



NORTH SAN MATEO COUNTY SANITATION DISTRICT

a subsidiary of the City of Daly City

333 - 90TH STREET, DALY CITY, CALIFORNIA 94015-1895

(650) 991-8127



February 25, 2008

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

SUBJECT: Comments on Tentative Order for the Municipal Regional Permit

Dear Mr. Wolfe:

The City of Daly City and its subsidiary, the North San Mateo County Sanitation District, appreciate the opportunity to provide comments on the Municipal Regional Permit (MRP) Tentative Order. Both the City and District are local government agencies, serving a City population of approximately 106,000, with sewer collection and wastewater treatment services provided for some 120,000 area residents. The agencies are governed by elected officials and managed by certified professionals committed to protecting our water environment and public health. Daly City is one of twenty-two permittees listed in the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) Permit and is the largest city in San Mateo County.

Since the first countywide municipal stormwater permit was adopted in 1993, Daly City has had a proactive municipal stormwater pollution prevention and control program. Daly City staff have been active participants in the program including having provided the first countywide Program Coordinator and continue to remain involved by serving on or chairing a number of the local and regional committees that actively manage existing program components. While the Tentative Order reflects some improvements over the administrative draft released last summer, much of the 190-page Tentative Order still presents disjointed and un-prioritized efforts that reinvent existing stormwater pollution prevention and control programs, rather than building upon and integrating those programs already in place. The draft permit establishes an unnecessarily prescriptive and inflexible approach to stormwater regulation and encompasses a number of performance deadlines for implementation that are unreasonably aggressive to accomplish with available local resources and technology available. Daly City's criticism of the Tentative Order is not an objection to its responsibility for improving the stormwater quality, but rather an expression of concern with respect to what can be reasonably accomplished in the next five years.

Mr. Bruce Wolfe, Executive Officer

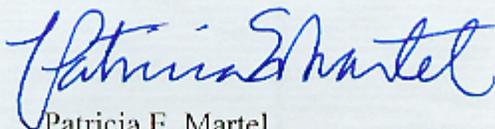
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By in large Daly City concurs and supports the comments provided by the Bay Area Stormwater Management Agencies Association (BASMAA) and the SMCWPPP that have been submitted on this Tentative Order as they are representative of Daly City's regional concerns as well. Daly City's specific comments on the MRP are contained in the attached document and present a variety of issues with broad implications from a municipal perspective that involve planning, engineering, public works, water and wastewater as well as park landscaping activities. An overarching concern being expressed by Daly City is that the actions now being proposed for stormwater, are in contrast to those traditionally focused on Best Management Practices (BMPs) to keep potential sources of pollution out of storm drains, being shifted toward treatment incorporating numeric water quality objectives intended to meet regulated and enforceable permit standards under the Clean Water Act. The local comments contained in the attached document are specific in nature but point out the need to streamline and add flexibility to solve water quality problems. A number of aspects contained within the MRP require additional and focused work aimed at a phased and prioritized approach toward achieving water quality benefits while recognizing the very real financial constraints facing local government. Daly City stands ready to work toward an achievable solution by amending the existing Tentative Order to provide a more realistic and practical permit that builds upon existing programs.

Thank you for your consideration of our comments. We look forward to commenting further on these issues at the March 11th public hearing.

Sincerely,



Patricia E. Martel
City Manager and General Manager
North San Mateo County Sanitation District

Attachment: Daly City Local MRP Comments

GENERAL COMMENTS

- Cost to implement the provisions contained within the MRP are significant. A preliminary cost analysis conducted by staff indicates that costs for just the City's program will be upwards of \$3.6 million for labor and approximately \$8.2 million for capital during the 5-yr permit cycle.
- Social Policy – It is not appropriate to make permittees responsible for personal and individual behaviors (littering) or for distributing legal products (plastic bags, Styrofoam; pesticides etc.)
- The level of effort required to accomplish the numerous tasks in this MRP are overly ambitious and limits the permittees ability to be successful.
- A form of exemption needs to be included when a permit requirement is considered unattainable (such as the ability to install full capture trash devices on bluffs)

SPECIFIC COMMENTS ON THE MUNICIPAL REGIONAL STORMWATER PERMIT SECTIONS – IN THE ORDER OF THE PERMIT

C. Provisions

C.2. Municipal Operations

C.2.a. Street & Road Sweeping and Cleaning

- C.2.a.i. Sweeping Frequency, Timing and Efficiency.
 - What standard is being used to define High Frequency, Medium Frequency and Low Frequency road standards? As an enforceable permit, those standards need to be spelled out and clarified.
- C.2.a.iii (3) Recording and Reporting. Contains an incomplete sentence:
 - Report on the public outreach efforts or use of additional resources in sweeping excess leaves and other material or addressing areas that are infeasible to sweep to minimize pollutant discharges to storm drains and creeks; and ??

C.2.b. Sweeping Equipment Selection & Operation

- C.2.b.i. Task Description –_When replacing existing sweeping equipment, Permittees shall select and operate high-performing sweepers that are efficient in removing pollutants, including fine particulates from impervious surfaces. ...the sweepers replaced during the Permit term shall have the particulate removal performance of regenerative air sweepers or better. High-performing sweepers are capable of removing fine particulates (i.e., particulates less than 150 microns)...Street sweeper operators shall be trained to enhance operations for water quality benefit.
 - What is the particulate removal performance of regenerative air sweepers? This is a vague requirement because we are not aware of any street sweeper manufacturers that list fine particulates less than 150 microns in their equipment performance specifications. How will street sweepers be certified as high performing sweepers?
 - The Municipal Regional Stormwater Permit Fact Sheet, Provision C.2.b cites Article 121, Technical Note #103 from Watershed Protection Techniques. 3 (1): 601-604, New Developments in Street Sweeper Technology. In the article's summary, the author writes: "Additional wetfall research is needed to establish more representative pollutant

removal efficiencies for street sweepers.” Has this “additional wetfall research” been completed? If so, provide the correct citation for this additional research.

- The Municipal Regional Stormwater Permit Fact Sheet, Provision C.2.b cites Article 121, Technical Note #103 from Watershed Protection Techniques. 3 (1): 601-604, New Developments in Street Sweeper Technology. This article was only available via purchase from the Center for Watershed Protection. Request attachment of cited articles.
 - The Municipal Regional Stormwater Permit Fact Sheet, Provision C.2.b cites the “Characterization of Portland’s Storm Water Quality Using Simplified Particulate Transport Model (SIMPTM), the American Water Resources Association’s National Symposium on Water Quality, Chicago, IL, November 6-10, 1994, Sutherland, Roger C. and Jelen, Seth L. 1994. The citation contained a link, <http://www.worldsweeper.com/street/bestpractices>. This article could not be located on the linked website. Document searches on the American Water Resources Association website did not yield the article. We would like to participate in the public process for permit adoption by having access to cited articles.
 - “Street sweeper operators shall be trained to enhance operations for water quality benefit.” What are the specific learning points and objectives? What specific skill or knowledge is lacking?
- C.2.b.ii. Implementation Level – Permittees shall follow equipment design performance specifications to ensure that street sweeping equipment operates effectively and at the proper equipment design speed with appropriate verification; and is properly maintained. Provide annual training for sweeper operators.
 - Vague. What is “appropriate verification” for ensuring that street sweeping equipment operates effectively and at the proper equipment design speed?
 - “Provide annual training for street sweeper operators.” What are the specific learning points and objectives of this annual training? What specific skill or knowledge is lacking?
 - C.2.b.iii. Recording/Reporting – Permittees shall summarize proper sweeping operation verification results in their Annual Report and report equipment type purchased within the reporting year. Report on efficient street sweeping methods, including the manner of specifying and confirming rate or speed at which street miles are covered by sweeper operators. Describe method and effectiveness of sweeper operator training for enhanced water quality performance. Report on public outreach efforts on the need for clearing the parked cars from the curbs on sweeping days.
 - As mentioned in comments above for C.2.b.ii, what specific information would be acceptable in confirming rate or speed at which street miles are covered by sweeper operations?
 - Without specific learning points and objectives to convey to street sweeper operators during training, it would be difficult to describe the method and effectiveness of sweeper operator training for enhanced water quality performance.

C.2.d. Sidewalk/Plaza Maintenance & Pavement Washing

- C.2.d.i Sidewalk/Plaza Maintenance & Pavement Washing
 - Conflict: The language “prohibits” the discharge of wash water to the storm drain although the BASMAA mobile surface cleaner program “allows” discharges after BMPs have been implemented. The permit language should recognize the long standing practice of allowing some minor types of non-stormwater discharges when BMPs are used.

C.2.e. Bridge & Structure Maintenance & Graffiti Removal

- See Comment C.2.d.i.

C.2.f. Catch Basin or Storm Drain Inlet Inspection and Cleaning

- C.2.f.i. Task Description - Permittees shall annually inspect, before the wet season, all catch basins or storm drain inlets, and clean them to remove sediment, trash, litter, and other pollutants from the catch basins and storm drain inlets
 - Revise to read...and clean “if needed”
- C.2.f.ii. Implementation Levels – Permittees shall comply with the following implementation levels to control pollutant sources from storm drain inlets and catch basins:
 - (2) Maintain storm drain inlets and stormwater collection systems in accordance with the following:
 - (b) Increase inspection and maintenance frequency in problem areas, such as those that accumulate excessive sediment, trash and debris, to twice a year, or as required for compliance with Provision C.10.
 - The Municipal Regional Stormwater Permit Fact Sheet, Provision C.2.c-j. includes the following: “The specific requirements will assist the Permittees to prioritize tasks, implement appropriate BMPs, evaluate the effectiveness of the implemented BMPs, and compile and submit annual reports.”
 - The specific requirements “to increase inspection and maintenance frequency in problem areas, such as those that accumulate excessive sediment, trash and debris” are vague, subjective and lack specificity. What amount of material is “excessive sediment, trash and debris?”
 - (3) In the course of inspection, identify storm drain inlets with high accumulations of litter/trash in Permittees’ jurisdictions to prioritize areas where retrofit BMPs or other trash and litter abatement actions would be most effective in preventing trash and litter from entering storm drain systems. The results of this task shall be used in the prioritization and trash control requirements of Provision C.10.
 - How do you define “high accumulations” of litter/trash?

C.3. New Development and Redevelopment

C.3.b Regulated Projects

- C.3.b.i. (1) Special Land Use Categories
 - Justify why impervious surface threshold for special land uses at current level of 10,000 SF is being reduced to 5,000 SF by providing studies showing that the reduced threshold has significantly improved water quality in a highly urbanized area. Daly City has only recently begun regulating projects at the current 10,000 SF threshold & very few projects of this size have BMPs in place, thus resulting in a lack of knowledge regarding the effectiveness of these BMPs, maintenance issues and how to deal with constraints on small sites. Based on studies that the Water Board staff conducted and reported on at its November 15, 2006 workshop, the current permit requirements are capturing 97% of all of the impervious surface area created and/or replaced in the cities studied. If the size threshold were lowered below what the current permit requires, there would be very little increase in the amount of impervious surface that requires stormwater treatment.
 - Justifying the 5,000 SF lowered threshold as *maximum extent practicable* because it is included in the Los Angeles Regional Board Stormwater Permit for these land uses is flawed; the Los Angeles permit does not include provisions for site design and source control requirements for small sites like this permit does. Additionally, the L.A. permit has not demonstrated a nexus between size threshold and significant water quality improvement.

- C.3.b.i. (1) (iv). Parking lots that are stand-alone or part of any other development project.
 - Justify why there is no distinction between surface (uncovered) parking lots and covered parking lots. If a parking lot is not exposed to stormwater (covered), it should not be subject to stormwater treatment.

- C.3.b.i. (5) Road Expansion or Rehabilitation Projects
 - This section is confusing as to its applicability. Clarification is required to define all projects or just those associated with a development project. The clarification is needed to avoid confusion on whether the criteria being imposed pertains to development projects or any capital improvement project undertaken by a local agency to rehabilitate its local streets and roads.
 - Justify why replacement of arterial roads should be regulated even if there is no expansion.
 - Justify why there are no exemptions for emergency repairs. If, for example, a water main bursts and requires immediate repair to the street to ensure safety for surrounding properties and citizens, Municipalities should not be burdened with installing stormwater treatment systems as part of the emergency repair.
 - Revise language in “**Effective Date**” at the end of Provision C.3.b.i. (5) eliminating the reference to 5,000 SF threshold.
 - Justify why, “...pavement resurfacing, repaving and road pavement structural section rehabilitation, within the existing footprint, and any other reconstruction work within a public street or road right-of-way where both sides of that right-of-way are developed” (Provision C.3.c.i.3) has been eliminated from the proposed permit’s language. Implementation is infeasible due to existing developed streets; there is insufficient space

in existing, developed PROW to retrofit that PROW to accommodate stormwater treatment controls and/or systems without encroaching onto private property. Additionally, this would result in an enormous expense that we would be unable to handle, setting us up for failure to comply.

- C.3.b.ii: Implementation
 - Clarify what the implementation date is, for the development of a database that will contain all the information listed under Reporting (Provision C.3.b.iii)

C.3.c Low Impact Development (LID)

- C.3.c.i 1 (a)
 - Recommend including this kind of qualifying language regarding sanitary sewer connections. “The project applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.”
- C.3.c.i. (2) Site Design Requirements
 - Clarify threshold for minimization of the impervious footprint of the Regulated Project (found in Provision C.3.ii. (2). Although Section C.3-2 of the MRP Fact Sheet states, “Neither Provision C.3. nor any of its requirements are intended to restrict or control local land use decision-making authority”, these specific provisions are impractical for the majority of commercially & mixed-use zoned sites that allow for 100% lot coverage. Justify why there are no exemptions or provisions for 100% site coverage in LID descriptions.
 - Revise numbering in MRP Fact Sheet to reflect accurately, the sections referenced in the Tentative Order. Provisions C.3.c.i. (1)-(3) is described in the MRP Fact Sheet as Provisions C.3.c. (ii)-(iv).
- C.3.c.ii
 - Establishes an implementation date of July 1, 2009, which represents a very aggressive schedule, so must question whether such a date is reasonable.

C.3.e. Alternative Compliance with Provisions C.3.b. and d.

- C.3.e.i. (1): New infill development projects with a total project area <1 acre (hereinafter called Regulated New Infill Projects)
 - Justify why alternative compliance is not allowed for new infill development greater than 1 acre. The MRP Fact Sheet recognizes, in Provision C.3.e that, “high-density infill, transit oriented development projects in a highly developed urban core can reduce overall runoff pollutants by reducing overall vehicular traffic and associated pollutants and by concentrating growth in urban areas to reduce sprawl in outlying areas.”
- C.3.e.i. (3) (d): Transit-Oriented Development projects
 - Justify cap on parking spaces in residential development found in TOD definition. Existing parking standards and community support would conflict with this component, even though projects would fit with all other components and far exceed minimum density.

- C.3.e.i. (4): “For the alternatives described above, off-site projects must be completed by the end of construction of the Regulated New Infill or Redevelopment Project.”
 - Justify the requirement that the alternative project must be completed by end of construction of the regulated project. This is an aggressive plan that is impractical; there may be circumstances, specifically related to the installation, operating and maintenance of the Offsite Treatment facility that would require a longer timeline than the construction schedule for the regulated project. There should be some flexibility to allow applicants to sign agreements that they will work toward completion and have final Certificate of Occupancy of the Regulated Project tied to completion of the off-site facility or something similar, to ensure compliance. However, the Provisions should allow the Municipality flexibility to work with the applicant to resolve these issues.

C.3.h Operation and Maintenance of Stormwater Treatment Systems

- C.3.h.ii. (3) (a)-(d): Reporting Section. Each Permittee shall report the following information annually...
 - Reporting requirements are overly prescriptive and burden the Permittees with highly detailed information that does not contribute to the significant improvement of water quality. Justify the additional resources that would be required to provide this level of analysis on an annual basis.

C.3.j Collection of Impervious Surface Data for Small Projects

- C.3.j.i. Task Description
 - Justify the significant expense to Municipalities of collecting data from projects that are not already being reviewed under existing permitting procedures and that not currently subject to C.3. Provisions in the current Permit. The regulation of these small projects can be handled appropriately under the proposed permit’s site design and source control requirements. Regulatory thresholds are being made arbitrarily in lieu of proper analysis of impervious surface data and water quality impacts.
- C.3.j.ii: Implementation Level
 - Clarify who is going to coordinate and fund effort to pull together the pilot study submittal to the Water Board for review by November 30, 2008.
 - Clarify timeline for collection of data for aforementioned pilot study
- C.3.j.ii – Implementation Level
 - Due date for Full Implementation of November 30, 2008 poses two significant policy questions that require an answer. First, the suggested effective date for the submittal of a pilot study is very aggressive and requires additional time. Second, why craft a pilot study as an enforceable permit condition. Such a requirement begs an answer as it assumes such a study could in fact be crafted.

C.4. Industrial and Commercial Site Controls

C.4.a. Legal Authority for Effective Site Management

- C.4.a.i. (1)(b)
 - Modify the last sentence about notifying the Water Board. Does the Water Board want to get involved and track every cleanup response? The Water Board staff should not be notified of extended abatement time frames unless it requests this information. Recommend that to streamline the implementation of the permit; this should be modified to read as follows: “the Permittee shall notify the Water Board when requested by the Water Board of extended time frame...”
- C.4.a.i (2)(a)
 - Recommend that Permittee have the flexibility to adopt its own enforcement tools, which may or may not include the levying of citations or administrative fines, as these are not always the most effective method of enforcement.
- C.4.a.ii. Implementation Level
 - Request elimination of the specific date of July 1, 2009 and change implementation level to 12 months after permit adoption.

C.4.b. Industrial and Commercial Business Inspection Plan (Inspection Plan)

- C.4.b.i. Task Description
 - Add language that each Permittee inspect those facilities that flows to a Permittee’s stormwater system (MS4). Request elimination of specific date of October 15, 2009 for submittal of an Inspection Plan and change to 24 months after permit adoption.
- C.4.b.ii. (1)(a) (ii)
 - Request elimination of inspecting operating and closed landfills since the Water Board has an existing program for controlling those discharges.
- C.4.b.ii. (1) (c)
 - It is only reasonable to inspect those mobile businesses that have a business license located in that jurisdiction and are located in commercial facilities. Inspecting mobile sources that are residential or home based should not be considered and will offer little benefit. Inspecting businesses both at a fixed commercial base and in the field is too time consuming and not realistic. Request change of language to give the Permittee discretion to use best professional judgment to inspect at the commercial facility or in the field.
- C.4.b.ii. (3) (d)
 - The Water Board should determine if coverage is required under the General Industrial Permit not the Permittee. Please explain.

C.4.c. Enforcement Response Plan

- The ERP is mentioned in several sections of the MRP (C.4.c, C.5.b and C.6.b). To avoid confusion, all the ERP requirements should be in only one section of the permit. Request the requirement to be combined.

- C.4.c.i. (1) (a)
 - The definition of Tier One requires amendments, as it is unclear whether it is intended to include water reaching a storm drain but it is captured from discharge to the waters of the United States.
- C.4.c.i. (1) (b)
 - It would be difficult to enforce a violation of a potential or threatened discharge. Don't all businesses have the "potential" to pollute?
- C.4.c.i. (6)
 - The word "all" must be deleted to avoid permit double jeopardy. Section should simply read: The Permittee's ERP shall incorporate appropriate enforcement options, in a reasonable progression.
- C.4.ii. Implementation Level
 - The concept of a three-year rolling window does not make sense. Board staff needs to link what such a tracking window as a permit condition within an enforcement setting intends.
- C.4.c.iii (4)
 - The Permittees should not be responsible for reporting violations of NOI facilities or those that have not filed for coverage under the Industrial General Permit. NOI's are required to submit an application and fees to the Regional Board, not to the local jurisdiction. Therefore, the permittees have no direct control over NOI issues and should not be held accountable for a Regional Board facility. The Permittees should be responsible for violations under the MRP only. Request clarification.

C.5. Illicit Discharge

C.5.a. Legal Authority Detection and Elimination

- C.5.a.i. (1) Response Authority
 - Strike the word: effectuate. as it is meaningless in the context of an agency's ability to enforce. An agency's authority is limited to cease, abate and clean up.
- C.5.a.ii. Implementation Level
 - Request the elimination of the specific date of November 30, 2008 for implementation and change to 12 months after permit adoption.

C.5.b. Create and Maintain Enforcement Response Plan

- The ERP is mentioned in several sections of the MRP (C.4.c, C.5.b and C.6.b). To avoid confusion, all the ERP requirements should be in only one section of the permit. Request the requirement to be combined.

- C.5.b.i (2). Timely Results
 - Request to modify the last sentence about notifying the Water Board. It is an inefficient use of municipal staff time to have transaction level of involvement by Water Board staff. Change language to reflect that the Permittees provide information if requested by Water Board staff.
 - Presents a 45-day response for a threatened discharge. Such a concept is unclear as to when the clock supposedly begins and the adequacy of such a timeframe linked to what is intended to be accomplished. The section also provides local agency to notify Regional Board with its rationale on why such a timeframe is not achievable, but such language begs the question as to the parameters of such a rationale and the acceptance of it by Regional Board. The mere absence of such a standard should negate the use of the term “with rationale” to simply require local agency to notify the Board of its action to extend a timeframe.
- C.5.b.i. (3)(c)
 - Recommend that the permit be modified to delete the requirement that Permittee notify the Water Board within 48 hours of a Tier One violation where there is no discharge to the MS4. Notification of the Water Board should be left to the judgment of staff implementing the permit.
- C.5.b.i. (5) Appropriate Response
 - Add to the list whether the discharge affected the quality of the receiving water.
 - Last sentence should be amended as noted by **Bold Text** so it reads: The identification of the appropriate response shall ultimately be **recognized as** a function of the Permittee’s best professional judgment.
- C.5.b.ii. Implementation Schedule
 - Request the elimination of the specific date of November 30, 2008 and change to 12 months after permit adoption and fully train staff 24 months after permit adoption.

C.5.c. Spill and Dumping Response, Complaint Response, and Frequency of Inspections

- C.5.c.ii. Implementation Level
 - Request the elimination of the specific date of November 30, 2008 and change to 12 months after permit adoption. More time is needed to develop a model and train staff.

C.5.d. Collection System Screening - Municipal Separate Storm Sewer System (MS4) Map Availability

- We believe that there is Homeland Security concerns associated with protecting the public infrastructure. Request that making maps available as a permit condition be struck from the proposed language.

C.5.e. Tracking and Case Follow-up

- C.5.e.ii. Implementation Level
 - Request the elimination of the specific date of November 30, 2008 and change to 12 months after permit adoption.

C.5.f. Illicit Discharge Control Plan

- Staff resources would be better utilized preventing and eliminating illicit discharges rather than creating another plan. Request elimination of the requirement.

C.6. Construction Site Control

C.6.a. Legal Authority for Effective Site Management

- C.6.a. (i). Task Description
 - Recommend revising “all construction sites,” as it is overly broad.
- C.6.a. (ii)(3)
 - Request the elimination of the specific date of November 30, 2008 and change to 12 months after permit adoption and fully train staff 24 months after permit adoption.

C.6.b. Enforcement Response Plan (ERP)

- The ERP is mentioned in several sections of the MRP (C.4.c, C.5.b and C.6.b). To avoid confusion, all the ERP requirements should be in only one section of the permit. Request the requirement to be combined.
- C.6.b.ii (6). Referral
 - Eliminate the specific date of November 30, 2008 and revise to 12 months from date permit is adopted.
- C.6.b.ii. (7)
 - Eliminate the specific date of November 30, 2008 and change to 12 months after permit adoption.
- C.6.b. iii. Reporting
 - Eliminate the specific date of October 2009 and change to second annual report after permit adoption.

C.6.c. Minimum Required Management Practices

- C.6.c.ii. (2) (b).
 - Includes flocculation treatment, as part of sediment controls. Suggest that this reference should be moved to Section (3) and limited to large sites that pose an exceptional risk.
- C.6.c.iii. Reporting
 - Eliminate the specific date of October, 2009 Annual Report and change to second annual report after permit adoption.

C.6.d. Plan Approval Process

- C.6.d. iii. Reporting
 - Eliminate the specific date of October, 2009 Annual Report and change to second annual report after permit adoption.

C.6.e. Type/Contents of Inspections

- C.6.e.ii. (1) Screening Level Inspection
 - Suggest defining the scope of the inspection as being “consistent with a project’s approved plans.”

C.6.f. Frequency of Inspections

- C.6.f.ii. (1) (b) (vii)
 - Suggest that the text be amended to read: Any other relevant factors as determined by the local agency. Intent of the language is to help define scope and authority within a public agency.
- C.6.f.iii. Reporting
 - Daly City is over 90% built up, and few if any 1-acre, let alone 50-acre sites (C.6.f.ii. (1)(a)) of undeveloped land. Therefore the requirement to implement an expensive program for controlling, tracking and reporting on construction management practices on such sites by any specific date is unwarranted. Language may be modified throughout the permit document to require implementation and recording of BMP and HM on an as needed basis or in districts where more than one site of 1-acre of disturbed land per year is likely to occur.

C.7. Public Information and Outreach

C.7.a. Storm Drain Inlet Marking

- C.7.a.i. Task Description –C.7.a.ii.
 - ...For newly approved, privately maintained streets, Permittees shall require inlet marking by the project developer upon construction, and maintenance of markings through the development maintenance entity, verified at least once during the permit term. For privately maintained streets that were not marked upon construction but discharge stormwater to the Permittee’s MS4, inlet marking retrofit shall be required of the entity responsible for street maintenance by July 1, 2012.
 - Municipality does not have the authority to enter private property to inspect and verify continued maintenance of the Inlet Markings for new facilities or facilities not marked at the time of construction. How can Municipalities be held responsible for private property where they might be denied access?

C.7.d. Stormwater Point of Contact

- Please clarify what is meant by watershed characteristics.

C.7.e. Public Outreach Events

- Significant increase from the current performance standard of 5 outreach events annually which combines and considers all outreach efforts as an event. Request reducing the number to 2 outreach events annually or change language to require a progressive increase in events annually reaching the desired amount in the final permit year. The focus should be on quality of events not quantity.
- This requirement is very similar to C.7.g. Request combining public outreach events and citizen involvement events into a single requirement.

C.7.f. Watershed Stewardship Collaborative Efforts

- C.7.f.iii. – Reporting
 - Change specific date from October 2009, to 24 months after permit adoption. Additional staff time is needed to coordinate efforts.

C.7.g. Citizen Involvement Events

- Significant increase from the current performance standard of 5 outreach events annually which combines and considers all outreach efforts as an event. Request reducing the number to one citizen involvement event annually or change language to require a progressive increase in events annually reaching the desired amount in the final permit year. The focus should be on quality of events not quantity.
- This requirement is very similar to C.7.e. Request combining public outreach events and citizen involvement events into a single requirement.

C.7.h. School-Age Children Outreach

- Request elimination of the language where Permittees implement activities to change specific behaviors of school aged children. It is only realistic to provide information and increase awareness with the outreach. Permittees cannot control behavior.
- C.7.h.iii. Reporting
 - Request change of specific date from October 2009 to 24 months after permit adoption. Additional staff time is needed to coordinate Permittee/Program tasks.

C.7.j. Commercial /Industrial/Illicit Discharge-Related Outreach

- C.7.j.iii. Reporting
 - Request change of specific date from October 2009 to 24 months after permit adoption. Evaluation of at least 1 year of data is needed to determine what activities to target and the development of the outreach.

C.7.l. Research Surveys, Studies, Focus Groups

- C.7.l.iii. Reporting
 - Request the elimination of the requirement to measure behavior change.
- Entire paragraph ought to be considered for elimination as it truly represents a bit of a reach with respect to the context of a five-year permit.

C.8. Water Quality Monitoring

C.8.b. San Francisco Estuary Receiving Water Monitoring

- This entire section reads as a treatise as to why monitoring is proposed, but in all fairness the section should also then describe such fundamental questions as to why is the problem attempting to be addressed that is then linked to the costs associated with such implementation and the benefits to be achieved. Given local budget constraints and the current economic climate the entire monitoring section needs to be made more cost-effective by focusing on achieving improvements in water quality.

C.8.c. Status Monitoring/Rotating Watersheds

- C.8.c.ii – San Mateo Permittees’ major waterbodies
Waterbodies draining Daly City and San Pedro Creek Urban Reaches.
 - Daly City is the only agency specified in this section. All other locations are either creeks or lakes. We request that the agency specific reference, Daly City, be removed, as it is not a waterbody.

C.9. Pesticides Toxicity Control

This will cost a significant amount of money from the City’s General Fund. Funds that are not available now. In addition, a majority vote is required to generate more General Fund money. If the citizens vote no, we are left without the ability to fund. Recommend this provision be phased in after a determination that funding will be available.

C.9.e. Track and Participate in Relevant Regulatory Processes

- C.9.e.i. (1) and (2)
 - This provision requires an avenue and protocols for exchanging information with USEPA, whereas, as of this date, there is no pathway to accomplish this task. There are no clear guidelines as to the content of the communiqué.
- C.9.e.i. (3)
 - This provision requires an established avenue of communications with the Ag dept; the Ag department has stated that they do not have the resources or the mandate to assign County biologists to monitor pesticides as they apply to surface water.
- C.9.e.i. (4)
 - This provision requires established access to records that reflect product re-registration et. al., at this time there is no established course for recognition of re-registered products. This entity uses a licensed pest control adviser to advise the City on mandated issues, this provision will increase the costs to the City.

C.9.g. Annually Evaluate Implementation of Source Control Actions Relating to Pesticides

- C.9.g.i.
 - This provision requires the City to dedicate a special classification employee to study the effectiveness of the control measures, utilize laboratories to analyze required compounds and deduce toxicity concentrations of target issues.

C.9.h. Public Outreach

- C.9.h.i.
 - This provision requires the permittee to become involved with citizens and retail outfits that the City has no legal jurisdiction. This provision requires a person licensed as a pest control advisor and this would have significant impact on the City’s general fund
- C.9.h.ii. Reporting
 - This provision requires a sizable outlay of resources on the Cities behalf

- C.9.h.v. Outreach to PCO. (Numbering error in MRP)
 - This provision requires considerable resource input to achieve the objective.
- C.9.h.vi. Reporting
 - This provision requires that the collection and dissemination of information required would have a significant impact on the Cities general fund.

C.10. Trash Reduction

Controlling trash and litter is an important issue for the city and a lot of effort is currently spent on this societal problem. The City wants to proceed in a practical and cost effective manner. The proposed approach to solving trash and litter problems is overly prescriptive, and does not recognize the variety of possible trash and litter problems and the need to implement cost-effective solutions that are tailored to solve particular problems.

C.10.b. Implementation and Assessment

- The 5 mm full capture standard is equal to an English measurement of 3/16 of an inch. It would be helpful to understand what standard performance measure spawned a 3/16 of an inch standard for a full capture mesh device with a hydraulic capacity of not less than the peak flow rate resulting from a one year, one hour event storm within a storm drainage catchment area. It would be helpful for Regional Board staff to demonstrate the efficacy of how this specification would be achieved, how it would be calculated and provide examples of devices necessary to achieve this standard. Assuming such a standard is desirable from potential downstream impacts we offer for consideration the very real potential for unintended flooding consequences as a result. It is not recommended that such a standard be implemented as this aspect requires further review.
- C.10.b.i. (1) Enhanced Trash Management Control Measures shall consist of the following, at a minimum within the target catchment: increased street sweeping effectiveness (with enforceable parking restrictions to clear vehicles from the curbs on sweeping days) and increased frequency (a minimum of weekly sweeping frequency), enhanced inlet inspection and cleaning (a minimum of 4 times per year), increased inspection and cleanup of illegal trash dumping incidents, maintenance of adequate litter receptacles in high traffic areas, and increased public outreach on litter and trash control, particularly noting the impacts on creeks and the Bay in the outreach message.
 - This requirement is based on the assumption that there is a relationship between the number of available receptacles and the amount of litter/trash found in the storm drains which is not necessarily the case. For example, the City of Daly City is one of the 10 most densely populated cities in the United States. The trash receptacles that we have in place are often magnets for household garbage and other illegally dumped material. The receptacles are quickly overwhelmed and provide little benefit for pedestrian litter. We have had numerous requests from residents and businesses to remove trash receptacles because of this problem.

- C. 10.b.i. (2) Installation of Full Trash Capture Devices – For the catchments that shall be addressed with full trash capture device installation, either pump-station based, inlet-based, storm drain-based, or creek-based, installation and operation shall be completed by July 1, 2012, with design completed and funding committed by the Permittees by July 1, 2011.
 - The City of Daly City covers an area roughly seven square miles in size with 4 major storm drain outfalls (excluding the portion of the city that drains into San Francisco’s combined sanitary/storm system). Full Trash Capture Devices (FTCD), as defined in C.10.b.i, will be limited to these major outfalls. It is highly unlikely that we can place FTCDs that trap debris 5mm or greater in size at the catch basin inlets. Inlet grates with a 5 mm mesh (3/16 of an inch) will clog quickly and result in localized flooding with minimal rainfall events.
 - Since the City of Daly City would be limited to FTCDs at these major outfalls, the flows will be substantial and analysis, design and construction may take a significant amount of time and money. Additionally, there is no identified funding for this project.
- C.10.b. ii. Assessment and Reporting - ...If there is no practical location for trash assessment downstream of the managed catchment, the total annual volume of trash collected by all enhanced management measures shall be reported instead. These assessments shall occur in the spring and fall of each year beginning July 1, 2010. Assessment of full trash capture device effectiveness shall consist of documenting and reporting volume of trash removed from these devices on an annual basis. Additional trash assessment monitoring shall occur at status monitoring locations (Provision C.8, Table 8.1).
 - FTCDs are required to be installed by July 1, 2012. Daly City has no practical location for trash assessment downstream of the managed catchment. How do we report the total volume of trash collected by all enhanced management measures before the installation requirement?

C.10.c. Long-Term Plan for Trash Impact Abatement

- Need to revise. How is it that permit holders have become responsible for correcting societal ills associated with trash? This language makes permit holders responsible for acts by which it has no reasonable means from which to control. Effective trash control cannot be the sole responsibility of a permit holder but rather must incorporate a much longer coordinated statewide approach involving waste management, recycling, and school education.

C.10.d. Reporting

- October 2009 Annual Report –...Permittees shall report all existing and relevant local laws and ordinances which impact on how solid waste, trash and litter are managed and litter reduction enforced. Such laws and ordinances include, but are not limited to, plastic shopping bag bans, polystyrene foam container bans, litter tax on high litter generation businesses, parking restrictions on street sweeping days, waste recycling, waste reduction, and displacement of creek-side homeless encampment.
 - This should not be the responsibility of the permit holder. If this is considered an effective way to control trash and litter then this requires legislation that would ban the use of certain products and taxing high litter generation businesses. The Board should consider sponsoring legislation through the state legislature.

- October, 2010 Annual Report: Permittees shall report implemented enhanced trash management controls using the C.10. Annual Reporting Form for applicable municipal maintenance actions. Report steps toward establishing pilot full trash capture device installations.
 - See comment for C.10.b.ii.
- October, 2011 Annual Report – Permittees shall continue reporting using the C.10. Annual Reporting Form, include reporting on design and funding for full trash capture device installation. The Long-Term Plan for Trash Abatement (C.10.d.) shall be submitted.
 - See comment for C.10.b.ii.
- October, 2012 Annual Report – Permittees shall continue reporting using the C.10. Annual Reporting Form. Permittees shall report compliance with full trash capture device installation requirement and documentation of annual volume of collected trash. Permittees shall report compliance with the trash control catchments totaling at least 10 percent of the Urban and Suburban Land area within their jurisdiction.
 - See comment for C.10.b.ii.

C.11. Mercury Controls

C.11.c. Pilot Projects To Investigate and Abate Mercury Sources in Drainages, Including Private Property, Public Rights-Of-Way, and Stormwater Conveyances with Accumulated Sediment that Contains Elevated Mercury Concentrations.

- Cities oftentimes have no direct authority over private property. Please clarify.

C.11.e. Conduct Pilot Projects to Evaluate On-Site Stormwater Treatment via Retrofit

- C.11.e.i.
 - Requires an objection to its inclusion as an enforceable permit condition because of its inference with water quality treatment as part of a municipal stormwater permit. If requirement remains in the permit, we request language that states these pilot programs should be conditioned upon the availability of grant funds.

C.11.f. Diversion of Dry Weather and First Flush Flows to Publicly Owned Treatment Works (POTWs)

- There is nothing to suggest the adequacy of such diversion as accomplishing what overall water quality benefit. Would suggest a comprehensive survey of wastewater treatment plants within the Region to assess them as providing the treatment envisioned by this permit section. This aspect represents a significant public policy discussion that has yet to occur so it would be totally inappropriate to insert such an approach into an enforceable permit to be adhered to by local agencies. Request is to remove this from the permit and other sections that require diversion of such flows
- To divert the flows (Dry season or first flush) to the POTW would require a major transformation of infrastructure since we have sanitary sewers. Direct diversion has potential impacts on costs, ability to meet NPDES permit requirements and exposure to third party lawsuits. It would increase the plants dry weather flows that may require amendments to the POTW's NPDES permit.

C.12. PCB Controls

- This entire section dealing with PCB's needs to be struck at it forces the question of exactly how far to take an objective within the context of a five-year permit and the reasonableness of proposed deadlines.

C.12.c. Pilot Projects to Investigate and Abate On- land Locations with Elevated PCB Concentrations, Including Private Property, Public Rights-of-way, and Stormwater Conveyances with Accumulated Sediments with Elevated PCBs Concentrations.

- Daly City questions the appropriateness and reasonableness to this entire section as being an achievable objective within the confines of a five-year stormwater permit.

C.12.e. Conduct Pilot Projects to Evaluate On-Site Stormwater Treatment via Retrofit

- See comment C.11.e.i

C.12.f. Diversion of Dry Weather and First Flush Flows to POTWs

- See comment C.11.f

C.13. Copper Controls

- Copper is water-soluble and could not be removed by our treatment processes. Should this constituent be captured in the primary process through sedimentation it will end up in our biosolids. That could result in the biosolids becoming a hazardous waste thus increasing costs for disposal and open to regulatory peril.

C.13.d. Industrial Sources

- The permit language gets down into the “nth” degree of detail. Suggest replacing language that allows decisions by local programs.

C.13.e. Studies to Reduce Copper Pollutant Impact Uncertainties

- Please explain how this is intended to be accomplished and within the proposed timeframe?

C.14. Polybrominated Diphenyl Ethers (PBDE), Legacy Pesticides and Selenium

- This entire section should be struck, as its scope is way beyond any reasonable reach or measure of compliance by a municipal agency. Daly City must again question the appropriateness of the Regional Board burdening permit holders to be held responsible for the ills of society. The issues set forth and identified by this section go beyond the scope of a five year permit.

C.15. Exempted and Conditionally Exempted Discharges

C.15.b. Conditionally Exempted Non-Stormwater Discharges

- C.15.b.i. Pumped Groundwater, Foundation Drains, Water from Crawl Space Pumps and Footing Drains
 - C.15.b.i. (1)(b)
 - Delete the requirement to report 10,000 gallons/day or more. What would the Water Board do with the information? What would be the benefit?

- C.15.b.i. (1)(d)
 - Doesn't seem reasonable to have all the analysis. If there is no color or odor, why test?
- C.15.b. (2)
 - Records should be kept for large quantity discharges only. It will be too burdensome to keep records for minor, uncontaminated discharges.
- C.15.b.i. (1)(d)
 - The groundwater in Daly City is from a deep aquifer with no chemical treatment when discharged to the ocean during over boarding. The water meets all drinking water standards and therefore should not be harmful to the environment.
- C.15.b.iii. Planned, Unplanned, and Emergency Discharges of the Potable Water System
 - C.15.b.iii. (1)(b)(i)
 - It is not clear why the MRP contains any requirements associated with potable water when that water is already regulated to meet all drinking water standards. Please clarify. Recommend deleting this requirement.
 - It is not clear why the Water Board needs to be notified of potable water discharges in excess of 250,000 gallons per day. Please clarify. Recommend deleting this requirement.
 - C.15.b.iii.(1)(b)(ii)
 - Monthly reporting is unrealistic. What would be the benefit of monthly reporting? What is the objective for the anticipated use of considerable staff resources? Annual reporting would be sufficient.
 - C.15.b.iii.(1)(b)(iii)
 - Again, why all reporting requirements for a simple planned discharge such as a fire flow? Too restrictive and not a productive use of staff time.
 - C.15.b.iii.(1)(c)
 - Raise the pH benchmark to 9.5. SFPUC water is routinely between 8.5-9.0 and sometimes above 9.0 for pH.
 - C.15.b.iii. (2)
 - The focus of an unplanned discharge is in most cases, stopping the discharge. What does "containing the discharge," mean? Trying to contain water during a main break is unrealistic.
 - C.15.b.iii. (2) (c) ii.
 - Why does the Water Board want to be notified of every complaint response and corrective action? We recommend deleting the requirement, as it requires a significant database and reporting system with little benefit to water quality.

ATTACHMENT K

Standard NPDES Permit Provisions

- The standard provisions attached are modified versions of standard provisions for Wastewater Treatment Plant discharges and as such should be excluded from the MRP. If Standard Provisions are necessary, we request that they be specifically developed for the intent of the MRP as there could be unintended consequences associated with the language in its current form.

ATTACHMENT L -

Annual Report Form for San Francisco Bay Region

NPDES Municipal Regional Stormwater Permit

- The template is 124 pages long and was developed to streamline the reporting components. While we appreciate the thought put into streamlining the reporting process, this template is overly cumbersome and redundant. We request it be removed and to work with the permittees to balance necessary data collection with reasonable reporting requirements.