

**Response to Comments on May 11, 2015 Tentative Order
Provision C.15. – Exempted and Conditionally Exempted Discharges**

Commenter	Comment No.	Provision No.	Key Word(s)	Comment	Response	Proposed MRP Revision
CCCWP	82	C.15.b.	Conditionally Exempt Fire Hydrant Testing and Small New Construction Water Line Cleaning	Include fire department hydrant testing and small new construction water line cleaning as conditionally exempted discharges, as long as BMPs are in place to reduce chlorine.	The Statewide General NPDES Permit for Drinking Water System Discharges, Order WQ 2014-0194-DWQ (Order), requires the owners/operators of drinking water systems to apply for coverage. The Order provides regulatory coverage for all discharges from the owners/operators of water systems, including discharges from hydrant testing, water system testing/flushing, and small new construction sites' water line cleaning, as stated in Order Section II.B, "Discharges Authorized Under this Order" (Order, p.6). We are not proposing to cover the discharges under the MRP because they can be covered under the Order.	None.
San Mateo	32b	C.15.b.	Some Planned Potable Discharges Not Covered in State's Permit or MRP	Planned potable discharges from "non-water purveyor" types of discharges, such as water system testing/flushing for new developments (not subject to the General Construction Permit), and private property fire hydrant flushing/testing are not covered in the General Permit and vague in MRP 1.0	The types of discharges identified by the commenter are essential operation and activities undertaken to comply with permitting requirements for potable water systems. To the extent they are completed by a private party or party other than the entity permitted under the Order, that party would be expected to coordinate with the permitted party to ensure appropriately protective management measures and reporting are completed. Potable water dischargers, including private parties, can also manage water such that it does not discharge to the MS4 or waters of the United States—for example, by using it for dust control, applying it to landscaping, or hauling it to a POTW	None.

**Response to Comments on May 11, 2015 Tentative Order
Provision C.15. – Exempted and Conditionally Exempted Discharges**

Commenter	Comment No.	Provision No.	Key Word(s)	Comment	Response	Proposed MRP Revision
					headworks for discharge.	
Mountain View San Mateo SCVURPPP SMCWPPP SCVURPPP Legal	27b 32c 27b 78b 8	C.15.b.	Restore MRP 1.0 Language	The Water Board should either restore Provisions C.15.b.iii (1) and (2) from the current MRP or craft new subprovisions that would specify that "Potable water discharges that meet the Discharge Specifications set forth in Section IV.A or the Multiple Uses or Beneficial Reuse terms set forth in Section VI of the Statewide General NPDES Permit for Drinking Water Systems Discharges, Order WQ 2014-0194-DWQ shall be deemed to be conditionally exempt provided that the Permittees maintain records of these discharges, BMPs implemented, and any monitoring data collected."	It is appropriate to address drinking water system discharges via a permit that is specific to those discharges (Order WQ 2014-0194-DWQ), and the State Water Board has indicated its intent that such discharges be regulated in a consistent way. We are not proposing to permit potable water discharges through an MS4 permit by reference. Additionally, permitting by reference makes it challenging to determine applicable requirements and compliance.	None.

**Response to Comments on May 11, 2015 Tentative Order
Provision C.15. – Exempted and Conditionally Exempted Discharges**

Commenter	Comment No.	Provision No.	Key Word(s)	Comment	Response	Proposed MRP Revision
San Mateo	32a	C.15.b.	SWRCB Directed Water Boards to Continue Specifying Potable Discharge Requirements	In its response to comments, the SWRCB directed all Regional Water Boards to continue to specify potable discharge requirements in municipal stormwater permits and, on a going-forward basis, it left it up to them as to how best to craft such requirements: "Regional Water Boards adopting such permits are charged with determining appropriate requirements to protect water quality and address the needs of both the MS4 and drinking water discharges on a system-specific basis."	We disagree that the State Water Board directed all Regional Water Boards to continue to incorporate potable discharge requirements in MS4 permits. State Water Board staff's response to comments on the July 3, 2014, draft potable water system discharge order did include notes such as: (1) the State Water Board does not intend for Regional Water Boards to terminate MS4 permit regulatory coverage for such discharges automatically, after one year (response to comment 47.2); (2) Requirements in an MS4 permit are dictated by the decision-making Board (Regional or State Water Board) and the public process for individual MS4 permitting actions (response to comment 48.4); (3) the applicable Regional Boards retain discretion to adopt appropriate requirements for such systems (response to comment 20.4). Order WQ-2014-0194-DWQ (Order) states that permit coverage is not required when: "The water purveyor is an MS4 permittee, or co-permittee, named on a State Water Board or a Regional Water Board issued MS4 permit that also authorizes discharges from drinking water systems, and all drinking water system discharges solely discharge into its own MS4 system"; However, the Order does not mandate that coverage for such discharges under an MS4 permit be retained, and the noted	None.
SCVURPPP SMCWPPP Mountain View SCVURPPP Legal	27a 78a 27a 8	C.15.b.	State Charged Water Board to Continue Potable Water Requirements	State permit was specifically amended prior to adoption to provide that drinking water system discharges which are or can be addressed through a municipal stormwater permit issued by a regional water board will be regulated in that manner so as to avoid a situation where a municipality has to obtain separate coverage under two permits and pay two separate permit fees or be on two separate reporting cycles. In its response to comments, State		None.

**Response to Comments on May 11, 2015 Tentative Order
Provision C.15. – Exempted and Conditionally Exempted Discharges**

Commenter	Comment No.	Provision No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				<p>Board directed all regional water boards to continue to specify potable discharger requirement in municipal stormwater permits and, on a going-forward basis, it left it up to them as to how best to craft such requirements: "[The State Water Board] takes no position on provisions or requirements within specific permits for MS4 owners and operators who are also water purveyors and whose MS4 permits also authorize drinking water discharges. Regional Water Boards adopting such permits <u>are charged with</u> determining appropriate requirements to protect water quality and address the needs of both the MS4 and drinking water discharges on a system-specific basis."</p>	<p>"...intention of the State Water Board to regulate all mandatory low-threat-type discharges from community water systems statewide with consistent regulation" (State Water Board website) indicates that a reasonable approach is to cover such discharges under the Order, which is specific to them. While it is true that in adopting any MS4 permit, a Regional Water Board must determine appropriate requirements to protect water quality, the response is not a directive that such requirements be included in an MS4 permit.</p> <p>The State Water Board has not mandated that the Regional Water Boards continue or incorporate potable discharge requirements in MS4 permits, which is made clear by State Water Board staff's statement in this response that "[t]he Draft Permit addresses discharges from drinking water systems and takes no position on provisions or requirements within specific permits for MS4 owners and operators...." Additionally, while the Order describes how to approach situations when potable water discharges are covered under a separate MS4 permit (Order Section A, "Water Purveyors NOT Required to Enroll in This Order"), it does not require that drinking water system discharge coverage be maintained or begun in MS4 permits. The Order includes</p>	

**Response to Comments on May 11, 2015 Tentative Order
Provision C.15. – Exempted and Conditionally Exempted Discharges**

Commenter	Comment No.	Provision No.	Key Word(s)	Comment	Response	Proposed MRP Revision
					appropriate and specific requirements to address drinking water system discharges and we expect that, in the future, it will provide a vehicle for timely updates as BMP technology or other practices change. As such, we have not proposed to return potable water system discharge coverage to the MRP.	
San Jose	57	C.15.b.	Restore Potable Water Discharges	Another permit fee and separate reporting requirements increases the amount of regulatory overhead for both the State and affected municipalities. Insert provision C.15.b.iii. from the MRP, with monitoring requirements from the statewide permit.	This Water Board has determined that drinking water system discharges are appropriately covered under the Order WQ 2014-0194-DWQ (Order), which is specific to those discharges. Water Board staff has always made clear that a stormwater permit is not the venue to cover drinking water system discharges. Water Board staff had drafted a general permit to cover drinking water systems discharges, but it was not adopted because State Board proceeded to draft and adopt a statewide version, which has brought consistent expectations and requirements to all drinking water systems discharges in the state. While there is some change in overall regulatory overhead, the substantive requirements associated with the discharges, including completion of BMPs to address them, tracking, etc., have a similar or modestly reduced level of effort under the Order as compared to likely Permit requirements, in part because of the different thresholds for reporting. Additionally, the current	None.

**Response to Comments on May 11, 2015 Tentative Order
Provision C.15. – Exempted and Conditionally Exempted Discharges**

Commenter	Comment No.	Provision No.	Key Word(s)	Comment	Response	Proposed MRP Revision
					annual fee for coverage under the Order ranges from \$0 – \$2,062. Overall, there is not a significantly different level of effort under the Order.	