

RESPONSE TO COMMENTS

The City of Santa Rosa ("City") submitted comments on August 1, 2013, pertaining to the draft Order No. R1-2013-0048 that amends Time Schedule Order (TSO) No. R1-2011-0103 for the City of Santa Rosa. Some comments from the City are summarized here by Regional Water Board staff. Please refer to the comment letter for the full text of comments. The following are responses to comments:

Comment No. 1. If requested changes to proposed total phosphorus requirements in the draft Order are Implemented, the draft TSO is unnecessary. In July 22, 2013, comments submitted on the draft NPDES permit, the City requested that the "no net loading" requirement for total phosphorus, that is the basis for the draft TSO, be removed for a variety of factual, technical, and legal bases. Should the proposed "no net loading" requirement for total phosphorus be removed, in favor of a performance-based mass effluent limitation as requested, adoption of the draft TSO as currently drafted will be unnecessary, as compliance will no longer be uncertain. The City requests that the Regional Water Board staff make a determination as soon as possible with respect to the City's July 22, 2013, request to remove the "no net loading" requirement for total phosphorus in favor of a performance-based mass effluent limitation, as was included for total nitrogen, and modify or eliminate the draft TSO accordingly.

Response: See Regional Water Board staff's response to the City's comments regarding WDR Order No. 2013-0001 (NPDES Permit No. CA0022764) in Board Agenda Item 5.

Comment No. 2. The interim numeric requirements for offset project reductions are not reasonable, feasible, or practical and should be removed. The draft TSO requires the City to "demonstrate progress toward compliance with the "no net loading" effluent limitation for total phosphorus through submission and/or implementation of nutrient offset projects by dates certain that also meet strict, numerical offset reduction benchmarks as compared to the City's estimated annual mass discharge of total phosphorus. The City asserts that the framework identified in the draft TSO is unreasonable, infeasible, and impractical and unduly restricts the City in the selection of its choices of nutrient offset projects. In addition, the City maintains that the interim requirements proposed in the draft TSO are not required by federal regulations and overly prescriptive to comply with state regulations for time schedule orders. Finally, the City is concerned that the overly-prescriptive interim requirements will unnecessarily result in noncompliance and removal of protection from mandatory minimum penalties afforded by the TSO.

Response: The Proposed Order was revised to address the City's concerns.

Comment No. 3. The City requests changes to the draft TSO's language for clarity, consistency, and accuracy. The City requests modifications to the draft TSO that are identified in the comment letter.

Response: The Proposed Order was revised as requested.

Comment No. 4. Modifications to Order No. R1-2011-0103 requested in Sections 2 and 3 of the comment letter should also be incorporated into Order No. R1-2013-0048.

Response: The Proposed Order was revised to include the proposed requests.