



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105

July 10, 2015

Thomas Mumley
Assistant Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Re: Tentative Draft Municipal Regional Permit (NPDES Permit No. CAS612008)

Dear Mr. Mumley:

Thank you for the opportunity to comment on the Water Board's tentative draft Municipal Regional Stormwater Permit (NPDES Permit No. CAS612008) for stormwater discharges from municipalities in Alameda, Contra Costa, San Mateo, and Santa Clara counties and the cities of Fairfield, Suisun City, and Vallejo in Solano County, dated May 2015. We have reviewed the draft permit (draft MRP 2.0) and want to underscore our support for Water Board's position of including clear milestones and deadlines to evaluate pollutant-specific progress towards necessary water quality improvements and restoring beneficial uses. Below we offer more specific support and some recommendations for your consideration.

A. Total Maximum Daily Load (TMDL) Implementation – Mercury and PCBs

EPA supports the Water Board's inclusion of specific numeric mercury and PCB milestones and deadlines within this permit cycle. We recognize these pollutant specific values are interim milestones to achieve step-wise progress in this permit as well as to measure progress towards attaining the final TMDL wasteload allocations (mercury in 2028 and PCBs in 2030) which are included for reference in this permit. This is consistent with EPA guidance (2014) that MS4 permits implement WLAs as either numeric effluent limits or clear, specific, and measurable milestones for assessing required pollutant load reductions.

Specific to PCBs, we support the Water Board's proposed accounting framework provided in the factsheet. EPA believes the permittees' experience with implementing BMPs for PCBs during MRP1.0 provides the lessons learned for continued efforts to install PCB control measures in Bay watersheds. This framework is straightforward and will be useful in evaluating compliance within this permit term. Furthermore, permittees will be able to improve the accounting scheme during MRP 2.0.

Regarding PCBs in building materials (caulk), we concur with Water Board's desire to pilot a locally controlled program, which can be developed for region-wide consistency for PCB

removal during age-specific building demolition. We recognize this program will require coordination with other Federal and State agencies; however it need not be started as a state-wide program. EPA Land Division is able to offer the Regional Board technical support in development of guidance documents in preparation for program implementation.

We reinforce the Water Board's approach to allow for flexibility in determining the various control measures to achieve PCBs milestones and recommend this approach be retained in the final permit. We also support the proposed accounting framework provided in the factsheet based on permittees' success with several PCBs pilot projects during the current permit term, and likelihood of continued permittee efforts, we support Water Board's staff analysis that these milestones are feasible attainable in the next permit cycle. We also endorse the Water Board's evolving 'program' to minimize PCBs from entering urban runoff via age-specific building materials and concrete sealants. Given this is new permit provision, we acknowledge the Water Board will need time to develop this program, which includes (at minimum) demolition and retrofit protocols concurrent with inter-agency coordination and discussions with permittees on considerations of PCBs load reduction credits.

B. Trash Load Reductions

We encourage Water Board to clarify the intention and expectations regarding receiving water monitoring for trash. In this permit cycle, permittees will help pilot a receiving water monitoring program whereby at least one monitoring protocol is applied. Information learned from the 5 Gyres water column/otter trawl grant can inform whether that monitoring method should be continued or other creek monitoring method should be tried. By year 2 of the permit term sampling stations should be identified either as a randomized sampling approach or piggyback off of existing creek monitoring sites as per existing permit requirements for other parameters. It will also be helpful to identify the specific management/monitoring questions that will drive the sampling design.

We wish to reiterate that evaluating trash reduction measures in the long term will be best served via a "trash tracker"-like system with a GIS platform is developed to manage the data, which currently is supplied through the Annual Report format, which can also be continuously improved. Additionally, in our experience examining 2014 annual reports section C.10, the lack of defined requirements around monitoring and measuring trash controls other than full capture, resulted in a highly variable level of effort and documentation. This high variability was an impediment to determining the weight of contribution such control actions had made towards trash reductions. As stated in our earlier comments, we recommend the permit language include minimum expectation for frequency of observations and that they be variable based on trash generation rates.

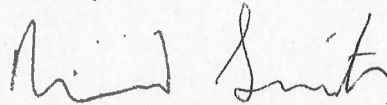
C. Green Infrastructure Plan Development and Implementation

EPA is a strong proponent for green infrastructure (GI) plans in MS4 permits. We see multiple benefits from developing and implementing GI plans, including pollutant removal, decreased flood risk, greener urban landscape, increased habitat and potentially infiltrations for groundwater replenishment. EPA supports the draft MRP requirements for permittees to develop frameworks for green infrastructure plans (GI plans). EPA recognizes that timeframes of 2016

and 2018, respectively, have been proposed as due dates for permittees to submit frameworks and complete plans to the Water Board. In the interest of developing feasible GI plans, EPA is open to extending these timeframes should permittees provide justification that additional time is necessary. To facilitate understanding of what is expected of permittees, we encourage the Water Board to define the minimum and recommended components of GI plans with permit factsheet. To facilitate, we offer some suggested components of GI plans in Attachment A. Also, we believe the Water Board should, in the permit, establish its ability to reject GI plan submittals if found deficient; whereas, the Water Board need not approve each submittal.

Finally, we want to acknowledge Water Board staff for their significant time and effort in developing the permit content and language. We look forward to continued coordination with Water Board staff, as well as all stakeholders, towards permit renewal. If you have questions, please contact either Luisa Valiela of the Watersheds Section at (415) 972-3400 or Peter Kozelka of the NPDES Permits Section at (415) 972-3448.

Sincerely,

A handwritten signature in black ink, appearing to read "David Smith". The signature is written in a cursive style with a large initial "D".

David Smith, Manager
NPDES Permits Section (WTR 2-3)

Attachment A: EPA recommendation for MRP2.0 - Components of Green Infrastructure Plans

Outline below are some potential ideas for Green Infrastructure (GI) plans to be developed by Bay Area permittees during MRP 2.0. Components provided below primarily arise from Los Angeles Regional Water Board guidance for reasonable assurance in watershed management plans as part of MS4 permit. Many components, but perhaps not all, will be applicable to GI plans for Bay Area. EPA encourages the Water Board to consider these ideas, modify as they deem appropriate, and include similar description of GI framework in the MRP 2.0 factsheet. We recognize the continued partnership of MS4 permittees, Water Board, EPA and other stakeholders to discuss these ideas prior to inclusion into final GI plans.

A. Identify the water quality priorities with watershed.

1. Include any applicable required water quality milestones and compliance deadlines
2. Describe watershed features, waterbodies any other relevant environmental setting information
3. Outline other municipal specific goals to be addressed; e.g., flood risk, sea level protection, groundwater infiltration.

B. Describe current BMPs and estimate existing pollutant loads

1. List pollutant sources in watershed
2. Provide map of major MS4 outfalls
3. List any current BMPs within watershed (structural and non-structural)
4. Using existing data (up to 10 yrs), give estimates of pollutant loads from watershed. (could be conc-based if no flow measurements available)
5. Define on pollutant specific basis
6. To extent data available and feasible, assess critical condition loads
7. Describe variability of estimations.

C. Estimate required pollutant load reductions

1. To extent feasible, provide estimate of pollutant load reductions, if mass-based then calculate difference between current and allowable loads; if concentration-based then define the two values.

D. Identify future control measures/BMPs/strategies to be implemented

1. Describe drainage areas for implementation
2. Identify control measures for stormwater and non-stormwater discharges; include number, location(s) and type; i.e., structural or non-structural controls, within new development, retrofit of existing development, stream/habitat restoration projects,
3. Clarify pollutants to be addressed
4. Define/map location of each control measure in watershed/jurisdiction
5. Quantify upstream drainage area captured by each BMP
6. Clarify if municipal effort only, private efforts or public/private projects
7. Identify if project is within local jurisdiction or regional and describe cities involved.

E. Provide schedule of implementation

1. Identify interim milestones and dates for achievement (within this permit cycle)

Attachment A: EPA recommendation for MRP2.0 - Components of Green Infrastructure Plans

2. Identify all future and final dates for achievement
3. Demonstrate that existing and future control measures will yield final pollutant load reductions and/or meet receiving water limits.

F. Provide Pollutant Reduction Plan

1. Identify compliance points (should be consistent with any existing regulatory compliance locations; e.g., TMDL monitoring sites expected to assess compliance)
2. Consider assessment locations in association with MS4 outfalls to monitor pollutant load responses due to upstream control measures.
3. Describe and evaluate selected control measures – appropriate for pollutant and sizing for load capture
4. Demonstrate selected control measures have reasonable assurance to meet interim/final requirements.
5. Describe adaptive management process if pollutant milestones are not met and added BMPs are needed
6. Include timeframe for future re-assessments.

G. If model used, provide description of watershed model

1. Identify model type; e.g., watershed, receiving water, BMP performance, empirical
2. Provide (minimum required) model components: input data, parameters, BMP performance parameters, output
3. Describe model calibration acceptance criteria
4. Describe efficiency for BMP performance parameters
5. Demonstrate model outputs for existing pollutant loads will be addressed by combination of control measures/BMPs to achieve final milestones.

H. Describe corresponding water quality monitoring program

1. Identify parameters of concern, all monitoring sites, sampling frequency (including wet and dry weather events)
2. Clarify which monitoring sites are MS4 outfalls
3. Briefly describe analytical methods and QA procedures to support monitoring
4. Describe any future monitoring locations and anticipated timeframe of data collection
5. Briefly describe pollutant sources upstream of monitoring sites.

I. Identify post-implementation tracking assessment efforts

1. Once completed, describe the BMPs implemented, including any modifications from original project design
2. Describe assessment procedures for evaluating effectiveness of control measure and corresponding pollutant load reductions for each implemented BMP, as necessary
3. Provide schedule for re-evaluation of BMP load reductions over long term.