize that some agencies own portions of laterals. Also, this definition reads as a statement, rather than a definition.

Attachment: Draft Changes to SSS WDR - SASD

- A.10. **"Sanitary sewer overflow (SSO)** - Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system upstream of a wastewater treatment plant head-works. SSOs include:...a)...b)...c)"

To be consistent with other language in the WDR, the SSO definition should include "wastewater" to describe the treatment plant.

The Draft SSS WDR will change the spill prohibition from waters of the United States to surface waters of the state. This change will effectively establish a "zero" SSO threshold that is not achievable, thereby expanding liability for SSOs and increasing an enrollee's exposure to enforcement. The result of this change could have unintended consequences by making any spill (regardless of whether it is contained and cleaned up before reaching a surface water) to be considered a violation. We request that "waters of the United States" remain the prohibited discharge destination instead of the proposed surface waters of the state.

- A.11. **"Sanitary sewer system** - Any system of publicly or privately owned pipes, pump stations, sewer lines, or other conveyances, upstream of a wastewater treatment plant head-works used to collect and convey wastewater to a treatment facility or downstream sanitary sewer system. Temporary storage and conveyance facilities attached to the sanitary sewer system (such as vaults, temporary piping, construction trenches, wet wells, impoundments, tanks, etc.) are considered part of the sanitary sewer system and discharges into these temporary storage facilities are not considered SSOs"

The original SSO WDR included construction trenches in the definition of a sanitary sewer system. However, the proposed SSS WDR omits construction trenches from the definition of the sanitary sewer system. While it may seem like an insignificant change, this proposal will have serious consequences for all sewer systems in the state. This proposed definition, combined with the lack of de minimis spill volume, will cause SASD to have an SSO almost every time a sewer main or lateral was repaired or replaced.

Even if an enrollee could use plugs, bypass pumping, or restrict water use by homeowners or businesses (which are actions that are not feasible at many locations), there will still be small amounts of sewage entering into the construction trench - an event that the State Board has failed to show causes impacts to water quality. The proposed change to the definition of a sanitary sewer system would cause each of those instances to be an SSO and SASD would then be required to report and certify every time a drop of sewage entered a construction trench. The estimated impact to SASD is expected to be in the \$800,000 to \$1,000,000 range annually. This estimate does not include any increased risk to citizen lawsuits for SSOs, which could increase our costs significantly.

The State Board should be encouraging enrollees to replace and repair their sewer system as needed but this proposed change would punish enrollees each time they maintained their system. We adamantly oppose the proposed change and request construction trenches to remain in the definition of a sanitary sewer system.

- A.12. **"Satellite sanitary sewer system** - Any system of publicly or privately owned pipes..."

Attachment: Draft Changes to SSS WDR - SASD

While we remain neutral on expanding the WDR to include private collection systems with over one mile of pipe and 25,000 gpd of flow, we do not know how many private systems would meet this threshold in our collection area. The definition should clarify that a satellite system is only a system that is an immediate tributary to a collection system. We also recommend adding the following language: "A sewer system is not considered a "Satellite" unless it individually bills connected properties a maintenance or user fee established to provide for maintenance of said sewer system." Please also see our comments regarding the communication program requirements for satellite sanitary sewer systems.

Page 10

- C.1. The proposed changes to the Prohibition section of the WDR will expand the prohibitions under this order without demonstrating a need to do so. The current WDR already prohibits spills to waters of the U.S. and expanding the prohibition to waters of the state would only increase the number of category 1 spills based on a definition technicality. We fail to see the connection from an increase in category 1 spills due to a definition change to improved water quality and reduced SSOs.
- C.3. This section is proposing to prohibit the discharge of chlorine, including chlorine residual contained in potable water that may be used during spill response activities. Chlorine removal practices are only effective to certain levels and the State Board must recognize this limitation. In addition, this section should also recognize that potable water could be used to clean a spill without dechlorination if the wash water is collected prior to it reaching a water body.
-

Page 13

- D.8. *"The Enrollee shall allocate adequate funding and other resources to ensure that the proper maintenance, operation, management, and eventual replacement and repair of its sanitary sewer system..."*

This is another example of the prescriptive changes being proposed in the SSS WDR. The proposed changes to this section will require an enrollee to allocate adequate funding for the "eventual replacement...of its sanitary sewer system...". The existing WDR already required an agency to have adequate resources for repair and maintenance of its sewer system. The proposed changes are unnecessary and open the door to requiring enrollees to replace a percentage of their sewer system per year, even if it is not needed. Why should an enrollee be required to replace its sewer system if it is performing well? We again request the State Board to focus on the overall goal of the WDR – to reduce the volume and number of SSOs and provide the needed flexibility for the enrollees to determine how to best manage their own systems to achieve that goal.

Page 14

- D.12.b *"Organization: The SSMP must identify: ... (ii) The names, email addresses, and telephone numbers for current governing board members including the board chair and names, email addresses, and telephone numbers for agency management,"*

Although the contact information for governing board members is already available to the public, it is not appropriate to require this information in the SSMP. Including this contact information could lead to confusion during emergency response scenarios. While board members may have ultimate authority in an enrollee's agency, they do not have intimate knowledge of the sewer system, response procedures, and personnel. Governing board members are generally elected officials that can change per election cycle, so the list of governing board members would become quickly outdated. Legally Responsible Officials (LROs) should remain the main contact for an enrollee.

Page 15

D.12.c (v) ~~"ban new connections;"~~

Banning new connections is a very sensitive and complicated issue. As a practice, sewer agencies are not land use authorities and they have no authority over which parcels can be developed.

D.12.d (i) The SSS WDR will require enrollees to upload their sewer maps as part of the SSMP. This requirement will be onerous for large and small agencies alike. The files could be extremely large – too large to be uploaded in one attempt. Also, some agencies may only have older maps that would then need to be scanned and then uploaded. The original SSO WDR simply required enrollees to maintain a map of their sewer system and we request that this requirement not be augmented by requiring enrollees to upload maps as part of the SSMP.

D.12.d (iii) ***"Rehabilitation and Replacement: Adopt a rehabilitation and replacement plan...The program shall include regular visual and TV inspections of manholes and sewer pipes"***

The proposed SSS WDR will change TV inspections from recommended to mandatory. While we agree that TV inspection of sewer lines can be a good maintenance tool for enrollees, we do not agree that TV inspections should be mandatory. Enrollee sewer systems differ significantly in age, size, volume conveyed, material, and user type; and mandatory TV inspections may not be the best way for some enrollees to spend their resources. Based on the proposed requirement to "regularly" TV inspect manholes and sewer lines, a five year program of TV inspecting our sewer system would cost more than \$20,000,000 per year.

"Rehabilitation and replacement shall focus on sewer pipes that are at risk of collapse or prone to more frequent blockages due to pipe defects and aging."

The SSS WDR is proposing to add the words "and aging" as underscored in the excerpt above. We agree that a rehabilitation and replacement program is needed but we do not believe that the age of a sewer pipe is relevant to when it should be replaced. Replacing a pipe simply because it is old would be a waste of ratepayer money and would go against asset management principles. We request that the language in this section remain as it was written in the existing WDR.

Page 16

- D.12.d (iv) **Staff Assessment Program:** The proposed language in this section is telling an agency how to complete staff assessments, jobs classifications, training, etc. Again, the order should be focusing on reducing SSOs and protecting water quality, not how an agency operates its collection system or manages its employees.

Besides the overreaching nature of this section, it fails to recognize potential conflicts with union requirements and collective bargaining. The existing language was adequate and we request the State Board to reject the proposed changes to this section.

- D.12.d (v) **Contingency Planning:** We are uncertain how the requirements of this section will be implemented or enforced. Each agency is unique and assets are defined differently from agency to agency. For instance, a pump can be an asset for one agency, but another agency further divides the asset into the pump's impeller, gaskets, etc. Also, what is meant by "most critical collection system assets..."? Top ten? Top 20? Are we required to rank all of our assets? This could be extremely costly, without having any benefit.

Also, we are concerned that identifying our most critical assets and then making that information publically available could jeopardize collection system security.

- D.12.d (vi) **O&M Sewer System Replacement Funding:** See our comment above on section D.12.d (iii) for our concerns with using age as a determining factor for sewer system replacement.

As a public agency, SASD is required to complete annual budgets. Annual budgets can change significantly from year to year and we are concerned with the proposed requirement to have the budgets in the SSMP. It is unlikely that we could budget for, with any meaningful accuracy, the eventual replacement of our sewer system "into perpetuity."

- D.12.e (i) *"Design and construction standards and specifications for the installation of all aspects of new sanitary sewer systems including pump stations and other appurtenances; and for the rehabilitation and repair of existing sanitary sewer systems; and"*

The draft SSS WDR is proposing to include "all aspects of" in this section. We are concerned that the absolute nature of this language will be difficult to implement and could lead to deficiencies in our design standards (based only on this language) and thus be considered a violation of the WDR.

As an example, it is impossible to have design standards for "all aspects of" a pump station (e.g. control panels, flow meter electronics, alarm system details, etc.). Each pump station is unique and the design is determined by a design engineer – not by design standards. The language in the original WDR was adequate and should not be changed.

- D.12.f (ii) **Overflow Emergency Response Plan:** *A program to ensure appropriate response to all overflows including documentation 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;*

This requirement may align with good business practices of an enrollee, but we don't believe that it should be required in the SSMP. Emergency responders could be confused by all of the planning information required in the section, possibly making response to a spill less efficient and confusing.

- D.12.f (vi) ~~"The risk and threat analyses shall identify the highest risks and threats ranked in order posed by sewer system failures such as but not limited to gravity sewer main lines, laterals, force mains, air relief valves, pumping facilities, and other facilities or equipment the failure of which could be expected to produce an SSO. The analyses shall include the expected consequences of each identified failure. The analyses shall also include system-specific activities, procedures, and strategies employed by the Enrollee to help minimize the risks and threats of SSOs with consideration given to known problem areas identified within the collection system."~~

It is not possible to predict every failure and it is not feasible to plan a response for every possible failure. For example: a failure of an air release valve will have different consequences based on the location of the valve, as will the response to the failure. The cost to comply with this section is estimated to be \$1,000,000.

Also, we are concerned that identifying our most critical assets and then making that information available could jeopardize collection system security.

Page 18

- D.12.g (v) **Fog Control Program:** Authority to inspect grease-producing facilities and enforce for violations of the local FOG control requirements. ~~The FOG Control Program shall identify required staffing levels to inspect and enforce the FOG ordinance;~~

FOG program staffing needs change over time and it is inappropriate to define staffing level requirements in a SSMP.

Page 19

- D.12.h (v) As a public agency, SASD is required to complete annual budgets. Annual budgets can change significantly from year to year and we are concerned with the proposed requirement to have the budgets a required component in the SSMP.
-

Page 20

- D.12.k **Communication Program:** The Enrollee shall also communicate, at a minimum, on an annual basis with any enrolled sanitary sewer systems that are tributary and/or satellite to the Enrollee's sanitary sewer system. Correspondence to document the communication activities specified above must be included in the Enrollee's SSMP.

As satellite sewer systems are defined, there will be an abundance of satellite systems and as this section is written, it is not clear if an enrollee is required to communicate with a satellite of a satellite or if the communication program only applies to immediate, or directly connected, satellites. Unless the definition of a satellite system is narrowed down, a definition of Regional Sanitary Sewer System is added, and the Communication Program

language is clarified, collections system enrollees could be required to develop a communication plan for hundreds (depending on how many private enrollees are required under the new SSS WDR) of collection systems; many of which sewer collection is not their main business and thus would not be the least bit interested in such communication. Thus, this definition and requirement is unrealistic and would lead to very inefficient coordination meetings.

This section will also require communication correspondence to be included in the SSMP. There could be hundreds of emails, letters, fliers, voicemails, etc. – all of which have no useful purpose in the SSMP.

We are also concerned with the requirement to communicate with “any sanitary sewer system that are tributary and/or satellite to” our collection system. As written, it is unclear if we would be required to communicate with a sanitary sewer system that is not enrolled in the SSS WDR but meets the definition of a sanitary sewer system. This would put all enrollees at risk for violation of the order unless the language is changed.

Page 21

- D.14 This section outlines the enrollment schedule requirements based on the proposed SSS WDR. It appears that all existing enrollees, even those that have spent considerable resources just a few years ago developing and implementing SSMPs based on the existing order, will be required to reapply and submit new SSMPs. The cost for us to reapply is estimated to be roughly \$360,000. This cost does not account for a possible need to hire an extra full time position to manage the new requirements of the SSMP.
-

MRP Comments

Page 4

Private Later Sewage Discharges: The Draft SSS WDR will require enrollees to report a private lateral sewer discharge (PLSD) once they become aware of the spill, even if the enrollee has no responsibility for the lateral or the spill. This proposed change would again require additional resources from an enrollee that otherwise would be spent on operation and maintenance purposes. State Board staff's reason for the PLSD reporting requirement is “to get a better picture of the magnitude of private lateral spills in California, to better identify systems with systemic issues with private laterals, and to level the field of enrollee spill reporting...”.

We do not believe the State Board has the legal authority to mandate agencies to report SSOs from private systems and are concerned that the State Board is directing enrollees to spend a large portion of their resources reporting on SSOs that are not the responsibility of the enrollee and are such a small source of SSO volume in the state.

The State Board also fails to address potential serious flaws with this proposal. Is an enrollee expected to remain on site during a PLSD spill to verify the volume spilled? If so, for how long? If the estimated spill volume is incorrect, will it be possible for the property

owner to sue the enrollee for the inaccurate reporting on the spill? Will the data from the PLSDs skew spill data for enrollees and the region?

We also object to the premise that reporting PLSDs will identify systemic issues with sewer systems. If PLSDs occur, it is not the responsibility of the enrollee and therefore any data obtained from those spills cannot be attributed to or linked in any way to how the enrollee manages their sewer system.

3.D. *"Identification of method(s) used for SSO volume estimates;"*

Is the SWRCB going to issue a list of methods used for SSO volume estimates so everyone is consistent?

Page 5

Record Keeping Requirements: The proposed requirements in this section will be extremely onerous to enrollees. What is the importance of requiring enrollees to print documents that have already been submitted to the State Board? What is the importance of maintaining photographic evidence for every spill? It seems more appropriate to require photographic documentation for category 1 spills instead of every spill.

1.A. *"Photographic evidence of each SSO event to document the spill and the response activities;"*

The requirement to photographically document spill response activities distracts staff from the task of responding to the actual spill. Photos of category 1 spill is understandable, but "and the response activities" needs to be removed.

1.B. *"A printed or electronic record of each SSO initial draft report submitted to the Online SSO Database;"*

These records are considered initial drafts because the information is not 100% accurate or complete. Hence, they should not be retained and this section should be deleted.

