

MUNICIPAL REGIONAL STORMWATER PERMIT (MRP)
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C.2 Municipal Operations & C.3 New Development and Redevelopment

Provision	Provision Heading	Issue	Requested Change
C.2.a.i	Street and Road Repair and Maintenance	The task description states that road repair and maintenance BMPs followed shall be as described in California Stormwater Quality Association's Handbook for Municipal Operations. The permittees should be allowed flexibility in identifying and using appropriate BMPs.	Modify the permit to state that street and road repair and maintenance BMPs, such as those described in the California Stormwater Quality Association's Handbook for Municipal Operations, may be used.
C.2.d.i	Stormwater Pump Stations	The task description states that pump stations shall be operated, inspected, and maintained to eliminate non-stormwater discharges "containing pollutants." The federal Clean Water Act only requires that permits "shall include a requirement to effectively prohibit non-stormwater discharges into storm sewers."	Modify the permit to state that permittees shall implement a program to effectively prohibit non-stormwater discharges to the stormwater pump stations that they own and operate where these discharges are disallowed by the municipal regional stormwater permit.
C.2.d.ii.(3)	Stormwater Pump Stations	The implementation level requires that corrective actions be applied if dissolved oxygen levels are at or below 3 mg/l. This requirement should be conditioned on having a discharge from the pump station that causes a receiving water problem.	Modify the permit to state that corrective actions will only be necessary if the pump station is discharging water with low dissolved oxygen that is causing an unacceptable reduction of dissolved oxygen in the receiving water.
C.2.d.ii.(4)	Stormwater Pump Stations	The implementation level requires that pump stations be inspected in the first business day after ¼-inch or larger storm events. This level of prescriptiveness is unnecessary. The permittees should have flexibility, based on their experience, to decide when to inspect the stormwater pump stations that they own and operate.	Modify the permit to delete a specific amount of stormwater that triggers a requirement to inspect stormwater pump stations.
C.2.f.i.(1)	Corporation Yard BMP – Task Description	The permit requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP) for corporation yards and that the SWPPP incorporate all applicable BMPs from the Caltrans Storm Water Quality Handbook Maintenance Staff, May 2003 and its addenda.	Modify the permit to state that each SWPPP shall incorporate applicable BMPs by considering information in handbooks, such as the Caltrans Storm Water Quality Handbook Maintenance Staff, May 2003 and its addenda.

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		The Caltrans Handbook should be considered as a basis for identifying appropriate BMPs, but it should not be an absolute mandate for what is needed.	
C.2.f.ii	Corporation Yard BMP - Implementation	There is no date provided for completing the SWPPP, and a date should be given.	Add permit language that requires that the SWPPP be completed by July 1, 2010 or one year following adoption of the permit, whichever date occurs later.
C.3.b.ii.(1)	Special Land Use Categories – Effective Date	For development projects in this category that have received final, major, staff-level discretionary review and approval for adherence to applicable local, state, and federal codes and regulations, before July 1, 2011, the lower 5,000 square feet impervious surface threshold (for classification as a Regulated Project) shall not apply.	Exclude from the 5,000 square foot threshold projects with applications deemed complete per the Permit Streamlining Act prior to July 1, 2011. The State legislature enacted the Permit Streamlining Act in response to a “statewide need to ensure clear understanding of the specific requirements which must be met in connection with the approval of development projects and to expedite decisions on such projects.” When an application is deemed complete under the Permit Streamlining Act, expectations are created and a clock starts ticking. If an agency should, in the middle of the review process, impose a new stormwater treatment requirement that was not applicable when the application was deemed complete, this would require the re-design the project and defeat the Legislature’s efforts to ensure clear understanding of development permit requirements.
C.3.b.ii.(4)(a),(b), and (c)	New Road Projects	The construction of new bicycle lanes regardless of whether they are built as part of a new street or roadway or added to an existing roadway should be excluded from compliance with Provision C.3 in order to create an incentive for alternative modes of transportation that reduce the emission of green house gases and other vehicle-caused stormwater pollutants.	Delete bicycle lanes as part of the calculation of impervious surfaces that require compliance with C.3 under C.3.ii.b.(4). Under “specific exclusions to this category add bicycle lanes under the various options listed as qualifying for a specific exclusion along with sidewalks and trails.

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C.3.b.ii.(4)(b)	New Road Projects	The widening of existing streets or roads with additional traffic lanes does not include the 50% size threshold. On this basis any project of this type that is 10,000 square feet or larger will require treatment of all of the runoff from the existing road. There needs to be limits on when treatment of runoff from existing roads should be triggered similar to the language for "Other Redevelopment Projects" (C.3.b.ii.(3)).	Modify language in this permit section and the fact sheet to allow treatment of stormwater from just the widened area, and not the existing road if the widened area is 50% or less of the existing road.
C.3.b.ii.(4)	New Road Projects	The effective date for this new permit provision should not be immediate because some existing road and trail projects may have followed the existing permit requirements which are less rigid than the ones proposed in the new permit.	Modify the language in the permit to exempt projects that were deemed complete using the existing permit's requirements.
C.3.b.iii	Green Street Pilot Projects	These requirements should specify that there be at least 2 projects in each countywide program. The permit should allow that one of these projects may be a parking lot project and that any project constructed since the February 2003 adoption of Provision C.3 may be used to fulfill this requirement. The treatment system should be sized to treat runoff from a street or parking lot and not the adjoining properties. Further, it would be more useful for applying what is learned in the pilot projects if the pilot projects focused on locations where there are the most opportunities for these types of projects and not be prescribed by the types of streets, i.e., arterial, collector, and local, listed in the permit.	These requirements should specify that there be at least two projects in each countywide program. Up to one of the projects should be allowed to be a parking lot project. The area treated should be specified as the street or parking lot. In addition, projects constructed since February 2003 should be able to count toward achieving this requirement. The requirement that the pilot projects be representative of various types of streets: arterial, collector, and local should be modified to state that the pilot projects should be conducted on the types of streets that provide the most opportunity for being retrofitted within each county.
C.3.b.iii	Green Street Pilot Projects	The requirements listed under this section's (2)(a),(b),(c),(d), and (e) are unnecessary requirements that go well beyond what is required in federal Clean Water Act stormwater permits. These requirements are also unnecessary given the broad support for low	Either delete the requirements listed under (2)(a),(b),(c),(d), and (e) or add language in iii(2) to " <u>consider</u> the following key elements."

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		impact development.	
C.3.b.iii	Green Street Pilot Projects	The requirement to “conduct appropriate monitoring of these projects” may be overly burdensome and will reduce the scope and scale of these types of projects. It is anticipated that sufficient monitoring will be conducted as part of monitoring projects planned under the West Coast Estuaries Initiative and as part of any future Proposition 84 grant funded projects	Remove the requirement for doing monitoring.
C.3.b.iii	Green Street Pilot Projects	The due date should be extended from July 1, 2013 to the end of the five-year permit term because of the challenges proposed in implementing this newly proposed permit requirement.	Modify the permit language to state that the due date is July 1, 2014 or five years following permit adoption, whichever is later.
C.3.c.i.(2).	Low Impact Development – Site Design and Stormwater Treatment Requirements	It is unclear what precisely is meant by “natural feature systems (e.g., bioretention, vegetated swales, tree wells, planter boxes, and green roofs)” and “conventional systems (e.g. extended detention basins)” and why a preference is given for the former over the latter. What studies have been done to demonstrate the superiority of each of the “natural feature systems” over the “conventional systems?” For example, a tree well system may have a much higher loading rate than a conventional system, and would be expected to provide less effective pollutant removal.	The permit should simply state a preference for landscape-based stormwater treatment systems over below ground treatment systems because of being able to easily see the status of maintenance and because they allow water to be reused as part of landscaping and infiltration. Add to the glossary definitions for terms, such as “natural treatment systems,” “conventional systems,” and “primary treatment.”
C.3.c.i.(4)	Low Impact Development –Notification Requirements	Permittees should not have to notify and justify the use of vault-based treatment systems if they provide primary treatment of runoff from the various amounts of impervious surfaces listed nor should they have to obtain Executive Officer approval if runoff from greater than 50%	The permit should simply state a preference for landscape-based stormwater treatment systems as described above. In addition, the notification requirement should be limited to explaining in the Annual Report the use of each vault-based system that was used to treat 20%

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		of the runoff is treated in a vault based system.	or more of the project's impervious surface area. The requirement for Executive Officer approval should be deleted.
C.3.c.ii	Low Impact Development – Implementation Level	The permit proposes to use as a basis of initiating these new requirements projects that “have received final, major, staff-level discretionary review and approval for adherence to applicable local, state, and federal codes and regulations before July 1, 2010.” The existing permit language for what is deemed complete should be retained to provide linkage with the Permit Streamlining Act as described above.	Modify the permit language about “major, staff-level discretionary review and approval” back to the existing permit language about what is “deemed complete by a Permittee.”
C.3.e.	Alternative Compliance with Provision C.3.b	Alternative compliance with the hydraulically sized stormwater treatment under C.3.d has been eliminated from this heading of the permit. It is important that the permit allow flexibility for situations where hydraulically sized stormwater treatment is not possible. It also unclear whether the Water Board staff intended to delete Alternative Compliance from Provision C.3.d from this heading since this section describes an exemption from installing hydraulically-sized stormwater treatment systems.	Insert back into the heading for Provision. C.3.e. an allowance for alternative compliance with C.3.d.
C.3.e.i	Alternative Compliance with Provision C.3.b	The permit limits the types of projects that would be eligible for alternative compliance to “infill site development” and “a redevelopment project.” The permit should also allow alternative compliance for new development and for road projects. The alternative compliance portion of the permit is intended to provide flexibility that the permittees have the option to exercise, and alternative compliance should be available for these other types of projects.	Modify the permit language that limits the types of projects that might be able to use alternative compliance.

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C.3.e.i.(2)(b)	Alternative Compliance with Provision C.3.b	The permit requires that if the alternative compliance is not completed by the end of the project's construction, that the "equivalent offsite treatment" is increased by 10% for each year up to three years. The requirement for additional treatment should be deleted from the permit because it creates a disincentive for construction of infill and redevelopment projects that are beneficial to stormwater.	Delete the permit language about the requirement to "provide an additional 10% of the calculated Equivalent Offsite Treatment."
C.3.h.ii.(6)(a)	Operation and Maintenance of Stormwater Treatment Systems	The permit requires that "all newly installed stormwater treatment systems and HM controls" be inspected within 45 days of installation. The permit should allow more flexibility by allowing these inspections within 6 months of installation. Inspections during the installation period should minimize the need to do further inspections following the installation.	Modify the permit language to allow six months to perform the inspection following the installation of a stormwater treatment system and HM controls.
C.3.h.iii	Operation and Maintenance of Stormwater Treatment Systems – Maintenance Approvals	The permit requires that permittees "shall ensure the onsite, joint, and offsite stormwater treatment systems and HM controls" are properly maintained for the life of the project. The permittees cannot ensure how well third parties will meet local requirements, and the permit should state that permittees will perform the inspections and follow up necessary to have an effective operation and maintenance verification program.	Modify the permit language to state that permittees will have an effective operation and maintenance verification program for stormwater treatment systems and HM controls.
C.3.h.iii	Operation and Maintenance of Stormwater Treatment Systems – Monitoring Approvals	The due date for full implementation is immediately, and there needs to be a phase in period for these new requirements.	Modify the permit to allow a two year period before the new requirements must be met.
C.3.i.	Required Site Design Measures for Small Projects and Detached Single-Family Home Projects	The permit requirement should be more flexible by allowing permittees not to require runoff to landscaping and permeable surfaces where there are potential geotechnical problems or where implementing these requirements will	Modify the permit to allow permittees not to meet these requirements where needed to avoid soil stability concerns or where it would require the installation of pumping systems to handle onsite drainage.

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		require the use of pumped drainage systems.	
C.3.i.	Required Site Design Measures for Small Projects and Detached Single-Family Home Projects	The permit requires the implementation of these new controls on projects as small as 2500 square feet in area by July 1, 2012. Additional time should be allowed for the implementation of these staff time demanding additional requirements.	Modify the permit to allow a five year period before the new requirements must be met.

C.4 Industrial and Commercial Site Controls; C.5 Illicit Discharge Detection and Elimination; & C.6 Construction Site Controls

Provision	Provision Heading	Issue	Requested Change
C.4.a.ii.(1)	Legal Authority for Effective Site Management - Implementation Level	Legal authority is too broad as regards ability to oversee, inspect, and require expedient compliance and abatement at <u>all</u> sites that cause or contribute to pollution of stormwater runoff. The ordinances that municipalities adopted in early 1990s were for the municipally owned/operated municipal separate storm sewer systems (MS4), as required by the federal Clean Water Act, not for stormwater runoff in general.	Revise the legal authority to what is required by federal Clean Water Act requirements to control pollutants that flow to municipally owned/operated MS4s.
C.4.a.ii.(2) and C.4.c.ii.(2)	Implementation Level and Enforcement Response Plan – Timely Correction of Violations	The requirement that violations shall be corrected during certain specified time periods is unrealistic and unnecessary.	Replace the requirement to correct violations “prior to the next rain event or within 10 business days” with a more flexible requirement to correct violations of local stormwater ordinances as soon as practicable.
C.4.b.i.	Industrial and Commercial Business Inspection Plan – Task Description	The inspection plan should not be for sites within each permittee’s jurisdiction because the flood control agencies’ jurisdiction overlaps with municipalities and there is no need to require duplicative efforts. Also, the sites covered by the plan should be ones that drain to an MS4 owned or operated by a municipality that is a permittee.	Modify the language to limit the creation of an inspection plan to municipalities that have commercial and industrial sites. In addition, modify language about sites within a Permittee’s jurisdiction to just sites within a municipality that have stormwater drainage that flows to an MS4 owned or operated by the municipality.

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C.4.b.ii	Implementation Level	There is no date for developing an Inspection Plan, which is a new requirement. The permit should allow one year from permit adoption to comply with this new requirement.	Add additional language to the permit that states that if an Inspection Plan does not currently exist, municipalities have until July 1, 2010 or one year following permit adoption, whichever is later, to prepare the Inspection Plan.
C.4.b.ii	Implementation Level	This section requires each permittee to annually update and maintain a list of businesses that could cause or contribute to pollution of stormwater runoff without limiting this requirement to certain permittees and without limiting the requirement to businesses that drain stormwater to an MS4 owned or operated by a municipality.	Make similar modifications as suggested above to this permit section.
C.4.b.ii.(4)	Types/Contents of Inspections	This section requires that each permittee conduct inspections, and this requirement should be limited to municipalities and not flood control agencies.	Make similar modifications as suggested above to this permit section.
C.4.b.ii.(6)	Record Keeping	The record keeping listed under this section is not as comprehensive as the recordkeeping required under the Enforcement Response Plan (C.4.c.ii.(4)). All of the inspection related record keeping should be listed in one place in this section and not be listed in different places and expressed in different ways.	Consolidate all of the recordkeeping requirements in this section.
C.4.b.iii.	Reporting	The annual reporting requirements listed under this section are not as comprehensive as the annual reporting required under the Enforcement Response Plan (C.4.c.iii). All of the annual reporting should be listed in one place in this section. It is uncertain what the purpose is of including language about the percent of violations resolved within 10 working days or in a timely manner.	Consolidate all of the annual reporting requirements in this section. If there are annual reporting items that merit additional discussion and consideration, these should be worked out following adoption of the MRP.
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 as occurs in C.4.c.	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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Provision	Provision Heading	Issue	Requested Change
C.5.a.ii.(1)	Illicit Discharge Detection and Elimination; Legal Authority; Implementation Level	The requirement to have adequate legal authority for “non-stormwater pollution” is too broad. The authority should be more specific to non-stormwater discharges to MS4s owned/operated by permittees.	Modify the legal authority requirement to having the ability to control non-stormwater discharges to the permittees’ MS4 as required by the federal Clean Water Act.
C.5.a.ii.(2) and (3)	Implementation Level	The requirement to have adequate legal authority for discharges to “storm drains” is too broad.	Modify the legal authority requirement to having adequate legal authority to control discharges to the permittees’ MS4.
C.5.b.ii.(2)	Enforcement Response Plan - Timely Correction of Violations	The requirement that violations shall be corrected within prescribed time periods is unrealistic and unnecessary.	Replace the requirement to correct violations “prior to the next rain event or within 10 business days” with a more flexible requirement to correct violations of local stormwater ordinances as soon as practicable.
C.5.d.ii.(1).(b) and C.5.d.iii	Control of Mobile Sources – Implementation Level and Reporting	It is unnecessary and redundant to require both an ERP and in this section an “enforcement strategy” for mobile businesses. There is also no need to report annually on the implementation of this enforcement strategy separately from the reporting about the ERP.	Remove the requirement to have an enforcement strategy for mobile businesses and the requirement to report annually on the implementation of the enforcement strategy.
C.5.e.ii.	Collection System Screening – MS4 Map Availability – Implementation Level	The requirement to utilize the USEPA/Center for Watershed Protection publication “Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment” is unclear and should simply encourage the use of guidance, such as that provided by this manual.	Modify language to state that the “Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment” and other similar manuals may be used for guidance.
C.5.e.ii.	Collection System Screening – MS4 Map Availability – Implementation Level	The requirement to make MS4 maps publicly available should be simplified to allow fulfillment of this requirement by making the Creek & Watershed Maps produced by the Oakland Museum of California available. These maps depict storm drain lines that are 2-feet or larger in diameter, which should be sufficient for most public interest/educational purposes.	Modify this requirement to allow the use of the Oakland Museum of California Creek & Watershed maps.
C.5.f.ii.	Tracking and Case Follow Up – Implementation Level	The information tracked is overly prescriptive and unnecessary. For example, information tracking about the response times will divert resources from doing the actual illicit discharge detection and	Remove the detailed information listed in this permit section.

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		elimination work.	
C.6	Construction Site Control – opening paragraph	The permit language requires that each permittee “implement a construction site control program at all construction sites.” The permit should focus efforts on construction sites that are of sufficient size to pose a reasonable threat to water quality and are located where stormwater runoff from the site flows into the municipality’s MS4.	Modify the language to qualify that permittees are responsible for all construction sites that have a grading permit and are located where stormwater runoff from the site flows into the municipality’s MS4 and poses a threat to cause or contribute to a water quality standard exceedance.
C.6.b.ii.(3)	Enforcement Response Plan	The permit requires that an enforcement response plan be developed and implemented by April 1, 2010. There should be additional time to develop and begin to implement this type of plan.	Modify the language to allow up to one year following adoption of the MRP to develop and implement an enforcement response plan.
C.6.c.i	Best Management Practices Categories – Task Description	The permit requires “all construction sites to have seasonally appropriate effective Best Management Practices (BMPs)” in six prescribed categories taken from the Construction General Permit. The requirement for the control of all construction sites is overly encompassing as described above. In addition, the need for the six categories of BMPs is overly prescriptive and the types of BMPs needed depend on individual construction site characteristics.	As described above, modify the permit language to qualify that permittees are responsible for all construction sites that have a grading permit, are located where stormwater runoff from the site flows into the municipality’s MS4, and pose a threat to cause or contribute to a water quality standard exceedance. In addition, the permit should clarify that BMPs from the six categories are not necessarily required and will depend on the nature of the construction project, the phase of construction, its location, and the season.
C.6.d.ii.(2)	Plan Approval Process – Implementation Level	The permit requires that an erosion/pollution control plan or SWPPP be reviewed “to verify that seasonally appropriate and effective BMPs for the six categories listed in C.6.c.i are planned.” As described above it is overly prescriptive to require BMPs for each of the six categories at different types of construction sites.	As described above, the permit should clarify that BMPs from the six categories are not necessarily required and will depend on the nature of the construction project, the phase of construction, its location, and the season.
C.6.e.ii.(3)(c)	Inspections – Contents of Inspections	The permit requires that inspections include visual observations of discharges into storm drains and/or waterbodies. The inspections should be limited to discharges to the MS4 owned and operated by the municipality. Discharges from construction sites that	Delete the language in the permit about inspecting discharges to waterbodies.

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		discharge directly to waterbodies without flowing through an MS4 are not required by the federal Clean Water Act.	
C.6.e.ii.(4)	Inspections - Tracking	The specific list of information that must be tracked and/or reported for each construction inspection is too prescriptive and unnecessary to protect water quality. For example, there is no value to collecting information about the "inches of rain since the last inspection." There is also no benefit to track and report problems within the six BMP categories.	Modify the permit language to delete C.6.e.ii.(4)(d), (g), and iii(1)(d),(e),(f),(h), and (i). Modify C.6.e.ii.(4)(f) to remove the requirement that problems observed need to use the six BMP categories and remove the reference to "Discharge of Sediment or Construction Related Material" unless what this is referring to is clarified.
C.6.e.iii.(3) - Reporting	Inspections	The section includes a requirement that the information recorded and tracked may need to be submitted electronically or in a tabular format within 10 working-days of the Executive Officer's requirement. If the Executive Officer intends to request information in an electronic format, the Executive Officer should consider developing and providing a database that permittees would have the option to use.	The permit should state that if an electronic database is needed, the Water Board will offer municipalities the option of using a database that the Water Board develops and maintains.

C.8 Water Quality Monitoring & C.9 Pesticides Toxicity Control

Provision	Provision Heading	Issue	Requested Change
C.8.b.	San Francisco Estuary Receiving Water Monitoring	Management questions are inconsistent with current Regional Monitoring Program (RMP) questions.	Modify permit to replace with adopted current RMP questions
Table 8.1	Status Monitoring Elements	Algae bioassessment is not focused on achieving clear objectives.	Modify permit requirement for this permit term to identify management questions associated with nutrients and algae bioassessments and to develop a monitoring plan to answer these questions by 2013. Implementation of the developed plan will occur in the subsequent permit period (2014 – 2019)
Table 8.1	Status Monitoring	Sampling Frequency for nutrients is unattainable (68	Modify permit requirement as described above to

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	Elements	sites during storm events??) and not focused on achieving clear objectives	develop a plan during this permit period for implementation in the following permit period.
Table 8.1	Status Monitoring Elements	Toxicity/Diazinon/Chlorpyrifos – Storm event monitoring is duplicative with Long-Term monitoring requirement.	Remove storm event sampling and testing from permit.
Table 8.1	Status Monitoring Elements	Toxicity – Bedded Sediment and Pollutants – Bedded Sediment number of occurrences is too large	Reduce number of occurrences to 6/4/1, which was the frequency proposed in the Dec. 2007 version of the draft permit.
Table 8.1	Status Monitoring Elements	Pathogen Indicators	Remove from permit this parameter as agreed to in meetings with Water Board staff
Table 8.1	Status Monitoring Elements	SMCWPPP should get reduction in amount of stream mile surveys conducted given amount already completed	Under the column “Minimum # Sample Sites to Monitor/Yr” for Stream Survey add a footnote to permit that reduces the amount of annual stream miles to survey in half if more than 20 stream miles were surveyed during the five years preceding adoption of the MRP.
Triggers (Table 8.1)	Status Monitoring Elements	Nutrients - No water quality standard established as indicated.	Modify requirement as described above to develop a plan during this permit period for implementation in the following permit period.
Triggers (Table 8.1)	Status Monitoring Elements	Temperature – threshold cited is for Pacific Northwest streams and are not applicable to the Bay Area.	Remove trigger citation from permit.
C.8.d.	Long-Term Monitoring	Long-Term monitoring section is duplicative with C.8.c. and C.8.f. and does not have clear objectives.	Remove provision C.8.d. from permit.
C.8.e.(i)(4).	Monitoring Projects – Stressor/Source Identification	Current version of MRP would require permittee to “confirm the reduction of the cause(s) of the trigger stressor/source,” which duplicates actions required by Provision C.1, but in an unnecessarily prescriptive manner.	Remove C.8.e(i)(4). From permit.
C.8.e.(ii).	BMP Effectiveness Investigation	Duplicative with other POC monitoring requirements	Remove from permit Provision C.8.e(ii) or add language that clarifies that this requirement may be met by assisting with studies being led by others, such as the West Coast Estuaries Initiative’s monitoring of the effectiveness of BMPs.
C.8.f.	Pollutants of Concern Monitoring	No management questions are included.	Modify permit to include management questions agreed upon by Small Tributaries Loading Strategy workgroup (i.e., Water Board staff,

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			BASMAA, SFEI and technical reviewers)
C.8.f.(i)	Pollutants of Concern Monitoring – Loads Monitoring Locations	Number of stations is far too large, unattainable, and unnecessary.	Modify permit to reduce number of sites to <u>three</u> regionally and state that this is being accomplished through use of existing RMP funds provided to SFEI.
C.8.f.(ii)	Pollutants of Concern Monitoring – Parameters and Frequencies	The number of parameters in category 2 (Table 8.5) is unrealistic and should be focused on priority POCs.	Remove organochlorine pesticides from permit. Nutrients should be handled as described above to develop a plan during this permit period for implementation in the following permit period.
C.8.f.(iv.)	Pollutants of Concern Monitoring – Methods	Methods cited will not effectively answer the management questions established by Small Tributaries Loading Strategy (STLS) workgroup and the 21 day antecedent dry period is unrealistic for the Bay Area.	Remove from permit methods as stated and replace with methods embraced by the STLS workgroup.
C.8.f.(v).	Pollutants of Concern Monitoring – Sediment Delivery Estimate/Budget	Already completed by SFEI.	Remove provision C.8.f.(v) from permit.
C.8.g.	Citizen Monitoring and Participation	Citizen monitoring should not be included in two different sections of the permit, C.7 and C.8.	Remove provision C.8.g. from permit.
C.8.h.(i)	Reporting – Waters Quality Standard Exceedance	Notification of WQS exceedance within 30 days.	Remove provision C.h.(i) from permit because it duplicates Provision C.1 and is unnecessary.
C.8.h.(ii)	Reporting – Status and Trends Electronic Report	Timeframe to collect and QA/QC all data is too short.	Revise permit's data submittal date to December 15 th .
C.8.h.(iii)	Reporting – Urban Creeks Monitoring Report	Timeframe is inadequate to collect, QA/QC, interpret and report on data collected in the previous fiscal year.	Revise permit's reporting date to March 15 th .
C.9	Pesticides Toxicity Control, opening paragraph	The permit requires that municipalities address their own and others pesticides use within their jurisdictions. The permit should be restricted to pesticide uses that reach stormwater that flows to MS4s owned and operated by the municipalities in order to meet the federal Clean Water Act requirements.	Modify the permit language so that it more narrowly focuses on pesticides that adversely affect stormwater that flows to MS4s owned and operated by the municipalities.

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C.9.b	Implement IPM Policy or Ordinance	There is no implementation date.	Add an implementation of two years following permit adoption.
C.9.b	Implement IPM Policy or Ordinance	The permit requires annual reporting to show trends in quantities and types of pesticides used, and this frequency of reporting to detect trends is unnecessary.	Modify reporting so that information about the quantities and types of pesticides used are reported every five years.
C.9.d	Require Contractors to Implement IPM	The permit requires annual reporting on use of IPM-certified contractors, and this information should be tracked for reporting upon request from the Water Board, or this information should only be required to be reporting one-time.	Modify the permit so that the requested information does not need to be reported unless requested by the Water Board.
C.9.e	Track and Participate in Relevant Regulatory Processes	This portion of the permit requires a lot of tasks that go well beyond what is required by the federal Clean Water Act. For example, the requirements to track the California Department of Pesticide Regulation requirements and encourage this state agency to coordinate its implementation of the California Food and Agriculture Code with the California Water Code is a useful task for the State Water Resources Control Board to undertake, and it should not be required of municipalities.	Modify the permit to delete the four tasks listed under C.9.e.i. because they may be done more effectively by other agencies than local municipalities and they are not required by the federal Clean Water Act.
C.9.g	Evaluate Implementation of Source Control Actions Relating to Pesticides	This section of the permit requires an evaluation of the attainment of pesticide concentration and toxicity targets and identify improvements to existing control measures or additional control measures needed. This type of activity is already covered under Provision C.1 and should not be duplicated here.	Modify the permit to delete this section, which is unnecessary and duplicative of Provision C.1.
C.9.h.iii.(4)	Public Outreach	The permit requires that the permittees provide resources for an integrated pesticide management (IPM) certification program for structural pesticide management, if needed to augment grant funding. The permit should not require municipalities to fund this type of activity since it is not a requirement of the federal Clean Water Act nor any state statute.	Delete from the permit the requirement to provide resources for an IPM certification program.

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Provision	Provision Heading	Issue	Requested Change
C.9.h.v.	Public Outreach	The permit contains a specific list of groups that the municipalities are required to work with to conduct outreach to pest control operators. The list provided should simply state that the list is offered as examples of the groups available that municipalities may choose to work with.	Modify the permit to state that municipalities may work with groups and organizations, such as DPR, county agricultural commissioners, etc., when conducting outreach to pest control operators.

C.10 Trash Reduction

Provision	Provision Heading	Issue	Requested Change
C.10.a.i	Implement Enhanced Trash Control - Goal Statement	Municipal separate storm sewer (MS4) permit should not be used to address trash and litter in creeks from direct dumping, littering, and wind transport.	Remove requirements for controlling trash and litter that end up in creeks from sources other than MS4s owned or operated by Permittees.
C.10.a.ii.	Implement Enhanced Trash Control - Trash Hot Spot Selection	Selection of trash hot spots should be limited to the waterways listed by the Water Board as impaired by trash. This will eliminate need for public comment period and Water Board staff review and Executive Officer approval.	Require selection of trash hot spots only in waterways listed by Water Board as impaired by trash. Remove language about publicizing, reviewing, and approving hot spots.
C.10.a.ii.	Implement Enhanced Trash Control - Trash Hot Spot Selection	As part of the "initial pilot scale deployment" the number of trash hot spots should be limited to one per permittee if it has an MS4 that it owns or operates draining to trash impaired waterway.	Modify the method of determining the number of hot spots to simply state that there will be one hot spot for every agency that discharges stormwater through its MS4 to a trash impaired waterway.
C.10.a.iii.	Implement Enhanced Trash Control - Non-Population Based Hot Spot Selection Table 10-1	San Mateo County Flood Control covers only a small fraction of the county, and the number of trash hot spots should be reduced to 1. One trash hot spot is comparable to what similarly sized flood agencies would be required to do.	Modify Table 10-1 to show that the San Mateo County Flood Control is limited to one hot spot and that this could be addressed with one trash boom or one outfall device.
C.10.a.iv.	Implement Enhanced Trash Control - Trash Hot Spot Clean Up to Trash Action Level	The Trash Action Level (TAL) should be expressed as a goal, not as an inflexible mandate. It is uncertain what level of trash reduction is reasonably achievable under various conditions and whether the TAL is what is actually necessary to protect beneficial uses. It is also uncertain how quickly trash levels might change.	The permit language should state that the TAL should be a goal to be achieved and maintained. The implementation date of the goal should be modified from July 1, 2012 to four years following MRP adoption.

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Provision	Provision Heading	Issue	Requested Change
C.10.a.v.	Implement Enhanced Trash Control - Trash Capture Removal	The requirement to install capture devices on 30% of the ABAG 2005 Retail/Wholesale Commercial Land Use amount is too ambitious for “an initial pilot scale deployment” (C.10.a.i.), and it should be reduced to 20% within four years following adoption of the MRP.	Modify the language in this section to require full capture on a land area equivalent to 20% of the Retail/Wholesale Commercial Land Use drainage area within four years following adoption of the MRP instead of achieving 30% by July 1, 2013.
C.10.a.v.	Implement Enhanced Trash Control - Trash Capture Removal	The draft permit allows credit for full capture devices installed prior to January 1, 2003. This crediting of previous efforts should be expanded to provide partial credit for trash removal booms and other devices that remove trash, but not as effectively as full capture devices.	The language should state that booms will receive 10% credit and CDS units will receive 85% credit compared to a full-capture device.
C.10.a.viii	Implement Enhanced Trash Control - Trash Source Reduction	The 20% proposed reduction in a Permittee’s trash capture installation requirement for “significant new, or implementation of major existing legal measures to reduce trash and litter at the source by 2012” is too little of a reduction to create a major incentive. In addition, the requirement for Executive Officer approval creates uncertainty about what will or will not be considered acceptable to obtain this reduction in trash capture installation requirements.	The permit should increase the proposed trash reduction incentive to 50% so that a more appropriate emphasis is placed on source control and less on capturing trash using treatment devices. The requirement to obtain Executive Officer approval should be removed.
C.10.b.i.	Trash Hot Spot Assessment - Assessment and Reporting	The requirement to assess trash hot spots twice a year detracts from efforts that could more usefully be spent correcting trash and litter problems.	Modify the permit to reduce the trash assessments requirements to once every five years. In addition, the sentence about reducing the assessments if less than 10 pieces of trash per 100 feet are found should be removed.
C.10.d.i.,ii.,iii, and.v.	Reporting	The reporting requirements should be established following adoption of the MRP and not in a hit and miss fashion within the MRP.	Remove these reporting sections.
C.10.d.iv.	2012 Annual Report	This section should not include a requirement for a report on additional actions to achieve the Trash Action Level, if it has not been achieved, because this section duplicates C.1.	Remove this reporting section because it unnecessarily duplicates similar requirements included in Provision C.1.

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C.11 Mercury & C.12 PCBs

Provision	Provision Heading	Issue	Requested Change
C.11 and C.12	Mercury Controls and Polychlorinated Biphenols (PCBs) Controls	The requirements of these two provisions are similar and intended to be conducted at the same time. It would be simpler to just combine these two permit provisions.	Combine Provisions C.11 and C.12 into one permit provision.
C.12.b	Conduct Pilot Projects to Evaluate Managing PCB-Containing Materials and Wastes during Building Demolition and Renovation	The permit should be revised to be more performance-based and less prescriptive. This type of approach will facilitate the coordination of this task with the Proposition 50 "Taking Action for Clean Water" project because the methods and schedule for the Proposition 50-funded project will largely be developed during its implementation through a stakeholder/advisory committee process.	Make this portion of the permit more flexible in order to improve coordination and collaboration with the upcoming Proposition 50's stakeholder/advisory committee process.
C.11.c./C.12.c.	Pilot Projects to Investigate and Abate Mercury/PCBs Sources in Drainages, Public Rights of Way, and Stormwater Conveyances	Each large countywide program should be assigned one pilot project that will address PCBs primarily and mercury secondarily. This level of effort should be sufficient to provide the information the Water Board staff is seeking in a cost-effective manner.	Modify the permit to state that a total of four pilot projects to address abatement measures for both PCBs and mercury will be conducted. One pilot project will be located in San Mateo County, and one pilot project will be located in each of the other three large countywide programs.
C.11.c./C.12.c. ii(1)	Pilot Projects to Investigate and Abate Mercury/PCBs Sources in Drainages, Public Rights of Way, and Stormwater Conveyances	Text in both provisions' states: "When contamination is located on private property, Permittees must <u>ensure</u> that cleanup occurs either by exercising direct authority to cleanup or by notifying appropriate authorities to ensure that oversight is established." The permittees cannot ensure the performance of third parties and should only be held accountable for what they are able to control.	Modify the permit to state that the permittees will attempt to identify private properties that may be contributing to contamination of their MS4s, and will forward this information to the Water Board staff, and as appropriate other authorities, for their use in investigating and remediating potential contamination sources.
C.11.c./C.12.c. ii(1)	Pilot Projects to Investigate and Abate Mercury/PCBs Sources in Drainages, Public Rights of Way, and Stormwater Conveyances	The permit states that municipalities are responsible for contamination located on public right-of-way and the stormwater conveyance system. Contamination may occur on these properties that has not resulted from any actions by the municipalities, and the permit should not assign municipalities this responsibility.	Delete language from the permit that states: "Permittees are responsible for contaminants located on public rights-of-way and the stormwater conveyance system."

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Provision	Provision Heading	Issue	Requested Change
C.12.c.ii.(5)	Pilot Projects to Investigate and Abate Mercury/PCBs Sources in Drainages, Public Rights of Way, and Stormwater Conveyances	The language in this section should be made clearer. It states that municipalities “shall conduct an abatement program in portions of drainages under their jurisdiction in conjunction with the Water Board...”	Modify the permit to state that any abatement program should be on properties that are owned by the municipality within the pilot drainages.
C.11.d/C.12.d.	Conduct Pilot Projects to Evaluate and Enhance Sediment Removal	The number of pilot scale projects should be reduced to four drainages (one in each large countywide program), which should provide the information the Water Board staff is seeking in a cost-effective manner.	Modify the permit to state that pilot scale projects will be conducted in four drainages, one located in San Mateo County. One pilot project will be located in each of the other three large countywide programs.
C.11.d/C.12.d	Conduct Pilot Projects to Evaluate and Enhance Sediment Removal	The permit would require that permittees by July 1, 2011 “shall implement the most potentially effective measure(s) based on the evaluation... in all drainages for which PCB pilot projects are being conducted.” The permittees should not be required to implement projects that are more than pilot scale unless it is demonstrated that this will make sense. A date for implementation should not be set in the permit because the pilot scale projects may determine that the benefits of removing sediment are not worthwhile.	Modify the permit to remove the requirement to implement the most potentially effective measures. The permit should require that the results of the evaluation of pilot scale work be included as a progress report in the 2011 Annual Report and that the final report be completed and included with the 2014 Annual Report. The permit should require that the final report include an assessment about which, if any, of the sediment control measures may be worthwhile implementing in drainages with C.11/12 pilot projects.
C.11.e/C.12.e	Conduct Pilot Projects to Evaluate On-site Treatment via Retrofit	The permit requires the implementation of “on-site treatment projects at the pilot scale in ten locations during this permit term.” This requirement should be reduced to four given the need to be cost-effective.	Modify permit so that requirements are for a total of <u>four studies</u> that will be conducted during this permit term for PCBs and Hg together. As before, one per large countywide program.
C.11.e/C.12.e	Conduct Pilot Projects to Evaluate On-site Treatment via Retrofit	The reporting dates in this section are unrealistic and should be extended. A progress report should be submitted in the 2011 Annual Report and the final report should be on the same schedule for submittal as the 2014 Annual Report.	The permit should be modified to require that progress on the pilot project be described in the 2011 Annual Report and that the final report be completed and submitted on the same schedule as the 2014 Annual Report.
C.11.f./C.12.f	Diversion of Dry Weather and First Flush Flows to POTWs	Feasibility study and diversion of both dry and first flush flows from <u>5 pump stations</u> during the permit term is unrealistic, unattainable, and	Modify the permit to delete this requirement and replace with a feasibility study.

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Provision	Provision Heading	Issue	Requested Change
		unnecessary. Further exploration of the possibility of diverting dry weather flows to POTWs should await the completion of EBMUD's study of the diversion of a portion of the Ettie St. Pump Station to its treatment plant. It may be infeasible to divert first flush flows in San Mateo County to POTWs because of conveyance and treatment plant capacity limitations. A feasibility study should be conducted and completed before deciding whether diversions are worthwhile pursuing.	
C.11.h./C.12.h	Fate and Transport Study of Mercury/PCBs in Urban Runoff	It is unclear what the specific purpose of studying the fate, transport, and biological uptake of mercury and PCBs is. The need for this work should be clearly defined. Also, the types of studies that are envisioned should be handled through the existing financial contributions to the Regional Monitoring Program.	Modify the permit to include a clear description of the questions that these studies need to address. In addition, the permit should state that the types of studies needed will be handled through the existing financial contributions to the Regional Monitoring Program.
C.11.i./C.12.i	Development of a Risk Reduction Program Implemented throughout the Region – Task Description	The permit's task description has broadened the scope of the work to include reducing mercury related risks to humans. This contrasts with the previous draft permit that focused on reducing risks from consuming bay fish. The previous focus on reducing risks from consuming bay fish should be restored, and this change is consistent with the description of the task contained in section ii.	Modify the permit to state that the reduction in health risks is for people that consume bay fish.
C.11.ii/C.12.ii	Development of a Risk Reduction Program Implemented throughout the Region – Implementation Level	The development of the risk reduction program for the region should reflect discussions among BASMAA, BACWA, Water Board staff, and WSPA and be achieved as part of regionwide implementation.	Modify the permit to allow permittees to comply with this task by participating in regionwide public outreach and education efforts conducted in cooperation with other agencies, such as BASMAA, BACWA, Water Board staff, and WSPA, to address risks from consuming bay fish.

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C.15 Exempted and Conditionally Exempted Discharges

Provision	Provision Heading	Issue	Requested Change
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 Exempted Non-Stormwater Discharges – Required BMPs/Control Measures	The language about being “consistent with Order No. R2-2007-033 NPDES No. CAG912004 requirements” should be deleted because NPDES-permitted discharges are exempt from the discharge prohibition.	Delete the new, proposed language about being consistent with Order No. R2-2007-033.
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.	Delete the very prescriptive and burdensome monitoring requirements to the rare situations where a large discharge of potentially contaminated water merits the types of monitoring proposed.
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.
C.15.b.ii.(1)(c)	Discharge Type – Air Conditioning Condensate – Required	The requirement is too stringent for allowing air conditioning condensate from new large commercial and industrial air conditioning units to discharge to storm drains only when “adequate	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

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	BMPs/Control Measures	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.	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.	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.
C.15.b.iii.(1).(c)(i), (ii), and (iii)	Discharge Types – Planned, Unplanned, and Emergency Discharges of Potable Water - 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 and not discharges by third parties.	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 permittees.
C.15.b.iii.(2)	Discharge Types – Planned, Unplanned, and Emergency Discharges of Potable Water - Unplanned Discharges	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 the Water Board needs the information listed, it should be addressed through the adoption and implementation of an NPDES permit for potable water dischargers.	Modify this language to make it clear that the permittees are only responsible for BMP usage, notifications, reporting, and monitoring of discharges they are responsible for and not dischargers by potable water dischargers who are not permittees.
C.15.b.iii.(2)	Discharge Types – Planned, Unplanned, and Emergency Discharges of Potable Water - Unplanned	Some of the requirements are overly prescriptive, 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, and these requirements may interfere with responding to the	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

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	Discharges	unplanned discharge. 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 to monitor.	only be done to the extent that time and resources allow and only where and when it is safe to do.
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 Discharges	The additional language added about enabling “the installation of a sanitary sewer discharge location to allow draining events for pools, spas, and fountains to occur with the proper permits from the local sanitary sewer agency” is awkwardly worded, unclear, and needs to be modified.	Modify the language in this section to make it clear that the permittees are only responsible for providing owners of these features with information about how they may apply for the proper permits to discharge to the sanitary sewer.

Attachment J Standard NPDES Stormwater Permit Provisions

Provision	Provision Heading	Issue	Requested Change
Standard Provisions and Reporting Requirements for NPDES Stormwater Discharge Permits February 2009	Sections B, C, D, and E	These requirements were derived from the POTW requirements and they are not very applicable to stormwater discharges. A more considered review and modification of these requirements should be undertaken following adoption of the permit as part of the Water Board’s proposed initiative to develop reporting requirements.	Delete these requirements and note that they will be developed following the adoption of the permit.

**BMPs and Implementation Procedures for
Conditionally Exempt Discharges**

CONDITIONAL- LY EXEMPT DISCHARGES	BMPs	IMPLEMENTATION PROCEDURES
1. Surface cleaners	<p><u>Sidewalks and Plazas</u>-All soapy washwater used to clean sidewalks and plazas must be discharged to the sanitary sewer system or landscaping. Debris must be collected and disposed of prior to washing. This BMP does not apply to an area where there has been an oil or hazardous chemical spill. If surface cleaning is conducted without the use of soap and no oil or hazardous material/waste is present, all washwater may go to the storm drain. If the sidewalk or plaza contains light oil, dry clean oil spots with absorbents such as kitty litter, vermiculite, sand, or absorbent mats prior to cleaning. Collect and dispose of the debris.</p> <p><u>Drive-throughs, Driveways, Parking Garages, Service Stations</u>- If these areas contain excess oil deposits, the procedure for cleaning, with or without soap, is as follows: (1) seal the storm drains; (2) collect and dispose of debris; (3) dry clean oil spots with absorbents; (4) pump wash water to a sanitary sewer system after obtaining permission from the sanitary sewer's owner.</p> <p><u>Building Exterior Walls</u>- If soap is used, water must be discharged to the sanitary sewer system after obtaining permission from the sewer's owner. When washing glass or steel buildings without the use of soap, washwater should be directed to unpaved surface/landscaped areas. If you are not using soap to clean a building that has been painted after 1978, washwater may be directed to unpaved landscaping. If you are cleaning buildings painted with lead-based paints or mercury-additive paints, all storm drains must be sealed and washwater must be pumped to a collection tank. The wastewater and sludge may have to be disposed of as hazardous waste.</p>	<p>All STOPPP municipalities will follow the BMPs for surface cleaning that they conduct. STOPPP will support workshops/seminars for workers in surface cleaning industry to ensure that they have a clear understanding of the requirements. STOPPP will request that employers train/inform new employees about BMPs. STOPPP will distribute educational flyers prepared by BASMAA or others that update workers on any changes in the BMPs or laws.</p>
2. Uncontaminated pumped groundwater¹	<p>Identify the source of the discharge. Check historical records regarding potential for groundwater pollution. If there is doubt about the quality of the groundwater, testing for volatile, semi-volatile, or any other likely pollutants will need to be conducted prior to discharge. If the discharge of the groundwater will not cause an exceedance of a water quality standard/objective for any pollutant, the water may be discharged to the municipal storm drain system. Characterize the flow rate; if greater than 20 gpm, call your local municipality's Illicit Discharge Coordinator (list available at http://www.flowstobay.org/contacts/illicitdischargecoord.html).</p>	<p>Each agency's designated Illicit Discharge Coordinator is responsible for implementing or overseeing the implementation of these BMPs. County Environmental Health staff will notify the clean up sites that it oversees about these BMPs.</p>

¹ Anyone proposing to discharge uncontaminated pumped groundwater to land where it does not flow to a storm drain or surface water body may need to obtain coverage under the State Water Resources Control Board's Statewide General Waste Discharge

**BMPs and Implementation Procedures for
Conditionally Exempt Discharges**

CONDITIONAL- LY EXEMPT DISCHARGES	BMPs	IMPLEMENTATION PROCEDURES
3. Dechlorinated swimming pool waters²	Call your local municipality's Illicit Discharge Coordinator (see 2. for where to obtain list) if you intend to empty your pool. If the local municipality allows the discharge of pool water to the municipal storm drain, you must first dechlorinate the pool's water. Dechlorinating a pool takes only a few hours, with the use of chemicals such as sodium thiosulfate. Check chlorine concentrations and once the pool water has zero measurable chlorine residual and the path of the discharge will not introduce further pollutants, the water may be discharged to the municipal storm drain, where municipalities allow. Manage the flow rate so that it does not create an erosion problem. Do not use copper-based algaecides. Alternatives may be found at pool supply stores.	Continue to distribute educational materials, such as the <i>Pool, Spa and Fountain Water Disposal Guidelines</i> and the <i>Landscaping, Gardening, and Pool Maintenance</i> trifold to homeowners with pools, pool supply shops, pool contractors, and pool service/repair workers.
4. Foundation drains	Examine the site to determine whether the drain water may contact pollutants. If there is a potential for the water to contact chemicals, such as at storage areas, a sample should be tested for the chemicals of concern. The site should also be evaluated for the possible presence of local groundwater pollution. If a potential exists for groundwater pollutants to occur in the drainage water, a sample should be tested for the chemical(s) of concern. The drain water should also be visually examined for turbidity, discoloration, oil or other materials. Contact your local municipality's Illicit Discharge Coordinator (see 2. for where to obtain list) who will decide, based on the results of the testing and visual examination, whether the flow should be allowed to discharge to the municipal storm drain. If pollutants are present which could result in an exceedance of a water quality standard/objective for any pollutant, the drain water must be discharged to the sanitary sewer after obtaining permission from the sanitary sewer's owner.	Each municipality's Illicit Discharge Coordinator is responsible for implementing or overseeing the implementation of these BMPs. STOPPP will distribute these BMPs to all of these coordinators.
5. Water from crawl space pumps	Same as "4. Foundation drains."	Same as above
6. Footing drains	Same as "4. Foundation drains."	Same as above
7. Air conditioning condensate³	<u>Small air conditioning units:</u> Air conditioning condensate should be directed to landscaped areas as a minimum BMP.	Develop and distribute outreach

Requirements for Discharges to Land with a Low Threat to Water Quality. Contact the San Francisco Bay Regional Water Quality Control Board for instructions.

² Anyone proposing to discharge commercial and public swimming pool water to land where it does not flow to a storm drain or surface water body may need to obtain coverage under the State Water Resources Control Board's Statewide General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality. Contact the San Francisco Bay Regional Water Quality Control Board for instructions.

**BMPs and Implementation Procedures for
Conditionally Exempt Discharges**

CONDITIONAL- LY EXEMPT DISCHARGES	BMPs	IMPLEMENTATION PROCEDURES
	<p><u>Large air conditioning units:</u> In new developments or remodels, the condensate lines of the unit must be directed to landscaped areas or, alternatively, connected to the sanitary sewer system after obtaining permission from the sanitary sewer's owner. As with smaller units, any anti-algal or descaling agents must be properly disposed of.</p>	<p>material to businesses and homeowners. This material will encourage homeowners to direct air conditioning condensate to landscaped areas or to the sanitary sewer where this is a permissible option.</p>
8. Landscape irrigation	<p>Landscape design, installation and maintenance can and should be water efficient. Irrigation systems can avoid runoff by matching water application rates to infiltration rates. Systems must avoid overspray onto impervious surfaces. Avoid overhead sprinkler irrigation of median strips that are less than ten feet in width.⁴ Drip systems are the most water efficient way to irrigate non-turf areas. Avoid over irrigation that causes erosion. Use Integrated Pest Management methods for weed and insect control. Any pesticide application should be done at the optimal time to maximize its effectiveness and minimize the possibility of discharging pesticides with landscape irrigation or stormwater runoff. Wash landscaping equipment away from paved areas. Do not blow or rake vegetative wastes into the street. Dispose of lawn clippings and other vegetative wastes in waste receptacles or use as compost.</p>	<p>Each agency's Illicit Discharge Coordinator will coordinate with his or her local potable water counterpart responsible for implementing local Urban Water Management Plans. Municipalities will target the distribution of educational material to areas known to have significant runoff from landscape overwatering. The Illicit Discharge Coordinators will also conduct field investigations of reports of significant runoff caused by landscape overwatering.</p>
9. Irrigation water	Same as "8. Landscape irrigation."	Same as above
10. Lawn or garden watering	Same as "8. Landscape irrigation."	Same as above
11. Planned and unplanned	Dechlorinate potable water or under appropriate circumstances (see Attachment A), allow potable water to	All STOPPP member agencies that are

³ Discharges of air conditioning condensate to land may trigger the need to obtain coverage under the State Water Resources Control Board's Statewide General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality. Contact the San Francisco Bay Regional Water Quality Control Board for instructions.

⁴ These water efficiency BMPs are based on DWR's Model Water Efficient Landscape Ordinance adopted on January 1, 1993.

**BMPs and Implementation Procedures for
Conditionally Exempt Discharges**

CONDITIONAL- LY EXEMPT DISCHARGES	BMPs	IMPLEMENTATION PROCEDURES
discharges from potable water sources⁵	aerate or to discharge to a sanitary sewer system. Aeration can occur when the potable water flows along a pathway before entering receiving waters or is contained long enough for chlorine to dissipate. Dechlorination is generally accomplished with a chemical in either liquid or tablet form. One common method is to use a five-gallon carboy equipped with a spigot to feed a dechlorinating solution into the potable water flow stream. The rate of discharge of the dechlorinating solution must be calculated based on the strength of the dechlorinating solution and the water's flow rate and chlorine residual. Another method is to lay a net or burlap bag with dechlorination tablets across the flow path or over the storm drain. The erosive potential of potable water discharges must be controlled using BMPs to limit the erodibility of soils (such as covering the soil with plastic sheeting, erosion control matting, gravel, etc.) or diverting flows to areas not susceptible to erosion, e.g., the sanitary sewer. Sediment control BMPs include a variety of practices, such as, using filter material to trap sediment being discharged as part of excavation dewatering for water line repair; using vegetative filtration or gravel check dams; and using various other sedimentation/filtration controls.	retail water purveyors will implement these BMPs. Water purveyors who are not members of STOPPP will be requested to submit copies of their BMPs, if they ever discharge potable water to the municipal storm drain system. STOPPP will plan additional training or educational outreach based on the information submitted.
12. Water line and hydrant flushing⁵	Same as "11. Planned and unplanned discharges from potable water sources." Plus some agencies place dirt bags or silt sacks over the hydrant's stream to collect sediment that had accumulated in the water line.	Same as above
13. Individual residential car washing	The best alternative is to wash cars at a commercial car wash. If washing at home, wash cars over lawn, gravel or other areas where soapy water will not run into the street or storm drain. Wipe brake dust off of wheels before washing. Minimize the use of soap and of washwater. Do not use spray on wheel or engine cleaners where the rinse water would flow to the street or storm drain.	Distribute existing educational, outreach material to residents; especially in areas where significant amounts of soapy washwater have been found in the street or municipal storm drain system.
14. Discharges or flows from emergency fire fighting	If there are toxic substances on the property where the fire is, foam will probably be used instead of water. After public safety and property are protected, firefighters should plug the storm drain system that drains the fire area to try to contain any firefighting runoff water. The captured water may then be removed for proper disposal.	Determine better what current firefighting practices are as regards non-stormwater discharge. Develop and distribute

⁵ Discharges of water main, water storage tank, water hydrant flushing, pipelines, and tank hydrostatic testing discharges to land where it does not flow to a storm drain or surface water body may need to obtain coverage under the State Water Resources Control Board's Statewide General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality. Contact the San Francisco Bay Regional Water Quality Control Board for instructions.

**BMPs and Implementation Procedures for
Conditionally Exempt Discharges**

CONDITIONAL- LY EXEMPT DISCHARGES	BMPs	IMPLEMENTATION PROCEDURES
		educational, outreach material to firefighters, if needed.

Draft BMPs and Implementation Procedures for Conditionally Exempted Discharges

ATTACHMENT A

A municipality may elect, under some conditions, to use non-chemical treatment to achieve dechlorination of potable water discharges. The following summarizes information about non-chemical treatment methods and considerations from the AWWA Research Foundation's "Guidance Manual for Disposal of Chlorinated Water"¹ (Guidance Manual).

The Guidance Manual states that insufficient information is currently available to develop comprehensive BMPs for dechlorinating water associated with the operation of water utilities. For non-chemical treatment methods, **STOPPP recommends that field testing of the chlorine residual be conducted to verify that the non-chemical method of dechlorination has removed chlorine residual to safe levels prior to the water entering the municipal storm drain system or a creek.** Field testing of chlorine residual would be unnecessary when the discharge of chlorinated water would not reach a creek or storm drain, such as discharges to the sanitary sewer or for groundwater recharge.

Retention in Holding Tanks

Background: Several utilities in the U.S. and Canada store filter backwash water and main disinfection water in holding tanks to allow for residual chlorine decay (due to aeration, reaction with sunlight, and reaction with the surfaces of the holding tanks) prior to discharge.

Rapidity of Dissipation: *Free chlorine* at 0.5 to 2 mg/l concentrations typically found in distribution systems, it would take several hours to a few days to meet regulatory discharge limits.

Combined chlorine is more stable in the environment and would take three to four times longer than free chlorine to dissipate.

Land Application of Chlorinated Water

Background: The Guidance Manual concludes that this technique appears to be more effective for discharging small amounts of water in locations far from storm drainages and receiving streams.

Rapidity of Dissipation: Tacoma Waters discharged water with 1.2 mg of *free chlorine* from a hydrant at 300 gpm, as sheet flow on a semi-paved surface. After traveling 500 feet in 4 minutes and 10 seconds, only 0.2 mg/l reduction of chlorine had been achieved.

EBMUD conducted a test of water containing 1 - 2 mg/l of *combined chlorine* discharged at 300 – 500 gpm as sheet flow onto dirty gravel or pavement surfaces on a sunny day. The water had to travel at least one-half mile to decay to safe levels for discharge.

Discharge of Chlorinated Water for Groundwater Recharge

Background: Metropolitan Water District of Southern California (MWD) sometimes discharges chlorinated water to dry streambeds or to land for groundwater discharge. The Guidance Manual describes this as an acceptable practice if the water percolates before reaching surface waters. MWD always surveys the area where the discharge will go and estimates how far it will travel based upon the quantity and discharge rate.

Rapidity of Dissipation: not applicable if the flows are all recharged so that nothing reaches local surface waters.

Discharging through Hay Bales and Other Natural Obstructions

Background: This method would be applicable for discharging planned water releases, such as filter backwash, to hay bales or other obstructions to dissipate chlorine prior to the water reaching a storm drain or stream.

There may be practical difficulties in constructing such barriers, and this method may cause soil erosion.

Rapidity of Dissipation: The Guidance Manual provides no specific information; it does find that while the chlorine demand of hay bales and other obstructions "can be reasonably high, it may be difficult to achieve regulatory discharge limits in some cases."

¹ AWWA Research Foundation. 2001. Guidance Manual for Disposal of Chlorinated Water