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## CITY OF SAN CARLOS

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 City of San Carlos 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 City of San Carlos respectfully requests that potable water system discharges continue to be regulated under the reissued MRP with requirements that provides *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:

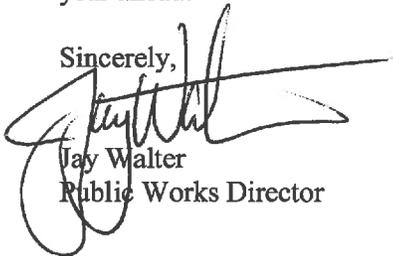
- Requiring coverage under this permit for an entity already subject to an MS4 permit with provisions fully regulating this type of discharge is unnecessary and duplicative.
- Having to apply for and manage multiple NPDES permits is unduly costly and burdensome for any MS4, but particularly for small cities like ours.
- Duplicative permitting runs directly contrary to findings of the State Water Board Resolution No. 2013-0029 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.

In addition, as you know, on June 6, 2014, State Water Board (SWB) staff released for public comment a potable water discharge general permit that would apply state-wide and would supersede all Regional

Water Board permits that cover potable water discharges (excluding MS4 permits). The SWB permit will allow municipal stormwater permittees to file a notice of non-applicability if their potable water discharges are already being effectively regulated by Regional Water Boards under their existing stormwater permits, such as is the case under the MRP. The SWB's permit is currently scheduled for adoption on August 5, 2014, prior to the scheduled Region 2 Regional Potable Discharge General Permit adoption date of August 13th. If the SWB's proposed general permit is adopted, SMCWPPP requests that Region 2 put its adoption process on hold to prevent the unnecessary waste of public resources on redundant permit actions. We understand that Region 5 has already decided to do this as a matter of efficiency and to avoid unnecessary duplicative regulation.

We appreciate your consideration of the above and the more detailed comments being submitted by the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP). 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,

A handwritten signature in black ink, appearing to read "Jay Walter", is written over the typed name and title. The signature is stylized and somewhat cursive.

Jay Walter  
Public Works Director

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