

City of Fremont  
Proposed Specific Changes to Revised Tentative Order

Provision	Provision Heading	Issue	Requested Change
<b>C.2</b>	<b>Municipal Operations</b>		
C.2.a.ii (1)	Implementation Levels	Language requiring that street maintenance wastewater shall be discharged to the sanitary sewer and may require the installation of a pretreatment system is not necessary and overly burdensome.	This requirement should be removed and the permittee allowed to manage wastewater resulting from street and road maintenance operations through existing and approved BMPs and disposal guidelines.
C.2.d.ii (1)-(4)	Stormwater Pump Stations	Inspect 2x/yr during dry season (July to Oct); monitor for DO; corrective measures for low DO concentrations 3 mg/L or lower. Collecting data and maintaining records is overly burdensome and impracticable.	Eliminate this record keeping requirement
C.2.d.ii(2)	Implementation Levels	Sampling and collecting DO data at all pump stations twice a year between July & October provides no water quality benefit. Nuisance irrigation runoff mixed with decaying plant material and sediment that collects in the pump stations is expected to cause low DO levels as this material will accumulate in volumes for long periods before the pumps activate. These stations are designed to start pumping activities during high stormwater flows when the additional water would counteract low DO. Inspecting and collecting monitoring data on water having low DO, but unlikely to impact receiving water bodies, wastes manpower and limited resources.	Eliminate this requirement

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C.2.d.ii(3)	Implementation Levels	To institute continuous pumping activities to bring the DO level to 3 mg/L is not practicable. It would likely result in damage to the pump station equipment due to increased on/off pump cycling resulting from the need to pump such low volumes of water to achieve the required 3 mg/l DO level.	Remove this requirement in conjunction with the removal of C.2.d.ii(2).
C.2.d.ii(4)	Implementation Levels	To inspect pump stations in the first business day after a ¼ inches rain event for 9 separate criteria is unnecessary and wasteful of limited resources. Some of these pump stations are very expensive to inspect due to their confined space entry configuration.	Remove this requirement in conjunction with the removal of C.2.d.ii(2),(3)
<b>C.3</b>	<b>New &amp; Re Development</b>		
C.3.a.i. (8)	New Development and Redevelopment Performance Standard Implementation, Task Description	Revise, as necessary, General Plans to integrate water quality and watershed protection with water supply, flood control, habitat protection, groundwater recharge, and other sustainable development principals and policies.	Maintain the language in Section C.3.1. of Order R2-2003-0021. The language in the MRP T.O. is too broad in scope; not all of the task items listed are required to be included in a General Plan and it is an interference with local land use decision making.
C.3.b.ii(1)	Regulated Projects, Special Land Use Categories	Implementation Level—Beginning July 1, 2011, all references to 10,000 square feet in Provision C.3.b.ii.(1) change to 5,000 square feet.	Maintain the current 10,000 square foot threshold for all development projects. A study by Regional Board staff found that the existing 10,000 sq. ft. threshold captured 97% of all the impervious surfaces installed in the cities of Livermore,

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			Dublin and Pleasanton. Also, the implementation of effective treatment controls becomes significantly more difficult and less cost-effective on small sites.
C.3.b.ii. and C.3.c.ii.	Regulated Projects, Special Land Use Categories; and Low Impact Development	Implementation Level—For development projects that have received final, major staff-level discretionary review and approval for adherence to applicable local, state, and federal codes and regulation before July 1, 2010, the requirements of Provision C.3.c.i. shall not apply.	Maintain the current “deemed complete” definition for privately-sponsored projects. Once subdivisions have obtained vesting tentative tract maps, project requirements are legally vested and cannot change. It would not be equitable to impose more stringent requirements on projects that do not go through the entitlement process than those that do. Using the deemed complete definition provides equity in the way municipalities handle the various permits.
C.3.b.iii (2)	Pilot Green Streets Project Reporting -	Tracking the on-going O&M costs associated with the pilot green streets project is burdensome on permittees resources, and only serves as an excessive data gathering exercise.	Eliminate this record keeping requirement.
C.3.b.v. (c)	Regulated Projects Reporting	The addition of reporting on the watershed is burdensome and does not improve water quality.	Eliminate this record keeping requirement.
C.3.c.(4-6)	Low Impact Development	Notification of the Water Board Executive Officer (EO) for Regulated	Eliminate requirement. This requirement adds a burdensome and

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		<p>Projects that use vault-based treatment systems to provide primary treatment for 10-20% of the total Provision C.3.d specified runoff; notification and justification to the EO for projects that use vault-based systems as primary treatment for 20-50% of site runoff; and EO approval for projects that use vault-based systems for &gt;50% of site runoff.</p>	<p>unnecessary step in the project review process. Requiring approval from the Executive Officer (Section C.3.c.6) puts municipalities at risk of not meeting their obligations to review and process the permit application under the time limits imposed by State Permit Streamlining Act.</p>
C.3.e.i	Alternative Compliance with Provisions C.3.b	Alternative compliance is only available for infill projects and redevelopment projects.	<p>Allow alternative compliance in any location. Limiting alternative compliance to infill and redevelopment projects appears to be based on the assumption that currently undeveloped areas should be developed in a manner that reserves ample green space for onsite facilities. Many municipalities with undeveloped areas are seeking to maximize density with smart growth development to avoid the “sprawl” that results from surrounding each separate project with ample landscaping. Also, stormwater runoff from roadways is particularly difficult to manage with onsite treatment. For such projects alternative compliance will be a useful tool.</p>
C3.e.i.(1)d (ii)	Alternative	Transit Village Exemption: Parking	Revise Parking requirement to allow

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	Compliance with Provisions C.3.b	restrictions: Restaurants, no more than 3 spaces/1000 sq.ft. Offices, no more than 1.25 spaces/1000 sq. ft. Retail, no more than 2.0 spaces/1000 sq. ft.	greater flexibility. These ratios are unrealistically low and will not serve the goal of encouraging transit oriented development. A more appropriate maximum parking for transit-oriented commercial development would be the following: Restaurants = 5 spaces per 1,000 vs. Offices = 2 spaces per 1,000 sq.ft. Retail = 2.5 spaces per 1,000 sq.ft.
C.3.h (5) (d)	O&M treatment systems implementation level	The addition of including the “Size of the treatment systems(s)” into the database for all Regulated Projects is too prescriptive and unnecessarily burdensome.	Eliminate the size requirement.
C.3.g (Attachment B)	Hydromodification Management	HM exclusions in the current HM Standard (Order No. R2-2007-0025) are omitted from the MRP.	Maintain the exclusions allowed in Order No. R2-2007-0025. The HM standard has only been recently adopted and municipalities are working on questions that have been discovered during implementation. Water Board staff indicated that the HM Standard would remain the same in the MRP for at least one permit cycle to allow time for smooth implementation.
C.3.h.iv (3) (a)	O&M treatment systems reporting	The additional requirement of a “..general comparison to the inspections findings from the previous year.”	Eliminate this record keeping requirement.

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<b>C.4</b>	<b>Industrial &amp; Commercial Site Controls</b>		
C.4.a.ii(2)	Implementation Level	The additional requirement of "...Violations shall be corrected prior to the next rain or within 10 business days after the violation. If more than 10 business days are required for correction, a rationale shall be given ...." The requirement to provide a rational is onerous.	Eliminate the requirement to provide a rationale for time frame required to achieve compliance. This record keeping requirement is time consuming, without achieving measurable water quality; and summaries of inspections are already reported.
C.4.a.ii(2) & C.4.c.ii(2)	Implementation Levels	This requirement that violations shall be corrected by the next rain event or within 10 business days is unrealistic and unattainable. If more than 10 business days are required for the correction, a rational shall be given in tabulated sheets.	Remove this requirement and replace with "Every effort should be made to correct these violations before the next rain event or within 10 business days if practicable. If not, the permittee shall institute a time frame for achieving compliance based and the type, severity and corrective action required." Summaries of all inspection reports are currently submitted with the annual report and any issues dealing with compliance are addressed in these comments. There is no need for a separate tabulated format as this is duplication.
C.4.b.iii(2)	Reporting	Submitting a list of facilities scheduled to be inspected for the each fiscal year in	Replace list of facilities with the number of facilities to be inspected

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		each annual report is problematic as businesses come and go. Committing to a specific list takes away the flexibility of the permittee in determining priorities and redirecting resources throughout the year.	in each category (i.e. automotive repair, restaurants, NOI, misc businesses etc.).
C.4.b.ii. (6)	Record Keeping	The reporting requirement of providing a list of facilities scheduled for inspections during the current fiscal year is onerous, especially in these current economic times with many businesses closing. Developing a current list of operational business is a wasteful use of resources. Providing a general category list (e.g. automotive repair, restaurants, etc) is sufficient, and allows the inspectors flexibility due to geographic area.	Eliminate the record keeping requirement of providing "... a list of facilities scheduled for inspections..." replaced with provide the number of facilities to be inspected in a category such as restaurants, automotive repair, NOI, etc.
C.4.c	Enforcement Response Plan (ERP)	ERP requirements in multiple locations and inconsistent.	State the ERP requirements in one section of the permit and refer to it as needed, in other sections of the permit.
C.4.c.	Enforcement Response Plan	It is inefficient to have requirements expressed for different Enforcement Response Plans in Provisions C.4.c., C.5.b., and C.6.b. requirements for recordkeeping and reporting should not be incorporated into the Enforcement Response Plan section.	Express the requirements for an Enforcement Response Plan (ERP) in one section of the permit and refer to this ERP, as needed, in other sections of the permit so that there is consistency in the requirements for an ERP.

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<b>C.5</b>	<b>Illicit Discharge Detection &amp; Elimination</b>		
C.5.b.(2)	Enforcement Response Plan (ERP)	ERP requirements in multiply locations, and inconsistent.	Recommendation: State the ERP requirements in one section of the permit and refer to it as needed, in other sections of the permit.
C.5.e.i C.5.e.ii C.5.e.iii	Collection System Screening	These requirements are too prescriptive and unnecessarily burdensome. It is the permittee’s experience that surveying outfalls and underground storm drain lines for illicit discharges has had very little effect on identifying or controlling these types of discharges. A much more effective use of resources should be directed to actively surveying/inspecting above ground sources of these discharges.	Keep current permit requirements.
C.5.f.	Tracking & Case Follow up	The requirement to create and maintain an additional database or tabular system is redundant and an inefficient use of resources.	Remove this requirement. This data is already captured in the Illicit Discharge database.
C.5.f(2),(3)	Implementation Level	List investigation information & response time in separate data base. This information would already be entered into the Illicit Discharge database, so an additional database is unnecessary and a waste of resources.	These types of discharges should be reported in the existing illicit discharge database.
<b>C.6</b>	<b>Construction Site Control</b>		
C.6.b.ii.(1)	Implementation Level	This requirement that all violations shall be corrected by the next rain event or	Remove this requirement and replace with “Every effort should be

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		<p>within 10 business days is unrealistic and unattainable. If more than 10 business days are required for the correction, a rational shall be given in electronic database or tabulated system.</p>	<p>made to correct these violations before the next rain event or within 10 business days if practicable. If not, the permittee shall institute a time frame for achieving compliance based and the type, severity and corrective action required.”  Summaries of all inspection reports are currently submitted with the annual report and any issues dealing with compliance are addressed in these comments. There is no need for a separate database or tabulated format as this is duplication.</p>
C.6.b.ii (1)-(3)	Enforcement Response Plan	ERP requirements are in multiple locations and are inconsistent.	State the ERP requirements in one section of the permit and refer to it as needed, in other sections of the permit.
C.6.e.ii.(4)(c),(d),(i)	Tracking	<p>Tracking inches of rainfall since last inspection and rationales for longer compliance time is ineffective. Trying to access data on rainfall since the last inspection at a construction site serves no rational purpose and wastes limited staff resources. Inspections are currently conducted after major rain events to ensure compliance. A requirement that all violations shall be corrected by the next rain event or within 10 business days is unrealistic and unattainable. If more than 10</p>	<p>Remove the requirement for recording inches of rainfall since last inspection.</p> <p>Remove 10 day correction requirement and replace with “every effort should be made to correct these violations before the next rain event or within 10 business days if practicable. If not, the permittee shall institute a time frame for achieving compliance based and the type, severity and corrective action</p>

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		business days are required for the correction, a rationale shall be given on the inspection form.	required.” Summaries of all inspection reports are currently submitted with the annual report and any issues dealing with compliance are addressed in these comments. There is no need or benefit of listing this on the inspection form.
C.6.iii(c),(d),(e),(f),(g),(h),(i)	Reporting	These reporting requirements (especially % of various inspection parameters) are too detailed and provide information that is of little if any use to improving water quality or measuring the quality and effectiveness of this program. A much wiser use of resources would be to have staff in the field inspecting these sites rather than bean counting for no benefit.	Remove reporting requirements (c)-(i). Reporting requirements should be based on parameters which truly reflect the quality & effectiveness of this program.
<b>C.7</b>	<b>Public Info &amp; Outreach</b>		
C.7.a.i.	Task Description	Development of a separate inspection and maintenance of storm drain inlet markings once is too prescriptive and would not be feasible with limited resources of staff and funding.	Modify requirements to allow permittees to assess storm drain markers as part of existing field activities and maintain marking as needed.
C.7.e.iii	Public Outreach Events – Reporting	The additional requirement of including a post-event survey is unnecessarily burdensome, especially for our largest events (e.g. Fremont Festival of the Arts, and Earth Day)	Continue the same level of evaluation of event effectiveness by describing how each agency evaluates outreach activities. This will allow flexibility by the permittees.
C.7.g	Citizen Involvement Events	The additional requirement of including a post-event survey is unnecessarily burdensome, especially for our largest	Continue the same level of evaluation of event effectiveness by describing how each agency

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		events (e.g. Fremont Festival of the Arts, and Earth Day)	evaluates outreach activities. This will allow flexibility by the permittees.
<b>C.9</b>	<b>Pesticides Toxicity Control</b>		
C.9.d.ii	Require Contractors to Implement IPM - Reporting	A July 1, 2010 implementation date (to hire an IPM-certified contractor) may be infeasible if the City contract is not up for renewal prior to that date.	Add “or next contract award thereafter” to allow City additional flexibility.
<b>C.10</b>	<b>Trash Reduction</b>		
C.10.a.iv.	Trash Hot Spot Clean Up to Trash Action Level	The statement that there should be “no visual impact from trash within assessment reach” is subjective. A person impacted visually from the assessment reach is based on each person’s subjective decision. Once trash is seen no matter the magnitude, it becomes a visual impact.	Eliminate “that there be no visual impact from trash within the assessment reach” from the language.
C.10.b.i	Trash Hot Spot Assessment	Due date of first assessment as part of the Hot Spot selection process. Late summer of 2009	Revise due date to match C.10.ii Feb. 1, 2010
C.15.b.i.(1)(a)	Conditionally Exempted Non-Stormwater Discharges – Required BMPs/Control Measures	The requirement to “render pumped groundwater free of pollutants” is unnecessarily onerous and inconsistent with Discharge Prohibition A.1. The prohibition characterizes Provision C.15 as providing assurance that the discharge contains no pollutants of concern at concentrations that will impact beneficial uses or cause exceedances of water quality standards.	Modify the language to qualify that the discharge should not have pollutants of concern at concentrations that adversely affect beneficial uses or cause an exceedance of a water quality standard.
C.15.b.i.(1)(b)	Conditionally	The language about being “consistent	Delete the new, proposed language

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	Exempted Non-Stormwater Discharges – Required BMPs/Control Measures	with Order No. R2-2007-033 NPDES No. CAG912004 requirements” should be deleted because NPDES-permitted discharges are exempt from the discharge prohibition. Having the permittee report volumes to the Water Board serves no useful water quality benefit.	about being consistent with Order No. R2-2007-033. Also, instead of requiring that the city’s notify the RWQCB for discharges of 10,000 gallon or more of uncontaminated groundwater, the discharger (if they are not the City) should be the entity that notifies the RWQCB, and may even be required to obtain a permit.
C.15.b.i.(1)(d) and (e)	Conditionally Exempted Non-Stormwater Discharges – Required BMPs/Control Measures	The monitoring of small, incidental discharges of pumped groundwater, foundation drains, crawl space pumped water, and footing drains for the full suite of chemicals listed at a frequency of a minimum of once a month is unnecessary and overly burdensome. These types of discharged may occur in a residential setting, so is the resident required to sample and pay for the analytical results?	Delete the very prescriptive and draconian monitoring requirements to the rare situations where a large discharge of potentially contaminated water merits the types of monitoring proposed. Again, this required a tremendous effort for a very small return.
C.15.b.ii.(1)(b)	Discharge Type – Air Conditioning Condensate – Required BMPs/Control Measures	Discharges of air conditioning condensate from new commercial and industrial air conditioning units is only allowed to landscaped areas or the sanitary sewer, where this is allowed, which is more stringent than the requirements for new large commercial and industrial air conditioning units described under (c). The option to discharge to storm drains should be allowed.	Modify the language to allow discharge to storm drains provided the discharge does not adversely impact beneficial uses or cause an exceedance of a water quality standard

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C.15.b.ii.(1)(c)	Discharge Type – Air Conditioning Condensate – Required BMPs/Control Measures	The discharge of air conditioning condensate from new large commercial and industrial air conditioning units should not be prohibited to discharge to storm drains only when “adequate treatment measures are in place to meet water quality standards” because Discharge Prohibition A.1 only requires that the discharge not impact beneficial uses or cause exceedances of water quality standards.	Modify the language to state that these discharges may be allowed provided the discharge does not adversely impact beneficial uses or cause an exceedance of a water quality standard.
C.15.b.iii.(1).(b)(i), (ii), and (iii)	Discharge Types – Planned, Unplanned, and Emergency Discharges of Potable Water	These sections require that either the permittees notify and report specific information or require that the potable water discharger report to the Water Board staff. The permittees should only be responsible for reporting their own activities to the Water Board staff, and additional notification and reporting by third parties should be handled by the Water Board through an NPDES permit or other regulatory mechanism. Having the permittee report volumes to the Water Board serves no useful water quality benefit.	Modify this language to make it clear that the permittees must only notify and report to the Water Board staff information about these discharges that they are responsible for implementing. The City’s should not be acting as a intermediary between the discharger and the Water Board.
C.15.b.iii.(1).(c)(i), (ii), and (iii)	Monitoring Requirements	The section establishes monitoring requirements that the permittees shall do or require of planned discharges. The permittees should only be responsible for monitoring of potable water discharges that they are responsible for	Modify this language to make it clear that the permittees are only responsible for monitoring discharges that they are responsible for and not discharges by potable water dischargers who are not

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C.15.b.iii.(2)	Unplanned Discharges	<p>and not discharges by third parties.</p> <p>This section contains requirements for the permittees to implement or require potable water discharges to implement BMPs, notify, monitor, and report to the Water Board staff unplanned potable water discharges. Similar to the preceding comments, the permittees should only be responsible for these requirements for their own discharges and not discharges by third parties. If it is important to the Water Board to have the information listed, it should be addressed through the adoption and implementation of an NPDES permit for potable water dischargers. Having the permittee report volumes to the Water Board serves no useful water quality benefit.</p>	<p>permittees.</p> <p>Modify this language to make it clear that the permittees are only responsible for BMP usage, notifications, reporting, and monitoring of discharges are responsibility of the dischargers of the potable water, not the permittees, unless the discharge is from a source owned by the permittee.</p>
C.15.b.iii.(2)(c)(d)	Unplanned Discharges	<p>Some of the requirements are overly prescriptive and may interfere with responding to the unplanned discharge, such as notifying the Water Board within two hours of becoming aware of any aquatic impacts and reporting times of discovery, notification, and responding crew arrival time. In addition, there may be instances where the monitoring is infeasible because monitoring the discharge is unsafe or the discharge has ceased prior to being able</p>	<p>Modify these requirements to eliminate overly prescriptive record keeping and reporting that interferes with responding to unplanned potable water discharges. In addition, the monitoring requirements should be conditioned with the qualifier that the monitoring should only be done to the extent that time and resources allow and only where and when it is safe to do. If the unplanned discharge continues</p>

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		to monitor. If the unplanned discharge continues for over 24 hours, then it should be the discharger’s responsibility to obtain a discharge permit from the Water Board and perform all required monitoring. Having the permittee report volumes to the Water Board serves no useful water quality benefit.	for over 24 hours, then it should be the discharger’s responsibility to obtain a discharge permit from the Water Board and perform all required monitoring.
C.15.b.iii.(3)	Emergency Discharge	This section requirements permittees and fire fighting personnel to implement BMPs and control pollution that do not interfere with immediate emergency response operations or impact public health and safety, and to the extent that time and resources allow. In an emergency situation, diverting resources to focus on pollution prevention and BMPs is not feasible.	Eliminate requirement.
Deletion of Individual Residential Car Washing	No longer included as Conditionally Exempted	The permit would no longer allow the discharge of individual residential car wash water. Some of the language formerly in this section of the permit has been moved to Provision C.7.e.i. This conditionally exempted discharge should continue to be allowed by the permit provided minimal amounts of water and pollutants are generated.	Restore this conditionally exempted discharge to the MRP.
C.15.b.iv.(1)(c)	Discharge Type – Swimming Pool, Hot Tub, Spa, and Fountain Water	The additional language added about enabling “the installation of a sanitary sewer discharge location to allow draining events for pools, spas, and	Modify the language in this section to make it clear that the permittees are only responsible for providing owners of these features with

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	Discharges	fountains to occur with the proper permits from the local sanitary sewer agency” is awkwardly worded, unclear, and needs to be rewritten.	information about how they may apply for the proper permits to discharge to the sanitary sewer. However, Union Sanitary District has stated that they will not accept this type of discharge into their system. As a result, discharging to the storm drain, with restrictions, is the only other realistic option.
C.15.b.v.(1)(e)	Discharge Type – irrigation Water	Implement enforcement actions for ongoing, large-volume landscape discharges. This falls under the realm of the water supply entity as part of their water conservation program.	Modify this section to have this requirement apply to the water supply entity (in our case that is ACWD) as part of their water conservation program. The permittee will notify the water supply entity of any noticeable discharge of this type.
<b>Attachment I</b>	<b>Provision C.10. SCVURPPP URTA Methodology</b>		
Attachment I page I-4 & I-8	Trash Assessment Parameters #2: Actual Number of Trash Items Found,	The description of scoring doesn’t match the worksheet on page I-9.	Modify scoring on the URTA Worksheet on page I-9 to match that of the description on page I-4.