



CITY OF FAIRFIELD

Founded 1856

Incorporated December 12, 1893

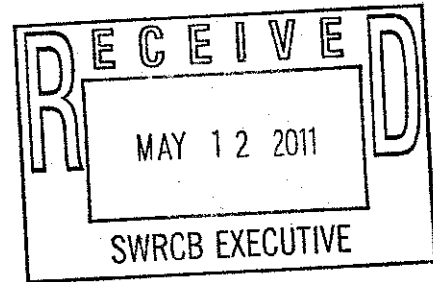
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PUBLIC WORKS DEPARTMENT

May 11, 2011

Jeanine Townsend
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
commentletters@waterboards.ca.gov



Subject: Comment Letter – SSS WDRs Review & Update

Dear Ms. Townsend:

Since the implementation of the SSO WDR, the City of Fairfield (COF) has focused additional resources toward improving collection system operations, maintenance and reliability. COF has had the Fairfield Suisun Sewer District (FSSD) CCTV the cities sanitary sewer system every five years. We have also begun working with FFSD to complete strategic cleaning with the assistance of the CCTV work. COF has a (2) person crew dedicated to lateral preventative maintenance, CCTV and rating laterals to limit the SSO's in publicly owned laterals.

We have greatly appreciated the flexibility of the original SSO WDR to allow the (COF) to tailor our SSMP to the specific needs of our collection system which has allowed the (COF) to expend resources efficiently where they will have the greatest impact toward eliminating sewage spills.

Through the implementation of these programs and the SSMP, the COF feels is the best strategy to reduce SSO's in our system. Since 2005 we have been able to reduce our main line SSO's from (13) to (4) and our lateral SSO's from (93) to (37). In 2010 the COF was able to capture 100% of main line and lateral SSO's and not allowing any portion of the SSO's to enter waters of the state.

The proposed SSS WDR would move away from a performance based program to a very prescriptive and onerous order that seeks to dictate decisions regarding the way local sewer system programs are managed and implemented. Compliance with the revised SSS WDR would further burden public agencies by requiring more staff and resources at a time when

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budgets have already been significantly reduced. It is unclear how the additional information that must be generated will be used by the Water Boards or that the efforts required under the revised order will produce environmental or public health benefits.

The SSS WDR would expand liability for SSOs by including all spills to surface water as prohibited SSOs subject to enforcement, instead of only those reaching a "water of the United States."

The SSS WDR would transform the existing enforcement discretion language [in paragraph D.6], which expresses a clear statement of the State Board's intent regarding enforcement priorities and responses, into a purely advisory provision, which individual regional boards are free to follow or ignore as they choose. The factors described in (a) through (g) of paragraph D.6. are highly relevant to the Enrollee's efforts to properly manage, operate and maintain its system and these factors should be considered in enforcement actions.

The SSS WDR is overly focused on private sewer laterals ("PSL"), requiring reporting of PSL spills by enrollees who have no authority over the privately owned laterals and requiring detailed information regarding local lateral programs.

The SSS WDR prohibition on the use of chlorine during spill cleanups, including any potential chlorine residual in potable water, will make it very difficult to wash down and fully clean up and disinfect SSOs on roads and gutters, and in storm drains or ditches.

The SSO WDR contains overly complicated spill category definitions which lead to confusion and inconsistent reporting. Spill category definitions could be simply: Category 1 – Equal or exceed 1000 gallons or reaches waters of the state. Category 2 – Less than 1000 gallons and does not reach waters of the state. Since the State is mainly concerned with spills that reach waters of the state and public health, the details of the percent captured and final spill destinations other than waters of the state could be left to the details of the report.

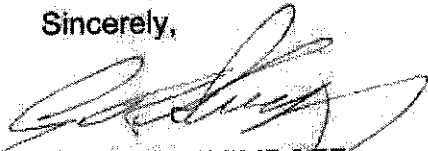
The SSO WDR leaves management decisions regarding operator certification in the hands of the agency which allows agencies the flexibility to manage their operator certification requirements internally. However, the proposed staff assessments in the SSMP O&M element are overly prescriptive and conflict with existing agency training and employee development policies.

The State's proposal to adopt the proposed SSS regulations as WDR's is consistent with the original intent of the SSO Guidance Committee and avoids excessive lawsuits and administrative complexities. Administering the SSS regulations under the NPDES program would expose agencies to excessive third-party lawsuits and would not significantly improve program implementation.

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. 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 agencies to report spills to a construction trench that have no impact on waters of the state or public health and will expose agencies to undue third-party lawsuits.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in dark ink, appearing to read "George Shimboff", written over a light grey rectangular stamp area.

GEORGE SHIMBOFF
Public Works Manager