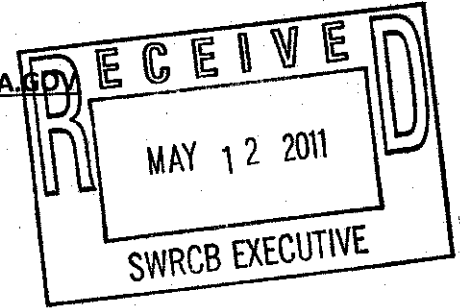


May 12, 2011

VIA EMAIL: [COMMENTLETTERS@WATERBOARDS.CA.GOV](mailto:COMMENTLETTERS@WATERBOARDS.CA.GOV)

Ms. Jeanine Townsend  
Clerk of the Board  
State Water Resources Control Board  
1001 I Street  
Sacramento, California 95814



**SUBJECT: COMMENT LETTER – SSS WDR REVIEW AND UPDATE**

Dear Ms. Townsend:

The Fallbrook Public Utility District provides water and wastewater service to the Fallbrook community in unincorporated San Diego County. The District provides wastewater service to approximately 4,500 service connections in a 4,250-acre service area. As a smaller wastewater District with a limited revenue base, we have been able to develop an effective Sanitary Sewer Overflow (SSO) program that focuses our resources on the actual monitoring, identification, and correction of deficiencies to prevent overflows.

We have a number of concerns over the proposed changes in the Sanitary Sewer System Waste Discharge Requirement (SSS WDR) Program. If enacted, the proposed changes will divert the District's resources away from monitoring, identifying, and resulting correction activities. Instead, the changes will result in our staff having to write additional reports and fill out additional paperwork with little chance of preventing SSO's. I'm sure you understand, as a state employee, utilities are not in a position to hire additional staff to address these requirements due to the economic downturn. By diverting resources to these activities, instead of maintaining and improving the current successful program, the net result will likely be an increase in SSO's if the policy is implemented as written. Our specific concerns include the following:

1. We do not support requiring an NPDES permit for specific agencies. This approach will have no net benefit on reducing SSO's, and it will only subject districts to additional paperwork fees and litigation. While this may be a way to levy additional fines related to SSO's to help fund the SWRCB, it will not help the utilities reduce SSO's.
2. We do not support the addition of mandatory reporting for Private Sewer Laterals (PSL). The District does not own nor maintain private sewer laterals. Most spills from private sewer laterals are small and do not reach receiving waters. We do not believe we can collect or develop any reliable and useful data regarding PSL's since they must be reported by individual customers to the District, and the vast majority of customers will address and correct any PSL

Ms. Jeanine Townsend, Clerk of the Board  
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issues on their own. This requirement places an additional burden on our staff with no benefit in reducing the impacts of SSO's.

3. We do not support the change in the language in Provision D.6. This new language will relieve the regulator from his obligation to consider why the spill occurred and what, if anything, the District could have done to prevent it. The regulators should be required to consider the cause of a spill and evaluate whether it was related to conditions outside the District's control. The District strongly believes that regulators should be required to use professional judgment when assessing the appropriateness of SSO violations.
4. We do not support the additional Sewer System Management Plan (SSMP) requirements. While the District is in the process of developing an asset management plan to develop risk-based scoring for replacement of sewer infrastructure, we do not feel it is appropriate or necessary for the SWRCB to prescribe, in detail, how we must develop and implement this program. We are responsible for developing a long-term approach for maintaining our infrastructure. There are already sufficient incentives for districts to identify and replace deficient sewer infrastructure in order to avoid fines associated with SSO's. The SWRCB is only creating more paperwork and confusing requirements with the proposed additional requirements. These requirements should be removed or developed in collaboration with the regulated agencies.

We support the SWRCB efforts in reducing SSO's, but the proposed approach was done without collaborating with agencies to determine the most effective use of available resources to reach this goal. The District believes the SWRCB should focus on evaluating the success of the existing programs instead of implementing sweeping changes that will simply create more paperwork instead of reducing SSO's. The Fallbrook Public Utility District has significant concerns with the proposed revisions, and we hope the SWRCB will seriously consider our comments.

Sincerely,



Keith Lewinger  
General Manager