

June 23, 2014

Mr. Bruce Wolfe, Executive Officer  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 92612

Attention: Susan Glendening

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

Dear Mr. Wolfe:

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

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

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



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- The District has been a leader in watershed stewardship for discharges of this nature having developed the original Water Utility Discharge Pollution Prevention manual. Our agency does not perceive added value to a new permit.

We appreciate your consideration of the above and the more detailed comments being submitted by the Santa Clara Valley Pollution Urban Runoff Pollution Prevention Program (SCVURPPP). We intend to continue to work cooperatively with the RWB staff on these and other, more pressing, MRP reissuance issues in the year ahead.

Sincerely,



Frank Maitski  
Deputy Operating Officer  
Water Utility Technical Support Division

cc: SCVURPPP Management Committee  
Dr. Thomas Mumley, RWB-EO

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