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# COACHELLA VALLEY WATER DISTRICT

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April 21, 2006

File: 0552.11

Song Her, Clerk to the Board  
State Water Resources Control Board  
Executive Office  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, California 95814



Dear Song Her:

Subject: Comment Letter – May 3, 2006 Board Meeting - SSORP

Thank you for the opportunity to provide comments on the proposed Sanitary Sewer Overflow (SSO) discharge requirements. Please find our comments enclosed.

We commend the State Board for taking the Waste Discharge Requirement approach rather than turning to an NPDES permit program.

We believe the recommendations provided in the enclosed comments will improve the proposed SSO discharge requirements and provide a program that can be successfully implemented.

If you have any questions on these comments, please call Olivia Todd, Engineering Technician, extension 2200.

Yours very truly,  
  
Mark L. Johnson  
Director of Engineering

Enclosure/1/as

JR:ch\wtres\06\april\swrcb comment letter to Song Her

TRUE CONSERVATION  
USE WATER WISELY

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

**Coachella Valley Water District Comments**  
**Draft 03/24/2006 State Water Resources Control Board Order No. 2006 – Statewide**  
**General Waste Discharge Requirements for Wastewater Collection System Agencies**

1. Finding 9. This plan requires uniform SSO reports and electronic reporting. The full details of this reporting program are not available for comment. The regulated community deserves the opportunity to evaluate this system and provide public comment prior to the adoption of this reporting requirement.

We understand some CIWQS reporting systems include fields that are filled in by the program based on calculations or decision trees that are not obvious during data entry. Responsible persons for sewer agencies can not properly certify data that is created by the reporting system and may not be representative of the observed event.

The requirement to perform electronic reporting can be added at a later date once the reporting system has been fully developed and vetted. The District opposes adopting the requirement to perform electronic SSO reporting at this time. Instead Finding 9 should read "A uniform SSO reporting and centralized statewide electronic database system is being developed at this time. When the system is completed a public comment period will be provided prior to adding this electronic reporting requirement to the general waste discharge requirements for wastewater collection system agencies."

2. Definition 1. Sanitary Sewer Overflow - The definition for sanitary sewer overflow fails to define the quantity of a sanitary sewer overflow that needs to be reported because it may pose a risk to public health or the environment in accordance to section 13271 of the California Water Code. Section 2250, chapter 9.2, title 23 of the California Code of Regulations defines this quantity to be any unauthorized discharge of 1,000 gallons or more. This criteria needs to be added to this definition.
3. Provision 6 (iv). A majority of all SSOs are unintentional. It is impossible to completely eliminate SSOs, which in fact are sometimes unavoidable. The Boards enforcement should be discretionary. By including an affirmative defense definition/clause, the enrollee will be protected from unnecessary enforcement actions when "The discharge was exceptional, unintentional, temporary, and caused by factors beyond the reasonable control of the Enrollee;"

More importantly, please describe the process of appealing an unfavorable judgment of the Board. The Plan should include "The Enrollee has 30 days to file for an appeal regarding the judgment of the Board. This appeal should contain the reported events of the SSO along with the Board's decision, and the requested change to the judgment. The Board will respond to the appeal within 14 days."

4. Provision 13 (iii) (a). Preventing all illicit discharges into the system, as required by this provision, especially infiltration and inflow would be infeasible. Sewers

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are vast collection systems that are composed of countless entry points and joints that are not water tight. It would be technologically challenging and cost prohibitive to design and build a sewer system that covered all risks. The goals of the SSMP and the legal authority of the Enrollees need to acknowledge that it is infeasible to prevent all SSOs.

This provision should state that “Each Enrollee...the necessary legal authority to: Prevent illicit discharges into its wastewater collection system (examples may include chemical dumping, unauthorized debris and cut roots, illicit connections, etc...) to the extent practical considering technological capabilities and affordability factors.”

5. Provision 13 (vi) (a). This provision discusses the notification procedures of the primary responders and regulatory agencies. This provision also needs to include which SSOs are to be reported. According to the Water Code Section 13271. (e) “The regulations shall be based on what quantities should be reported because they may pose a risk to public health or the environment if discharged to ground or surface water.” The State legislature has already defined the reportable volume of untreated or partially treated wastewater to be 1,000 gallons. According the CCR, Title 23, Division 3, Chapter 9.2, Article 2, Section 2250-2260 “For the purposes of Section 13271 of the Water Code, a reportable quantity for sewage is defined to be any unauthorized discharge of 1,000 gallons or more”. Therefore, all spills less than 1,000 gallons are considered non-reportable. This proposed permit requests that non-reportable spills be reported to the electronic database. De minimus quantities need to be established and exempt from this reporting.
6. Provision 13 (ix) (b). This provision requests that the effectiveness of each element of the certified SSMP be monitored. This type of monitoring program will lead to an impossible duty. We know of no feasible method to monitor the effectiveness of “each element” of the collection system, which would include every part of the system, the maps, the maintenance schedules, external and internal audits, equipment inventories, every procedure, every component of the sewer system, every pipe section, every valve, every connection, etc. The provision should be worded, “The Enrollee shall: Monitor the implementation and measure the effectiveness of the measured elements identified in the certified SSMP.”
7. General Monitoring and Reporting Requirements 3. This requirement should be removed from the subject order. As discussed in comment 1, the electronic reporting system for SSOs is not complete and can not be properly reviewed for public comment.
8. General Monitoring and Reporting Requirements 4. As stated in comment 5, the agencies should not be required to report spills that are less than 1,000 gallons as per the regulations of the Water Code and the CCR.

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**Draft State Water Resources Control Board Monitoring and Reporting Program**  
**No. 2006 - Statewide General Waste Discharge Requirements for Wastewater**  
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9. Provision 1(B) and 2 (B). As written, any volume of sewage discharged to a storm drain, drainage channel or waters of the United States would be defined as a major discharge. This classification is unreasonable and does not account for municipal storm sewer systems in California's desert areas where storm drains discharge to dry washes. Discharges like this that do not contact receiving waters within the storm drain or drainage channel and are less than 1,000 gallons and do not endanger the environment should not be classified as a major spill. This provision needs to specify that discharges of less than 1,000 gallons that do not reach a receiving water within the storm drain or drainage channel are not considered major spills.
  
10. Provision 4. This plan requires reporting SSO electronically. The full details of this reporting program are not available for comment and should be made available for public review before it is put into place. The regulated community deserves the opportunity to evaluate this system and provide public comment prior to the adoption of this reporting requirement. We understand some CIWQS reporting systems include fields that are filled in by the program based on calculations or decision trees that are not obvious during data entry. Responsible persons for sewer agencies can not properly certify data that is created by the reporting system and may not be representative of the observed event. The requirement to perform electronic reporting can be added at a later date once the reporting system has been fully developed and vetted. The District opposes adopting the requirement to perform electronic SSO reporting at this time. Instead Provision 4 should read, "Initial reporting of Major spills must be reported in accordance to the Enrollee's certified SSMP."
  
11. Provision 5. The request of Minor Spills being reported should be removed from the Monitoring and Reporting requirements. According to the Water Code Section 13271. (e) "The regulations shall be based on what quantities should be reported because they may pose a risk to public health or the environment if discharged to ground or surface water." The State legislature has already defined the reportable volume of untreated or partially treated wastewater to be 1,000 gallons. According the CCR, Title 23, Division 3, Chapter 9.2, Article 2, Section 2250-2260 "For the purposes of Section 13271 of the Water Code, a reportable quantity for sewage is defined to be any unauthorized discharge of 1,000 gallons or more". Therefore, all spills less than 1,000 gallons are considered non-reportable. This proposed permit requests that non-reportable spills be reported to the electronic database. De minimus quantities have already been determined and need to be exempt from this reporting.
  
12. Provision 6. This requirement to report SSOs from Private Laterals should be removed from the Monitoring and Reporting requirements. Sewer agencies should not be responsible for reporting SSOs from private laterals. Collection system agencies do not have control of sewer laterals on private property.

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13. Provisions 8, 9, and 10. Our previous comments related to removing requirements to perform electronic spill reporting at this time also apply to these provisions. In addition, we have concerns about any reporting system that would make the specific locations (street addresses, latitude and longitude, etc.) of SSOs occurring at sanitation facilities available on a public electronic database. Some of these facilities may be critical elements of the collection system that are vulnerable to terrorist attacks. Sites where spills could occur may contain hazardous chemicals such as gaseous chlorine, which may be used by terrorists. The locations of these facilities must be kept confidential for their protection. We ask that the State Board develop a secure method of reporting SSOs before implementing this requirement. We suggest the use of discharger ID codes to identify locations of SSOs and that these codes would remain confidential.