



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 Sunnyvale 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, Stormwater Municipal Regional Permit (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 Sunnyvale requests that our potable water system discharges continue to be regulated under the reissued MRP with requirements that provides equivalent levels of protection to water quality. Sunnyvale appreciates that the Tentative Order excludes discharges permitted under another NPDES fact sheet. We request 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 that also operate drinking water systems do not want or need an additional 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.

**ADDRESS ALL MAIL TO: P.O. BOX 3707 SUNNYVALE, CALIFORNIA 94088-3707
TDD (408) 730-7501**

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- 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 water purveyors with minimal benefit to maintaining or improving water quality.

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), which are incorporated herein by reference. We look forward to continuing to work cooperatively with the Water Board staff on this issue and more pressing ones as part of the MRP reissuance process in the year ahead.

Sincerely,



John Stufflebean
Director
Environmental Services Department

cc: SCVURPPP Management Committee
Dr. Thomas Mumley, Assistant Executive Officer