

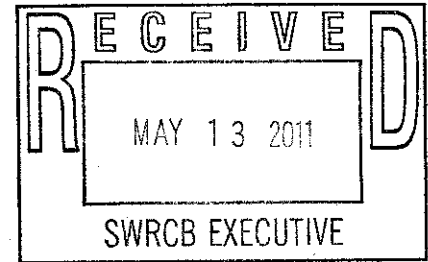


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

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

MAY 13 2011

Charles R. Hoppin, Chair and Board Members
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814



Dear Chair Hoppin and Members of the Board:

The US Environmental Protection Agency, Region 9, appreciates the opportunity to comment on the draft statewide Sanitary Sewer Systems Waste Discharge Requirements (SSS WDRs). We have been conducting inspections of sanitary sewer collection systems in California over the past several years, many in conjunction with the State and Regional Water Boards. The proposed requirements of the WDR are critical in addressing compliance and operational issues we've observed in our field work and will strengthen the State's regulatory program. We believe these will result in continuing improvements to the operation and maintenance of sanitary sewer systems, thereby reducing sanitary sewer overflows (SSOs).

The Board has proposed revisions to expand the scope and coverage of the WDR and strengthen the Sewer System Management Plan (SSMP) and reporting requirements. In particular, EPA supports the following revisions:

- Expanding coverage of the SSS WDRs to privately owned collection systems;
- Mandating the reporting of private lateral spills by enrollees when they become aware of the spills;
- Changing the prohibition against spills to a prohibition against spills to "surface waters of the state";
- Additional requirements for the SSMPs, particularly the requirements for the staff assessment program, contingency planning, O&M sewer replacement funding, risk and threat analysis, and performance targets; and
- The addition of record requirements under the Monitoring and Reporting Program

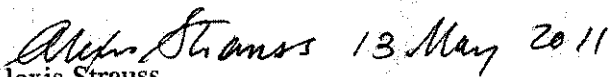
We respectfully disagree with the Board's proposal to exempt Combined Sanitary Sewer Systems from the SSS WDRs. Spills from the San Francisco and Sacramento combined sewer systems pose an equivalent or greater risk to public health than spills from the collection systems currently subject to the SSS WDRs. In October 2010, EPA inspected the City of San Francisco's combined sewer system and estimated that, in addition to permitted overflows to the bay and ocean, the system has at least 1,700 SSOs each year to city streets and into homes and buildings. This exceeds the number of spills from all other systems in Regional Board 2 combined. Yet,

because of the WDR exemption, San Francisco is not required to report these spills or notify the public of the health threat from these spills. Unlike the rest of the state, where the public has access to spill information through the Board's CIWQS web site, San Francisco residents have no access to information about SSOs occurring in their neighborhoods. Without spill reporting, the Water Board and EPA do not have sufficient information to provide appropriate oversight of the combined sewer systems. In addition, the San Francisco system managers lack the information which would allow them to target high priority areas for enhanced maintenance and renovation programs. Although both the San Francisco and Sacramento systems are subject to NPDES permits, these permits do not mandate the rigorous SSMP required of all other sewer systems in California. We strongly encourage the Board to reconsider this exemption and make all requirements of the SSS WDRs applicable to the Combined Sanitary Sewer Systems in Sacramento and San Francisco.

The Board is specifically requesting comment on whether the SSS WDRs should be a two-tiered WDR and NPDES permit. We support the inclusion of this provision in the SSS WDRs. It is clear that sewage spills to surface waters is a common occurrence throughout the state, thus making NPDES the appropriate vehicle for regulation of sanitary sewer systems. The issuance of an NPDES permit to the collection systems would help to improve coordination between the Water Boards and EPA in our regulation of sewer systems.

We commend the Board for its evaluation of the SSS WDRs and proposing a robust set of program improvements. Thank you for consideration of our comments.

Sincerely yours,


Alexis Strauss
Director, Water Division