

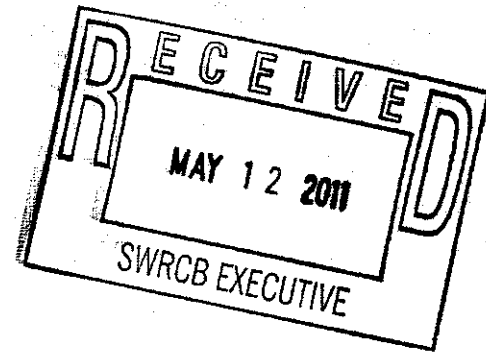


CITY COUNCIL

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May 9, 2011

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



Dear Ms. Townsend:

**COMMENT LETTER – STATEWIDE GENERAL WASTE DISCHARGE  
REQUIREMENTS FOR SANITARY SEWER SYSTEMS REVIEW AND UPDATE**

Thank you for the opportunity to comment on the draft Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (SSS WDRs). We support the State Water Resources Control Board's (Board) goal of providing uniformity in reporting on the number of wastewater spills, the wastewater volume spilled, and the causes of wastewater spills in the State. However, the City of La Cañada Flintridge has concerns over the proposed plan to replace the existing Statewide General Waste Discharge Requirements (WDRs) under Order No. 2006-0003-DWQ. Our concerns include the need to revise the existing WDRs at this time, the financial implications on our Sewer Maintenance program, and the concerns over the prescriptive nature of the proposed SSS WDRs.

Under the existing WDRs, adopted in May 2006, large agencies had up to three years to implement a Sewer System Management Plan (SSMP). Most agencies have been operating for less than two years under their respective SSMP and have not had the opportunity to audit the effectiveness of their program. We urge the Board to delay or significantly scale back the proposed SSS WDRs and allow the programs and progress started under the existing WDRs to fully develop, especially since many of the programs involve capital improvements that will take time to be put in place.

The following are specific comments to the draft SSS WDRs:

- Item 5, page 2 of 26: The requirement to have enrollees cover all sewer systems they own has far reaching implications that have not been fully considered. Most county and city governments will fall under the SSS WDRs for the public sewer system serving their community. However, the same municipalities have private sewer laterals serving such facilities as airports, administration buildings, local colleges, courthouses, fire stations, golf courses, hospitals, libraries, maintenance yards, museums, parks, probation camps, public schools, and transportation facilities. To require all of these municipal facilities to be enrolled and covered under the SSS WDRs is unrealistic and imposes a huge

administrative and financial burden that will have little if any benefit to the environment or public health. This section needs to be excluded or revised to exclude such facilities.

Section B: Application Requirements:

- Item 4, page 10 of 26: The application requirements for coverage under the SSS WDRs should be revised to exempt Enrollees of Order No. 2006-003-DWQ from reapplying. They should be grandfathered for coverage thus eliminating unnecessary application fee costs.

Section C: Prohibitions

- Item 3, page 10 of 26: The discharge of potable water containing chlorine residual for wash down and clean up of spills needs to be clarified. Is the use of potable water for clean up permissible as long as all wash water is fully contained and returned to the sewer system?

Section D: Provisions

- Item 4, page 11 of 26: The requirement for Enrollees to report private lateral spills should be eliminated. To mandate that Enrollees expend resources to investigate and report private lateral spills is an unfunded State mandate and in our opinion goes beyond the authority of the Board.
- Items 12 b (i) and b (ii), page 14 of 26: This section should be modified to exclude requirements of names, e-mail addresses, and phone numbers for agency officials responsible for the sewer collection system. These requirements are not appropriate for large agencies where there are frequent changes in personnel. Instead, titles of holders of the positions should be included, which would eliminate the need for frequent changes to the SSMP.
- Item 12 d (iv), page 16 of 26: It is unclear what is required under this section and it needs to be clarified or excluded in its entirety. The assessment of employee performance is confidential information and protected by law. It is not open to public inspection or available to the State for review. This is a very prescriptive and onerous order and it is unclear how the information will be used by the Board or how the efforts required will produce corresponding environmental or public health benefits.
- Item 12 d (vi), page 16 of 26: The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets must be approved year-to-year. No public agency can guarantee a specified level of funding beyond what has been approved by its legislative body, let alone, in perpetuity.
- Item 12 f (vi), page 17 of 26: The second paragraph should be excluded from the Order or moved to Item 12 h, System Evaluation and Capacity Assurance Plan. Risk and

threat analysis are integral parts of the closed-circuit televising programs utilized by most agencies for identifying system deficiencies following industry-accepted standards such as the National Association of Sewer Service Companies' Pipeline Assessment and Certification Program Quick Rating Methodology to rank, prioritize, and address them.

- Item 12 i (vi), page 20 of 26: This section should be removed. The SSMP is a comprehensive document containing operations maps, equipment inventory, asset information, performance measures, capital programs, overflow logs, etc., and is updated on a continuous basis. To compile a log of every change is an onerous task that will not reduce or mitigate the impact of sewer overflows.

Notwithstanding our reservations, it is worth mentioning that the review committee has done a commendable job in providing some useful revisions to and additional provisions in the proposed Order. The following are some examples of the improvements made:

- Revisions to streamline spill notification points of contact.
- Expanding coverage of the SSS WDRs to private collection systems meeting the pipe mileage and proposed flow thresholds.
- Clarifying that sewer overflows to land are not the focus of the SSS WDR's.

Additionally, the public notice for the SSS WDRs invites comments on whether the Board should consider substituting a two-tiered "hybrid" system for regulating collection systems in which some agencies are regulated under a National Pollutant Discharge Elimination System (NPDES) permit and others under WDRs. We strongly urge the Board not to move forward with this option, for policy, legal, and practical reasons.

The proposed SSS WDRs do not authorize any discharges to waters. The SSS WDRs expressly prohibit all discharges of wastewater from the collection system to surface waters. If a sanitary sewer system discharges without a permit, it is already liable for discharging without a permit and subject to civil and criminal penalties.

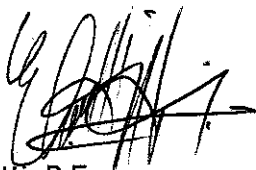
We respectfully disagree with the characterization in the staff report that an advantage of the NPDES permit would be to allow increased third-party enforcement of the programmatic details of each system's operations and planning. Third-party enforcement is already overly aggressive and consuming millions of dollars in public resources. Moreover, this view loses sight of the purpose of the SSS WDRs in the first place, which is to reduce sewer overflows, not to second-guess every management and operation decision made by local government.

Thank You for this opportunity to allow the City of La Cañada Flintridge to comment on the proposed SSS WDR. In these hard financial times cities and counties face competing interests for their limited resources. Like every business in the United States of America, tough decisions must be made on funding Storm Water programs, medical insurance premiums, food costs and gasoline costs are just a few of the things that are competing for a fixed allotment of tax funds. Tax Payers, like ourselves, are reluctant to increase funds provided for programs that they do

Ms. Jeanine Townsend  
Comment Letter – Statewide General Waste Discharge Requirements  
May 9, 2011  
Page 4 of 4

not understand. With these thoughts in mind the City of La Cañada Flintridge encourages the State Board to make those changes that are practical and produce meaningful change. As noted in our comments we encourage the State Board to eliminate those changes which are prescriptive and burdensome.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Hitti', with a long horizontal stroke extending to the right.

Edward Hitti, P.E.  
Public Works Director

cc: City Manager  
City Council  
Robert Stanley, Director of Community Development