

COLLECTION SYSTEM AGENCY ALERT!

On March 24, 2011, the State Water Resources Control Board released for public comment draft Waste Discharge Requirements for Sanitary Sewer Systems (SSS WDR). If adopted, the proposed SSS WDR would replace the existing statewide SSO WDR (Order WQ 2006-003.)

Written Comments are due Friday, April 29, 2011 at Noon

A Board workshop will be scheduled at a future date, most likely in June.

The proposed revisions represent a major departure from the program that has been successfully implemented under the SSO WDR. The water quality and local government associations are drafting comprehensive comments on the proposed SSS WDR. ***But we also need your help.***

Please send a comment letter on behalf of your agency, requesting that the State Water Board significantly scale back the proposed SSS WDR and allow the programs and progress begun under the existing SSO WDR to be fully implemented, since many of these programs involve capital improvements that will take time to be put in place.

Please use this as an opportunity to tell your agency's story. Let the Board know about the funding and staff resources that have been invested in your collection system, the programs you have implemented (FOG, Spill Response, Cleaning, etc.) or improved under the SSO WDR, and how the number/ volume of SSOs entering surface waters has been reduced as a result.

Some key points you may wish to include in your letter with regard to the **problems with the SSS WDR as proposed**:

- The SSS WDR would move away from the approach developed by the Stakeholder SSO Guidance Committee in 2005-2006, which focused on reporting of SSOs and reducing SSOs with the potential to affect water quality or public health, 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 require far greater staff and resources for permit enrollees, at a time when public agency budgets are shrinking. Furthermore, 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 permit will produce corresponding 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 proposed SSS WDR would transform the existing enforcement discretion language, 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 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 would include a new prohibition on the use of chlorine during spill cleanups, including any potential chlorine residual in potable water, thus making it very difficult to wash down and fully clean up and disinfect SSOs on roads and gutters, and in storm drains or ditches.

Some key points you may wish to include in your letter with regard to the **positive aspects of the SSS WDR as proposed**:

- Revisions to streamline spill notification points of contact
- Modifying applicability criteria to include a flow threshold (>25K gallons on any single day) and a pipe mileage threshold (>1 mile)
- Expanding coverage of the SSS WDRs to private collection systems meeting the pipe mileage and proposed flow thresholds
- Clarifying that SSOs to land are not the focus of the SSS WDR

Though not part of the staff proposal, the State Water Board is also seeking comment on whether to adopt a "hybrid" two-tiered approach to regulation of sanitary sewer systems. ***We urge you to oppose this alternative.***

Under the two-tiered WDRs and NPDES permit: (1) enrollees who have had at least one SSO that has reached waters of the United States would be required to seek coverage under the NPDES permit; (2) enrollees who have never had any SSO that has reached waters of the United States would be required to seek coverage only under the WDRs; and (3) when an Enrollee covered under the WDRs reports an SSO that has reached waters of the United States, the Enrollee would be required to switch coverage from the WDRs to the NPDES permit. The NPDES permit (as does the SSO WDR) would include a prohibition against all SSOs to waters of the United States.

Since the SSS WDR does not authorize any SSOs to waters of the United States, there is no need for an NPDES permit. ***The result of such a change would be to subject local public agencies to additional citizen group lawsuits and higher administrative penalties with absolutely no demonstration that this would improve water quality or reduce SSOs.*** This alternative would also require additional Water Board staff resources to track and implement the different permit tiers.

The proposed SSS WDR, staff report and related documents are posted on the State Water Board website:

http://www.waterboards.ca.gov/water_issues/programs/sso/review_update.shtml

Your comment letter should be addressed as follows:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Comment letters may be submitted to the Clerk to the Board via email at:
commentletters@waterboards.ca.gov (if less than 15 megabytes in total size) or by fax
at (916) 341-5620. Please indicate in the subject line: “**Comment Letter – SSS WDRs
Review & Update**”

For more information, please contact:

[insert name/etc. of appropriate association contact]