

June 23, 2014

Mr. Bruce Wolfe, Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Attention: Susan Glendening

Subject: Tentative Order for Discharges of Water from Drinking Water Supply Distribution, Transmission, and Groundwater Systems General NPDES Permit

Dear Mr. Wolfe:

The County of San Mateo appreciates the opportunity to provide comments regarding the Tentative Order (TO) for Discharges of Water from Drinking Water Supply Distribution, Transmission, and Groundwater Systems General NPDES Permit (Regional Potable Discharge General Permit) released on May 8, 2014. As you are aware, MRP co-permittees have been effectively complying with the potable water system discharge prohibitions in Provision C.15 for many years. Water Board staff has acknowledged that there are no specific problems with current MRP potable water discharge requirements or with compliance with them by the MRP Permittees. Staff has further indicated their intention that any new requirements resulting from this new General Permit not be more burdensome to Permittees than ones currently in the MRP.

The County of San Mateo is the operator of the County Service Area No. 7 (CSA 7 or the La Honda Water System) and County Service Area No. 11 (CSA 11 or the Pescadero Community Water System). CSA 7 serves a population of approximately 300 and has less than 70 connections. CSA 11 serves a population of approximately 400, which qualified as a Disadvantaged Community in 2013, and has less than 100 connections. CSA 7 and 11 have water rates considerably higher than most customers served by other water providers within San Mateo County with annual revenues from the small customer bases of approximately \$70,000 and \$85,000, respectively. The proposed minimum annual fee of \$2,070 required under the current TO would impose a significant financial burden to the water systems, in addition to the monitoring, analysis, notification, and reporting costs to comply with the new requirements.



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The County of San Mateo requests that our potable water system discharges continue to be regulated under the reissued MRP with requirements that provides *equivalent levels of protection* to water quality. We would appreciate clarification of the Regional Potable Discharge General Permit's TO's fact sheet in this regard since it currently refers to a more contentious "at least as stringent as" criterion that could give rise to lawsuits and unnecessarily limit flexibility for all concerned. MS4 agencies also very much appreciate the TO's excluding them from its scope of coverage as they do not want or need a second NPDES permit and the associated additional annual permit fees, administrative costs and potential exposure to mandatory minimum penalties for the following reasons:

- Requiring coverage under this permit for an entity ALREADY subject to an MS4 permit with provisions fully regulating this type of discharge is unnecessary and duplicative.
- Having to apply for and manage multiple NPDES permits is unduly costly and burdensome for an MS4.
- Duplicative permitting runs directly contrary to State Water Board Resolution No. 2013-0029's findings concerning constraining compliance costs while protecting water quality.
- The permit would impose large monitoring, analysis, notification, and reporting costs on public and private water purveyors with minimal benefit to maintaining or improving water quality.

We appreciate your consideration of the above and the more detailed comments being submitted by the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP). We intend to continue to work cooperatively with the Regional Water Board staff on these and other, more pressing, MRP reissuance issues in the year ahead.

Very truly yours,



James C. Porter, P.E.
Director of Public Works

JCP:AMS:MC:

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cc: Matt Fabry, SMCWPPP Program Manager
Dr. Thomas Mumley, RWB-EO