

**Response to Comments on May 11, 2015, Tentative Order
Provision C.2. – Municipal Operations**

Commenter	Comment No.	Provision No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Pittsburg	1	C.2.d.	Pump Stations	Monitoring of pump station has found DO of receiving eutrophic waterbody to be consistently below 3 mg/L. Discharge from the City's pump does not contribute to low DO in receiving water. Open channel prior to pump is already included in the City's creek maintenance program and is covered with a Fish and Wildlife permit for regular maintenance. Exempt City from continuing to monitor for DO.	40 CFR 122.26(d)(2)(l)(f) requires Permittees to carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with permit conditions, including the prohibition on illicit discharges to the municipal separate storm sewer. Therefore, the pump stations, which collect and discharge from the storm drain systems, cannot contribute discharges with dissolved oxygen (DO) level below 3 mg/L. This could exacerbate the problem in the receiving water. Because pump station monitoring and reporting under the Previous Permit shows that completion of corrective actions (i.e., BMPs) prior to the pumps, in combination with using the pumps to discharge collected water, as opposed to simply allowing it to overflow, aerates the water to a DO level of at least 3 mg/L, this Permit removes the specific requirements for the monitoring of DO at pump stations and allows the Permittees greater flexibility to ensure that all water discharged from pumps stations is at least 3 mg/l.	None.

**Response to Comments on May 11, 2015, Tentative Order
Provision C.2. – Municipal Operations**

Commenter	Comment No.	Provision No.	Key Word(s)	Comment	Response	Proposed MRP Revision
SCVURPPP	13	C.2.d.ii.	Pump Stations	<p>Issue: Although the Tentative Order does not include the explicit requirements for monitoring pump station discharges in the current permit, it maintained and strengthened the language regarding dissolved oxygen in discharges. There is no way to know whether the discharges are above 3 mg/L “at all times” without continuous monitoring, which is far more burdensome than the previous language.</p> <p>Requested Revision: Remove specific language regarding the 3 mg/L dissolved oxygen trigger. Alternatively, revise language to read “Upon becoming aware that a pump station discharge dissolved oxygen concentration is below 3.0 mg/L, implement corrective actions such as... and confirm with follow-up testing to verify effectiveness”.</p>	<p>Low DO in pump stations discharges can be problematic during the dry season, as discussed in the Fact Sheet. Data collected by the Permittees under the Previous Permit consistently showed that implementation of corrective actions prior to discharging from the pumps increased the DO of the discharge above 3 mg/L.</p> <p>With that information, this Permit includes language intended to ensure that appropriate BMPs are implemented to control and reduce the discharge of low DO water, and that eliminates the prescriptive monitoring requirements. As stated above, 40 CFR 122.26(d)(2)(l)(f) requires Permittees to carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with permit conditions, including the prohibition on illicit discharges to the municipal separate storm sewer. The requirements in this Permit were not intended to be more burdensome than in the Previous Permit.</p>	Revisions have been made to the Revised Tentative Order and Fact Sheet to reflect Water Board’s staff intent and the commenter’s requested revision.
San Jose	17	C.2.d.ii.(1)	Pump Stations	<p>Meeting the 3 mg/L dissolved oxygen level without continuous monitoring is more burdensome than the language in MRP 1. Remove language or revise language to read “Upon becoming aware that a pump station discharge dissolved oxygen concentration is below 3.0 mg/L, implement corrective actions such as...and confirm with follow up testing to verify effectiveness.”</p>		

**Response to Comments on May 11, 2015, Tentative Order
Provision C.2. – Municipal Operations**

Commenter	Comment No.	Provision No.	Key Word(s)	Comment	Response	Proposed MRP Revision
San Jose	1	C.2.d.ii.(1)	Pump Stations	It is expensive and requires intensive work to ensure that pump station discharges meet dissolved oxygen level requirement "at all times." Delete provision.		
Baykeeper	3	C.2.f.ii.(2)	Corp Yard Inspection	Require permittees to complete a pre-rainy season Yard inspection between August 1 and August 15, rather than during September, since the rainy season may begin earlier than October 1 and any deficiencies need time to be corrected.	Permittees are required to routinely inspect their Corporation Yards and to ensure they are appropriately maintained and managed to prevent and minimize the discharge of pollutants. While it is possible to get early rains, completing a pre-rainy season inspection in September likely maximizes the degree to which corporation yards will be clean going into the rainy season. Further, the Permit requires corrective actions to be implemented before the next rain event, but no longer than 10 business days after the potential and/or actual discharges are discovered. A September inspection provides sufficient time for implementation of corrective actions.	None.

**Response to Comments on May 11, 2015, Tentative Order
Provision C.2. – Municipal Operations**

Commenter	Comment No.	Provision No.	Key Word(s)	Comment	Response	Proposed MRP Revision
CCCWP	16a	C.2.f.iii.	Corp Yard Inspection	Pre-rainy season inspections with data collection and reporting are unnecessary because SWPPPs have routine inspections. Eliminate inspection reporting requirements because this is a less beneficial task.	Water Board staff found violations associated with actual and/or potential discharges of pollutants at all corporation yards staff inspected under the MRP, even though their SWPPPs stipulated "routine" inspections, usually by lead staff in each area of the corporation yard. The reporting requirement is necessary to ensure that the Permittees' corporation yards are appropriately inspected and corrective actions are taken, so that the yards are not sources of pollutants beyond the MEP standard. Completing a pre-rainy season inspection and appropriate corrective action before the rainy season begins is a simple way to minimize permit violations leading to discharges of pollutants. Some Permittees have lead staff in each area of the corporation yard who conduct "routine" inspections, but the annual inspection is conducted by the Permittees' experienced Industrial and Commercial Site Inspectors, providing a fresh pair of eyes to look at the corporation yards.	None.

**Response to Comments on May 11, 2015, Tentative Order
Provision C.2. – Municipal Operations**

Commenter	Comment No.	Provision No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Clayton Concord Danville El Cerrito Hercules Martinez Moraga Oakley Orinda Pinole Pleasant Hill San Pablo San Ramon	32 15 9 11, 21 12 18 9 9 12 8 11 11 18	C.2.f.ii.(2)	Eliminate Corp Yard Inspection	Eliminate Corp Yard Inspection since it duplicates requirements in SWPPP. Redundancy divert limited staff resources from more pressing clean water mandates.	As noted above, this requirement for routine inspections, and, at a minimum, one pre-rainy season inspection, is an appropriate approach to minimize pollutant discharges.	None.
ACCWP CCCWP	34 16d	C.2.f.ii.(2)	Allow 30 days to Implement Corrective Actions	Timeframe to implement corrective actions at corp yards should be 30 days.	The MRP requires industrial, commercial, and construction sites to implement corrective actions in a timely manner, with the goal of correcting them before the next rain event, but no longer than 10 business days after the violations are discovered. It is unclear why the Permittees are requesting more time across the board to implement corrective actions. Prolonging the time to implement corrective actions may result in non-stormwater discharges with the potential to impact water quality, and observed, or ongoing, discharges must cease immediately. The Permit already allows Permittees, and all other sites inspected, to have more time to implement permanent corrective	None.

**Response to Comments on May 11, 2015, Tentative Order
Provision C.2. – Municipal Operations**

Commenter	Comment No.	Provision No.	Key Word(s)	Comment	Response	Proposed MRP Revision
					actions if they involve significant resources and/or construction time. Short-term corrective actions would still be needed in the interim in such cases.	
CCCWP	16b	C.2.f.ii.(2)	Inspect according to SWPPP	Change Implementation Level language to require inspections "according to the Corporation Yard SWPPP."	MRP 1.0 required site-specific SWPPPs for corporation yards to be completed by July 1, 2010. Corporation yards are now supposed to be implementing the site-specific SWPPP. However, Water Board staff's experience is that Corporation Yard SWPPPs are not necessarily site-specific nor do they meet MRP requirements. Based on the SWPPPs reviewed and inspections conducted at corporation yards by Water Board and U.S. EPA staff (one inspection in each of the four big counties), only one SWPPP was site-specific: the City of Santa Clara's. The remainder of the SWPPPs were generic templates and were neither site-specific nor complete.	None.
CCCWP	16c	C.2.f.ii.(2)	Delete inspection before rainy season	Delete "At a minimum, each corporation yard shall be fully inspected each year between September 1 and September 30."	A pre-rainy season inspection is a common-sense action for Permittees to ensure that their own facilities appropriately minimize discharges of pollutants. As noted above, Water Board staff found potential and actual discharges of pollutants at all corporation yards	None.

**Response to Comments on May 11, 2015, Tentative Order
Provision C.2. – Municipal Operations**

Commenter	Comment No.	Provision No.	Key Word(s)	Comment	Response	Proposed MRP Revision
					inspected during MRP 1.0, indicating that the pre-rainy season requirement is likely to identify needed corrective actions, and ultimately to reduce discharges of pollutants to the storm drain. Some Permittees evaluated by Water Board staff have lead staff in each area of the corporation yard conduct "routine" inspections, but have the annual inspection conducted by their experienced Industrial and Commercial Site Inspectors, providing a fresh pair of eyes to look at the corporation yards before the rainy season.	
CCCWP	16e	C.2.f.iii.	Change Reporting Requirements	Request the following changes: "The Permittees shall list activities conducted in the corporation yard that have and BMPs in the site specific SWPPP, date of inspections, the results of inspections, and any follow-up actions, including the date <u>of any necessary</u> corrective actions were implemented, in their Annual Report."	It is important that the Permittees' own corporation yards are inspected and corrective actions implemented promptly so that they are not sources of pollutants. As noted above, previous inspections identified that Permittees' corporation yards must be operated in a cleaner way. Therefore, the reporting requirements are necessary at this time.	Added "of any necessary" and deleted "were."