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February 28, 2008



Mr. Dale Bowyer
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Dear Mr. Bowyer:

Subject: Comments on the Tentative Order for the Municipal Regional Permit

Alameda County Water District (ACWD) appreciates this opportunity to submit these comments on the Exempted and Conditionally Exempted Discharges provisions found in Tentative Order (tentative order) for the Municipal Regional Permit (Reference: C.15.b.iii, *Discharge Types, Planned, Unplanned, and Emergency Discharges of the Potable Water System*). The comments submitted below are the result of a collective review effort including myself, representing ACWD, Mr. David Omoto of Contra Costa Water District, and Mr. John Schroeter of East Bay Municipal Utility District.

Together, we wish to thank the Regional Water Quality Control Board (RWQCB) for our past meetings to discuss our comments and concerns relative to this permitting effort. We are pleased that several of our previous comments were considered by the RWQCB during the development of the current tentative draft order of the Municipal Regional Permit (MRP). The comments provided below represent our remaining concerns with the proposed language specific to planned and unplanned discharges of potable water.

Provision C.15.b.iii.(1)(b)(iii) – (Planned Discharge, Notification and Reporting Requirements) and **Provision C.15.b.iii.(1)(c)(i)**, – (Planned Discharge, Monitoring Requirements):

The proposed language in these provisions indicate that the reporting and monitoring requirements for all planned discharges of potable water shall apply to discharges and receiving waters. While this is achievable in most cases, some situations prohibit the monitoring of receiving waters for planned potable water discharges.

Receiving water monitoring may be infeasible or impractical due to several reasons which may include the discharger's inability to gain safe access to the outfall location into surface water due to its location, or other logistical challenges. We ask that this language be amended to provide for situations where the monitoring of receiving water is not feasible.

Provision C.15.b.iii.(2)(c)(iv) – (Unplanned Discharge, Notification and Reporting Requirements), and **C.15.b.iii.(2)(d)(ii)** - (Unplanned Discharge, Monitoring Requirements):

The language in these provisions refers the permittee back to the provisions outlined for planned releases of potable water which indicates that reporting and monitoring of unplanned potable water discharges will be required in both discharge and receiving water. As we have previously stated, we believe that with very few exceptions, the required sampling of receiving waters for unplanned discharges is not practical or reasonable to require. Monitoring of receiving waters for unplanned potable water discharges will be very difficult to accomplish and will likely yield inaccurate results. In many locations of our service areas, specific receiving water discharge locations may be difficult to readily identify (or may even be non-existent), and properly managed discharges have the real potential to be negatively influenced by other sources prior to discharge into the receiving water.

For example, many discharges must travel through several miles of municipal storm drain pipeline before entering a receiving water. Receiving water discharge locations, especially in the case of an unplanned discharge, may not be immediately known to responding water utility personnel. This creates the potential scenario where the discharge may be ceased before personnel could accurately identify the appropriate receiving water and conduct the required sampling. In addition, prior to entering the receiving water, a discharge traveling through extended courses of storm drain pipeline may likely be exposed to potential contamination from other sources (such as runoff from construction sites). Thus, samples collected from the receiving water, may be contaminated with other turbidity sources and/or pollutants.

Based on these considerations, we propose that language in these provisions be edited or amended to indicate that only planned discharges be monitored to determine Best Management Practice (BMP) effectiveness, so site-specific conditions can be better evaluated and a more effective sampling program can be designed and implemented. Since the MRP is intended to apply throughout Region 2, an extensive database will soon be created and available to assess BMP effectiveness.

C.15.b.iii.(2)(d)(i) - (Unplanned Discharge, Monitoring Requirements):

This language in this provision indicates that sampling of unplanned potable water discharges will include turbidity analysis to confirm the effectiveness of the BMPs employed. Due to the nature of most unplanned potable water releases (i.e. water line leaks occurring at all hours of the day, etc.), the field monitoring of turbidity prior to, and following the deployment of appropriate BMPs should be specified to be qualitative through direct observation only.

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That is, the service workers tasked with response and repair of these leaks or discharges within the water system should not be tasked with performing quantitative field analysis of turbidity. It is beyond their scope of training and function. We ask that this language be edited or amended to specify that unplanned discharge turbidity monitoring be qualitative only.

Finally, we believe that the provisions should include untreated water discharges from our conveyance systems. Other Regional Boards (e.g., Central Valley, and San Diego) have permit provisions for untreated water discharges. However, the MRP does not expressly exempt or disallow untreated water discharges. As such, this may create some confusion amongst the potable water utilities and the permitted Dischargers. This confusion can be easily clarified by defining potable water to include the following language: "potable water will refer to water dedicated for municipal supply, including treated and non-treated potable water and raw water from conveyance systems." The preceding language is similar to that contained in the San Diego RWQCB Permit, R9-2002-0020, NPDES No. CAG679001.

Thank you again for this opportunity to submit these comments. Should you have any questions or comments, please contact me at (510) 668-6530.

Sincerely,



Steve Dennis
Environmental Compliance Officer

sd:dao:js:
By courier