

5/2/06 Item 7
SSORP
deadline: 4/24/06



April 23, 2006

Chair Tam Doduc and Members of the Board
c/o Song Her, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Via Email: commentletters@waterboards.ca.gov

Re: May 2, 2006 Board Meeting, Agenda Item #7: SSO WDR – Supplemental Comments

Dear Chair Doduc and Members of the Board:

On behalf of the California Coastkeeper Alliance and its member Waterkeepers from the Oregon border to San Diego and into the Delta, thank you for the opportunity to provide these additional comments on the proposed SSO WDR, agendized for the May 2nd Board meeting. This letter incorporates by reference our joint comment letters submitted to State Water Resources Control Board dated April 21, 2006, February 22, 2006, and January 19, 2006.

In addition to the comments raised in those letters, we would like to emphasize the comments made by the Planning and Conservation League in their comment letter dated January 25th with regard to preventative maintenance and cleaning, which are essential to program success. PCL suggested that a new subsection (e) be added after subsection (d) in Section 13, subsection (vii), which would parallel the preventive maintenance provision in subsection (iv):

(e) Requirements for preventive maintenance and cleaning of grease removal devices as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the device, including complete evacuation at least every ninety (90) days, or more often when the Enrollee determines that more frequent evacuation is necessary, or less often if the owner or operator of the device submits a request in writing for a lesser frequency and shows through analytical data that the device is used so infrequently that accumulation of sediment and floating materials will not impair the efficiency of the device if evacuation is at a specified frequency that is more than every 90 days.

The suggested language would establish a floor for complete cleaning every 90 days, which is the least frequent written requirement that we are aware, subject to adjustment for cause. As noted in the PCL letter, the proposed language provides both certainty for regulated entities and

flexibility where warranted. We ask that the State Water Board adopt this important and straightforward amendment.

In sum, we urge the State Water Board to improve the proposed WDR as outlined above, and also as requested in our above-referenced comment letters, which urge that the following key changes be made:

- The WDR should be an National Pollutant Discharge Elimination System (NPDES) Permit, which could be implemented with a tiered system as described in our prior comments.
- The revised SSO prohibition, while an improvement, should be broadened to be a prohibition on all SSOs from collection systems, a prohibition that many existing NPDES permits and WDRs currently use.
- The Sewer System Management Plan Time Schedules provided for in the WDR are unduly lenient and should be tightened considerably.
- The new exemption from regulation for collection systems under one mile in length should be removed.
- The reporting requirement should be limited to factual matters, such as whether the SSO reached a natural or artificial surface water body or waterway, drainage ditch, storm drain, etc., rather than calling on the POTWs to make legal determinations about whether a given water body is a water of the United States in their SSO reporting.

These improvements are important if the state, its citizens, and U.S. EPA are to have adequate management, oversight and enforcement tools to prevent sewage spills into the public's waterways.

Thank you for consideration of our comments.

Sincerely,



Linda Sheehan
Executive Director