

**From:** Janice Gilligan <JGILLIGA@sonoma-county.org>  
**To:** "lclyde@waterboards.ca.gov" <lclyde@waterboards.ca.gov>  
**CC:** "cgoodwin@waterboards.ca.gov" <cgoodwin@waterboards.ca.gov>  
**Date:** 5/12/2009 4:24 PM  
**Subject:** Low Threat Discharges

Hello Lauren and Cathy,

I am trying to understand what the differences are between the Basin Plan Amendment for Low Threat Discharges (exemptions) and the NPDES General Permit for Low Threat Discharges to Surface Waters. Don't both of these kind of cover the same issues? What exactly would the county need to get a permit for if they are exempt under another program?

Thanks for any clarification,

Janice  
Janice Gilligan  
Storm Water Program Coordinator  
County of Sonoma, PRMD  
2550 Ventura Ave  
Santa Rosa, CA 95403

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MAY 14 2009

Francis (Frank) Dane  
8796 Vila Rd.  
Forestville, CA 95436



**Esteem**

**Awareness**

**Support**

**Empowerment**

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*Francis (Frank) Dane*

*8796 Vila Rd.*

*Forestville, CA 95436*

Members of the  
North Coast Regional Water  
Quality Control Board  
5550 Skylane Blvd., Suite A  
Santa Rosa, CA 95403

May 13, 2009

I am in receipt of your notification regarding the meeting of your Board to make some decisions about waste discharge requirements. I confess to not being sure what impact the decisions which you make will or might have on me personally; and I am very concerned what they *could* have upon me as well as a very large number of the people who live on private roads like mine (I was unable to access the R1-2009-0045 document which you specified could be accessed "on the website").

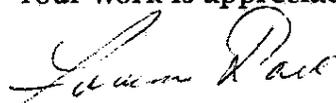
I bought this home on Vila Road in 1989, when I could afford to purchase this or any home (thanks in part to my since-deceased mother). This home is what was someone's Summer Cabin back in the forties/fifties (1100 sq. ft.)--the basic floor plan of which has not been changed (and I know that there have been some modifications). It is on a septic system (as I imagine that you might know).

The *gossip* is that the decisions you make regarding *NPDES* could have a huge impact on people like me--an impact which could mean that I might not be able to afford....and it could force me to leave this relatively small dwelling which I intended would be my last home (I turn 69 y.o. in October).

I ask, therefore, that when you consider the needs and possible costs which your decisions might include (affirming, rejecting or modifying waste discharge requirements), you also take into consideration the needs and financial limitations which might hit certain-ones-of-us: so that there does not have to be sufferings and/or losses for anyone. I live on the side of a hill; I made a massive improvement on the septic system in an emergency situation in 2004; and I have been *told* that at today's costs, to make more upgrades could easily be enough to drive me from my home *and* (before such work is completed) could greatly impact its value if I was forced to sell.

Thank you for keeping in your thinking the impact which your decisions will have on *all of the people in the North Coast Region!*

Your work is appreciated!

  
Francis (Frank) Dane

**From:** Janice Gilligan <JGILLIGA@sonoma-county.org>  
**To:** "lclcyde@waterboards.ca.gov" <lclcyde@waterboards.ca.gov>, "cgoodwin@wa...  
**Date:** 5/13/2009 3:08 PM  
**Subject:** Low Threat Discharges

Hi there,

About my last e-mail, I think I understand now. The draft WDR for low threat discharges to surface waters is a follow up to Appendix A of the BPA. While Appendix B of the BPA - incidental low-threat non-storm water discharges - is not subject to a WDR. Whew! It's a good thing I had some training over there or I would really be lost.

See ya,

Janice

**From:** "Fred Krieger" <fkrieger@msn.com>  
**To:** <cgoodwin@waterboards.ca.gov>  
**Date:** 5/17/2009 5:10 PM  
**Subject:** Low threat permit

Hi Cathleen – Am I misunderstanding this permit. If a roadway has a continuously discharging dewatering system from a hillside cut, (there are thousands) does it need to implement the full MRP: BOD, TSS, turbidity 4X/day etc? Plus 4X/day receiving water monitoring. It's even more rigorous than permits for many POTW discharges that I have seen.

Permit pertains to: "Subterranean seepage dewatering (dewatering of structures situated below ground level such as basements, roadways, etc), where sediment and naturally occurring parameters (e.g., naturally occurring metals or salts, temperature, pH, etc) in the area groundwater are the only pollutants of concern;"

Also, because of the major implications of this permit, would it be possible to have more review time?

Fred

510 843-7889



NCRWQCB

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<input type="checkbox"/> EO	<input type="checkbox"/> WMgmt	<input type="checkbox"/> Admin
<input type="checkbox"/> AEO	<input type="checkbox"/> Timber	<input type="checkbox"/> Legal
<input checked="" type="checkbox"/> Reg/NPS <i>CAG</i>	<input type="checkbox"/> Cleanups	<input type="checkbox"/> Date

June 4, 2009

Regional Water Quality Control Board  
Attention: Cathleen Goodwin  
5550 Skylane Boulevard, Suite A  
Santa Rosa, California 95403

Subject: City of Santa Rosa Comments on Proposed Waste Discharge Requirements Order No. R1-2009-0045 (Low Threat Discharge General Permit)

Dear Ms. Goodwin:

The City of Santa Rosa thanks the Regional Water Board for the opportunity to provide comments on the proposed order. This letter describes several concerns that we request be addressed in a revised draft that is provided to the Regional Water Board for adoption on July 23, 2009.

***Eligibility Criterion C.2.a and Discharge Prohibition D Are Unnecessarily Restrictive***

Eligibility Criterion C.2.a indicates that the discharge must “meet water quality objectives and criteria” and Discharge Prohibition D prohibits “[d]ischarges containing pollutants which exceed applicable water quality objectives or criteria . . . .” The City supports the notion that, by definition, a low threat discharge must not adversely affect beneficial uses. We also appreciate the fact that a general permit must be robust because of the wide range of conditions in which it will be applied. The proposed language, however, is overly restrictive and ambiguous. It is overly restrictive in that a low volume, low threat discharge could contain a constituent at a concentration that exceeds a water quality objective but does not cause the objective to be exceeded in waters of the State. It is ambiguous in that some water quality objectives are expressed as an allowable receiving water quality change relative to ambient conditions (e.g., turbidity, temperature), which means that compliance cannot be assessed in the discharge alone. Based on these considerations, the City proposes the following revisions to the proposed permit:

- Eligibility Criterion C.2.a: “Pollutant concentrations in the discharge ~~will meet water quality objectives and criteria and~~ will not cause, have a reasonable potential to cause, or substantially contribute to an excursion above any applicable federal water quality criterion established by USEPA pursuant to CWA section 303;”
- Discharge Prohibition D: “Discharges containing pollutants ~~which exceed applicable water quality objectives or criteria, or discharges which,~~ wholly or in combination with

4 June, 2009

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“When the Regional Board issues an individual NPDES permit or Waste Discharge Requirements (WDRs) with more specific requirements to a Discharger for a discharge that is otherwise covered by this Order, the applicability of this General Permit to that Discharger is automatically terminated on the effective date of the individual permit or WDRs.”

### ***Regulation of Subterranean Seepage Dewatering***

The draft permit indicates it is intended to apply to groundwater discharge from below ground structures such as basements. Numerous homeowners and managers of other small structures routinely dewater basements and many will do so without knowledge of this general permit (assuming it is adopted) or their obligations there under. We request that the Board staff clarify how this eligible discharge will be regulated.

### ***Monitoring and Reporting Requirements Should Be Clarified***

Tables E-2 and E-3 list effluent and receiving water monitoring requirements. These tables are not cited in the text so their context and applicability are unclear. These tables list constituents that may not be relevant for some discharges. For example, monitoring chorine residual in untreated groundwater should not be required. Attachment A-2 states that Water Suppliers may develop a representative sampling and analysis program that is specific to a particular activity. The City requests that all dischargers be allowed to develop a project-specific sampling and reporting plan.

Thank you for the opportunity to comment. Please call Dave Smith at 707-237-6992 if you have any questions or require additional information.

Sincerely,



Miles Ferris,  
Utilities Director

cc: Dave Smith, Merritt Smith Consulting

other discharges, cause or substantially contribute to exceedances of applicable water quality criteria or objectives established by the Basin Plan, Ocean Plan or Clean Water Act for surface waters are prohibited and are precluded from coverage under this General Permit. Applicable numeric water quality criteria and objectives are presented in Attachment B of this Order.”

- Attachment A (NOI), Section G: Add a section requiring the applicant to identify any pollutant with a concentration that exceeds a water quality objective and require an explanation as to how the discharge will not wholly or in combination with other discharges, cause or substantially contribute to exceedances of applicable water quality criteria or objectives established by the Basin Plan, Ocean Plan or Clean Water Act for surface waters.

These proposed changes would allow a project to proceed under the general permit if the Executive Officer concurs that the proposed discharge would not cause water quality objectives to be exceeded. Under II Application/Enrollment Requirement B.2, the Executive Officer would have the authority to find that the discharge is ineligible for coverage under the general permit if the NOI provides insufficient evidence that beneficial uses would be protected.

#### ***Relationship Between the Proposed Permit and MS4 Permits Should Be Clarified***

At the Regional Water Board’s January 8, 2009, public workshop, staff explained that the general permit is intended to apply to activities occurring outside the area covered by municipal separate stormwater system (MS4) permits. However, neither the Fact Sheet nor the proposed permit refers explicitly to MS4 permits. Section II Application/Enrollment Requirement D.2 refers to issuance of an individual NPDES permit or WDR as a basis for termination of coverage under the general permit. Is the reference to NPDES permits under D.2 intended to include MS4 permits?

The City of Santa Rosa objects to the notion that an MS4 permit is a preferred regulatory mechanism and requests that the general order be clarified to state that all discharges meeting eligibility criteria should be regulated under the general permit regardless of MS4 permit coverage.

#### ***Relationship Between the Proposed Permit and Other NPDES Permits Should Be Clarified***

Section II Application/Enrollment Requirement D.2 should be modified to clarify that NPDES permits which address discharges covered by the general permit automatically terminate coverage under the general permit. The City proposes the following revision to D.2: