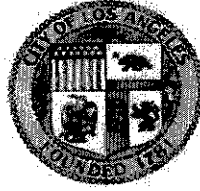


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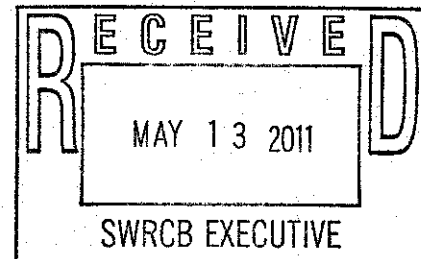
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May 13, 2011

State Water Resources Control Board
Waste Discharge Requirements Unit
1001 I Street, 15th Floor
Sacramento, CA 95814



Dear Sirs/Madams:

**TECHNICAL COMMENTS – RECOMMENDED CHANGES TO STATEWIDE WASTE
DISCHARGE REQUIREMENTS FOR WASTEWATER COLLECTION SYSTEM
AGENCIES**

The City of Los Angeles Bureau of Sanitation (Bureau) thanks the State Water Resources Control Board (SWRCB) for the opportunity to provide technical comments on the Statewide General Waste Discharge Requirements (WDRs) and Monitoring and Reporting Program (MRP) for collection systems.

The Bureau manages one of the largest sewer systems in the world including more than 6,600 miles of sewers that serve a population of more than 4.8 million. As you may already know, the Bureau has been very effective and successful in its collection system management and spill reduction programs.

The Bureau has worked proactively with regulators, industry representatives, and other community stakeholders in reducing the number of sanitary sewer overflows (SSOs) and in curbing their impact on the environment. The Bureau has already implemented a comprehensive program of sewer cleaning, upgrades, and repairs; developed and implemented a SSMP; and is involved with proactive and preventive maintenance activities throughout the collection system.

As a result of the Bureau's efforts, SSOs have been steadily declining over the last 10 years resulting in a new all time low of less than 2 SSOs per 100 miles of sewer. This equates to over 80 percent reduction from the number of SSOs reported in baseline FY 2000-2001.



Recognizing the need for consistent and clear regulatory requirements for the operation and management of collection systems throughout the State, the Bureau supports the current WDRs and MRP. While the Bureau is supportive of the current WDRs and MRP, the enclosed comments are provided in hopes of improving and streamlining the WDRs and MRP while providing a unified, consistent statewide approach for enforcement, reporting and tracking SSOs.

Private Laterals: Currently, reporting of private lateral SSOs on the California Integrated Water Quality System (CIWQS) database is voluntary unless it is caused by a blockage or surcharge in the City's sewer system. The Bureau does not support the mandatory reporting of private lateral spills but supports voluntary reporting. Sewage spills on private property are not within the jurisdiction of the Bureau; consequently, the Bureau would not be able to investigate the cause or aid in the clean-up unless requested by the landowner. Furthermore, the SSO WDR should indicate that unless a spill reaches a public right of way, reporting requirements should be the responsibility of the health department.

If the SWRCB insists on mandating the reporting of private lateral sewage spills, the Bureau recommends that any reporting requirements should clearly distinguish that responsibility for the spill remains with the landowner and clarify that private lateral spills are not from enrollee owned sewer pipes. This will prevent the misconception that Publicly Owned Treatment Works are deficient and responsible for private lateral spills. The Bureau recommends that the SWRCB create a separate screen section on the SSO electronic database exclusively for recording private lateral spills.

Bureau staff recommends that the SWRCB add language to ensure that the private lateral spill is not linked to the enrollee reporting the spill on the SSO database; that the private lateral spill is not included in the total count of spills for the enrollee's collection system; that the private lateral spill is not included when evaluating the performance of the enrollee's collection system; and that the private lateral spills will not result in liability for the enrollee reporting the spill. This was a major discussion and agreement during the stakeholder process for the development of the SSO WDR. During those discussions, it was agreed to by all, including the SWRCB, that reporting private lateral SSOs should be voluntary, should be dealt with separately, and should not be attributed to the agency unless the backup in the private lateral is caused by a blockage in the agency's system.

Construction Trenches: The originally adopted SSO WDR included construction trench language in the definition of a sanitary sewer system; however, the proposed SSS WDR omits the construction trench language.

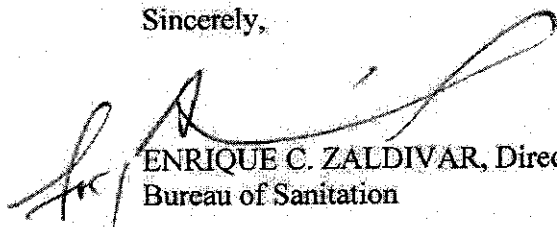
By removing "construction trenches" from the list of temporary storage facilities of which a discharge of sewage is not considered an SSO, the SWRCB has essentially penalized facilities for diligent operation and maintenance of their sewerage systems. The removal of this language combined with the lack of a de minimis spill volume will result in an SSO almost every time a sewer or lateral is repaired or replaced. The SWRCB should be encouraging enrollees to replace and repair their sewers as needed. This proposed change is punitive and will result in third party lawsuits when no threat to water quality or groundwater exists.

Bureau staff recommends that the "construction trenches" be added back to the list of temporary storage facilities of which a discharge of sewage is not considered an SSO. If SWRCB staff insists on removing the construction trench language, Bureau staff requests that language be added exempting de minimis spill volumes from being counted as a sewage spill.

The Bureau thanks the SWRCB in advance for considering our comments. The Bureau is supportive of the current SSO WDRs and MRP; however, we believe the suggested changes will result in a more effective and successful program. The Bureau is committed to protecting public health, beneficial uses, and the environment and looks forward to working with the SWRCB in reducing the number of SSOs in a manner that is cost effective, fair, and reasonable.

If you should have any additional comments or questions, please contact H.R. (Omar) Moghaddam of the Regulatory Affairs Division at (310) 648-5423.

Sincerely,



ENRIQUE C. ZALDIVAR, Director
Bureau of Sanitation

cc: Rafael Prieto, City Legislative Analyst Office
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