



September 1, 2010

Ms. Gina Kathuria  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

VIA EMAIL: [gkathuria@waterboards.ca.gov](mailto:gkathuria@waterboards.ca.gov)

**Subject: Comments on Tentative Cease and Desist Order Issued to the City of San Bruno**

Dear Ms. Kathuria:

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to comment on the Tentative Cease and Desist Order (Tentative Order) issued to the City of San Bruno (City) that establishes performance standards and requirements for management of the City's collection system. BACWA is a joint powers agency whose members own and operate publicly-owned treatment works (POTWs) and sanitary sewer systems that collectively provide sanitary services to over 6.5 million people in the nine-county San Francisco Bay Area. BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health.

On behalf of its member agencies, BACWA requests that the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) consider the following comments, and hopes that changes will be made prior to issuance of the final Cease and Desist Order for the City.

**1. The SSO Performance Standards should allow 60 minutes from the time the City becomes aware of an SSO to the time response crews must arrive at the scene.**

The Tentative Order requires that the City respond on scene within 30 minutes of notification of an SSO. A rapid response time is highly desirable to minimize the volume of SSOs and potential human exposure; however, allowing only 30 minutes to respond on-site may be infeasible in many situations. For example, mobilizing responders and equipment outside of normal business hours demands added time for staff to travel from their place of residence, which may be outside the City limits. Based on our member agencies' experience, a 60-minute response time is both appropriate and more realistic.

In addition to being infeasible in some situations, a 30-minute response time is inconsistent with the standard established in other recently-issued enforcement orders. For example, in 2009 the Regional Water Board issued a Cease and Desist Order (No. R2-2009-0020) to the City of San Mateo, Town of Hillsborough, and Crystal Springs County Sanitation District that required

responders to arrive on the scene of the SSO within 60 minutes after receiving notification. Similarly, the United States Environmental Protection Agency (USEPA) issued an Amended Order for Compliance to the Sewerage Agency of Southern Marin and its member agencies (September 2008), and Administrative Orders to the City of Oakland and the City of Emeryville (November 2009) requiring a 60-minute response time after notification of the overflow.

**2. Publication of SSMP progress on the City's website should be sufficient for public notification purposes.**

The City should be allowed to provide the public with information about SSMP progress on the City's website. Written or other similar notification to individual customers is costly, unnecessarily generates waste, and is not necessarily an effective communication tool. Accordingly, BACWA requests the following changes to Paragraph 15:

Beginning January 1, 2011, the Discharger shall communicate on an annual basis with the public by ~~notifying all customers billed by the Discharger~~ placing information on the City's website about the development, implementation and ~~performance, and~~ costs of its SSMP. The communication ~~system~~ must provide the public the opportunity to provide input and comments to the Discharger ~~as on the SSMP is revised and implemented~~. The Discharger shall document its communication program in its SSMP.

**3. The Tentative Order should consider the institutional capabilities of meeting program implementation timelines.**

The Tentative Order establishes a rigorous timeline for completing many of the proposed requirements. While BACWA acknowledges the value and necessity of implementing the corrective measures in a timely fashion, the City's institutional capabilities and capacity should be considered in setting program implementation deadlines. For example, the Computerized Maintenance Management System tied together with a GIS, the Condition Assessment, and the Capacity Assurance Plan may have more aggressive schedules than can realistically be complied with.

**4. The Tentative Order should identify the sources of information cited therein.**

The Tentative Order contains numerous provisions where data and information are cited as having been compiled, or requirements previously issued. However, in some cases, the sources for these data and information are not provided. For example, "Whereas" No. 9 states a number of root-caused SSOs for the City, and compares it to a Bay Area average, however the source for these data is not indicated. BACWA member agencies, and our counterparts across the State, have identified errors in the data available via the California Integrated Water Quality Systems (CIWQS) and, in some cases, have had difficulty getting these errors corrected. The sources of data that serve as the basis for this Tentative Order, therefore, are important and should be

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identified. Similarly, clearly identifying the regulatory basis for the various requirements would ensure a better and more complete understanding of the order.

BACWA appreciates the opportunity to comment on this Tentative Cease and Desist Order and thanks you for considering our concerns.

Respectfully Submitted,

Amy Chastain  
Executive Director  
Bay Area Clean Water Agencies

cc: Rich Cunningham, BACWA Collection Systems Committee Chair