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Mr. Bruce Wolfe
Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Subject: Comments on the Revised Tentative Order for the San Francisco Bay Region Municipal Regional Permit

Dear Mr. Wolfe:

Contra Costa Water District (CCWD) appreciates this opportunity to review and comment on the Revised Tentative Order for the San Francisco Bay Region Municipal Regional Permit (MRP). Although CCWD is not a "Permittee" under the MRP, we have worked closely with the Regional Board in developing the provisions that apply to potable water dischargers. As such, CCWD will limit our comments to Provision C.15 of the MRP. Before doing so, we wish to express our gratitude to Mr. Dale Bowyer and Ms. Shin-Roei Lee for their willingness to meet and discuss our concerns regarding the MRP.

Following are our comments on Provision C.15:

1. Monthly reports are required to be submitted to the Regional Board for subject planned discharges under Notification and Reporting Requirements (Reference: C.15. iii. [1] [b] [ii]). The reports must contain prescribed information including the monitoring results. The same information is required to be presented in the "annual self-audit summary" report.

COMMENT: We believe monthly reporting is an unnecessary burden that adds no value. The information prescribed for monthly reports will be provided in the annual self-audit summary report. As such, CCWD recommends that the monthly report requirement be eliminated. If the intent of the annual report is to provide a "self-audit", it makes more sense to present the planned discharge information in the annual report as the basis to discuss the self-audit.

CCWD also wishes to bring to your attention that this provision does not specify a reporting period or annual report submittal date. To address this

oversight, we suggest that the reporting period and submittal date be consistent with the reporting period and submittal date (September 15) of the MRP.

2. Monitoring of subject planned discharges is required for specific constituents and parameters. The provision states that the intent of this monitoring is to “confirm” the effectiveness of the employed BMPs (Reference: C.15. iii. [1] [c] [i]). The ensuing provision provides discharge “benchmarks” to “evaluate” the effectiveness of the employed BMPs (Reference: C.15. iii. [1] [c] [ii]).

COMMENT: The language in the first provision implies that the monitoring results are compared to standards. Yet the ensuing provision states that the benchmarks are used to evaluate BMPs effectiveness. CCWD believes the intent of the monitoring is to assess effectiveness, and report the findings accordingly in the annual self-audit summary report. As such, CCWD recommends that the language in the first provision be revised as follows (Revisions presented in bold italic underline font, and bold “strike through” represents edit):

“Permittees shall monitor or require monitoring of Planned Discharges...at the point where the discharge enters the receiving water to ~~confirm~~ ***assess*** effectiveness of the employed BMPs.

3. Monthly reports are required to be submitted to the Regional Board for subject unplanned discharges under Notification and Reporting Requirements (Reference: C.15. iii. [2] [c] [iv]). The reports are required to contain prescribed information including monitoring results. The same information is also required to be reported in the annual self-audit summary report.

COMMENT: CCWD believes monthly reporting is an unnecessary burden that adds no value. The same information will be provided in the annual self-audit summary report.

If the concern is responsiveness to and documentation of unplanned discharges, there are provisions that address reporting immediacy and complaints (e.g., telephone or email Regional Board notification within 24 hours of awareness, 5-working day complaint responses, etc.). These provisions are required to be documented. We believe this documentation addresses unplanned discharge reporting immediacy and complaints, and that an annual self-audit summary report is sufficient. Additionally, as in Comment #1 above, there is no specified annual self-audit summary report submittal date. As such, CCWD recommends that the annual report be consistent with the MRP annual submittal date requirement.

4. Turbidity must be measured for at least 10% of the subject unplanned discharges (Reference: C.15. iii. [2] [d] [i]). The purpose of this monitoring is to determine the effectiveness of the BMPs employed.

COMMENT: Unplanned discharges, by nature, cannot be anticipated. With limited resources (CCWD has one [1] field turbidimeter), it would be difficult to mobilize and sample turbidity of unplanned discharges. With this in mind, CCWD believes the MRP language should recognize that a 10% minimum objective may not always be achievable. We also believe that the intent of the monitoring is to assess rather than verify the BMPs' effectiveness, relative to the turbidity benchmarks. As such, CCWD recommends that this provision be revised as follows (Revisions presented in bold italic underline font, and bold "strike through" represents edit):

"Pre and post-BMP turbidity in NTU shall *attempt to* be measured *for* at least 10% of the unplanned discharges to ~~verify~~ *evaluate* the effectiveness of the BMPs employed."

5. Under the unplanned discharge monitoring requirements, after 18 months of consecutive data gathering the dischargers can propose that monitoring be focused at certain areas (Reference: C.15. iii. [2] [d] [ii]).

COMMENT: If monthly reporting is eliminated per our recommendations in Comments #1 & #3, CCWD suggests that the data gathering period language be revised to reflect the recommendation as follows (Revisions presented in bold italic underline font, and bold "strike through" represents edit):

"After ~~18 months~~ *2 consecutive reporting years* of ~~consecutive~~ data gathering and depending on those results, the dischargers can propose monitoring..."

Should the Regional Board have any questions regarding these comments, feel free to contact me at (925) 688-8023.

Sincerely,



David A. Omoto
Environmental Compliance Officer

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