Response to Comments submitted on 8/19/2014 on Draft NPDES Permit for Drinking Water Systems Discharges

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
1.1	Alameda County Flood Control and Water Conservation District, Zone 7	Of primary concern to Zone 7 are the task force comments recommending removal of the turbidity numeric action level from the Draft Permit.	The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors and based on State Water Board discretion, that this action level is appropriate and achievable with available BMPs.
1.2	Alameda County Flood Control and Water Conservation District, Zone 7	Recommending a 100,000-gallon volumetric threshold for monitoring of direct discharges.	The State Water Board has determined that representative monitoring should include direct discharges in order to address monitoring costs. Therefore, the proposed monitoring requirements have been modified accordingly. With the modification to have direct discharges monitored by representative monitoring, the State Water Board does not concur with a minimum monitoring threshold due to the variation in threat to water bodies based on site-specific conditions.
1.3	Alameda County Flood Control and Water Conservation District, Zone 7	Recommending removal of the Title 22 Maximum Contaminant Levels from the permit...	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives and receiving water limitations in the receiving water (with the exception of chlorine and turbidity).

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1.4	Alameda County Flood Control and Water Conservation District, Zone 7	Commenter supports the development of a general permit which encompasses the types of discharges included in the current draft.	Thank you for your comment.
2.1	Alameda County Water District	The site schematic requirement is labor intensive and costly. The site schematic requirements should be clarified and be made less burdensome.	The State Water Board concurs. The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges.
2.2	Alameda County Water District	The Draft Permit should include clarification regarding the eligibility for coverage. Specifically, references to compliance with MCLs should be clarified.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable water have been removed.
2.3	Alameda County Water District	On Page 15-16 Section V.B-E of the permit. We recommend putting this information into a table titled "Final Effluent Limitations" for clarity. See example text and table in the comment letter.	The Draft Permit has been modified to clarify the effluent limits and provide compliance determination language immediately after the effluent limitations.

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2.4	Alameda County Water District	ACWD recommends that the Draft Permit be amended to remove the turbidity numeric effluent limit and require appropriate BMP deployment to the maximum extent practicable (MEP), documentation of such deployment, to retain and make all pertinent records of deployment available upon request for regulatory review. ACWD also recommends that the turbidity requirements in the body of the Draft Permit explicitly state that they are applicable only to discharges related to groundwater wells (which is consistent with what is stated in the permit Fact Sheet (Pg. F-9 to F-1 0). Additionally, ACWD is seeking clarification from the SWRCB on the rationale for the turbidity limit in the permit Fact Sheet and feel that BMP requirements are more appropriate. There is no readily available means to translate the turbidity objectives into numeric water quality based effluent limits appropriate for the many receiving waters. The Draft Permit contains minimal rationale for inclusion of numeric turbidity effluent limits or reasoning for the proposed 10 NTU limit.	The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.

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2.5	Alameda County Water District	"This Order imposes numeric WQBELs for total chlorine residual and turbidity because it is feasible to calculate numeric WQBELs for these pollutants. Also, field test kits are readily available to measure them, so it is feasible to collect representative total chlorine and turbidity data." The mere existence of a water quality objective for a given constituent does not constitute sufficient grounds for imposition of a numeric water quality based effluent limit (WQBEL). Similarly, the availability of a test method, in this case field test kits, does not constitute sufficient grounds for imposition of numeric WQBELs.	The permit Fact Sheet discusses the reasonable potential analyses utilized to develop the effluent limits for Chlorine and Turbidity and, these analyses are based on more than the ability to calculate the limits or measure the parameter. For example, the chlorine concentration in chlorinated drinking water is greater than the U.S. EPA Freshwater Quality Criteria for aquatic toxicity; therefore there is reasonable potential for Chlorine to cause aquatic toxicity and, an effluent limitation for chlorine is required to protect beneficial uses per 40 CFR 122.44(d)(1)(i). The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.
2.6	Alameda County Water District	Clarity needs to be given to this section in order to incentivize dischargers to pursue this discharge management option. As currently written in the Draft Permit, it is not clear what benefit there is other than not having to obtain a waste discharge requirement (WDR). If no monitoring requirements apply to this category of discharges, then that needs to be explicitly stated.	The Draft Permit has been modified to clarify the two regulatory incentives for water purveyors to place their drinking water system discharges to other uses: (1) enrollment in the statewide permit generally will not require separate waste discharge requirements, and (2) no monitoring. Especially in such times of severe drought, the State Water Board expects all water to be placed to a reasonable use prior to being discharged, and does not foresee the need for further incentives for water purveyors to take such measures when feasible.

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2.7	Alameda County Water District	Requiring water purveyors to document every BMP for every discharge is an inefficient allocation of resources. Alameda County Water District requests that this requirement be removed and reference to agencies' respective BMP Plans be made instead.	The State Water Board does not concur that requiring water purveyors to document every BMPs for every discharge is inefficient. The intent of the Draft Permit is to allow every water purveyor to develop and implement its own BMP plan and procedures and have them available upon Water Board staff request. In addition, maintaining records of the BMPs used will assist dischargers to identify which BMPs are more effective.
2.8	Alameda County Water District	The Draft Permit should include definitions for the terms "super-chlorinated", "direct discharges", "indirect discharges", and "receiving water". The definition of "monitoring well" should be revised to include wells sampled for purposes of drinking water aquifer management.	The State Water Board concurs and has added the suggested definitions and has changed the definition of Monitoring Wells accordingly.
2.9	Alameda County Water District	NOI asks dischargers to identify receiving water bodies and provide additional detailed information about the identified water bodies. The Draft Permit lacks a definition of "receiving water" and without a clear definition, water purveyors lack sufficient guidance as to what water bodies should or should not be included in the NOI.	The definitions in the Draft Permit have been clarified. The draft Permit now reads that the terms "water of the U.S", "receiving water", and "surface water" are used interchangeably as a water of the U.S. unless noted otherwise. The Water Board expects the discharger to identify if the water body ultimately receiving its discharge is a water of the U.S. The State Water Board does not concur that receiving water information is not needed in the NOI. The State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges when a permit for discharge to waters of the U.S. is requested .Nevertheless, the application requirements have been reduced, requiring the applicant to list only named surface waters or major downstream surface waters.

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2.10	Alameda County Water District	Attachment C - Best Management Practices - is too prescriptive and it is more efficient to reference the most recent AWWA guidance for management of potable water discharges that cites industry standard BMPs. Attachment C also references "salt." There is no field BMP to address salt in discharges. References to "salt" should be removed throughout the permit.	The State Water Board concurs. The requirement for BMPs to remove minerals and salts has been removed throughout the Draft Permit.
2.11	Alameda County Water District	The District requests that the pH monitoring requirement be removed from the permit as we cannot feasibly and safely alter the pH of the discharge in the field and are in fact mandated to maintain a certain pH level in the distribution system per CDPH requirements.	The State Water Board's intent is to require monitoring that brings forth valuable information. The concern with pH is in regards to the addition of chemicals to the discharge altering the pH since it was last measured in the system. The State Water Board concurs that the pH monitoring of all discharges is not necessary. The pH requirements have been modified to include pH monitoring only of superchlorinated discharges after implementation of BMPs. This monitoring will provide information to determine if there is a concern with pH level changes due to superchlorinated discharges and the use of dechlorination chemicals.
2.12	Alameda County Water District	The District recommends that the requirement for monitoring of emergency discharges should be removed and that monitoring of emergency discharges should not be required. Emphasis should be placed on BMP implementation which is more in line with the accepted BMP iterative approach.	State Water Board concurs. The proposed monitoring of emergency discharges has been removed from the Draft Permit. However, implementation of BMPs continues to be required, as feasible.

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2.13	Alameda County Water District	The District recommends changes to the MRP as listed below: In its annual report, the Discharger shall: 1) identify the sample location on a site map and (2) list the appropriate receiving water body. A. The Discharger shall monitor every discharge that is greater than 325,850 gallons. B. The Discharger shall monitor all other discharges between 20,000 and 325,850 gallons based on representative monitoring, as specified below: I. The Discharger shall identify representative monitoring locations in its water supply system that represent the quality of the discharge after BMPs have been implemented and prior to the discharge entering the receiving water, or other conveyance system. The representative monitoring locations shall include one from each of the types of discharges below, as long as similar BMPs are implemented: i. One from each Surface Water Treatment Plant ii. One from each type of Groundwater Treatment Plant iii. One from each distribution system storage tank or reservoir iv. One from the distribution system v. Meter testing vi. Groundwater Well Development and Installation vii. Groundwater Well rehabilitation If no discharge occurs in one of these	The State Water Board generally concurs with the District's comment. The State Water Board's intent is to require monitoring that brings forth valuable information. The intent of representative monitoring is to efficiently gather information on discharges with similar sources, treatment and BMPs. However, due to the variation in drinking water systems, the Draft Permit does not break down the monitoring requirements based on system components. The Water Board expects the Discharger to identify the appropriate representative monitoring locations. The Draft Permit has been modified to clarify representative monitoring requirements. To address monitoring cost concerns, the Draft Permit has been modified to allow direct discharges to be sampled through representative monitoring. A monitoring threshold has not been added due to the variation in receiving water conditions, flows and sensitivity to small discharges.

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		categories in the reporting year, no monitoring is required.	
2.14	Alameda County Water District	Regional Boards should not have discretion to augment the monitoring plan in a State permit. The State Water Board should be the sole administrator of the permit and its conditions.	The Draft Permit has been modified to allow only the State Water Board Deputy Director of Water Quality to change monitoring and reporting requirements.

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2.15	Alameda County Water District	The District recommends changes in the receiving water monitoring section to clarify that all the receiving water monitoring is strictly visual. The District also recommends different wording to assure monitoring is not required under hazardous conditions.	The Draft Permit solely requires visual receiving water monitoring. There is no mention of monitoring requirements other than visual in the receiving water monitoring sections of the permit. Additionally, the Draft Permit already proposes alternatives for when monitoring a receiving water presents hazards to personnel.
3.1	American Water Works Association, California-Nevada Section	Commenter is concerned that there is insufficient time allotted to the comment period on the next revised draft permit in advance of the subsequent Board hearing for adoption.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption

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3.2	American Water Works Association, California-Nevada Section	The definitions proposed for treated, potable water and for raw water in the Draft Permit should be clarified.	The Draft Permit has been modified to simplify the regulatory approach, removing differentiation of raw, potable and treated water. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). The final Draft Permit has been modified and reorganized for clarification. The State Water Board has clarified that unscheduled discharges are part of planned discharges. The State Water Board has also clarified, in the description of the discharges that emergency discharges include unplanned discharges. The Draft Permit implements a regulatory exception that is based the proposed Mitigated Negative Declaration to fulfill the requirements of CEQA. Unplanned discharges are consistent with the CEQA definition of emergency discharges. The State Water Board has modified the permit to illustrate that emergency discharges include unplanned discharges.

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3.3	American Water Works Association, California-Nevada Section	In Attachment A of the permit, Minimum Level (ML) and Reporting Level (RL) are defined for compliance purposes but on page 8 of the permit and in stakeholder meetings, references to the Method Detection Limit (MDL) were made and it was unclear how compliance would be determined. Recommendation: We recommend using the following language on page 20, Section IX.B of the permit to clarify how compliance will be determined. "The ML used to determine compliance with the total chlorine residual effluent limitations is 0.10 mg/L. A discharge monitoring result with a total residual chlorine concentration greater than or equal to 0.10 mg/L shall be deemed out of compliance with a chlorine effluent limitation."	The State Water Board concurs. The State Water Board has modified the permit to include the compliance determination language immediately below the effluent limits to clarify the compliance determination. A chlorine monitoring result greater than or equal to 0.1 mg/L is noted as being out of compliance with the effluent limit.

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3.4	American Water Works Association, California-Nevada Section	The permit language is confusing if individual permits must be obtained for discharges into TMDL water bodies. The commenter recommends that the permit should state that "A discharger's compliance with the permit satisfies the TMDL requirements in the Basin Plans for all Regional Water Quality Control Boards (RWQCBs) because the high quality, intermittent and short-term nature of these low-threat discharges from community water systems authorized under this permit are not contributors to the impairment of the TMDL-related water bodies."	All water purveyors in California with drinking water system discharges, as defined in the revised draft permit, and pursuant to the activities specified within the draft Order must submit an application package or a Notice of Non-Applicability in accordance with the proposed permit requirements. Where the discharge is to a TMDL water body, the permit does not require an individual permit. Rather, to address TMDL-related issues, the proposed application requirements include TMDL constituent-specific application monitoring for discharges to waterbodies identified in Section III.K of the fact sheet. The purpose of the monitoring for TMDL-specific constituents is so that the Deputy Director may determine if the discharge must be regulated under a different permit with requirements that will implement waste load allocations. Section III.K. of Attachment F contains a summary of the requirements of existing (already adopted) TMDLs. The requirements summarized in Attachment F have already been adopted by a regional water board or U.S.E.P.A. Attachment G is reserved for discharge requirements, in addition to the requirements in the permit, to properly implement the existing requirements of the existing TMDL. Shown on Attachment G, the State Water Board states that it is not imposing additional TMDL-specific requirements for discharges flowing into the TMDL-listed water bodies identified in Attachment F. Discharges who obtain regulatory coverage under the proposed permit, and in compliance with permit requirements, are "permitted" to discharge into the identified receiving waters. This includes discharges into water bodies in which the adopted TMDL contains a zero waste load allocation. The proposed permit clearly states that discharges regulated under this statewide permit are intermittent, short-term and low threat in nature and do not contribute to the impairment associated with currently adopted TMDLs.

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3.5	American Water Works Association, California-Nevada Section	Many of our members will not be able to comply with the Numeric Effluent Limit (NEL) for turbidity. Many utilities operate systems that are either supplied in part or entirely by groundwater supplies that are unlikely to meet an NEL of 10 NTU after startup or following maintenance activities such as rehabilitation. Recommendation: We propose using a narrative effluent limitation for turbidity that is protective of the beneficial uses of receiving waters.	The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.
3.6	American Water Works Association, California-Nevada Section	The Draft Permit should include clarification the regarding eligibility for coverage. Specifically, references to compliance with MCLs should be clarified.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable water have been removed.
3.7	American Water Works Association, California-Nevada Section	The BMPs as proposed in Attachment C are written as prescriptive minimum requirements. This is inconsistent with the BMP iterative approach and the necessity to adapt BMPs to field conditions. Remove prescriptive language that specifies which BMPs are implemented and include an acknowledgement that BMPs must be implemented and adapted to a variety of field conditions.	The State Water Board concurs. The language in Attachment C has been modified to reflect the intention that the listed BMPs are examples. The minimum BMPs required in the permit reference proven practices established by the American Water Works Association or other professional associations or institutes, per feasible updated available technology to comply with this Permit, to protect the beneficial uses of the receiving waters, and to prevent erosion or hydro modification caused by discharges.

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3.8	American Water Works Association, California-Nevada Section	There are no known field BMPs that can remove salts and minerals from discharges by Community Water Systems. This requirement should be removed.	The State Water Board concurs. The requirement for BMPs to remove minerals and salts has been removed throughout the Draft Permit.
3.9	American Water Works Association, California-Nevada Section	There are no known field BMPs to comply with MCLs.	The State Water Board concurs and compliance with MCLs has been replaced with compliance with receiving water quality objectives, other than for those pollutants granted an exception and that are not part of a TMDL.
3.10	American Water Works Association, California-Nevada Section	To document the nature of the water discharged by water agencies, we suggest that the permittees under the Statewide General NPDES Order submit with the required annual report a copy of their Consumer Confidence Report as evidence of compliance with Primary and Secondary MCLs	Comment noted, however, there is no need to submit the Consumer Confidence Report as evidence of compliance with MCLs. This information is already available to the public and the State Water Board.
3.11	American Water Works Association, California-Nevada Section	The site schematic requirement is labor intensive and costly. The site schematic requirements should be clarified and be made less burdensome.	The State Water Board concurs. The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges.
3.12	American Water Works Association, California-Nevada Section	Many direct discharges are automated and do not vary significantly over time. Allow for representative monitoring on direct discharges. In the attached document, we have provided suggested language to allow for this type of monitoring. In addition provide an	The Draft Permit has been modified to clarify representative monitoring requirements. To address monitoring cost concerns, the Draft Permit has been modified to allow direct discharges to be sampled through representative monitoring. The State Water Board does not concur with the addition of a monitoring threshold due to the variation in receiving water conditions, flows and sensitivity to small discharges.

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		exemption from direct discharge monitoring for systems with less than 3000 connections.	
3.13	American Water Works Association, California-Nevada Section	The permit should provide an exemption from direct discharge monitoring for systems with less than 3000 connections. These small systems would still need to apply for the permit and provide an annual report certifying the implementation of BMPs thus ensuring beneficial uses of receiving waters are protected. We also encourage the SWRCB to consider a phased approach to implementation based on system size to provide the immediate regulatory coverage to those purveyors that need it and allow time for technical assistance and outreach to be provided to smaller systems.	The State Water Board does not concur. The State Water Board however has considered public comments addressing concerns regarding small system owner/operators having multiple priorities to address during this time period of drought. Due to the difficulties small water systems are encountering due to the drought, the permit has been modified to not require systems with less than 1,000 connections to enroll in the permit. However, language in the permit has also been modified to clarify that these smaller systems that discharge to waters of the U.S. are still required, by the Clean Water Act, to obtain an NPDES permit. Water purveyors with systems less than 1000 connections maintain the option to enroll in the permit to obtain the necessary regulatory coverage for discharges to waters of the U.S. The State Water Board intends to reconsider the mandatory enrollment requirement for drinking water systems of 15 connections or more in a future re-issuance of the permit. The permit will be available for these smaller systems now if a Regional Board requires these small systems to obtain coverage.

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3.14	American Water Works Association, California-Nevada Section	Monitoring discharges for pH is not practical. Since water purveyors that serve water outside the 6.5 to 8.5 range, do so with regulatory oversight and approval by the State Water Resources Control Board, Division of Drinking Water, we recommend that the pH monitoring required for this permit use existing regulatory monitoring or be integrated in the representative monitoring described in the July 03, 2014 Draft Permit.	The State Water Board concurs and the Draft Permit has been modified to require pH monitoring for discharges of superchlorinated discharges only. There is a need to evaluate the pH in superchlorinated discharges because the addition of chlorinating and subsequently dechlorinating chemicals may alter the pH of the water and impact beneficial uses of the receiving waters. The monitoring will provide the information needed by the discharger to determine if the pH should be altered prior to ultimate discharge.
3.15	American Water Works Association, California-Nevada Section	The State Water Board should consider language modifications to the "authorized discharges" definitions.	Thank you for the suggested edits. The permit has been modified with a combination of suggested edits from stakeholders that submitted public comments.
3.16	American Water Works Association, California-Nevada Section	The State Water Board should consider minor language modifications to section I.B, page 5 “Discharge Definitions" paragraph.	Thank you for the suggested edits. The permit has been modified with a combination of suggested edits from stakeholders that submitted public comments.

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3.17	American Water Works Association, California-Nevada Section	Discharges not covered by this order: Water transferred from one Water of the US to another Water of the US without subjecting the transferred water to intervening industrial, municipal, or commercial use.	The Draft Permit does not require coverage for a discharge that is otherwise exempt from the need to obtain NPDES permit coverage. 40 C.F.R. §122.3(i) exempts discharges from a water transfer from the requirement to obtain an NPDES permit, defining a water transfer as "an activity that conveys or connects waters of the United States without subjecting the transferred water to intervening industrial, municipal or commercial use. This exclusion does not apply to pollutants introduced by the water transfer activity itself to the water being transferred." However, the rule has been challenged, and the U.S. District Court for the Southern District of New York partially vacated and remanded to EPA in 2014 in Catskill Mountains Chapter of Trout Unlimited, Inc. et al. v. EPA. Regardless, the State Water Board does not concur that a discharge of raw water from a drinking water system will always constitute an exempt water transfer under the rule, or a discharge that is not subject to NPDES permitting requirements. To the extent that discharges of raw water are exempt pursuant to 40 C.F.R. §122.3(i), the Draft Permit clearly states that the basis for a Notice of Non-Applicability includes discharges that are exempt from the requirement to obtain an NPDES permit under federal law.
3.18	American Water Works Association, California-Nevada Section	The Draft Permit should add a definition for potable water.	The Draft Permit has been modified to simplify the regulatory approach, removing differentiation of raw, potable and treated water. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). Therefore the need to define whether a discharge is potable is no longer necessary.
3.19	American Water Works Association, California-Nevada Section	The Draft Permit should clarify what is considered "raw water."	The Draft Permit has been modified to simplify the regulatory approach, removing differentiation of raw, potable and treated water. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). Therefore the need to define whether

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			a discharge is raw or potable is no longer necessary.
3.20	American Water Works Association, California-Nevada Section	Comment consists of a recommended Final Effluent Limitations table. Recommend removing turbidity limit for direct discharges to a surface water or storm drain and adding chlorine limit for planned discharges of ground water directly to a surface water or storm drain of 10 mg/L as a daily average.	The State Water Board generally does not concur. The Draft Permit has been modified to simplify the effluent limits however, they have not been placed in a table format. The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs. The chlorine daily average limit of 10 mg/L recommended in this comment would exceed aquatic toxicity criteria. Also, in most cases, it is not expected that raw ground water directly discharged to a surface water or storm drain would contain chlorine.
3.21	American Water Works Association, California-Nevada Section	Recommending changes to Pages E-3 and E-4 of the MRP. The Discharger shall monitor every planned discharge that is greater than 325,850 gallons/day.	Thank you for your recommendation. The State Water Board concurs and has modified the Draft Permit accordingly.

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3.22	American Water Works Association, California-Nevada Section	More recommended changes to page E-3 and E-4. B. Representative Annual Monitoring for Planned Discharges. The representative monitoring locations shall include one from each of the types of discharges below, as long as similar BMPs are implemented: i. One from each Surface Water Treatment Plant ii. One from each type of Groundwater Treatment Plant iii. One from a Distribution System Storage Tank or Reservoir iv. One from the Distribution System Flushing v. Meter Testing. vi. Groundwater Well Development and Installation vii. Groundwater Well Rehabilitation.	The intent of representative monitoring is to best capture a representation of the quality of water being discharged and the effectiveness of the implemented BMPs. Each water purveyor has the system-specific knowledge to select representative monitoring locations that reflect the uniqueness of its system. The discharger must take in account the differing water sources, and implemented treatment and management practices, when selecting the different representative monitoring locations within its own system.
3.23	American Water Works Association, California-Nevada Section	More recommended changes: The Discharger shall monitor discharges meeting the requirements in Section II above for the constituents or parameters listed in Tables E-2 and E-3. The name of the receiving water for each sampled event must be reported with the annual report. Changing Tables headings as follows: Table E-2. Discharge Monitoring for Planned Discharges from groundwater that would include monitoring for chlorine, flow, pH and turbidity. Table E-3. All other planned discharges that would include monitoring for chlorine, flow and pH.	The State Water Board concurs with the monitoring cost concerns and has modified the Draft Permit to allow representative monitoring for direct discharges. The proposed monitoring and reporting requirements have been further modified to significantly reduce the amount of monitoring and reporting compared to the previous Draft Permit. In addition, with the Drinking Water program now being part of the State Water Board, the State Water Board is able to better coordinate efforts in regulating overlapping drinking water issues through coordinated information and data collection efforts, fees and other regulatory commonalities.

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4.1	Association of California Water Agencies	The Notice of Non-Applicability (NONA) Provisions in the Draft Permit should be removed.	Water Code § 13383 authorizes the State Water Board to establish reporting requirements for persons discharging or proposing to discharge pollutants to waters of the United States, including other information as may reasonably be required. Water Code § 13267 more broadly allows the State Water Board, in establishing waste discharge requirements, to investigate quality of waters of the state by requiring dischargers or suspected dischargers to furnish technical or monitoring reports. In addition, the NONA has been simplified to a simple one-page form, which will reduce the time required for completion and submission. Requiring the submission of a one-page NONA alleviates the need for the Water Board to dedicate a large amount of staff resources to identify water purveyors that are not required to enroll in the permit, and other water purveyors that are required to, but have not yet, enrolled in the permit.
4.2	Association of California Water Agencies	The revised Draft Permit should establish a framework whereby existing permit coverage is not automatically terminated if continuing coverage under a Regional Water Board permit is required or desired by the public water system discharger.	The State Water Board is pursuing consistent regulation of Drinking Water System discharges statewide that are "low threat" in nature. Issuing individual NPDES permits by each Regional Water Board does not achieve this goal; therefore, the State Water Board does not concur. For discharges that are not of "low threat" in nature, individual Regional Water Board Draft Permits are appropriate.

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4.3	Association of California Water Agencies	The Draft Permit should not require coverage for Discharges exempted under federal water transfers rule.	The Draft Permit does not require coverage for a discharge that is otherwise exempt from the need to obtain NPDES permit coverage. 40 C.F.R. §122.3(i) exempts discharges from a water transfer from the requirement to obtain an NPDES permit, defining a water transfer as "an activity that conveys or connects waters of the United States without subjecting the transferred water to intervening industrial, municipal or commercial use. This exclusion does not apply to pollutants introduced by the water transfer activity itself to the water being transferred." However, rule has been challenged, and the U.S. District Court for the Southern District of New York partially vacated and remanded to EPA in 2014 in Catskill Mountains Chapter of Trout Unlimited, Inc. et al. v. EPA. Regardless, the State Water Board does not concur that a discharge of raw water from a drinking water system will always constitute an exempt water transfer under the rule, or a discharge that is not subject to NPDES permitting requirements. To the extent that discharges of raw water are exempt pursuant to 40 C.F.R. §122.3(i), the Draft Permit clearly states that the basis for a Notice of Non-Applicability includes discharges that are exempt from the requirement to obtain an NPDES permit under federal law.
4.4	Association of California Water Agencies	The commenter states that the scope and applicability of the draft general permit is currently unclear, e.g., will it include discharges of drinking water which are routed into irrigation systems?	The State Water Board concurs and has clarified the proposed permit accordingly. The permit has been modified to include reuse of the drinking water system discharge for landscape and agricultural irrigation.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
4.5	Association of California Water Agencies	The Draft Permit should also clarify how the multiple uses/beneficial reuse provision is intended to operate...	The State Water Board concurs that discharges that are completely put to a beneficial reuse would not discharge to a water of the U.S. The paragraph is intended to apply only to those discharges that are not to waters of the U.S. The intent is to provide encouragement to dischargers to consider beneficial re-use alternatives instead of discharging to waters of the U.S. Separate waste discharge requirements may apply if the State Board determines that any discharge subject to this paragraph poses a threat to water quality.
4.6	Association of California Water Agencies	The commenter states that the draft permit should include provisions that incentivize the application of discharges for multiple uses and/or beneficial reuse, and these incentives should include measures such as exemptions from otherwise required monitoring.	The proposed permit includes incentives for reuse of the discharge and placing the discharge to a beneficial use, including exemption from monitoring the water reused/beneficially used, and providing that separate regulatory coverage for those discharges to land is generally not required.
4.7	Association of California Water Agencies	The site schematic requirement is labor intensive and costly. The site schematic requirements should be clarified and be made less burdensome.	The State Water Board concurs. The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges.
4.8	Association of California Water Agencies	ACWA points out there is a concern with monitoring for all direct discharges and the cost of this monitoring. ACWA further request for the State Water Board to implement permitting synergies where applicable now that the Division of Drinking Water is part of the State Water Board.	The State Water Board concurs with the monitoring cost concerns and has modified the Draft Permit to allow representative monitoring for direct discharges. The proposed requirements have been modified accordingly. In addition, with the Drinking Water program now being part of the State Water Board, the State Water Board is able to better coordinate efforts in regulating overlapping drinking water issues through coordinated information and data collection efforts, fees and other regulatory commonalities.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
4.9	Association of California Water Agencies	The State Water Board should consider the costs associated of compliance with the Draft Permit's provisions and fee schedule, and ancillary costs, in adopting this permit.	Thank you for your comment. The proposed fee schedule is a different item and outside the scope of this Draft Permit.
4.10	Association of California Water Agencies	The Draft Permit includes a proposed numeric effluent limitation of 10 NTU. In most cases, it is highly unlikely that public water system wells would be able to comply with this limitation immediately after startup or rehabilitation. Moreover, depending on the averaging period for turbidity samples, the low numeric effluent limitation might incentivize water systems to pump and discharge additional water in order to meet the limitation. Other State Water Board statewide NPDES general permits have cited studies which have found that, "turbidity values in background receiving water in California's ecoregions range from 16 NTU to 1716 NTU (with a mean of 544 NTU)," and have included non-enforceable "numeric action levels" for turbidity of 250 NTU. ACWA encourages State Water Board staff to carefully consider the appropriateness of a 10 NTU numeric effluent limitation for turbidity in drinking water system discharges and include a limit for turbidity in the revised Draft Permit that is possible for public water systems to meet given their operational realities.	The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
4.11	Association of California Water Agencies	The State Water Board should carefully consider the use of these drinking water standards in the Draft Permit to ensure that the MCLs are being incorporated and interpreted in a manner that is consistent with the Health and Safety Code.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable water have been removed.
4.12	Association of California Water Agencies	The commenter requests that: (1) the draft permit clarify that not all TMDLs in the Los Angeles and San Diego Water Boards include waste load allocations which may directly or indirectly apply to drinking water discharges; and (2) the draft permit clarify that the inclusion of any TMDL into the permit does not operate to prohibit public water system discharges into water bodies with a WLA that might otherwise be construed as disallowing any discharges.	The State Water Board concurs that not all of the TMDLs established by the Los Angeles and San Diego Water Boards apply, but only those that are listed in Section III.K. of the Fact Sheet. A table has been added to Section III.K of the fact sheet to clarify which TMDLs have been identified as directly or indirectly including surface water discharges from drinking water systems. The TMDL requirements in the permit do not prohibit public water system discharges into water bodies with a waste load allocation that might otherwise be construed as disallowing any discharges. The proposed permit is "permitting" the discharges to take place. The permit states that discharges covered by the statewide permit and in compliance with permit requirements are in compliance with the TMDL. The permit also states that, if future TMDLs establish waste load allocations or other requirements that are not addressed through this permit, then compliance with such requirements will be required as specified in any reissued statewide permit or unless and until a discharge-specific individual permit issued by the regional water board. TMDLs are adopted through an open public process for basin plan amendments. Concerns regarding prohibitions, waste load allocations, and other requirements of the TMDL must be addressed through that basin plan amendment process.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
4.13	Association of California Water Agencies	The commenter states that the current schedule provides 6 working days for public review of the revised draft permit prior to the Board hearing for adoption. At previous workshops on the draft permit, State Board staff have stated that substantial revisions to the draft may be made subsequently: if this occurs, the commenter recommends that the revised draft permit be released for public review and comment prior to the Board meeting.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption
5.1	California Association of Mutual Water Companies	The commenter finds the expedited time leading to approval of this proposed regulation by the State Water Board in September 2014, combined with the length, complexity and revisions to the draft permit, has made it very difficult for small systems and their advocates to submit meaningful comments. While the comment period was extended from July 2014 to August 2014, the draft regulation has been a "moving target" in terms of its intent, scope and coverage having changed drastically from its status as an optional, multi-regional permit to its current mandatory form.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption The State Water Board issued one draft permit package. The State Water Board understands the difficulty for small systems in submitting public comments and is appreciative of the clean water associations and industry groups that have represented small systems in the stakeholder meetings and the Board hearing.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
5.2	California Association of Mutual Water Companies	CAMWC comments that the Drinking Water Systems may end up having multiple permits for the same discharge events, if the local regional board does not deem the state's permit as sufficiently protective.	The State Water Board does not concur. The proposed Resolution and statewide permit documents the Board's intent of the statewide permit. The intent is to implement the proposed regulatory exception with the State Implementation Policy and Ocean Plan for compliance with priority pollutants. Additionally, the proposed statewide permit establishes a consistent statewide set of requirements that applies to drinking water system discharges, reducing the cost of compliance and allowing for more efficient management of these discharges in contrast to current (and varying) general Regional Board NPDES Permits. The Draft Permit is intended to capture approximately 80 percent of drinking water system discharges (those that are similar and of "low-threat" to water quality). However, there may be drinking water system discharges that pose a higher threat due to the receiving waters having TMDL requirements that the statewide permit does not address. The State Water Board intends for the Regional Water Boards to regulate discharges that are of higher threat due to site specific impairment issues.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
5.3	California Association of Mutual Water Companies	The commenter recommends delaying development of the general permit until small water systems have had sufficient time to make mandated/necessary changes to their operations during this chronic severe statewide drought, and to adequately respond to new requirements such as the new MCL for Chrome VI. The expense and difficulty of responding to these and other state regulatory demands and operational challenges are especially difficult for less well-funded small water systems to comply with, and the proposed draft permit will adversely affect these already overburdened smaller water purveyors.	The State Water Board does not dispute that small water systems have been impacted by the drought and other regulatory demands. Through the proposed resolution and statewide permit, the State Water Board is providing a simplified NPDES permit for all size systems to meet their regulatory requirements mandated through the Clean Water Act for their discharges to waters of the U.S. Nevertheless, the State Water Board has raised the threshold of the drinking water system size (from 15 connections to 1000 connections or more) that must enroll in the proposed permit. The enrollment threshold does not alleviate the Clean Water Act requirements for obtaining an NPDES permit; therefore, the proposed permit remains available for small size systems to obtain regulatory coverage if desired. The State Water Board is appreciative of the clean water associations and industry groups that have represented small systems in the stakeholder meetings and the Board hearing. Water Board staff have reached out to representatives of small systems and considered their feedback.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
5.4	California Association of Mutual Water Companies	It is not clear under existing statutes exactly what constitutes a small community water system. The Water Code provides that a Drinking Water System (DWS) with less than 3,000 connections is not required to prepare an Urban Water Management Plan, and that threshold is also being applied in the ongoing groundwater management reform. The assumption of responsibilities over the Safe Drinking Water Program by the SWRCB affords you a rare opportunity to create consistency in identifying small community water systems. The Draft Permit states: "Due to the nature of the discharges authorized under this Order, it is unlikely that these discharges contribute to the impairment of the TMDL-related water bodies." In a three-month pilot program in the San Gabriel Valley completed in 2013, we found that DWSs with less than 3,000 connections did not have any operational releases of water exceeding 50,000 gallons. Under the Los Angeles Regional Board's MS4 permit, regulatory relief is applied to such releases by community water systems exceeding 100,000 gallons. Thus, not only are DWS operational discharges "low threat," those by DWSs with less than 3,000 connections may better fit under a classification of "negligible significance."	The State Water Board does not concur. The State Water Board however has considered public comments addressing concerns regarding small system owner/operators having multiple priorities to address during this time period of drought. Due to the difficulties small water systems are encountering due to the drought, the permit has been modified to not require systems with less than 1,000 connections to enroll in the permit. However, language in the permit has also been modified to clarify that these smaller systems that discharge to waters of the U.S. are still required, by the Clean Water Act, to obtain an NPDES permit. Water purveyors with systems less than 1000 connections maintain the option to enroll in the permit to obtain the necessary regulatory coverage for discharges to waters of the U.S. The State Water Board intends to reconsider the mandatory enrollment requirement for drinking water systems of 15 connections or more in a future re-issuance of the permit. The permit will be available for these smaller systems now if a Regional Board requires these small systems to obtain coverage.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
5.5	California Association of Mutual Water Companies	There are many State Parks and National Parks that have a single well and engage in part-time operator.	Comment noted.
5.6	California Association of Mutual Water Companies	The Association states that small water systems would be required to spend thousands of dollars per year to comply with this Draft Permit, even though the Association states that the net impact of these discharges is small.	The State Water Board has considered the cost of permit compliance to small systems and has made permit modifications accordingly.
6.1	California Coastkeeper Alliance	Commenter notes that the current drought conditions highlight the overarching need to make wise use of water resources, and supports the Water Board's efforts to promote multiple use and beneficial reuse, and in this context, the commenter supports the development of this new general permit.	Thank you for your comment.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
6.2	California Coastkeeper Alliance	The State Water Board should classify the discharge of drinking water when multiple use or beneficial reuse is feasible as waste and unreasonable use. The factors discussed in the comment letter are highly relevant given the unprecedented drought conditions currently prevailing in California, and weigh heavily in favor of classifying the discharge of highly treated drinking water as waste and unreasonable use where multiple uses or beneficial reuse of the water is feasible. Further, the law authorizes the State Water Board to make these sorts of determinations. We urge the State Water Board to expressly characterize the discharge of highly treated drinking water as waste and unreasonable use when multiple use or beneficial reuse is feasible in the Draft Permit. The State Water Board should establish clear parameters for multiple water use or beneficial reuse options. While the Draft Permit requires permittees to evaluate multiple use and beneficial reuse options, there are no established parameters, definitions or lists of "multiple use" or "beneficial use" options. This allows the dischargers to define multiple use and beneficial reuse, which can create confusion and inconsistent implementation, and could result in the unintended degradation of surrounding waterbodies and hydrological conditions.	The proposed order acknowledges that discharge to surface waters may be considered wasteful when it is feasible for the water to be used prior to discharge. However, while beneficial reuse and alternatives to discharge are encouraged, the State Water Board does not believe it is appropriate to formally classify discharges from drinking water systems as waste or unreasonable use. The discharges authorized under this proposed order are mandated by the Safe Drinking Water Act and the California Health and Safety Code for the protection of public health and safety. Adding a threshold of feasibility for reuse would also add complexity and uncertainty, contrary to the intent of the Draft Permit in establishing efficient and consistent statewide regulatory coverage for low-threat discharges. The Draft Permit has been modified for water purveyors to report the estimated quality and quantity of water that is applied to a beneficial use or reused prior to discharge.

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		Establishing clear guidelines concerning when multiple use and beneficial reuse will be required by permittees will provide regulatory consistency, prevent otherwise unnecessary discharges into waterbodies, and will avoid the possibility that dischargers could exploit undefined feasibility thresholds to divert highly treated drinking water into rivers and streams. In creating a definition for a threshold of feasibility, considerations should be based on the discharger's profile as well as local environmental contexts and conditions, such as hydrology, biological presence, and beneficial uses. When evaluating a threshold of feasibility based on the discharger's profile, a small system size should not be equated with an inability to put highly treated drinking water to multiple uses and beneficial reuse. In many instances, dischargers with a small number of connections will have more flexibility to reuse their discharged water than would a large system with thousands of connections. In conclusion, we request that the State Water Board establish a threshold of feasibility for the multiple use and beneficial reuse of highly treated drinking water using criteria that takes into consideration potential impacts to the aquatic environment, biological presence, hydrological conditions, as well discharger size.	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
6.3	California Coastkeeper Alliance	Ensure that water quality monitoring and enforcement fully protects ecosystems and minimizes the threat of polluted runoff. The State Water Board should require clear monitoring requirements and enforceable standards. Clearly specify monitoring locations rather than allow dischargers to identify their own representative monitoring locations; Specify that monitoring locations should be required where sampling is representative of all pollutants actually being discharged into receiving waters; Require monitoring and sampling at both the source of the discharge and just prior to entering a receiving water to account for urban runoff; and Require monitoring when highly treated drinking water is discharged within 1,000 feet of waters of the United States.	The State Water Board does not concur with the request for increased monitoring and reporting. The intent of representative monitoring is to best capture a representation of the quality of water being discharged and the effectiveness of implemented BMPs. The items in common listed in the MRP to help determine representative monitoring locations are a guide as to how best the water purveyors can select their representative locations. The State Water Board is relying on the knowledge and discretion of the water purveyors to do their best in selecting a representative location. It is difficult for monitoring locations to be specified for routine monitoring because there may be varying discharge locations throughout their system.
6.4	California Coastkeeper Alliance	1. The State Water Board should require the implementation of BMPs when fluoride, nitrates, arsenic, or constituents of emerging concern are found in discharged waters. 2. The State Water Board should incorporate BMPs 'to address polluted runoff. When thousands of gallons of highly treated drinking water are discharged per minute, without appropriate BMPs in place, those discharges will act as a conveyance for	Comment noted. The State Water Board does not have sufficient data to show that discharged waters contain fluoride, nitrates, arsenic, or constituents of emerging concern and justify BMP requirements for these constituents. The Draft Permit does require dischargers to implement BMPs for erosion control.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		trash, motor oil, and other common runoff contaminants, and will create an additional source of polluted runoff.	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
6.5	California Coastkeeper Alliance	We submit that covering systems, including those with only 15 connections is essential for protecting against harmful impacts to aquatic life, ecosystems, and overall water quality. First, community water systems (commonly found in mobile home parks, and rural areas) are the most likely to be near streams and other water bodies. For example, the San Lorenzo River, which is the principle freshwater supply to the City of Santa Cruz and is a water body under significant stress due to the ongoing drought, is abutted by several small water systems in its rural, sparsely populated upper watershed. Any discharges of highly treated drinking water into this water body have the potential to significantly alter water quality, hydrology, and endangered species habitat. Second, these small systems have the most flexibility in putting highly treated drinking water to multiple uses and beneficial reuse. While larger systems will have the resources to reuse highly treated drinking water, small systems will more likely be in a position conducive to beneficial reuse. For example, a small mobile home park system will likely have landscape irrigation needs that can be served through the beneficial reuse of highly treated drinking water. In order to protect at-risk water bodies and incentivize multiple uses and beneficial reuse, we request that the State Water Board retain the current scope of the Draft	The State Water Board recognizes that small drinking water systems do pose a threat to water quality, especially to small streams. The State Water Board additionally concurs that water purveyors do have opportunities to beneficially re-use system discharges or route the discharges to land for groundwater replenishment. As a result of the difficulties small water systems are encountering due to the drought, the permit has been modified to not require systems with less than 1,000 connections to enroll in the permit. However, language in the permit has also been modified to clarify that discharges from these smaller systems to waters of the U.S. are still required, by the Clean Water Act, to obtain an NPDES permit. Water purveyors with systems less than 1000 connections maintain the option to enroll in the permit to obtain the necessary regulatory coverage for discharges to waters of the U.S. The State Water Board intends to reconsider the mandatory enrollment requirement for drinking water systems of 15 connections or more in a future re-issuance of the permit. The permit will be available for these smaller systems now if a Regional Board requires these small systems to obtain coverage.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		Permit's coverage, which includes systems with 15 connections or more.	
6.6	California Coastkeeper Alliance	The Draft Permit should include clarification the regarding eligibility for coverage. Specifically, references to compliance with MCLs should be clarified.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable water have been removed.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
6.7	California Coastkeeper Alliance	The State Water Board should develop numeric effluent limitations for fluoride, copper, nitrates, arsenic, and constituents of emerging concern. We appreciate the inclusion of an established numeric effluent limitation for chlorine in the Draft Permit. The very inclusion of a numeric effluent limitation for chlorine serves to educate dischargers on the dangers of chlorinated water to aquatic life and ecosystems. However, chlorine is only one of many constituents present in highly treated drinking water that threaten water quality and beneficial uses. Fluoride, copper, nitrates, arsenic, and constituents of emerging concern are just some of the many constituents found in highly treated drinking water that can be harmful when discharged into waterbodies in certain quantities. In order to prevent significant harm to aquatic life and ecosystems, we ask that the State Water Board develop numeric effluent limitations for all of the constituents commonly found in highly treated drinking water discharges, including fluoride, copper, nitrates, arsenic, and constituents of emerging concern.	Due to the intermittent and seasonal nature of drinking water system discharges, the State Water Board has granted an exception for California Toxics Rule constituents including copper. The justification for this exception is included in the draft Mitigated Negative Declaration. Nitrate criteria for human health protection are more stringent than criteria for aquatic life protection. As a result, the discharges from a drinking water system complying with drinking water quality requirements of state regulations and the federal Safe Drinking Water Act will generally not exceed applicable receiving water objectives for nitrates. For raw water discharges with elevated nitrates, there is no affordable or practicable treatment option for the drinking water system discharges. Many drinking water systems with elevated raw water nitrate levels are small and disadvantaged systems that can not deliver drinking water meeting nitrate MCLs and, as such, the expectation is that they will be seeking to replace supply wells high in nitrate with wells or other water sources that will meet the nitrate MCLs without additional raw water treatment. Constituents of emerging concern will be addressed in NPDES permitting as criteria are developed in the future. The State Water Board is not addressing Fluoride in this statewide permit at this time because there are no applicable aquatic life criteria or basin plan objectives for this pollutant. Arsenic is not covered under the exception because the MCL for arsenic is more stringent than the California Toxics Rule criteria for arsenic.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
6.8	California Coastkeeper Alliance	The State Water Board should require monitoring for discharges less than one acre-foot to protect small streams and de-watered rivers. The Draft Permit only requires monitoring if the discharge exceeds one acre-foot of water.	At stakeholder workshops during the development of the permit, staff discussed the volume threshold for notification. During those discussions, the value of having such information was also discussed. Staff determined that discharges of one acre-foot or greater posed a potential threat to water quality in which notification is needed. Staff correlates the need for monitoring with the same threat posed to water quality. Thus, the event monitoring threshold of 325,850 gallons is maintained consist with the notification discharge volume threshold. Reducing the event monitoring threshold will likely result in repetitive monitoring.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
6.9	California Coastkeeper Alliance	The State Water Board should not allow discharges into impaired waterbodies of constituents that are the cause of impairment. The Draft Permit states that: "[T]his Order does not authorize the discharge of new drinking water systems (not an expansion of an existing system) into an impaired water body that is impaired for a constituent that exists in the new discharge at a concentration greater than the criteria used to establish the impairment of the water body." While this guideline is important in preventing further degradation of already stressed waterbodies, it ultimately conflicts with the stated goals and purpose of listing a water body as impaired. The purpose of the Clean Water Act 303(d) list is not to set a baseline for constituent concentrations. Rather, it is “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters”. Allowing for discharges at a concentration up to the concentration of the listing criteria will hinder further improvements to water quality. In essence, this is a provision that only seeks to maintain the status quo of impaired waterbodies, rather than advance mitigation and remediation efforts. In order to ensure that the Draft Permit is consistent with water quality objectives and TMDLs, we urge the State Water Board to set concentration limits for highly treated drinking water discharges into impaired waterbodies at a level that will advance the listing goals.	The State Water Board does not concur. The State Water Board has concluded that any discharge of a constituent at a concentration at or below the criteria used for the 303(d) listing, and discharged on an intermittent or seasonal basis, does not contribute to an impairment or prevent attainment after significant sources of the pollutant are controlled. Furthermore, it would be premature to establish constituent concentration limits for drinking water system discharges while significant discharges from other sources continue to occur.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
7.1	California Water Association	Commenter recommends that the findings portion of the draft general permit be amended to include statements which reflect the importance of the public service provided by water purveyors, that these discharges are required periodically under the federal SDWA & CA HSC, and that these discharges are not "waste", and that these periodic discharges do not pose a threat to water quality.	The State Water Board concurs with this comment and has included findings that reflect the provided statements. The findings and the permit fact sheet explain the need for an NPDES permit coverage for drinking water system discharges.
7.2	California Water Association	The fact that DWS Discharges are legally required to assure safe and reliable water service, only occur occasionally, comprise high-quality water that does not present a threat to· water quality, and are currently already permitted in almost every region in California suggests that the proposed statewide permit may be unnecessary.	The State Water Board does not concur. The Draft Permit and Resolution are necessary to implement and provide the proposed regulatory exception with the State Implementation Policy and Ocean Plan for compliance with priority pollutants. Additionally, the proposed statewide permit establishes a consistent statewide set of requirements that specifically applies to drinking water system discharges, reducing the cost of compliance and allowing for more efficient management of these discharges in contrast to current (and varying) general Regional Board NPDES Permits.
7.3	California Water Association	Commenter recommends providing a 30-45-day comment period upon issuing a revised draft permit, and recommends scheduling of a staff workshop to discuss revisions and stakeholder comments before the hearing for permit adoption is held.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
7.4	California Water Association	Draft Permit fails to provide adequate legal protection for Dischargers of DWS Discharges, despite compliance with permit provisions. The Draft Permit currently contains limiting language that, in light of Natural Resources Defense Council v. County of Los Angeles, eliminates legal coverage for otherwise authorized and permit-compliant DWS Discharges, if others (including citizen suit plaintiffs) can make a showing that the discharges made in compliance with the terms and conditions of the permit may adversely affect or impact beneficial uses of the receiving water.	Clean Water Act §301(a) prohibits the discharge of any pollutant except in compliance with specified sections, including §402, which governs NPDES permitting. State and federal law require that NPDES permits "apply and ensure compliance with" all applicable provisions of the Clean Water Act and "with any more stringent effluent standards or limitations necessary to implement water quality control plans." Wat. Code § 13377. Permits must be issued and administered in accordance with the applicable US EPA regulations. Cal. Code Regs., tit. 23, §2235.2 Effective permit coverage requires compliance with water quality standards, which are contained in basin plans (or water quality control plans). See, 40 U.S.C. §303(c), §402(a). Language in the Draft Permit authorizing discharges that do not adversely affect beneficial uses and providing that an authorized discharger shall not violate any applicable basin plan water quality objective (other than those objectives for pollutants granted an exception and that are not part of a TMDL) thus implements the requirements set forth in the Clean Water Act and Water Code § 13377.
7.5	California Water Association	The Draft Permit should include clarification the regarding eligibility for coverage. Specifically, references to compliance with MCLs should be clarified.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable water have been removed.
7.6	California Water Association	The Draft Permit should be revised to specify that it applies to all types of discharges that are required to operate water supply systems, and that effluent limitations will be set only to the extent needed to ensure there is no adverse effect upon beneficial uses of receiving waters.	The State Water Board concurs and has revised definitions and modified the permit accordingly.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
7.7	California Water Association	The Draft Permit should be clarified to distinguish between the definitions of Community Drinking Water Systems and Water Purveyors.	The State Water Board concurs and has modified the Draft Permit accordingly.
7.8	California Water Association	Clarification is needed as to whether entities other than CWSs are subject to this Draft Permit, including wholesalers and others who do not own/operate a CWS.	The State Water Board concurs and has modified the definitions on the first page of the permit accordingly.
7.9	California Water Association	The Draft Permit should define and distinguish between the terms "waters of the U.S.", "surface waters", and "receiving waters", and whether these terms are being used interchangeably.	The State Water Board concurs and has added a definition to the beginning of the permit to clarify that "waters of the U.S.", "surface waters", and "receiving waters" are used interchangeably in this Order unless specified otherwise.
7.10	California Water Association	The current definition of "emergency discharges" should be used as the definition of "unplanned discharges" because, contrary to Draft Permit, Section I.C.2 it does not limit authorized discharges to only those resulting from failures or catastrophes. To assure CWSs have appropriate authorization to discharge, CWA suggests that the term “unplanned discharges” be used consistently throughout the Draft Permit, and that all unplanned discharges, including emergency discharges be authorized.	The State Water Board concurs and has modified the Draft Permit to assure the Board's intent for this permit's regulation of emergency discharges includes the regulation of unplanned discharges.
7.11	California Water Association	The monitoring provisions of the Draft Permit, Attachment E, require monitoring of unplanned discharges, including emergency discharges. By definition, CWSs cannot know when such discharges will occur, and therefore cannot arrange for monitoring. Recommend to only	The Draft Permit has been modified to clarify that the discharger is not required to monitor emergency discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		monitor after protection of public health, safety, and property is established, and BMPs are implemented, and if feasible.	

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7.12	California Water Association	Needed Legal Protection and Discharge Authorization Under Existing Regional Board Permits May Be Unduly Superseded by the Draft Permit. Community water systems (CWSs) are required to obtain coverage under the Draft Permit for drinking water system (DWS) Discharges, unless the discharges are regulated by another discharge permit issued by a Regional Board that contains requirements that the Regional Board has deemed necessary for the DWS Discharges to comply with Total Maximum Daily Loads ("TMDLs"). However, there are many situations in which DWS Discharges are regulated by an existing Regional Board permit, and that permit has specific and unique terms and conditions to protect water quality, but the conditions do not necessarily relate to applicable TMDLs. In such a situation, the existing local NPDES permit may include valuable provisions necessary to control water quality based on unique characteristics of a particular water supply and/or receiving water quality, but they are unrelated to TMDLs. But those local NPDES permits, the more specific requirements, and the broader regulatory coverage that they provide to CWSs would be automatically superseded pursuant to the Draft Permit. In addition, the time and resources spent by the Regional Board developing the local permit and spent by regulated CWSs complying with it would be wasted if that permit were to be	The State Water Board concurs that if a DWS discharge does not fit the scope of low threat of the proposed statewide permit, then it is appropriate to have the discharge regulated by an existing individual site-specific NPDES Permit issued by the corresponding Regional Board. In that case, the CWS would not need to enroll under the statewide Permit, and the statewide Permit provides that flexibility. However, if the DWS discharges are within the "low-threat" scope of the proposed statewide permit, the State Water Board is choosing to regulate all such discharges uniformly and consistently throughout the state, rather than by varying regional water board permits. Furthermore, the current regional board permits do not provide or implement the exception with the State Implementation Policy and Ocean Plan for compliance with priority pollutants. The Statewide general permit has been drafted to implement this exception and to establish a consistent statewide set of requirements that applies to this type of discharges, reducing cost of compliance and allowing for a more efficient management of these discharges in contrast to the varying current general Regional Board NPDES Permits currently established

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		automatically superseded. Thus, CWA recommends expanding the mechanism through which CWSs may retain coverage under an existing Regional Board permit so that DWS Discharges subject to local permits with unique water quality conditions can be exempted from the statewide permit, even if they are within the scope of the statewide permit and even if the existing local permit doesn't include TMDL-specific provisions. This type of exemption would allow the State Water Board, on a case-by-case basis (via the Notice of Non-Applicability Process), to determine whether it is appropriate for the Draft Permit to supersede an existing Regional Board permit. This type of exemption also would better effectuate the provisions of California Water Code, sections 13241 and 13263, which emphasize the importance of taking into account characteristics of discharges and receiving waters that may be unique to local regions based on hydrological, geological, water supply and other physical conditions. While this approach does not contribute to uniformity in coverage, the current exceptions for coverage are already quite broad and significant uniformity in coverage is not anticipated to result from the Draft Permit.	

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7.13	California Water Association	An Exception for Small Systems with Less Than 2,000 Service Connections Is Appropriate. Given that Many of These Systems Have Significant Technical, Managerial, and Financial ("TMF") Constraints. CWA recommends revising the Draft Permit to include a conditional exception for small Community Water Systems (CWSs) with less than 2,000 connections, provided that the systems implement best management practices ("BMPs") that treat or control pollutants from their discharges to protect the beneficial uses of the receiving waters. CWA believes this provision will avoid the imposition of excessive costs on such small systems, and will alleviate the enforcement obligations of the State Water Board with respect to these systems. The Public Utilities Commission divides water utilities into four classes, Classes A., B, C, and D, based on the number of connections. The number of connections and classes reflect the relative financial, managerial and technical capabilities of the utilities, based on the size of the utility and its rate paying base. Class C and Class D utilities are regulated more lightly than Class A and Class B utilities, because they are smaller and therefore have less access to financial, managerial and technical resources. The dividing line between Class B and Class C utilities is 2,000 connections. Therefore, CWA suggests that CWSs with fewer than 2,000	The State Water Board does not concur. The State Water Board however has considered public comments addressing concerns regarding small system owner/operators having multiple priorities to address during this time period of drought. Due to the difficulties small water systems are encountering due to the drought, the permit has been modified to not require systems with less than 1,000 connections to enroll in the permit. However, language in the permit has also been modified to clarify that these smaller systems that discharge to waters of the U.S. are still required, by the Clean Water Act, to obtain an NPDES permit. Water purveyors with systems less than 1000 connections maintain the option to enroll in the permit to obtain the necessary regulatory coverage for discharges to waters of the U.S. The State Water Board intends to reconsider the mandatory enrollment requirement for drinking water systems of 15 connections or more in a future re-issuance of the permit. The permit will be available for these smaller systems now if a Regional Board requires these small systems to obtain coverage.

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		connections similarly be more lightly regulated by the Draft Permit, and have access to a conditional exception that allows them to avoid monitoring, reporting and some of the other provisions of the Draft Permit that will strain resources of smaller CWSs, so long as the CWSs certify that they are implementing BMPs for Drinking Water System (DWS) Discharges.	

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7.14	California Water Association	The Draft Permit Has the Potential to circumvent applicable Clean Water Act regulatory requirements. The Clean Water Act does not authorize the prospective prescription of effluent limitations in NPDES Permits for pollutants that do not have the Reasonable Potential to cause or contribute to an exceedance. Clean Water Act regulations, including 40 C.F.R. § 122.44(d)(1)(i), require NPDES permits to include effluent limitations to control pollutants that are or may be at a level that have a reasonable potential to cause an exceedance of a receiving water quality standard. The Clean Water Act further requires that discharge permits be consistent with the assumptions and requirements of waste load allocations ("WLAs") applicable to the discharge. 40 C.F.R. § 122.44(d)(1)(vii)(8). The Clean Water Act, however, does not authorize the prospective prescription of effluent limitations in NPDES permits for pollutants that do not have the reasonable potential to cause or contribute to an exceedance of a receiving water quality standard or to be inconsistent with an established and applicable WLA. The State Water Board has determined that drinking water systems discharges do not have the reasonable potential to cause an exceedance of receiving water standards for any pollutants other than sediment/turbidity, pH, and chlorine, which can be controlled by BMPs. See Attachment F, Section II.E. The State	The commenter mischaracterizes the permit requirements governing discharges into water bodies for which a TMDL has or may be adopted, as well as the requirements and determinations of the Draft Permit. A review of current information indicates that discharges from drinking water systems that would be authorized under the permit are not significant sources of pollutants impairing water bodies subject to the TMDLs being implemented, and concludes that the limitations contained within the Draft Permit are consistent with the assumptions and requirements of specified waste load allocations for these TMDLs. The provisions implementing TMDL requirements do not constitute a “reasonable potential” determination pursuant to 40 C.F.R. §122.44(d), nor do they prospectively prescribe new requirements or limitations for TMDL-related constituents. Any permit modification or amendment to prescribe new limitations will comply with all applicable federal and state regulations governing reopening and modification of any NPDES permit.

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		Water Board also has determined that for those TMDLs that "imply" that they are applicable to DWS Discharges, there is no reasonable potential for drinking water system discharges to be inconsistent with any WLAs, or to cause or contribute to any exceedance of receiving water quality standards for the TMDL-impairing pollutant. See Attachment F, Section III.K.6 Nevertheless, the Draft Permit contains effluent limitations for TMDL pollutants, apparently to address the possibility that in the future, some pollutant impairing water quality might be identified for which drinking water system discharges could have the reasonable potential to cause or contribute to an exceedance. The inclusion of these provisions prior to establishing such reasonable potential is improper. If any new effluent limitations are imposed for TMDL-related constituents (or any other pollutants) in the future, those conditions must be imposed pursuant to applicable Clean Water. Act regulations related to modification and amendment of NPDES permits, including regulations requiring notice, public comment, and a public hearing. See, e.g., 40 C.F.R §§124.5-124.15 and 124.17. Until the State Water Board affirmatively determines, based on substantial evidence, that drinking water system discharges have a reasonable potential to cause or contribute to an exceedance of a water quality standard or WLA, and effluent limits specific to such	

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		pollutants are proposed by the State Water Board for adoption in accordance with required regulatory procedures, the Clean Water Act does not authorize imposition of effluent limitations, and particularly does not authorize imposition of blanket or general effluent limitations that may be needed in the future, but are not currently required based on substantial evidence. Put another way, because there is no reasonable potential for DWS Discharges to cause or contribute to an exceedance of the water quality objectives or WLAs as determined by review of all potentially applicable TMDLs, the Clean Water Act does not authorize prescribing, and no substantial evidence supports adoption of, receiving water quality based effluent limitations for those constituents. 40 C.F.R. § 122.44(d). Accordingly, the provisions allowing for this type of permit modification should be deleted. See Exhibit 1, Draft Permit, Section II.B.1.d, Section III.F; Attachment F, Section II.K [sic]; Attachment G.	

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7.15	California Water Association	In this case, neither drinking water system discharges as a source category, nor community water systems as a discharger sector, were considered in setting TMDLs or WLAs.	Section III.K. of Attachment F contains a summary of the requirements of existing (already adopted) TMDLs. The requirements summarized in Attachment F have already been adopted by a regional water board or U.S.E.P.A. Attachment G is reserved for discharge requirements, in addition to the requirements in the permit, to properly implement the existing requirements of an existing TMDL. Shown on Attachment G, the State Water Board states that it is not imposing additional TMDL-specific requirements for discharges flowing into the TMDL-listed water bodies currently identified in Attachment F. The State Water Board has identified the TMDLs that it deems applicable to drinking water system discharges in Attachment F of the permit. The adopted TMDLs, including waste load allocations, were previously approved by a water board and/or U.S.E.P.A. as meeting the requirements of the Clean Water Act. Drinking water systems and community water systems were not specifically referenced in the TMDLs as acknowledged by the permit fact sheet at Section III.K. However, the permit considers the nature of the discharges and that it is unlikely that the discharges will contribute to the impairment of the TMDL-related water bodies. Such considerations are appropriate to determine if water quality is protected in TMDL-related water bodies. The Draft Permit assigns no waste load allocations, nor does it amend any basin plan requirements. Rather, the permit contains findings that the limitations included are consistent with the assumptions and requirements of duly adopted waste load allocations already applicable to drinking water system discharges, either directly or indirectly (through general categories of discharges, such as “other NPDES discharges”).

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7.16	California Water Association	The State Water Board should extend the deadline to submit an application to allow enough time for dischargers to file NOIs and/or NONAs.	The State Water Board concurs. To allow coverage as soon as possible for those water purveyors throughout the state that need regulatory coverage immediately, the Draft Permit effective date is proposed to be established 100 days after the adoption date of the Draft Permit (the minimum allowed by U.S.EPA for a contested general permit). The State Water Board will grant additional time, up to September 1, 2015 for all water purveyors to file the required documents after adoption of the Draft Permit. Since the NOI or NONA requirements have been simplified, the State Water Board believes that these additional months will be sufficient time to submit the NOI or NONA.
7.17	California Water Association	CWA suggests that the Draft Permit incorporate an approach similar to that used in the General Construction Permit. The Draft Permit should be revised to provide that NOIs and NOAAs are deemed approved upon filing, and discharges may proceed pursuant to the permit, unless approval of the discharge or exception to filing is revoked by State Water Board.	The State Water Board Deputy Director of Water Quality must approve an application package, similar to other non-storm water NPDES General Permits. After the water purveyor's application package or Notice of Non-Applicability is deemed complete, the State Water Board's Deputy Director will issue a Notice of Applicability (NOA) or a Notice of Non-Applicability Approval (NONAA).
7.18	California Water Association	It is unclear how CWSs will obtain timely written acknowledgements from the Regional Boards sufficient to assure that there is no gap or uncertainty regarding validity of authorization for DWS Discharges. Therefore, as reflected in Exhibit 1, CWA recommends removing the written acknowledgment requirement from the Draft Permit.	Regional water board acknowledgement of a local agreement is necessary in order to confirm that the local agreement separately covers the requirements for discharge into the MS4. It remains the responsibility of the MS4 owner or operator to require controls on non-storm water discharges into the MS4, in accordance with the requirements of the MS4 permit.

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7.19	California Water Association	The site schematic requirement is labor intensive and costly. The site schematic requirements should be clarified and be made less burdensome.	The State Water Board concurs. The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges.
7.20	California Water Association	California Water Association requests that the Draft Permit clarify that the laboratory analyses required to be included in the NOI supplement may be the same as those conducted pursuant to Title 22 of the California Code of Regulations or the federal and state Safe Drinking Water Act to eliminate additional costs of a supplemental lab analysis. This revision would help reduce the cost of the application process and further streamline it.	The State Water Board concurs. Drinking water systems can use laboratory analyses conducted pursuant to Title 22 of the California Code of Regulations or the federal and state Safe Drinking Water Act as part of the required analyses in the NOI as long as those analyses are representative of the discharge to surface waters.
7.21	California Water Association	California Water Association requests that the State Water Board reconsider the district based fee structure and requests that multi-district CWSs be required to pay only one fee.	Thank you for your comment. The proposed fee schedule is a different item and outside the scope of this Draft Permit.

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7.22	California Water Association	CWA Recommends a Phased Approach to Implementation. CWA believes that a phased approach to implementation of the Draft Permit would benefit all Community Water Systems (CWSs). That is, CWA is concerned that implementation of the Draft Permit will result in large costs to smaller systems, while also creating discharge authorization and regulatory coverage issues for all systems. CWA would therefore recommend that the Draft Permit be implemented initially only with respect to larger systems, such that other systems could follow the implementation examples and templates they develop, thereby increasing the efficiency and effectiveness of overall permit implementation.	The State Water Board does not concur. The State Water Board however has considered public comments addressing concerns regarding small system owner/operators having multiple priorities to address during this time period of drought. Due to the difficulties small water systems are encountering due to the drought, the permit has been modified to not require systems with less than 1,000 connections to enroll in the permit. However, language in the permit has also been modified to clarify that these smaller systems that discharge to waters of the U.S. are still required, by the Clean Water Act, to obtain an NPDES permit. Water purveyors with systems less than 1000 connections maintain the option to enroll in the permit to obtain the necessary regulatory coverage for discharges to waters of the U.S. The State Water Board intends to reconsider the mandatory enrollment requirement for drinking water systems of 15 connections or more in a future re-issuance of the permit. The permit will be available for these smaller systems now if a Regional Board requires these small systems to obtain coverage.
7.23	California Water Association	Monitoring all direct discharges to waters of the U.S. would be costly, burdensome and unnecessary because the majority of discharges will result in identical or similar monitoring results for chlorine residual and turbidity. Representative monitoring will be equally effective and substantially less costly.	The State Water Board concurs with the monitoring cost concerns and has modified the Draft Permit to allow representative monitoring for direct discharges. The proposed requirements have been modified accordingly.

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7.24	California Water Association	CWA requests that the pH monitoring requirement be removed. Monitoring of DWS Discharges for pH would impose a significant burden on CWSs. CWA recommends that the State Water Board require CWSs to submit its annual Consumer Confidence Report, which contains representative pH data.	The State Water Board's intent is to require monitoring that brings forth valuable information. The concern with pH is in regards to the addition of chemicals to the discharge altering the pH since it was last measured in the system. The State Water Board concurs that the pH monitoring of all discharges is not necessary. The pH requirements have been modified to include pH monitoring only of superchlorinated discharges after implementation of BMPs. This monitoring will provide information to determine if there is a concern with pH level changes due to superchlorinated discharges and the use of dechlorination chemicals.
7.25	California Water Association	The Draft Permit currently requires handheld chlorine measuring devices with a method detection limit ("MDL") of 0.10 mg/L or lower. Draft Permit, Section IX. This requirement is improper. The Draft Permit should be revised to allow for compliance measurements to be performed using any U.S. EPA-approved method, as described in 40 C.F.R § 136.3. The Draft Permit should not specify the type of meter or MDL. Rather, CWSs should be allowed to select any method to measure compliance, so long as the method has been approved by the U.S. EPA. Furthermore, an MDL for chlorine should not be included in the Draft Permit. Instead, the Draft Permit should include minimum levels ("MLs") or reporting levels ("RLs"), which is consistent with EPA's NPDES Permit Writer's Manual, and which is currently being implemented by Region 4 and is being proposed by Region 2. Under this approach, measurements below the ML would be deemed in compliance. CWA requests revisions to	The permit does not specify the type of meter required to be used. The State Water Board concurs that use of the minimum level (ML) or reporting level (RL) is more appropriate than use of the method detection limit (MDL) for compliance determination purposes. The Chlorine effluent limit compliance determination has been revised to be a RL of 0.1 mg/L where a RL of 0.1 mg/L or greater is out of compliance with the limit. The use of handheld meters for Chlorine is specified to eliminate the need for laboratory analyses in order to lower cost of compliance and facilitate timely assessment of discharge conditions so BMPs can be modified in a timely manner. With respect to the compliance determination, the permit has been modified consistent with the recommended changes with the exception of citing CFR section 136.3. The CFR section 136.3 was not referenced to allow for dischargers to seek other U.S. EPA alternate method approvals, such as the use of a handheld meter.

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		alleviate these issues relating to chlorine monitoring, as reflected in Exhibit 1, Draft Permit, Section IX.	

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7.26	California Water Association	The Draft Permit (at Section V.C) currently includes an effluent limitation of 10 Nephelometric turbidity Units ("NTUs") for all planned discharges of groundwater into surface waters, and a limitation of 250 NTUs for discharges into ocean waters. Many CWA members will not be able to comply with these requirements due to technical limitations (e.g., members would be required to discharge excessive volumes of drinking water to dilute solids and meet the requirements). CWA requests that these requirements be revised to specify an effluent limitation of 500 NTUs for discharges into surface waters and 500 NTUs for discharges into ocean waters based on information regarding available portable technologies for controlling turbidity and turbidity conditions in receiving waters discussed in Section II.F of the Fact Sheet for the General NPDES Permit for Construction Activities, Order No 2009-0009-DWQ, as amended by 2010-0014-DWQ & 2012-0006-DWQ. In addition, CWA notes that Draft Permit Attachment C currently prescribes BMPs that must be used to meet NTU limits. Since permits should not prescribe the methods by which permit limitations are implemented, CWA requests that requirement for use of multi-baffled tanks be eliminated from Draft Permit Attachment C.	The State Water Board does not concur with the suggested turbidity limits. The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs. The permit has been revised to clarify that the Best Management Practices described in Attachment C are "examples" not "prescriptive minimum requirements".

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7.27	California Water Association	The Draft Permit prescribes receiving water limitations, but it is unclear how CWSs can assure compliance with such receiving water limitations. Visual monitoring of receiving waters is required, but visual monitoring cannot establish compliance with numeric objectives for TSS, chemical constituents, etc.	The proposed permit has been modified to clarify that visual monitoring of receiving waters only applies when a discharge is determined to be out of compliance with effluent permit requirements and the discharge may pose an adverse effect or impact to beneficial uses of the receiving waters. The receiving water limitations have been modified to reflect the water quality objectives applicable on a region-specific basis. Due to the nature of these discharges, the State Water Board has concluded that for these discharges, visual monitoring of the receiving water is sufficient.
7.28	California Water Association	It is unclear how community water systems can affirmatively show compliance with the receiving water limitations currently set forth in the Draft Permit. We request that the State Water Board revise the Draft Permit to specify how water purveyors will be able to establish compliance with Receiving Water Limitations so as to avoid third-party citizen suits and the related cost burden to customers.	Many discharges from drinking water systems discharge into storm water drainage systems that convey the water to surface waters that are far way. Requiring a water purveyor to conduct receiving water monitoring at a distant receiving water body during a time period that the surface water body is receiving that actual flow, is infeasible. To address this concern, the Compliance Determination section of the Draft Permit has been modified to include clarifying language stating that compliance with applicable effluent limitations, BMP implementation requirements, receiving water limitations, monitoring, notification and reporting requirements of the permit constitutes compliance with this Order. The permit has also been clarified to state that non-compliance with receiving water limitations for indirect discharges will be determined based on additional site-specific information indicating that drinking water system discharges caused or contributed to the exceedance of the receiving water limitations and adversely impacted beneficial uses..

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7.29	California Water Association	CWA Encourages the State Board to Require Regional Boards to Incorporate Safe Harbor Provisions into Future MS4 Permits. The Draft Permit unconditionally exempts from the Draft Permit those water purveyors that are MS4 permittees or co-permittees named on an MS4 permit that also authorizes discharges from CWSs.	Comment noted. The Draft Permit is a non-storm water NPDES permit regulating point source discharges to waters of the U.S. The requested incorporation of provisions into future MS4 permits is outside the scope of this permitting action. MS4 permittees that are also water purveyors and whose permits also authorize drinking water system discharges are already charged with responsibility for protecting water quality through appropriate effluent limitations and monitoring and reporting requirements for their storm water and drinking water system discharges. Water purveyors that are not MS4 permittees but are discharging under the same MS4 permit requirements may need separate permit coverage in the absence of a local agreement covering the discharge.
7.30	California Water Association	In the Clean Water Act and storm water permit regulations, water quality based effluent limitations (WQBELs) do not have to be included in MS4 and other storm water permits for storm-water or low-threat non-storm water discharges that do not have a significant potential to cause or contribute to exceedances of receiving water quality standards; instead MS4 permits may rely on BMPs as effluent limits to control discharges to the "maximum extent practicable." WQBELS for California Toxic Rule pollutants need not be prescribed in MS4 permits. Clean Water Act § 402(p)(3)(b)(iii); Defenders of Wildlife v. Browner, 191 F.3rd 1159, 1166 (9th Cir. 1999); 40 C.F.R. § 122.44 (k}(2); 40 C.F.R. § 122.26(d)(2}(iv)(B)(1). Therefore, MS4 permits, which may authorize both storm water and certain	The Draft Permit regulates point source discharges of pollutants to waters of the U.S. Pursuant to requirements set forth in the Clean Water Act. Section 402 establishes requirements for NPDES permits. Section 301(b)(1)(A) requires compliance with effluent limitations necessary to achieve compliance with technology-based standards, while section 301(b)(1)(C) requires compliance with any more stringent effluent limitation "necessary to meet water quality standards." Section 402(p) contains specific standards for NPDES permits regulating municipal and industrial storm water discharges, including language in §402(p)(3)(B)(iii) setting forth the requirement for MS4 permits to "require controls to reduce the discharge of pollutants to the maximum extent practicable." By its own terms, this provision applies only to permits for discharges from municipal storm sewers. The Draft Permit takes no position on specific MS4 permits authorizing discharges from municipal storm sewers that include drinking water system discharges.

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		low-threat non-storm water discharges, are not required to contain (and currently do not contain) WQBELs derived pursuant to the SIP, but those permits still provide effective and appropriate legal discharge authorization for low-threat, nonstorm water discharges, including drinking water system discharges.	
7.31	California Water Association	The State Water Board should rescind its permit regulating discharges to land. If this does not occur, under the Draft Permit, discharges to storm water capture basins, low impact development features, or groundwater recharge systems may be prohibited by the MS4 operator.	The State Water Board expects the water purveyor to establish working relationships with the local storm water entity, and understand the conditions the local storm water agency places on discharges entering its system. Through this permit, the State Water Board is raising awareness of the potential for use these high quality discharges. If a water purveyor can demonstrate that its discharge to land is being put to a beneficial use, then the discharge will generally not require separate waste discharge requirements for discharges to land. If a discharge is solely put to land for the purpose of disposal, the State Water Board's intent is not fulfilled.

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7.32	California Water Association	Commented requests for additional public review and to comment prior to Adoption of the revised draft permit.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption
7.33	California Water Association	As is required by Porter-Cologne and the Code of Federal Regulations, CWA requests at least an additional 30 days for public comments prior to adopting the revised Draft Permit, and suggests that an additional 45 days for public review and comment would be more appropriate due to the depth and breadth of revisions anticipated to the Draft Permit. See Water Code § 13167 .5; 40 CFR § 124.10(b). Given the risks involved, the potential for liability exposure, and the possible financial impact of this permit on CWS customers, an additional 45 days for consideration, review and refinement is eminently reasonable.	The Draft Permit was originally circulated for public comment on June 6, 2014, with a comment period that was later extended to August 19, 2014. The Draft Permit circulated on October 2, 2014 includes many changes that simply involve reorganization of otherwise-unaltered language in order to provide for better organization. Actual changes to the language of the previously circulated version of the permit were minor, clarifying in nature, and not sufficiently significant to require an additional 30- or 45-day comment period under the cited regulations. In order to facilitate public participation, a workshop was held on October 21, with further clarifying changes based upon comments made.
8.1	California Water Service Company	The draft resolution states that discharges of drinking and potable water systems comply with MCLs when appropriately managed. It does not address untreated groundwater discharges, which may exceed MCLs in many cases. The discharge of untreated groundwater is	The State Water Board concurs. The proposed permit has been modified to remove the requirement that discharges comply with MCLs; instead, the proposed permit requires that discharges from drinking water systems that are regulated under this permit do not cause or contribute to an exceedance of the receiving water limits and any applicable basin plan objectives, other than for those pollutants granted an exception and that are not part of a TMDL, and do not adversely affect the beneficial uses of the receiving water.

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		necessary to fulfill statutory requirements under the federal Safe Drinking Water Act or the California Health and Safety Code.	
8.2	California Water Service Company	Commenter states that the draft permit will limit the ability of water purveyors to provide their services due to expensive well treatment systems installations and/or well replacement, and recommends revising the permit to minimize this potential impact.	The State Water Board has considered the cost of compliance as a primary factor in the development of the proposed statewide permit that is specific to water quality threats posed by drinking water system discharges. The final draft permit contains revisions that further reduce monitoring and reporting costs.
8.3	California Water Service Company	Delete the defined terms "treated drinking water," "potable water," and "raw water". Limit the discharge definitions to "planned and unplanned" discharges.	The Draft Permit has been modified to simplify the regulatory approach, removing differentiation of raw, potable and treated water. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). Therefore the need to define whether a discharge is raw or potable is no longer necessary. The final Draft Permit has been modified and reorganized for clarification. The State Water Board has clarified that unscheduled discharges are part of planned discharges. The State Water Board has also clarified, in the description of the discharges that emergency discharges include unplanned discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
8.4	California Water Service Company	The Draft Permit should be revised to distinguish between planned and unplanned discharges.	The Draft Permit implements a regulatory exception that is based the proposed Mitigated Negative Declaration to fulfill the requirements of CEQA. Unplanned discharges pursuant to the proposed permit are consistent with the CEQA definition of emergency discharges. The State Water Board has modified the permit to illustrate that emergency discharges include unplanned discharges.
8.5	California Water Service Company	The Draft Permit should be revised to add clarity on what are planned discharges.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). The final Draft Permit has been modified and reorganized for clarification. The State Water Board has clarified that unscheduled discharges are part of planned discharges. The State Water Board has also clarified, in the description of the discharges that emergency discharges include unplanned discharges. The Draft Permit implements a regulatory exception that is based on the proposed Mitigated Negative Declaration to fulfill the requirements of CEQA. Unplanned discharges pursuant to the proposed permit are consistent with the CEQA definition of emergency discharges. The State Water Board has modified the permit to illustrate that emergency discharges include unplanned discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
8.6	California Water Service Company	The term "emergency discharges" should be changed to "unplanned discharges" since the latter encompasses the former, but is not limited to discharges during emergencies.	The Draft Permit implements a regulatory exception that is based on the proposed Mitigated Negative Declaration to fulfill the requirements of CEQA. Unplanned discharges pursuant to the proposed permit are consistent with the CEQA definition of emergency discharges. The State Water Board has modified the permit to illustrate that emergency discharges include unplanned discharges.
8.7	California Water Service Company	The site schematic requirement is labor intensive and costly. The site schematic requirements should be clarified and be made less burdensome.	The State Water Board concurs. The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges.
8.8	California Water Service Company	The site schematic requirement is labor intensive and costly. The site schematic requirements should be clarified and be made less burdensome.	The State Water Board concurs. The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges.
8.9	California Water Service Company	Propose a tabular summary identifying well and tank discharges. It's not possible to identify receiving water distances in the NOI for planned and unplanned discharges of the distribution system (e.g., line flushing/main breaks). Propose to identify distance to receiving water prior to discharge as a matter of procedure.	The State Water Board concurs. The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities and approximate distances. The permit requirements do not require a specific format for reporting, therefore allowing a tabular summary when a water purveyor has multiple discharge locations. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
8.10	California Water Service Company	If RWQCB acknowledgement of the local agreement is to be required, what is the criteria for issuing said acknowledgement? Can the RWQCB decline to provide written acknowledgement of a local agreement? If the MS4 owner/operator authorizes third party discharges to their MS4, does the MS4 owner/operator assume liability for those discharges? Can there be language added to the permit that would insulate the MS4 owner/operator from the liability associated with third party dischargers under the proposed general permit (i.e. Safe Harbor)?	The proposed process for filing a Notice of Non-Applicability requires a water purveyor to submit a copy of the already-established local agreement held with a local municipal storm water NPDES permittee. Through the proposed Notice of Non-Applicability review process, the Deputy Director of Water Quality will coordinate with the appropriate Regional Water Board for affirmative verification that the local agreement with the MS4 permittee is acceptable. The Regional Water Board will evaluate the discharge agreement for conformance with the conditions of the MS4 permit and evaluate whether the discharge can be properly regulated via the MS4 permit. The State Water Board will accept a written local agreement in the form that is acceptable to the MS4 permittee (i.e. memorandum of understanding, letter, email). If the local agreement is not sufficient to the Regional Water Board, the water purveyor will be required to enroll in the statewide permit. MS4 dischargers are generally responsible for discharges from their systems. However, MS4s retain authority to impose further conditions, restrictions or limitations for non-storm water discharges into their systems as well as to require NPDES permit coverage for those discharges.
8.11	California Water Service Company	The Draft Permit should include clarification the regarding eligibility for coverage. Specifically, references to compliance with MCLs should be clarified.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable water have been removed.
8.12	California Water Service Company	Final effluent limitations for planned discharges to a surface water or storm drain do not need to be potable, so this condition should be removed and replaced with a reference to "inland surface waters, enclosed bays, and estuaries."	The State Water Board concurs and has clarified the permit accordingly with other changes made per other public comments.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
8.13	California Water Service Company	Basin Plans generally apply turbidity limits to receiving water as the comparison between upstream and downstream samples from the outfall. This is a marked departure from the typical Basin Plan. The point of compliance is at the receiving water, whereas here, the point of compliance is at the end of pipe prior to entering storm water conveyance or surface water. The rationale behind the 10 NTU limit is not clear. Precedent would appear to be established for turbidity per Order No. 2009-0009-DWQ, NPDES permit for storm water discharges associated with construction activity. There are 2 fundamental differences when contrasting the Draft Permit with the General Construction permit. One, the numeric action level (NAL) is not an effluent limit, and two, the NAL is significantly higher (250 NTU compared to 10 NTU). Storm water runoff associated with construction discharges to surface water as do discharges associated with community water systems. If the 250 NTU NAL General Construction permit is protective of beneficial uses, then why is there such a significant gap between the two permits?	The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs. This limit differs from the construction storm water turbidity NAL because the ground water discharges from drinking water wells are not rainfall dependent and are more easily controlled than storm water discharges. Some water purveyors are currently using available best management practices to minimize solids into receiving waters.
8.14	California Water Service Company	Page E-3, Section II.A, B &C. Clarify if monitoring applies to planned and/or unplanned discharges.	The Draft Permit has been modified to clarify that monitoring applies to planned discharges only. The Draft Permit has also been modified to allow representative monitoring for direct discharges.
8.15	California Water Service Company	Page E-3, Section II.A.2. Delete "direct or". This is redundant since all direct discharges require monitoring per II.A.1.	The State Water Board concurs and has modified the Draft Permit to eliminate redundancy and to allow representative monitoring for direct discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
8.16	California Water Service Company	Page E-3 Section II.B. Recommending the following change "The Discharger shall monitor all other non-direct discharges (traveling via a storm drain or other conveyance system}, based on representative monitoring" to "The Discharger shall monitor all other-non-direct discharges <325,850 gallons (traveling via a storm drain or other conveyance system}, based on representative monitoring". Adding <325,850 gallons makes it clear exactly what is meant by "other non-direct discharges".	The State Water Board concurs and has determined that representative monitoring should include direct discharges and discharges that occur within 300 feet of the receiving water. Therefore, the proposed monitoring requirements have been modified accordingly. With the modification to have direct discharges monitored by representative monitoring, the State Water Board does not concur with a minimum monitoring threshold due to the variation in threat to water bodies based on site-specific conditions. Additionally, the permit has been modified to clarify that a discharge of 325,850 gallons, whether discharged directly or to a storm water system, must be monitored after every discharge event.
8.17	California Water Service Company	Representative monitoring can be complicated for water purveyors that rely on groundwater. Some distribution systems are fed by more than one aquifer zone, with some wells screened across multiple zones. Does the term "same general source" apply to a distinct aquifer? For the ease of establishing representative monitoring for more complex systems, recommend a single sample location representing the entire distribution system. For well discharges, recommend monitoring for all discharges that enter MS4.	The intent of representative monitoring is to best capture a representation of the quality of water being discharged and how well BMPs are implemented. The items in common listed in the representative monitoring definition are to assist the discharger in determining the appropriate representative monitoring locations for its system. Each water purveyor has the system-specific knowledge to select representative monitoring locations. For groundwater aquifers, if the groundwater source is from two distinct aquifers of similar quality, then the water purveyor is to use its discretion to incorporate common representative monitoring locations. If the source water is a complex or changing mixture of groundwater and surface water, then the discharger must take in account the differing water sources from the different discharge locations within its own system.
8.18	California Water Service Company	Page E-3 Section II.B.2. Neither the frequency nor the sample requirement is indicated. Identify sampling frequency and analytical requirements.	The Draft Permit has been modified to clarify the type of discharges that fall under representative monitoring and event monitoring. In addition the Draft Permit has been modified to identify the type of sampling and monitoring frequency that applies to each type of discharge.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
8.19	California Water Service Company	Page E-3 Table E-1 Not clear what discharges this table applies to. Is it only for discharges identified in II.A.1 & 2? Identify what discharges Table E-1 applies to.	The Draft Permit has been modified to clarify representative monitoring requirements. To address monitoring cost concerns, the Draft Permit has been modified to allow direct discharges to be sampled through representative monitoring. The Draft Permit has been modified to identify the type of sampling and monitoring frequency that applies to each type of discharge.
8.20	California Water Service Company	Page E-3 Table E-2 Not clear what discharges this table applies to.	The Draft Permit has been modified to clarify representative monitoring requirements. To address monitoring cost concerns, the Draft Permit has been modified to allow direct discharges to be sampled through representative monitoring. The Draft Permit has been modified to identify the type of sampling and monitoring frequency that applies to each type of discharge.
8.21	California Water Service Company	Page E-3 Table E-2 Per Footnote 3 "If feasible for Discharger to monitor turbidity downstream of management practices." Is this referring to receiving water or post-BMP prior to entering storm water conveyance? Clarify	Monitoring required from this Draft Permit is to represent the water that is released from the system, after best management practices are implemented, and before it reaches surface water or a storm drain inlet. The monitoring must reflect the turbidity unit count after BMP implementation. With regards to turbidity, the permit only implements turbidity specifications and monitoring for ground water well operations. BMPs are required for all discharges to minimize sediment, debris, sand and trash from all discharges.
8.22	California Water Service Company	Page E-3 Table E-2 Per Footnote 4 "Event is not defined in Section II. Define "Event".	Event monitoring refers to monitoring after each start and stop of discharge. (There will be discharge-specific situations that the discharger must use its common sense to determine when the start or end of discharge occurs.) The Draft Permit has been modified to clarify event monitoring and representative monitoring requirements. Additionally, to address monitoring cost concerns, the Draft Permit has been modified to allow direct discharges to be sampled through representative monitoring. The type of sampling and monitoring frequency that applies to each type of discharge has also been clarified.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
8.23	California Water Service Company	Page E-3 Table E-2 Per Footnote 4 "Each discharge event that requires monitoring shall be monitored once per year." This statement seems to contradict "1/Event" monitoring frequency. Clarify	Thank you for your comment. The Draft Permit has been corrected.
8.24	California Water Service Company	Page E-4 Section IV. "The receiving water shall be monitored for all direct discharges that are out of compliance with this Order." This statement is too general. Recommend specific criteria that would trigger receiving water monitoring (i.e. chlorine residual >0.1 mg/L post-BMP). Also, if there is a significant unplanned discharge event, receiving water should be monitored.	The receiving water monitoring requirements have been clarified to apply when a discharge is out of compliance with permit requirements and when the discharge may cause or contribute to an adverse effect or impact to beneficial uses of the receiving waters. The State Water Board is cautious about requiring monitoring during a significant unplanned discharge. The primary concern during such an event is for emergency personnel to address public health and safety.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
8.25	California Water Service Company	Delete the defined terms "treated drinking water," "potable water," and "raw water". Limit the discharge definitions to "planned and unplanned" discharges.	The Draft Permit has been modified to simplify the regulatory approach, removing differentiation of raw, potable and treated water. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants for which an exception has been granted and are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). Therefore the need to define whether a discharge is raw or potable is no longer necessary. The final Draft Permit has been modified and reorganized for clarification. The State Water Board has clarified that unscheduled discharges are part of planned discharges. The State Water Board has also clarified, in the description of the discharges that emergency discharges include unplanned discharges. The Draft Permit implements a regulatory exception that is based the proposed Mitigated Negative Declaration to fulfill the requirements of CEQA. Unplanned discharges pursuant to the permit are consistent with the CEQA definition of emergency discharges. The State Water Board has modified the permit to illustrate that emergency discharges include unplanned discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
8.26	California Water Service Company	The commenter requests exception from meeting MCLs. The commenter has nearly 600 water supply wells, and of those, approximately 176 have water quality issues. The commenter has 51 standby wells that may be over MCLs, but are still considered suitable for short term human consumption. Standby wells need to be flushed to allow collection of a representative sample prior to distribution. If these wells can't be discharged, they will be moved to inactive status, then destroyed. The replacement cost is about $1.5 million per well. The majority of the commenter's other 125 wells with treatment would not be allowed to discharge because of parameters above or approaching MCLs. Discharge to an MS4 or surface water is usually the only alternative. For a representative well sampling, a typical will run for 2 hours prior to sampling. For a 1,000 gpm well, that would mean 120,000 gallons of water to discharge or store. Costs to install treatment systems for periodic discharges would vary from $700K for nitrate or VOC to $2.2 million for Cr VI.	The State Water Board concurs with the commenter's concerns. The proposed permit has been modified to remove the requirement that discharges comply with MCLs; instead, the proposed permit requires that discharges from drinking water systems that are regulated under this permit do not cause or contribute to an exceedance of the receiving water limits and any applicable basin plan objectives, other than for those pollutants for which an exception has been granted and are not part of a TMDL, and do not adversely affect the beneficial uses of the receiving water.
9.1	Calleguas Municipal Water District	Calleguas does not agree that the permit adds protection beyond what is currently available. A majority of the provisions raise questions, are infeasible and lack continuity with the State Water Board Division of Drinking Water.	State Water Board does not concur. The Draft Permit implements the exception with the State Implementation Policy and Ocean Plan for compliance with priority pollutants and targets specific parameters associated with drinking water system discharges that threaten water quality when not properly managed (pH, turbidity, and chlorine). Portions of the Draft Permit that made reference to Maximum Contaminant Levels have been clarified to remove confusion with Division of Drinking Water requirements.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
9.2	Calleguas Municipal Water District	The District states that this general permit will not improve water quality, and that it will create financial hardships for water purveyors which further deplete their limited resources.	Comment noted. The California State Water Boards are responsible for protecting the beneficial uses of waters of the United States and waters of the State. Information is available to support the need to protect beneficial uses in receiving waters from the constituents of concern explained in the permit.
9.3	Calleguas Municipal Water District	Calleguas urges the State Water Board not to adopt the Draft Permit and continue allowing regional board permits to regulate drinking water system discharges.	The State Water Board does not concur. The proposed Resolution and statewide permit documents the Board's intent with the statewide permit. The intent is to implement the proposed regulatory exception with the State Implementation Policy and Ocean Plan for compliance with priority pollutants. Additionally, the proposed statewide permit establishes a consistent statewide set of requirements that specifically applies to drinking water system discharges, reducing the cost of compliance and allowing for more efficient management of these discharges in contrast to current (and varying) general Regional Board NPDES Permits.
10.1	Casitas Municipal Water District	CMWD is concerned with the complexity of the permit. It is difficult to determine if all of the discharges will be covered, what monitoring and reporting is required for the various discharges, and which effluent limits apply to each discharge. At this point we are unable to determine our ability to comply with the permit, and have been unable to formulate an estimate of costs for increased monitoring, reporting, staffing, telemetry, analyzers etc. Since CMWD is in located in Region IV, we are subject to the requirements of Attachment G, which may include additional TMDL related requirements in subsequent permit renewal. This introduces even more confusion since it is not known at this point what the future requirements may be.	The State Water Board concurs that the Draft Permit included more detail than necessary, causing some confusion. The revised Draft Permit now states that all waters intended for drinking water purposes and discharged due to activities mandated by drinking water regulations are authorized under this permit. The Draft Permit has been further modified to simplify all requirements including effluent limitations, monitoring, reporting, and TMDL-related requirements.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
10.2	Casitas Municipal Water District	We are concerned that the permit may require coverage for discharges exempted under the Federal Waters Transfer Rule. Specifically in our case, water transferred from a river into a drinking water storage reservoir via a diversion canal should not require a permit.	The Draft Permit does not require coverage for a discharge that is otherwise exempt from the need to obtain NPDES permit coverage. 40 C.F.R. §122.3(i) exempts discharges from a water transfer from the requirement to obtain an NPDES permit, defining a water transfer as "an activity that conveys or connects waters of the United States without subjecting the transferred water to intervening industrial, municipal or commercial use. This exclusion does not apply to pollutants introduced by the water transfer activity itself to the water being transferred." However, the rule has been challenged, and the U.S. District Court for the Southern District of New York partially vacated and remanded to EPA in 2014 in Catskill Mountains Chapter of Trout Unlimited, Inc. et al. v. EPA. Regardless, the State Water Board does not concur that a discharge of raw water from a drinking water system will always constitute an exempt water transfer under the rule, or a discharge that is not subject to NPDES permitting requirements. To the extent that discharges of raw water are exempt pursuant to 40 C.F.R. §122.3(i), the Draft Permit clearly states that the basis for a Notice of Non-Applicability includes discharges that are exempt from the requirement to obtain an NPDES permit under federal law.
10.3	Casitas Municipal Water District	Commenter would like to request an extension between the release of the new draft permit, and the Adoption Hearing that is scheduled for September 23rd 2014, to allow us sufficient time to analyze and provide comments on the new draft...	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
10.4	Casitas Municipal Water District	Commenter endorses comments submitted by ACWA and AWWA, and looks forward to working with the Water Board in the permit development process.	Thank you for your comment.
11.1	Castaic Lake Water Agency	CLWA claims coverage under current Permits (CAG674001 and CAG994004) is sufficient for their needs. CLWA does not believe the Statewide Permit will improve matters and instead it will diminish the benefits of local knowledge and experience in the handling of discharges.	NPDES CAG994004 is for discharges of groundwater from construction and project dewatering to surface waters. CAG674001 is for discharges of waste waters resulting from the hydrostatic testing or structural integrity testing of pipes, tanks, or any storage vessels using domestic water. Together these two permits still do not cover all the necessary drinking water discharges that the statewide permit is intended to cover. For instance, distribution system maintenance, hydrant flushing, groundwater supply well flushing, and all emergency discharges, are just some of the discharges that are not permitted under the two mentioned permits. Furthermore, these regional board permits do not provide or implement the exception with the State Implementation Policy and Ocean Plan for compliance with priority pollutants. The Statewide general permit has been drafted to implement this exception and to establish a consistent statewide set of requirements that applies to this type of discharges, reducing cost of compliance and allowing for a more efficient management of these discharges in contrast to the varying current general Regional Board NPDES Permits currently established.
11.2	Castaic Lake Water Agency	CLWA does not believe potable water discharges impact water quality. CLWA comments that the requirements in the current Regional Water Board permit requirements and established BMPs properly regulate their Discharges	The State Water Board concurs that these discharges, when properly managed, do not pose a threat. These are point source discharges of pollutants to Waters of the U.S. and therefore require an NPDES permit. The proposed statewide permit will provide a consistent set of requirements that applies to drinking water system discharges, reducing the cost of compliance and allowing for a more efficient management of these discharges in contrast to what the current General Regional Board NPDES Permits have established.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
11.3	Castaic Lake Water Agency	The commenter finds the time schedule for draft permit posting and adoption by the Board too compressed, and recommends allowing more time for public review and comment submission on the draft permit.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption
12.1	City and County of San Francisco's Public Utilities Commission	The Draft Permit should clarify regulatory coverage for operational and maintenance activities, discharging drinking water is an essential part of general maintenance activities and water supply operations and do not occur solely to comply with the regulations referenced in the permit.	The Draft Permit implements a regulatory exception that is based on the proposed Mitigated Negative Declaration to fulfill the requirements of CEQA. The discharges authorized by this permit must be in accordance with the definition in the SIP section 5.3. Section 5.3 of the SIP provides an exception for activities including draining water supply reservoirs, canals, and pipelines for maintenance, or for draining water treatment facilities for cleaning or maintenance. The State Water Board concurs with your comment and has modified the description of the authorized discharges accordingly.
12.2	City and County of San Francisco's Public Utilities Commission	As the Draft Permit is currently written, the discharge definitions are unnecessarily confusing and require additional clarification.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives, other than for those pollutants for which an exception has been granted and are not part of a TMDL, and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). The final Draft Permit has been modified and reorganized for clarification.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
12.3	City and County of San Francisco's Public Utilities Commission	The coverage of raw water from transmission system pipelines, tunnels, or surface water reservoirs is outside the scope of the NPDES permitting program. Transfers of raw water that convey or connect waters of the U.S. without subjecting the transferred water to intervening industrial, municipal, or commercial use are not subject to regulation under the NPDES permitting program (see the Federal Water Transfer Rule 40 C.F.R. § 122.3[i]). The permit should be revised to delete any references to coverage of these types of raw water discharges. In section II.A, commenter recommends adding two categories of discharges not covered by this order. 1) Water transferred from one Water of the US to another Water of the US without subjecting the transferred water to intervening industrial, municipal, or commercial use. 2) Discharges of raw water from transmission system pipelines, tunnels, and surface water reservoirs.	The Draft Permit does not require coverage for a discharge that is otherwise exempt from the need to obtain NPDES permit coverage. 40 C.F.R. §122.3(i) exempts discharges from a water transfer from the requirement to obtain an NPDES permit, defining a water transfer as "an activity that conveys or connects waters of the United States without subjecting the transferred water to intervening industrial, municipal or commercial use. This exclusion does not apply to pollutants introduced by the water transfer activity itself to the water being transferred." However, the rule has been challenged, and the U.S. District Court for the Southern District of New York partially vacated and remanded to EPA in 2014 in Catskill Mountains Chapter of Trout Unlimited, Inc. et al. v. EPA. Regardless, the State Water Board does not concur that a discharge of raw water from a drinking water system will always constitute an exempt water transfer under the rule, or a discharge that is not subject to NPDES permitting requirements. To the extent that discharges of raw water are exempt pursuant to 40 C.F.R. §122.3(i), the Draft Permit clearly states that the basis for a Notice of Non-Applicability includes discharges that are exempt from the requirement to obtain an NPDES permit under federal law.
12.4	City and County of San Francisco's Public Utilities Commission	The site schematic requirement is labor intensive and costly. The site schematic requirements should be clarified and be made less burdensome.	The State Water Board concurs. The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
12.5	City and County of San Francisco's Public Utilities Commission	The Draft Permit should include clarification the regarding eligibility for coverage. Specifically, references to compliance with MCLs should be clarified.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable water have been removed.
12.6	City and County of San Francisco's Public Utilities Commission	The term "superchlorinated" should be defined in both Section V.B. and Attachment A of the Draft Permit.	The State Water Board is concerned with the impact to beneficial uses from the chlorine in chlorinated water. The definition and description of superchlorinated water from AWWA and other industrial information resources is relative to the chlorine dose and disinfection power of superchlorinated water. The State Water Board is concerned with any discharge to surface water that contains chlorine. Therefore, the Draft Permit defines superchlorinated water as water that is used for purposes of sanitizing and disinfecting drinking water facilities.
12.7	City and County of San Francisco's Public Utilities Commission	The SFPUC supports the 0.10 mg/L compliance determination level for total residual chlorine. Section V.B.1., Section V.D.1, and Section V.E.1 (p. 16) of the permit set forth a total residual chlorine effluent limit of 0.019 mg/L or 0.008 mg/L. We recommend adding a footnote in each of these sections to reference the compliance determination level.	The State Water Board concurs. The State Water Board has modified the permit to include the compliance determination language immediately below the effluent limits to clarify the compliance determination. A chlorine monitoring result greater than or equal to 0.1 mg/L is noted as being out of compliance with the effluent limit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
12.8	City and County of San Francisco's Public Utilities Commission	The Fact Sheet to the Draft Permit does not provide a rationale for the turbidity effluent limit, included in Section V.C (p. 16), either for having an effluent limit in general or for the 10 NTU numerical limit determined. The SFPUC supports a narrative turbidity limit instead of a numerical one.	The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.
12.9	City and County of San Francisco's Public Utilities Commission	In Section VII.A (p. 17) of the permit, the words "lowered below" should be substituted with the word "outside" and thus, it should read as follows: The pH level to be outside the pH receiving water objective range in a corresponding Regional Water Board basin plan.	The State Water Board concurs and revised the permit to read that pH shall not fall outside the pH range specified in the Regional Water Boards basin plans.
12.10	City and County of San Francisco's Public Utilities Commission	Twenty-Four Hour Reporting. Attachment D Section V.D.1 (p. D-5) does not specify which agency should receive this oral report; either the appropriate Regional Water Board or the State Water Board. Please clarify.	Attachment D has been modified to clarify that the required 24-hour oral reporting is to be provided to the local Regional Water Board.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
12.11	City and County of San Francisco's Public Utilities Commission	Attachment E Section II and Section Ill specifically address effluent requirements, so we suggest adding the word effluent to these section headings. Table E-2 Footnote 4 (p. E-4) states that the term "event' is defined in Section II, however, this definition could not be found. Please provide a definition of an "event' and how it applies to monitoring of planned direct and indirect discharges. We request additional clarification as to what is considered representative and ask that you provide additional details regarding representative monitoring frequency.	The Draft Permit has been modified to clarify that the discharger is not required to monitor emergency or unplanned discharges. The Draft Permit has been modified to clarify representative monitoring requirements for planned discharges. To address monitoring cost concerns, the Draft Permit has been modified to allow direct discharges to be sampled through representative monitoring, and to clarify required monitoring frequency. Event monitoring has been minimized to superchlorinated discharges, large volume discharges, and discharges from supply well development or rehabilitation.
12.12	City and County of San Francisco's Public Utilities Commission	The SFPUC supports establishing either a volumetric or flow rate threshold for de minimis discharges for direct planned discharges.	The State Water Board concurs and has determined that representative monitoring should include direct discharges in order to address monitoring costs. Therefore, the proposed monitoring requirements have been modified accordingly. With the modification to have direct discharges monitored by representative monitoring, the State Water Board does not concur with a minimum monitoring threshold due to the variation in threat to water bodies based on site-specific conditions.
12.13	City and County of San Francisco's Public Utilities Commission	The monitoring requirements should be consistent given that the permit regulates similar discharges across all regions-discharges from drinking water systems. Therefore, the flexibility for the Regional Board or State Water Board to increase the monitoring frequency, is not in accordance with the intent of statewide consistency and therefore should be removed.	The original intent of the proposed language is to allow the Deputy Director or Executive Officer to make changes to the monitoring requirements as necessary per his/her discretion. This section has been modified, however, to only have the State Water Board Deputy Director of Water Quality make the decision to increase the monitoring. The modified language continues to allow the Deputy Director to change the monitoring requirements on either a statewide basis or on a discharger-specific basis.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
12.14	City and County of San Francisco's Public Utilities Commission	Visual monitoring methods should not be prescribed. Specifically requiring use of telephoto lenses and binoculars is excessive, costly, and not practical given field conditions.	The State Water Board's intent is to prioritize the safety of the discharger's personnel if hazardous conditions exist that prevent the discharger from performing visual receiving water monitoring. The use of binoculars or telephoto lenses will facilitate the visual monitoring requirements if access to the discharge location is restricted.
12.15	City and County of San Francisco's Public Utilities Commission	Post-Notification of Emergency Discharges. Attachment E Section V (p.5) requires notification to the California Governor's Office of Emergency Services (CalOES) within 24 hours after a discharger becomes aware of a discharge from its drinking water system that may adversely affect or impact beneficial uses of a receiving water body. This requirement is unsupported in the Fact Sheet and does not comport with the intent of CalOES regulations. Please confirm the State Water Board's legal authority to require dischargers to notify CalOES for these releases of drinking water.	The Draft Permit has been modified to clarify that the post-notification requirement only applies when the direct discharge is non-compliant with permit requirements (i.e. failed BMP or effluent limit violation) and there may be an adverse effect or impact to beneficial uses of the receiving water. Furthermore, State Water Board has considered the notification requirements and is concerned with the notifying of CalOES for discharge events that are not an actual emergency. The State Water Board concurs with this comment. The notification requirements to CalOES have been removed. The State Water Board is confident that water purveyors and MS4 permittees have procedures in place for when CalOES is to be notified during emergency events, and the requirement is not needed in the NPDES permit for surface water discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
13.1	City of Anaheim Public Utilities Department	Commenter recommends that the Water Board begins another 60-day comment period commencing after the comment period has closed on August 19, 2014, and that additional workshops/meetings be held with stakeholders.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption State and Regional Water Board staff have worked cooperatively with water purveyors to develop the proposed permit. All concerns and comments submitted in accordance with the staff stakeholder meetings and the Board's public notice have been considered.
13.2	City of Anaheim Public Utilities Department	There are only two types of water systems discharges that have the potential to cause significant impacts to receiving waters. Those are discharges from well development and high-volume direct discharges to sensitive receiving waters. The monitoring and testing requirements imposed by this permit should focus on those two types of discharges only. The suggestions made in the following sections of this letter address these concerns.	The State Water Board does not concur. If not properly managed, cumulative low volume direct and indirect discharges of treated drinking water have the potential to pose a threat to beneficial uses of receiving waters including aquatic life. The draft Mitigated Negative Declaration (Attachment to proposed Resolution) and the Draft Permit findings and fact sheet provide the basis for threat to water quality from drinking water system discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
13.3	City of Anaheim Public Utilities Department	These small water systems are unlikely to discharge more than 1,000 gallons per day on average and its discharges are very unlikely to have any impact on receiving waters. This exemption will also relieve the SWRCB of the administration burden for thousands of unnecessary permits, the savings from which should allow a reduction in the permit fees for larger water systems. The proposed fee structure suggests that the larger water systems are subsidizing the permit fees of the small water systems. Specific Recommendations: a. Exempt water systems with less than 200 service connections from obtaining the Draft Permit. b. Reduce the Draft Permit fees for larger utilities by the amount saved by eliminating thousands of unnecessary permits for the small water systems.	The State Water Board does not concur. The State Water Board however has considered public comments addressing concerns regarding small system owner/operators having multiple priorities to address during this time period of drought. Due to the difficulties small water systems are encountering due to the drought, the permit has been modified to not require systems with less than 1,000 connections to enroll in the permit. However, language in the permit has also been modified to clarify that these smaller systems that discharge to waters of the U.S. are still required, by the Clean Water Act, to obtain an NPDES permit. Water purveyors with systems less than 1000 connections maintain the option to enroll in the permit to obtain the necessary regulatory coverage for discharges to waters of the U.S. The State Water Board intends to reconsider the mandatory enrollment requirement for drinking water systems of 15 connections or more in a future re-issuance of the permit. The permit will be available for these smaller systems now if a Regional Board requires these small systems to obtain coverage.
13.4	City of Anaheim Public Utilities Department	The most important change to make to the permit is to allow representative monitoring for direct discharges to receiving waters for groundwater production wells.	The State Water Board concurs and the monitoring requirements have been modified to include repetitive direct discharges under representative monitoring.

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13.5	City of Anaheim Public Utilities Department	The effluent limit of 10 NTU is unrealistic for any discharge that flows down the street and/or gutter prior to entering a catch basin. Even with BMPs, 10 NTU may not be achieved. Although the water discharged from the water system will undoubtedly meet the turbidity limit, dirt present in the street will become entrained in the discharge and may cause an exceedance of the 10 NTU turbidity limit. Other SWRCB permits have turbidity limits much higher than the 10 NTU proposed in this Draft Permit. For example, the General Order for stormwater from construction sites has a numeric action level of 250 NTU. Also, Regional Board permits often require that discharges not cause an increase in the turbidity level of the receiving water by a certain amount – either as a percentage increase or a specific numeric increase. Water system flushing is a very minor contributor to overall receiving water turbidity and should be regulated using BMPs, not numeric standards. This is the accepted practice of the MS4 and De-minimis permits and should be incorporated into this permit as well. If a numeric standard is mandated, then the limits for discharges to storm drains should be equivalent to the stormwater standard of 250 NTU. Specific Recommendations: a. Section V.C.1 (page 16) of the permit should be deleted or revised to delete the phrase, “or via a storm drain.” b. Section I.D in Attachment C of the permit - delete the references to	The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.

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		10 NTUs. The requirements to include BMPs such as settling and filtering are acceptable. If numeric limits are mandated, they should be equivalent to the stormwater numeric action level of 250 NTU. c. Table E-2 in Attachment E of the permit - delete the requirement for monitoring turbidity.	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
13.6	City of Anaheim Public Utilities Department	There should be no need to test for pH in water system discharges. Drinking water systems control pH within a range acceptable to all receiving waters and it would be highly unlikely for a water system discharge to cause a pH impairment under any circumstances. If there is a specific circumstance that the State believes a water system discharge could cause a pH issue, they should identify the specific type of problematic discharge and require monitoring for only that specific action. Specific Recommendation: Table E-2 in Attachment E - delete the requirement for monitoring pH.	The State Water Board concurs that monitoring for pH for all discharges is unnecessary. The permit has been revised to require only pH monitoring for superchlorinated discharges. The State Water Board is concerned that discharges heavily dosed with de-chlorination chemicals may pose a threat to beneficial uses of receiving waters. Monitoring for pH in superchlorinated discharges will give the discharger information on whether pH adjustment is needed to comply with applicable receiving water objectives.
13.7	City of Anaheim Public Utilities Department	The Draft Permit should provide a definition for "receiving water".	The State Water Board concurs and has added a definition for receiving water as a term used interchangeably with the term waters of the U,S.
13.8	City of Anaheim Public Utilities Department	Any chlorine detected in a discharge that is below 0.1 mg/L should be considered “non-detect” for the purposes of this permit. Those “detections” are not reliable and should be reported as non-detect. Specific Recommendation: Table E-2 in Attachment E - should add the phrase, “Any detection below 0.10 mg/L should be reported as non-detect.” to Footnote #2.	The State Water Board does not concur. A reading of less than 0.10 mg/L chlorine on a handheld meter with a method detection level of less than 0.10 mg/l does not represent a non-detect reading. A reading less than 0.10 mg/L is, however, in compliance with the effluent limit. However, the Draft Permit has been modified to read that the reporting level is 0.1 mg/L, and any reading greater than or equal to 0.1 mg/L is out of compliance.

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13.9	City of Anaheim Public Utilities Department	Clarify if a site plan is to be submitted with the annual report.	As proposed in the Draft Permit, the site schematic must be submitted with the application package for permit enrollment. If the site plan changes, the discharger must submit it with its annual report.
13.10	City of Anaheim Public Utilities Department	There should be no need to notify CalOES for non-compliance with this permit. The only time water system discharges should be reported to OES is when they meet the standard requirements for OES notification.	State Water Board has considered the notification requirements and is concerned with the notifying of CalOES for discharge events that are not an actual emergency. The State Water Board concurs with this comment. The notification requirements to CalOES have been removed. The State Water Board is confident that water purveyors and MS4 permittees have procedures in place for when CalOES is to be notified during emergency events, and the requirement is not needed in the NPDES permit for surface water discharges. The notification requirements have been modified to require notification of discharge events that potentially adversely impact beneficial uses of the receiving waters to be given to the local Regional Water Board office.
13.11	City of Anaheim Public Utilities Department	Attachment E should include a provision that discharges of less than 10,000 gallons do not require monitoring.	The Draft Permit has been modified to clarify representative monitoring requirements. To address monitoring cost concerns, the Draft Permit has been modified to allow direct discharges to be sampled through representative monitoring. The State Water Board does not concur with the addition of a monitoring threshold due to the variation in receiving water conditions, flows and sensitivity to small discharges.

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14.1	City of Corona Department of Water and Power	The City of Corona believes the original intent of an NPDES Permit was to protect them from a third party lawsuit. However, the statewide permit does not compel an MS4 permit holders to accept this type of discharges even when enrolled under the statewide permit. Therefore its failure for not requiring MS4 permittees to accept drinking water discharges puts in question the need for this Permit as it accomplishes nothing new except duplicating efforts.	The State Water Board concurs that this permit does not require MS4 permit holders to accept drinking water system discharges into their MS4 systems. The intent of this permit is to implement the regulatory exception with the State Implementation Policy and Ocean Plan for compliance with priority pollutants, and to establish a consistent statewide set of requirements that applies to this type of discharges, reducing the cost of compliance and allowing for a more efficient management of these discharges. An MS4 system is not necessarily a water of the U.S., and the State Water Board does not have the authority to compel MS4 owners/operators to accept these discharges. The Draft Permit protects water purveyors from third party lawsuits for violation of the Clean Water Act resulting from discharges without a permit, providing coverage under an NPDES Permit that allows the discharge of pollutants from a point source into waters of the U.S.
14.2	City of Corona Department of Water and Power	The Draft Permit should clarify what is considered "raw water."	The Draft Permit has been modified to simplify the regulatory approach, removing differentiation of raw, potable and treated water. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). Therefore the need to define whether a discharge is raw or potable is no longer necessary. References to potable water versus non-potable water have been removed.
14.3	City of Corona Department of Water and Power	The City finds Table E-2 of the proposed monitoring and reporting requirements confusing and requests clarification.	The State Water Board concurs and the monitoring and reporting requirements, including table E-2, have been modified to provide clarity of the reporting requirements.

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14.4	City of Corona Department of Water and Power	The City believes that the Regional Water Boards' general permits properly regulate community water systems and duplicating these efforts with the statewide permit simply burdens and adds no value to water quality.	The State Water Board does not concur. The intent of the statewide permit is to implement the proposed regulatory exception with the State Implementation Policy and Ocean Plan for compliance with priority pollutants, and to establish a consistent statewide set of requirements that applies to drinking water system discharges, reducing the cost of compliance and allowing for more efficient management of these discharges in contrast to current General Regional Board NPDES Permits.
14.5	City of Corona Department of Water and Power	The City of Corona request that staff specify any known professionally written BMPs that can be used to assure discharges comply with Department of Public Health's MCLs; if such BMPs exist, they should be standardized across Community Water Systems.	The State Water Board does not concur with specifying BMPs to be used uniformly for all discharges. The requirements of the NPDES permit are based on water quality protection of the receiving water bodies. The Draft Permit has been modified to clarify that the compliance goal is not to meet MCLs, per the Division of Drinking Water requirements, for protection of public health. The permit requires each water purveyor to establish its own BMP plan to address system-specific, site-specific and receiving water-specific conditions. Standardized BMPs across water systems is not appropriate for protection of water quality. Industry associations provide state of the art BMPs to be implemented for drinking water system discharges to protect water quality. Therefore, this Draft Permit requires dischargers to properly select and implement proven industry BMPs. The example cited in the Draft Permit is the BMP Manual for Drinking Water System Releases (or subsequent updates thereto), published by the California-Nevada Section of the American Water Works Association or other professional associations or entities may serve as BMP references to comply with the requirements of this Draft Permit.

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14.6	City of Corona Department of Water and Power	There are no known field BMPs that can remove salts and minerals from discharges by Community Water Systems. This requirement should be removed.	The State Water Board concurs. The requirement for BMPs to remove minerals and salts has been removed throughout the Draft Permit.
14.7	City of Corona Department of Water and Power	Attachment G is reserved to address pollutants likely to be in drinking water system discharges and to allocate waste loads to water purveyors for future TMDLs. Community water system wells could have salt content above MCLs that would be non-compliant, forcing the discharger to get another permit.	Waste load allocations are not currently established for facilities that would be authorized to discharge under the permit. Attachment G serves as a placeholder for any future waste load allocations or requirements that may be necessary to protect water quality; thus, avoiding the need for an additional permit. Compliance determination will be based only on requirements in the permit and any future revisions. Where future TMDLs are developed to control salinity, the degree of control that can be implemented by a discharger can be considered for waste load allocations within that process. It is premature to conclude without the analysis of the drinking water system discharges, what further controls may be necessary.
14.8	City of Corona Department of Water and Power	The commenter finds the 10-day period between posting proposed permit prior to Board meeting insufficient time to review and comment, & recommends a 30-day comment period if there are subsequent revisions which result in the posting of a third draft permit.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption

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14.9	City of Corona Department of Water and Power	Lack of cause for a Statewide General Permit - Staff has neither indicated nor demonstrated that the existing water quality programs (permits) are insufficient to preserve and improve water quality. Furthermore, this permit as written, will not offer any additional protection to community water systems. The City recommends that the State Water Board not adopt this proposed General Permit.	The State Water Board does not concur. The proposed Resolution and statewide permit documents the Board's intent of the statewide permit. Its intent is to implement the proposed regulatory exception with the State Implementation Policy and Ocean Plan for compliance with priority pollutants, and to establish a consistent statewide set of requirements that applies to drinking water system discharges, reducing the cost of compliance and allowing for more efficient management of these discharges in contrast to current General Regional Board NPDES Permits.
15.1	City of Escondido	The City states that with respect to Section I. (Scope Of Statewide General Permit and Requirements For Regulatory Coverage) that additional language should be inserted which explains that the intent of the permit is to allow drinking water discharges to receiving waters and does not assign any right to discharge to a storm drain system. The operator of an MS4 should be contacted for permission prior to discharge through their system. The MS4 operator may impose additional requirements for drinking water discharges through their MS4.	The State Water Board agrees that some clarification of this comment can be made in the fact sheet. The Permit has added appropriate language in the fact sheet. The MS4 always has the power to enter a local agreement for discharges entering their system, and/or require additional provisions to allow such discharges. This authority is in the California Water Code (Wat. Code, § 13002, subds. (a).).

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15.2	City of Escondido	The City states that an MS4 operator would, as a minimum, need to be informed of any discharges through their system, and the discharger should advise the operator on whether it obtained any fecal indicator bacteria (FIB) peaks in its monitoring data. However, if FIB in the discharges occurring under this permit cannot be controlled, the Draft Permit should prohibit this type of discharge.	This Draft Permit does not regulate the discharges from systems with commingled discharges. Through this permit the State Water Board is not authorizing discharges into MS4 systems and does not limit the ability of MS4s to use their discretion in requiring additional requirements for discharges entering their systems. This permit does not apply California Toxics Rule criteria for those pollutants that have been granted an exception and are not part of a TMDL, but does require Best Management Practices and certain effluent monitoring. The State Water Board encourages local collaboration between water purveyors and MS4 systems. Furthermore, the permit has been modified to require pre-notification by local water purveyor to the corresponding MS4 system operator when there is going to be a high volume discharge (greater than once acre-foot).
16.1	City of Huntington Beach Public Works Department	Commenter states that the current regulatory framework adequately addresses water quality concerns that may arise from the types of discharges encompassed in this draft general permit, so this additional general permit is not necessary for protecting water.	The proposed statewide permit will provide consistent regulation for all drinking water system discharges that are within the scope of the permit. The proposed permit will replace the regulatory coverage provided by regional water board permits that regulate similar discharges with varying requirements. To promote efficient use of staff, the State Water Board is choosing to regulate low-threat discharges from drinking water systems with one statewide permit.
17.1	City of Orange	Commenter finds the time schedule for public comments prior to the Board adoption hearing too compressed, and recommends a 30-day review period instead.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
17.2	City of Orange	Commenter requests that pre-existing regional water board-issued permits for subject dischargers be retained, and that the new general permit be issued only to dischargers who are not operating under a regionally-issued permit.	The proposed statewide permit will provide consistent regulation for all drinking water system discharges that are within the scope of the permit. The proposed permit will replace the regulatory coverage provided by regional water board permits that regulate similar discharges with varying requirements. To promote efficient use of staff, the State Water Board is choosing to regulate low-threat discharges from drinking water systems with one statewide permit.
17.3	City of Orange	The City recommends that Section II.0.1 should be revised to clarify that dischargers subject to this general permit are not automatically exempt from regulation by the Regional Water Boards.	The State Water Board has modified the permit to express that it is the Board's intention that a Regional Water Board will terminate any non-storm water permits that provide duplicative regulation for the same discharges, after coverage under the new Draft Permit has been approved.
17.5	City of Orange	The clarification on water purveyors with multiple community water systems should be moved to the bottom of the section or elsewhere where it can stand alone. Alternatively, the clarification regarding multiple community water systems can be enclosed in parenthesis signifying a clarification.	The State Water Board concurs. The Draft Permit has been modified to make the recommended clarification.

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17.6	City of Orange	Section V of the permit outlines the effluent limitations for various discharges based on their location to receiving or ocean waters. For turbidity, the Fact Sheet makes a distinction that the effluent limit of 10 NTUs is applicable only to groundwater discharges (Attachment F page F-9 and F-10). However, this clarification is not included in Section V.	The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.
17.7	City of Orange	Discharges into hardened surfaces such as concrete curb gutters, paved streets and concrete channels should not require dissipation devices. Unless the outlet point is constructed by the water agency; most outlets into receiving waters such as storm drain outlets into flood control channels already contain dissipation devices. Additional devices are not needed in this case.	The State Water Board does not concur. Control of flow and debris that is swept away with the flow is a responsibility of a water purveyor when discharging on paved surfaces. Dischargers are required to implement best management practices (BMPs), as applicable, that treat or control pollutants, erosion, and hydromodification resulting from their discharges to maintain permit compliance. If a drinking water system discharge is flowing directly into a surface water body, and BMPs are not in place to prevent the above-mentioned factors, the water purveyor is responsible for implementing the appropriate BMPs to address protection of the water body.

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17.8	City of Orange	Including a log of each location where BMPs are implemented, which can be at any point within a system that includes fire hydrant flushing, becomes an unnecessary exercise and administrative burden that serves no purpose other than to expend valuable agency resources.	The State Water Board does not concur that requiring water purveyors to document every BMP for every discharge is inefficient. The intent of the Draft Permit is to allow every water purveyor to develop and implement its own BMP plan and procedures to maintain permit compliance, and have the logs available upon Water Board staff request. In addition, maintaining track of the BMPs used would help dischargers identify which BMPs are more effective.
17.9	City of Orange	The permit should indicate that discharges that infiltrate into soils do not require additional BMPs other than BMPs to protect against scouring.	Thank you for your comment. The State Water Board concurs, and the Permit has been clarified to require BMPs only for discharges that enter a Water of the U.S.
17.10	City of Orange	Clarification needs to be provided in Attachment B part G of the Notice of Intent regarding the receiving water body and its listing on a 303(d) list.	The State Water Board expects dischargers to know which receiving waters they are discharging to. Section III. K of the Fact Sheet identifies the adopted TMDLs that are pertinent to water purveyors. Therefore, water purveyors must identify their receiving waters and compare to the list of TMDLs in section III. K of the Fact Sheet. A similar process is necessary for 303(d) listed water bodies. A water purveyor must identify their receiving water and compare it to the list of 303(d) listed water bodies provided through the State Water Board website (http://www.waterboards.ca.gov/losangeles/water_issues/programs/303d_list.shtml). The NOI has been modified to identify the website that provides the list of receiving waters that are on the 303(d) list.
17.11	City of Orange	Include language at Standard Provision V.B.4 to allow the delegation of signatory approval to another individual within an agency for routine reporting as allowed by other state permits.	Standard Provision V.B.5 provides for a duly authorized representative to be signatory for routine reporting purposes in accordance with federal regulations. Therefore the State Water Board does not agree to change this wording.

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17.12	City of Orange	The first paragraph in Section IV of Attachment E regarding monitoring of receiving waters that are out of compliance should be clarified to state that "out of compliance refers to a visual determination based on observations of a breach, a malfunction or lack of BMPs."	The State Water Board does not concur. The permit requirements, including but not limited to BMPs, are set forth to protect beneficial uses of the receiving stream. Visual receiving water monitoring is required when non-compliance with permit requirements may lead to an adverse effect or impact on beneficial uses of the receiving water body.
17.13	City of Orange	Section V of Attachment E regarding Post Notification of Emergency Discharges should be clear that discharges from sheared fire hydrants with potable water systems should not be included in these notifications to CalOES. These events occur too often in urban areas.	The State Water Board concurs and the permit has been modified for dischargers to only report to the Regional Board when there is a potential adverse effect or impact to the receiving waters. The State Water Board recognizes that water purveyors already have procedures for when to contact the Office of Emergency Services under emergency events.
17.14	City of Orange	The term "direct discharge" should be defined as a discharge which is not comingled with other discharges before reaching surface waters.	The State Water Board concurs and has added the definition to the Draft Permit.
17.4a	City of Orange	There is no mention of what happens when a Notice of Non Applicability is submitted. It is not clear what will happen to a municipality where the MS4 permit incorporates the local regional board permit for these discharges.	Within 90 days of receipt of an application, the State Water Board's Deputy Director of the Division of Water Quality (Deputy Director) will either issue an approval of the Notice of Non Applicability (NONA) or a letter denying the Notice or addressing missing information. If the justification of the NONA is a local agreement or existing MS4 Draft Permittee, the water purveyor should follow the requirements in the local agreement and/or MS4 Permit. The State Water Board's intention is for the Draft Permit, as adopted, to replace all regional board permits that regulate the same type discharges. Regional Water Boards that have applicable local regional permits referenced in MS4 permits will need to address their MS4 permits accordingly.

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17.4b	City of Orange	The top paragraph of Section II.A states that the permit is intended to provide coverage to water purveyor discharges from a community drinking system. However, the paragraph then goes on to identify what type of discharges are not covered in the Order in A.1) and A.2). The formatting is confusing because it seems that everything following A .1) and A. 2) is not covered in the Order, which is not the case. For clarification purposes it is suggested that what is not covered in the Order under A 1) and A 2) be moved below what is covered and given its own heading to clearly differentiate from the discharges covered.	The State Water Board concurs that the July 3, 2014 Draft Permit included more detail than necessary, causing some confusion. The revised Draft Permit now states that all waters intended for drinking water purposes and discharged due to activities mandated by drinking water regulations are authorized under this permit.
18.1	City of Sacramento	Throughout the State many Regional Water Boards have adopted various general NPDES permits in order to address drinking water system discharges. These orders, which in many cases cover a variety of low-threat discharges, are cumbersome for water purveyors to implement due to the broad scope of discharges that they apply to. With the large number of community water systems, and the similarity of their operational discharges, it makes sense to establish a standard of compliance statewide. This will allow for development of a permit that is industry specific, with straightforward and implementable compliance regimes, which are appropriate for the low-threat nature of these discharges.	Thank you for your comment.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
18.2	City of Sacramento	The term "community drinking water systems" should be replaced with "potable water system discharges" in order to avoid unintentional nullification of the exemption otherwise granted to MS4s if appropriate BMPs are implemented.	The State Water Board concurs. The term "community water system discharges" has been replaced with "drinking water system discharges" accordingly.
18.3	City of Sacramento	Automatic termination of existing low threat permits could be problematic. It is recommended that the Notice of Intent include an option for the water purveyor to opt out of their existing permit. This would allow the water purveyor the ability to maintain the permit if it is necessary for their operations.	The State Water Board does not concur. The Draft Permit does not prevent the water purveyor or municipality from keeping coverage under another General NPDES Permit for other types of discharges that are not from its drinking water system or within the scope of the Draft Permit. The State Water Board's intent is for the applicable Regional Water Board to terminate existing coverage under the local Regional Board permits for the same type of discharges covered under the statewide permit. A water purveyor or municipality may still need to obtain coverage under both permits, the proposed statewide general permit and a local regional general permit, due to the variety of discharges under their responsibility.
18.4	City of Sacramento	The Draft Permit should include clarification the regarding eligibility for coverage. Specifically, references to compliance with MCLs should be clarified.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable water have been removed.

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18.5	City of Sacramento	Record keeping for every minor discharge would not provide useful information nor provide any measureable impact to water quality. It would however serve as a record keeping burden to field personnel, taking away time that could be used to perform water operations activities. It is recommended that the permit establish a minor discharge amount of potable water that can be discharged without having to keep records of the event. One hundred gallons would be a reasonable minor discharge limit. The permit already establishes that applicable BMPs are to be used for all discharges, so the goal of the permit is defined through this requirement.	The State Water Board does not concur that requiring water purveyors to document every BMP for every discharge is inefficient. The intent of the Draft Permit is to allow every water purveyor to develop and implement its own BMP plan and procedures and have them available upon Water Board staff request. In addition, recordkeeping of the BMPs used would help dischargers identify which BMPs are more effective.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
18.6	City of Sacramento	The compliance monitoring for chlorine residual needs to be clarified (Section IX. Compliance Determination, Part A and B, Page 19-20). This section states the following: "IX. Compliance Determination Compliance with the final effluent limitations contained in Section V of this Order will be determined as specified below: A. General Compliance with effluent limitations shall be determined using monitoring and reporting protocols defined in the Monitoring and Reporting Program of this Order. For purposes of reporting and administrative enforcement by the State and/or Regional Water Boards, the Discharger shall be deemed out of compliance with the effluent limitations if the constituent concentration or level is greater than the effluent limitation and greater than or equal to the method detection limit (MDL) of properly calibrated in-field monitoring equipment. B. Total Residual Chlorine Handheld chlorine measuring devices that are U.S. EPA-approved are appropriate to measure residual chlorine in the field for compliance determination. The MDL of a hand-held chlorine meter used to determine compliance with the total chlorine residual effluent limitations is 0.10 mg/L or lower. A discharge monitoring result with a total residual chlorine concentration greater than or equal to 0.10 mg/L shall be deemed out of compliance with a chlorine effluent limitation. Due to other possible interferences of these handheld devices, if	The State Water Board concurs. The State Water Board has modified the permit to include the compliance determination language immediately below the effluent limits to clarify the compliance determination. A chlorine monitoring result greater than or equal to 0.1 mg/L is noted as being out of compliance with the effluent limit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		readings are false positives, these will not be evaluated for compliance if explanation of cause is provided." Parts A and B above, as stated, create a variable compliance limit based on the method detection limit (MDL) of the monitoring device being used. Part B states that the chlorine concentration greater than or equal to 0.10 mg/L is out of compliance. This would mean that if you are below 0.10 mg/L the discharger would be in compliance. Part A, on the other hand, relates the compliance determination if the concentration is greater than effluent limit (0.019 mg/L) and greater than or equal to the MDL of the instrument. These requirements conflict with each other, and in the case of Part A, creates a compliance determination limit based on the MDL of the field instrument being used. This is in conflict with the goal of creating a straightforward compliance approach for this permit. Based on the current level of accuracy of field instruments of testing Chlorine residual, 0.10mg/L is an appropriate range on accuracy. It is recommended that these compliance determination sections of this permit be changed to clearly establish a compliance limit for chorine not to exceed 0.10 mg/L.	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
19.1	City of San Diego's Public Utilities Department	The permit language in Attachment F, Section III.K effectively establishes a prohibition on drinking water discharges in the San Diego Region by making specific references to TMDLs with no defined waste load allocations for drinking water systems. If waste load allocations are to be assigned to drinking water system discharges, this should be addressed as part of a Basin Plan amendment. The commenter requests that references to TMDLs and compliance needs for drinking water discharges be removed from the permit.	The State Water Board does not concur that the TMDL requirements should be removed from the proposed statewide permit. Section III.K. of Attachment F contains a summary of the federal requirements for implementation of existing TMDLs and the requirements of existing (already adopted) applicable TMDLs. The requirements summarized in Attachment F have already been adopted by a regional water board or U.S.E.P.A. Attachment G is reserved for discharge requirements, in addition to the requirements in the permit, to properly implement the existing requirements of the existing TMDL. As shown on Attachment G, the State Water Board states that it is not imposing additional TMDL-specific requirements for discharges flowing into the TMDL-listed water bodies currently identified in Attachment F. Discharges with regulatory coverage under the proposed permit, and in compliance with permit requirements, are "permitted" to discharge into the identified receiving waters. This includes discharges into water bodies in which the adopted TMDL contains a zero waste load allocation. The proposed permit clearly states that discharges regulated under this statewide permit are intermittent, short-term and low threat in nature and do not contribute to the impairment associated with currently adopted TMDLs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
19.2	City of San Diego's Public Utilities Department	Clarity is needed on effluent limitations and discharge specifications in the Draft Permit. The Public Utilities Department has concerns with regard to compliance where the chlorine effluent limits are effectively set at levels lower than the detection limits of field monitoring equipment in the permit. Page 20, Section IX.B of the permit attempts to provide clarity for compliance for this specific occurrence by noting that chlorine concentrations greater than 0.10 mg/L are the threshold where a permittee is deemed out of compliance. However, this clarifying language does not make clear that there is a range of tolerance and leaves the issue of compliance open for interpretation. The Public Utilities Department has provided proposed revised language in the comments attached to this letter.	The State Water Board concurs. The State Water Board has modified the permit to include the compliance determination language immediately below the effluent limits to clarify the compliance determination. A chlorine monitoring result greater than or equal to 0.1 mg/L is noted as being out of compliance with the effluent limit.
19.3	City of San Diego's Public Utilities Department	The Public Utilities Department understands that this Draft Permit is still in the draft and review stage, and it hopes that the SWRCB will take into consideration the uniqueness of individual regions and local municipality agency needs before delivering a final draft.	The State Water Board finds that discharges from drinking water systems due to mandated activities are relatively similar in quality throughout the state; however, potential receiving water impacts can vary throughout the state. This permit incorporates requirements based on the individual basin plans throughout the state to reflect the uniqueness of the water bodies and of the individual regions.
19.4	City of San Diego's Public Utilities Department	The Department recommends replacement of references to "CDPH" with references to either "SWRCB" or "SWRCB DDW", as appropriate.	The State Water Board concurs and the Draft Permit has been modified to clarify that such terms are used interchangeably, as appropriate.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
19.5	City of San Diego's Public Utilities Department	The State Water Board should extend the deadline to submit an application to allow enough time for dischargers to file NOIs and/or NONAs.	The State Water Board concurs that an extension is appropriate to allow time to file applications. Because some water purveyors throughout the state need regulatory coverage as soon as possible, the Draft Permit effective date would be established 100 days after the adoption date of the Draft Permit. The State Water Board will grant additional time, up to September 1, 2015 for all water purveyors to file the required documents after adoption of the Draft Permit. Since the NOI or NONA requirements have been simplified, the State Water Board believes that the additional months will be sufficient time to submit the NOI or NONA.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
19.6	City of San Diego's Public Utilities Department	The discharge definition section remains confusing and requires additional clarity as to the subset of discharges allowed. The District recommends only permitting potable water discharges and raw water discharges to the extent they are subject for NPDES requirements.	The Draft Permit has been modified to simplify the regulatory approach, removing differentiation of raw, potable and treated water. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). Therefore the need to define whether a discharge is raw or potable is no longer necessary. The final Draft Permit has been modified and reorganized for clarification. The State Water Board has clarified that unscheduled discharges are part of planned discharges. The State Water Board has also clarified, in the description of the discharges that emergency discharges include unplanned discharges. The Draft Permit implements a regulatory exception that is based the proposed Mitigated Negative Declaration to fulfill the requirements of CEQA. Unplanned discharges pursuant to the proposed permit are consistent with the CEQA definition of emergency discharges. The State Water Board has modified the permit to illustrate that emergency discharges include unplanned discharges. Lastly, the Draft Permit states that all discharges that are federally exempt pursuant to NPDES permitting regulations are not required to obtain regulatory coverage under this permit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
19.7	City of San Diego's Public Utilities Department	This section excepts coverage for activities in which water purveyors regularly participate. For example, water purveyors often coordinate with their local fire department on combined flushing and fire flow testing. In addition, it is not clear what "construction" is not covered. When water systems construct or replace water lines they must conduct hydrostatic testing, flushing, and disinfection of the lines. Adding construction as it appears here is confusing given that in the previous paragraph coverage is granted to "work conducted by contractors on behalf of the water purveyor." Recommendation: Remove Fire Departments and Construction from the list of exceptions as long as they are coordinated with a local water purveyor as follows: 2) From other entities or individuals ~~such as fire departments, construction and insurance companies~~ that test potable water systems, street cleaners, or other users of a municipal storm water system that discharge to waters of the U.S. <u>unless coordinated with the local water purveyor or regulated entity.</u> Alternatively, specify which construction activities are not covered (i.e. dust control).	The referenced discharges from local fire departments, construction contractors on fire systems and similar water system testing are not exempted from Clean Water Act requirement for discharges of pollutants into surface waters. However, as documented in the permit findings, the Draft Permit solely regulates discharges which are granted a regulatory exception through the proposed accompanying resolution. Per State policy, the particular regulatory exception being provided by the State Water Board applies only to water purveyors. Therefore, the State Water Board does not intent to include fire system related discharges to be regulated under this permit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
19.8	City of San Diego's Public Utilities Department	The site schematic requirement is labor intensive and costly. The site schematic requirements should be clarified and be made less burdensome.	The State Water Board concurs. The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges.
19.9	City of San Diego's Public Utilities Department	The commenter recommends that where TMDL monitoring is applicable, the permit should allow for the use of existing data collected under the Safe Drinking Water Act and use approved test methods for drinking water instead of 40 CFR 136. Since drinking water sources are not significant as stated on page 13 of the permit, either delete Section III.K monitoring requirements or define the intended purpose.	The monitoring requirements for NPDES permits must follow federal requirements per 40 CFR section 122.41(j)(4), which requires test procedures under 40 CFR Part 136. The federal NPDES regulations do not allow the use of approved test methods for drinking water (unless USEPA approves an alternate test method) as a substitute for the 40 CFR Part 136 methods. The purpose of the monitoring for TMDL-specific constituents is so that the Deputy Director may determine if coverage under, and compliance with, the statewide permit will address any applicable waste load allocations. Specific permit requirements are explained in the fact sheet.
19.10	City of San Diego's Public Utilities Department	Delete provisions contained in Section II.B.d.ll Before establishing site specific controls, the State Water Board should ensure that reasonable Best Management Practices (BMPs) are available to address concentrations required in Attachment G. Many of the TMDL specific constituents in Attachment G do not have available BMPs for drinking water discharges.	Comment noted. The draft Section II.B.d.ii has been revised to state that BMPs for TMDL specific constituents are to be implemented as applicable and as BMPs are feasible.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
19.11	City of San Diego's Public Utilities Department	Water Purveyors should be allowed to continue operating under current Regional Board permits until they expire. The State Water Board does not have the authority to terminate current permits made in agreement with Regional Boards as stated. These permittees would unfairly be paying additional permitting fees prior to their current permits having fully ended their tenure.	The State Water Board is pursuing consistent and uniform regulation of Drinking Water Systems discharges statewide that are "low threat" in nature. The State Water Board intends that regulatory coverage under an existing Regional Water Board NPDES permit for discharges within the scope of this Order will be terminated by the applicable regional water board upon issuance of the Notice of Applicability for this Order, or one year after the Adoption Date of this Order, whichever is sooner. The State Water Board, Division of Administrative Services will be notified of each Regional Water Board termination and adjust fee invoices accordingly to prevent duplication. The State Water Board acknowledges that some regional board permits authorize discharges in addition to those from drinking water systems, and the water purveyor may need to maintain both coverages for the drinking water system discharges as well as the non-drinking water system discharges. I
19.12	City of San Diego's Public Utilities Department	The statement to train all personnel operating the system is broad. While training is important, the need and scope of training should be left to the agency.	The State Water Board concurs. Drinking Water System discharges are a result of the operation and maintenance (O&M) of drinking water facilities. To comply with this Draft Permit and minimize pollutant discharges to receiving waters, the requirement of properly trained O&M personnel is appropriate. The Draft Permit has been modified to clarify that the discharger holds the discretion to determine the appropriate training needed for permit compliance.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
19.13	City of San Diego's Public Utilities Department	BMPs for planned discharges are unclear and could lead to confusion as to implementation since many planned discharges from permittees are ongoing.	The State Water Board concurs. The requirement for BMPs has been clarified in the Draft Permit. Furthermore, the permit has added language that states: "Implementation of BMPs includes proper management, and routing of discharges to control the pollutant of concern."
19.14	City of San Diego's Public Utilities Department	In the event that the State specifically allocated TMDL waste loads to a permittee, the appropriate BMPs for TMDL waste load allocations would be assigned to a permittee. The onus should not be placed on the permittee to determine the appropriate BMPs for the TMDL; there also may be no such BMP available.	The State Water Board does not concur. A TMDL contains water quality requirements and objectives already adopted by a Water Board. The State Water Board is implementing already-adopted TMDLs in the Draft Permit. Through an NPDES permit, a Water Board does not specify the method of compliance (the appropriate treatment or controls to be implemented); for the Draft Permit, the discharger is required to determine the appropriate site-specific, facility-specific and water body-specific BMPs to be implemented to comply with the permit requirements (including applicable waste load allocations, as applicable). The intent of the monitoring is for the discharger to gather data to determine if BMP modifications are needed. The intent of the reporting is for the State Water Board to determine protection of water quality and obtain further information for future permit reissuance.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
19.15	City of San Diego's Public Utilities Department	The Public Utilities Department has concerns with regard to compliance where the effluent limits are set at levels lower than the Maximum Detection Limit (MDL) in the permit. This section attempts to provide clarity for compliance for this specific occurrence. However, we feel it leaves a permittee exposed to being out of compliance regardless of the good intent of staff to clarify this existing potential for excursion from effluent limits. Recommendation: Provide compliance clarification in section IX.B of the permit as follows: B. Total Residual Chlorine Handheld chlorine measuring devices that are U.S. EPA-approved are appropriate to measure residual chlorine in the field for compliance determination. The MDL of a hand-held chlorine meter used to determine compliance with the total chlorine residual effluent limitations is 0.10 mg/L or lower. <u>In some instances, effluent limitations in this permit are recognized to be lower than the available field equipment MDLs and permittees are not expected to demonstrate compliance with levels below the MDLs. Therefore, for total residual chlorine compliance determinations where the effluent limitations are set below the MDLs of available field equipment MDLs, the exceedance of maximum concentration limit would be a</u> discharge monitoring result with ~~a total residual chlorine~~ concentration greater or equal to 0.10	The State Water Board concurs. The State Water Board has modified the permit to include the compliance determination language immediately below the effluent limits to clarify the compliance determination. A chlorine monitoring result greater than or equal to 0.1 mg/L is noted as being out of compliance with the effluent limit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		mg/L ~~shall be deemed out of compliance with a chlorine effluent limitation~~. Due to other possible interferences of these handheld devices, if readings are false positives, these will not be evaluated for compliance if explanation of cause is provided.	
19.16	City of San Diego's Public Utilities Department	Spell out and define acronym Method Detection Limit (MDL) and National Pollutant Discharge Elimination System (NPDES).	The State Water Board concurs and has made the recommended changes accordingly.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
19.17	City of San Diego's Public Utilities Department	The site schematic requirement is labor intensive and costly. The site schematic requirements should be clarified and be made less burdensome.	The State Water Board concurs. The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges.
19.18	City of San Diego's Public Utilities Department	The text on page C-2 of the permit states, …"Such controls shall minimize the energy of discharges by managing flow velocities and volumes, and shall be appropriately designed so that the discharge does not exceed the hydraulic capacity of the receiving water (emphasis added) at the point of discharge and areas downstream of the discharge point. This statement is confusing and arbitrary. The statement does not clearly define how a permittee would best design erosion control measures. Recommendation: Remove reference to exceeding the hydraulic capacity of the receiving water as follows: Such controls shall minimize the energy of discharges by managing flow velocities and volumes, ~~and shall be appropriately designed so that the discharge does not exceed the hydraulic capacity of~~ to the receiving water at the point of discharge and areas downstream of the discharge point.	The State Water Board does not concur. Not exceeding the hydraulic capacity of the receiving water body at or downstream of the discharge is one of the elements necessary to ensure deleterious hydro modification impacts to the receiving water body do not occur.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
19.19	City of San Diego's Public Utilities Department	Due to the intermittent nature of copper treatment, the addition of copper does not result in significant increases in copper concentrations in the treated water distribution system. The copper BMP should be removed from the BMP measures.	The State Water Board does not concur. Drinking water system dischargers from a source that uses copper to control algae and/or uses zinc for facility corrosion control do need to implement BMPs to reduce the concentration of these pollutants. Even though discharges are granted an exception to the California Toxics Rule criteria for these metals, the State Water Board continues to require cost effective measures to control these metals to the maximum extent feasible.
19.20	City of San Diego's Public Utilities Department	Attachment C.II sections D and F related to training and operator certification are not applicable for an NPDES permit.	The State Water Board does not concur. Drinking water system discharges are a result of the O&M of drinking water facilities. To comply with this Draft Permit and minimize pollutant discharges to receiving waters, the requirement of properly trained O&M personnel is appropriate.
19.21	City of San Diego's Public Utilities Department	The statement as written is not compatible and is actually counter to the referenced 40 Code of Federal Regulations Part 122.41(c) which is as follows: “c) Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.” Recommendation: Revise language to be consistent with 40 CFR 122.41(c).	The State Water Board concurs. The language has been modified in the permit.
19.22	City of San Diego's Public Utilities Department	Page E-4 Section III. Table E-2. Recommendation: Clarify when 1/event monitoring is required and when 1/year monitoring is required.	The State Water Board concurs and has modified the permit to clarify event and representative monitoring.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
19.23	City of San Diego's Public Utilities Department	The permit should take advantage of existing monitoring for compliance with the Safe Drinking Water Act and avoid duplicate monitoring.	The proposed permit does not prevent a water purveyor from utilizing existing monitoring data for compliance with other permits as long as the data submittal meets the requirements of the permit. The discharger should be aware that data collected to comply with the Division of Drinking Water permit may not be sufficient to represent managed discharges from drinking water systems. Monitoring required by this proposed permit is intended to represent the water that is released from the system, after best management practices are implemented, and before it reaches surface water or a storm drain inlet. Other monitoring may not reflect the solids level and chlorine level after BMP implementation. With regards to turbidity, the permit only implements turbidity specifications and monitoring for ground water well operations. BMPs are required for all discharges to minimize sediment, debris, sand and trash from all discharges.
19.24	City of San Diego's Public Utilities Department	Page E-4 Section III, Table E-2 footnote 3. Recommendation: Clarify what "feasible" means in the context of monitoring for turbidity.	The turbidity monitoring has been modified from metered monitoring to visual monitoring, except for discharges from groundwater supply well operations which will still be metered. The term "feasible" means capable of being carried out or accomplished.
19.25	City of San Diego's Public Utilities Department	Page E-4 Section III, Table E-2 footnote 4. Recommendation: Delete or clarify the statement "Each discharge event that requires monitoring shall be monitored once per year".	The proposed permit has been modified to clarify whether monitoring for a discharge is required after every discharge event, or per the annual representative monitoring.
19.26	City of San Diego's Public Utilities Department	Recommending to delete the requirement to use telephoto lenses and binoculars and only require to the extent practicable any documentation that captures observations that are gathered.	The State Water Board does not concur. The proposed permit does not require the discharger to take pictures with the use of photolenses or binoculars. It allows the use of such tools to help document what is observed in case where there are hazards present that make it difficult access the receiving water. No changes are made to this section of the Monitoring and Reporting program.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
19.27	City of San Diego's Public Utilities Department	The permit should allow the use of simplified monitoring approaches such as color wheels that are more cost effective and field friendly for small water systems instead of handheld field meters.	State Water Board concurs and the permit has been modified to remove the need for field meters for turbidity, except for discharges from groundwater supply well operations which will still be metered. However, there is still a need for meters for chlorine residual monitoring due to the major toxicity concerns with chlorine and to ensure BMPs are adequately implemented for removal of chlorine.
19.28	City of San Diego's Public Utilities Department	Page E-5 Section IV. It is not clear what would be gained by using telephoto lenses and binoculars or if this approach would be practical.	The State Water Board's intent is to prioritize the safety of the discharger's personnel if hazardous conditions exist that prevent the discharger from performing visual receiving water monitoring. The use of binoculars or telephoto lenses will facilitate the visual monitoring requirements if access to the discharge location is restricted.
19.29	City of San Diego's Public Utilities Department	Recommendation: Delete requirement to notify OES for any violation that may impact beneficial uses. Retain the requirement to notify the Regional Board within five days.	State Water Board concurs and the permit has been modified for dischargers to only report to the Regional Board when there is a potential adverse effect or impact to the receiving waters. The State Water Board recognizes that water purveyors already have procedures for when to contact the Office of Emergency Services under emergency events.
19.30	City of San Diego's Public Utilities Department	Recommendation: Delete reference to algaecides since this is covered under a separate permit.	The State Water Board Aquatic Weed Control permit regulates discharges of pesticides applied directly to waters of the U.S. for weed and algae control purposes only. The Aquatic Weed Control permit does not regulate discharges from drinking water systems where the source water has been treated with copper containing algaecides.
19.31	City of San Diego's Public Utilities Department	The State Water Board should delete reference to monitoring wells since these are not a part of a public water system. Discharges from monitoring wells are de minimis and should not be part of this permit.	The State Water Board does not concur. Water purveyors must manage monitoring wells for drinking water supply aquifer management. To the extent possible, the State Water Board intends for this permit to address discharges resulting from water purveyors' responsibility to deliver safe drinking water.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
19.32	City of San Diego's Public Utilities Department	Assignment of a zero waste load allocation is effectively a prohibition on all drinking water discharges because the presence of coliform in raw or flushed water is not controllable to a zero discharge. Also, there are no effective field BMPs for removal of copper, zinc, lead, and nitrogen in drinking water discharges. The TMDL must be reopened for reconsideration of zero waste load allocations. The commenter recommends that the permit should clearly state that drinking water discharges do not contribute significantly to the impairment of the TMDL listed body, and that drinking water discharges cannot reasonably be controlled to meet a zero discharge or the designated waste load allocation. Furthermore, it should be stated that by complying with this permit the agencies are in compliance with the TMDL.	Section III.K. of Attachment F contains a summary of the requirements of existing (already adopted) TMDLs. The requirements summarized in Attachment F have already been adopted by a regional water board or U.S.E.P.A. Attachment G is reserved for discharge requirements, in addition to the requirements in the permit, to properly implement the existing requirements of the existing TMDL. Shown on Attachment G, the State Water Board states that it is not imposing additional TMDL-specific requirements for discharges flowing into the TMDL-listed water bodies identified in Attachment F. Discharges with regulatory coverage under the proposed permit, and in compliance with permit requirements, are "permitted" to discharge into the identified receiving waters. This includes discharges into water bodies in which the adopted TMDL contains a zero waste load allocation. The proposed permit clearly states that discharges regulated under this statewide permit are intermittent, short-term and low threat in nature and do not contribute to the impairment associated with currently adopted TMDLs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
20.1	City of San Jose	The City is a member of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and supports and incorporates by reference the comments of SCVURPPP on the Draft Permit, and especially concurs with SCVURPPP's strong belief that the proposed chlorine and turbidity WQBELs are not appropriate or practicable and should be replaced with benchmarks.	With respect to the Chlorine WQBELs, the State Water Board does not concur that chlorine limits should be replaced by action levels or benchmarks. The chlorine concentration in chlorinated drinking water is greater than the U.S. EPA Freshwater Quality Criteria for aquatic toxicity; therefore an effluent limitation for chlorine is required to protect beneficial uses per 40 CFR 122.44(d)(1)(i). For chlorine, action levels and bench marks triggering iterative BMP application are not appropriate where reasonable potential for acute and chronic toxicity have been established. The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
20.2	City of San Jose	As an initial matter, the City wishes to convey its strong support for Section 1.3 of the Draft Permit, which will exempt it as a co-permittee of the MS4 Bay Area Municipal Regional Stormwater Permit (MRP) from having to obtain additional coverage for potable water discharges under the SWB General Permit. The MRP already contains provisions requiring the City to manage and monitor potable water discharges within its jurisdiction and we have done so effectively and without water quality impacts. We wish to continue the program we have implemented under the MRP when it is reissued and avoid the administrative and management costs that would be associated with having to obtain separate, duplicative permit coverage.	Comment noted.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
20.3	City of San Jose	Dischargers should not be required to file a NONA to minimize unnecessary administrative and management costs.	The State Water Board does not concur. The State Water Board's intent is to identify drinking water systems that are regulated by a separate NPDES permit issued by a Regional Water Board for discharges that are outside the scope of this Order, covered under a local agreement, covered as an MS4 permittee or co-permittee. Discharge of waste to surface waters from drinking water systems that submit a notice of non-applicability does not exempt them from compliance with state and federal statutes. Pursuant to section 13383 of the Water Code, the State Water Board or Regional Water Boards may establish monitoring, inspection, entry, reporting, and recordkeeping requirements, as authorized by Sections 13160, 13376, or 13377 or by subdivisions (b) and (c) of that section, for: (1) any person who discharges, or proposes to discharge, to navigable waters, or (2) any person who introduces pollutants into a publicly owned treatment works. In addition, the NONA has been simplified to a simple one-page form, which will reduce the time required for completion and submission. Requiring the submission of a one-page NONA alleviates the need for the Water Board to dedicate a large amount of staff resources to identify water purveyors that are not required to enroll in the permit, and other water purveyors that are required to, but have not yet, enrolled in the permit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
20.4	City of San Jose	As a general policy matter, the City supports the additional statement in Finding III.C. that: "It is the State Water Board's intention in the issuance of this statewide NPDES Permit to provide consistent and efficient regulation of discharges from drinking water systems statewide." However, the State Water Board should clarify that the potable water discharge requirements in MS4 permits need not be identical to those in the Draft Permit (such as with respect to the inclusion of numeric effluent limitations in MS4 permits) as long as they provide an equivalent level of water quality protection. We therefore recommend that the State Water Board encourage the Regional Water Boards to exercise flexibility in potable water discharge provisions in reissued MS4 permits (including with respect to notification, monitoring, and reporting) so long as, taken as a programmatic whole, they provide an "equivalent level of protection" to those in the State-wide permit.	The Draft Permit regulates point source discharges from drinking water systems and does not affect requirements set forth in existing or reissued MS4 permits that cover systems operated by MS4 operators also authorized to discharge from their drinking water systems. The applicable regional water board retains discretion to adopt appropriate requirements for such systems, consistent with applicable statutory authority and regulations.
21.1	City of Santa Monica	This permit solves no problem that isn't already covered by permits offered by the various RWQCBs	The State Water Board does not concur. The intent of the statewide permit is to implement the proposed regulatory exception with the State Implementation Policy and Ocean Plan for compliance with priority pollutants, and to establish a consistent statewide set of requirements that applies to drinking water system discharges, reducing the cost of compliance and allowing for more efficient management of these discharges in contrast to current General Regional Board NPDES Permits.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
21.2	City of Santa Monica	This permit would place an additional burden on systems already complying with MS4 permits and would be particularly challenging for small systems.	The State Water Board does not concur. The Draft Permit does not require drinking water systems that are complying with local agreements through the MS4 permittee to enroll if the local agreement is determined to be sufficient to protect discharges to waters of the U.S. The Clean Water Act, section 301(a) requires point source water discharges to waters of the U.S. to be regulated with an NPDES permit. The State Water Board however does share similar concerns regarding small system owner/operators having multiple priorities to address during this time period of drought. Due to the difficulties small water systems are encountering due to the drought, the permit has been modified to not require systems with less than 1,000 connections to enroll in the permit. However, language in the permit has also been modified to clarify that these smaller systems that discharge to waters of the U.S. are still required, by the Clean Water Act, to obtain an NPDES permit. Water purveyors with systems less than 1000 connections maintain the option to enroll in the permit to obtain the necessary regulatory coverage for discharges to waters of the U.S. The State Water Board intends to reconsider the mandatory enrollment requirement for drinking water systems of 15 connections or more in a future re-issuance of the permit. The permit will be available for these smaller systems now if a Regional Board requires these small systems to obtain coverage.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
21.3	City of Santa Monica	Handheld digital meters for Chlorine are beyond the skill level for a large fraction of field staff and will result in more false positives than the Color Disc Kit measurements because the digital meters are more vulnerable to interference (scratches on sample cells, condensation on sample cells, undissolved reagent powder, etc.) and are much more complicated to zero. Color Disc kits are more appropriate. For either digital or color disc chlorine measurements, the Minimum Reporting Level should never be any lower than 0.1 mg/L and real world readings at this level should not be expected to be only roughly accurate. Measurements down at this level of sensitivity are really pushing this technology; 0.2 mg/L is the level at which these readings can be expected to be reliable. The meters may be capable of reading lower, but field crew testing real world samples often have problems measuring accuracy at the lower limit of sensitivity.	The State Water Board does not concur. The chlorine concentration in chlorinated drinking water is greater than the U.S. EPA Freshwater Quality Criteria for aquatic toxicity; therefore an effluent limitation for chlorine is required to protect beneficial uses per 40 CFR 122.44(d)(1)(i). The State Water Board has determined that in order to comply with the chlorine limitation, the use of handheld meters for Chlorine are specified to eliminate the need for laboratory analyses and maintain a low cost of compliance and facilitate timely assessment of discharge conditions so BMPs can be modified in a timely manner. Using color disk kits does not offer the appropriate precision and confidence to ensure chorine is not present in the discharge above the compliance level since it depends on the operator's color perception. The Draft Permit requires the appropriate training of personnel per manufacturer's recommendations. The use of a handheld chlorine meter will provide more accurate results, and if there are interferences or false positives, the permit already provides the flexibility that these will not be evaluated for compliance if an explanation is provided
21.4	City of Santa Monica	Handheld digital meters for pH are notoriously difficult to calibrate in the field and are subject to drift often requiring repeated recalibrations. The accuracy needed for this application does not warrant requiring digital meters. Test strips for pH are available with ranges narrow enough to be applicable.	The State Water Board has determined that litmus paper or pH indicators, while low cost and easy to use, lack sufficient precision and accuracy for regulatory compliance and provide only a rough estimate of pH. Use of a pH meter is a more accurate method and digital meters are used successfully in the water supply industry. The Draft Permit requires the appropriate training of personnel per manufacturer's recommendations.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
21.5	City of Santa Monica	Handheld digital meters for turbidity are also well beyond the sophistication level for a large segment of field crews. There is no reasonable field test available, so if turbidity measurements are desired, they should be tested in a certified laboratory.	The State Water Board generally concurs. All proposed turbidity monitoring has been revised in the permit from a measurement using a field turbidimeter to a visual estimate, except for discharges from groundwater supply well operations which will still be metered.
21.6	City of Santa Monica	Handheld digital meters for Chlorine, pH and Turbidity are expensive and easily damaged.	The State Water Board has modified the permit to remove the need for turbidity meter monitoring and changed it to a visual estimate, except for discharges from groundwater supply well operations which will still be metered. However, the State Water Board does not concur that color discs adequately detect chlorine at levels as low as the levels identified in the permit. Different people identify the same color differently, causing variation in monitoring for the same quality samples.
22.1	City of Sunnyvale	As an initial matter, the City of Sunnyvale wishes convey its strong support for Section 1.3 of the Draft Permit, which will exempt it (as an MS4 -permittee to the Bay Area Municipal Regional Stormwater Permit (MRP)) from having to obtain additional coverage for potable water discharges under the SWB General Permit. As the MRP already contains provisions requiring the City to manage and monitor potable water discharges in its jurisdiction, and we have done so effectively and without water quality impacts, we wish to continue the program we have implemented under the MRP when it is reissued and avoid the administrative and management costs that would be associated with having to obtain separate, duplicative permit coverage.	Comment noted.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
22.2	City of Sunnyvale	To further minimize unnecessary administrative and management costs, the Draft Permit requirement to file a Notice of Non-Applicability (NONA) per Section II.B.2 form in Attachment B.2 by December 1, 2014 (Section II.D) should be deleted.	The State Water Board does not concur. The State Water Board's intent is to identify drinking water systems that are regulated by a separate NPDES Permit issued by a Regional Water Board for discharges that are outside the scope of this Order, covered under a local agreement, covered as an MS4 Permittee or co-permittee. Discharge of waste to surface waters from drinking water systems that submit a notice of non-applicability does not exempt them from compliance with state and federal statutes. Pursuant section 13383 of the Water Code, the State Water Board or Regional Water Boards may establish monitoring, inspection, entry, reporting, and recordkeeping requirements, as authorized by Sections 13160, 13376, or 13377 or by subdivisions (b) and (c) of that section, for: (1) any person who discharges, or proposes to discharge, to navigable waters, or (2) any person who introduces pollutants into a publicly owned treatment works. In addition, the NONA has been simplified to a simple one-page form, which will reduce the time required for completion and submission. Requiring the submission of a one-page NONA alleviates the need for the Water Board to dedicate a large amount of staff resources to identify water purveyors that are not required to enroll in the permit, and other water purveyors that are required to, but have not yet, enrolled in the permit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
22.3	City of Sunnyvale	The City states that potable water discharges regulated in MS4 stormwater permits and requirements in the proposed drinking water system discharge permit do not need to be identical if equivalent water quality protection is met.	This NPDES permit regulates point source discharges from drinking water systems before they enter either a receiving water or an MS4 system. The Draft Permit is for point source discharges of non-storm water discharges. It is not appropriate for the State Water Board to address a specified or equivalent level of protection for MS4 permits in this permitting action. The Draft Permit recognizes that drinking water system discharges into MS4 systems vary depending on the system and are set by the operators of the MS4. 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.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
22.4	City of Sunnyvale	The City believes that the Draft Permit's inclusion of WQBELs for chlorine and turbidity are inappropriate and not practical. The City holds that such parameters should be replaced as benchmarks. This is consistent with current implementation under the MRP and has proven to be a sufficient use of numeric values to inform successful implementation of best management practices.	With respect to the Chlorine WQBELs, the State Water Board does not concur that chlorine limits should be replaced by action levels or benchmarks. The chlorine concentration in chlorinated drinking water is greater than the U.S. EPA Freshwater Quality Criteria for aquatic toxicity; therefore an effluent limitation for chlorine is required to protect beneficial uses per 40 CFR 122.44(d)(1)(i). For chlorine, action levels and bench marks triggering iterative BMP application are not appropriate where reasonable potential for acute and chronic toxicity have been established. The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
22.5	City of Sunnyvale	To further minimize unnecessary administrative and management costs, the Draft Permit requirement to file a Notice of Non-Applicability (NONA) per Section II.B.2 form in Attachment B.2 by December 1, 2014 (Section II.D) should be deleted.	The State Water Board does not concur. The State Water Board's intent is to identify drinking water systems that are regulated by a separate NPDES Permit issued by a Regional Water Board for discharges that are outside the scope of this Order, covered under a local agreement, covered as an MS4 Permittee or co-permittee. Discharge of waste to surface waters from drinking water systems that submit a notice of non-applicability does not exempt them from compliance with state and federal statutes. Pursuant section 13383 of the Water Code, the State Water Board or Regional Water Boards may establish monitoring, inspection, entry, reporting, and recordkeeping requirements, as authorized by Sections 13160, 13376, or 13377 or by subdivisions (b) and (c) of that section, for: (1) any person who discharges, or proposes to discharge, to navigable waters, or (2) any person who introduces pollutants into a publicly owned treatment works. In addition, the NONA has been simplified to a simple one-page form, which will reduce the time required for completion and submission. Requiring the submission of a one-page NONA alleviates the need for the Water Board to dedicate a large amount of staff resources to identify water purveyors that are not required to enroll in the permit, and other water purveyors that are required to, but have not yet, enrolled in the permit.
23.1	Coachella Valley Water District	It is inappropriate to use the subject permit to regulate untreated raw water entering receiving waters from Public Water Systems (PWSs).	The State Water Board does not concur. The Draft Permit has been modified to simplify the regulatory approach, removing differentiation of raw, potable and treated water. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water. Constituents in raw water may be pollutants that are being discharged to a water of the U.S., and if so, may need to be regulated with an NPDES permit. A discharge need not be a source of impairment to be regulated by an NPDES permit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
23.2	Coachella Valley Water District	The federal Water Transfer Rules exempts these potable water system uses of receiving water from needing to obtain NPDES permit coverage. Please delete raw water from the list of discharges covered by the Draft Permit.	The Draft Permit does not require coverage for a discharge that is otherwise exempt from the need to obtain NPDES permit coverage. 40 C.F.R. §122.3(i) exempts discharges from a water transfer from the requirement to obtain an NPDES permit, defining a water transfer as "an activity that conveys or connects waters of the United States without subjecting the transferred water to intervening industrial, municipal or commercial use. This exclusion does not apply to pollutants introduced by the water transfer activity itself to the water being transferred." However, rule has been challenged, and the U.S. District Court for the Southern District of New York partially vacated and remanded to EPA in 2014 in Catskill Mountains Chapter of Trout Unlimited, Inc. et al. v. EPA. Regardless, the State Water Board does not concur that a discharge of raw water from a drinking water system will always constitute an exempt water transfer under the rule, or a discharge that is not subject to NPDES permitting requirements. To the extent that discharges of raw water are exempt pursuant to 40 C.F.R. §122.3(i), the Draft Permit clearly states that the basis for a Notice of Non-Applicability includes discharges that are exempt from the requirement to obtain an NPDES permit under federal law.
23.3	Coachella Valley Water District	The Draft Permit should include clarification regarding the eligibility for coverage. Specifically, references to compliance with MCLs should be clarified.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable water have been removed.
23.4	Coachella Valley Water District	There are no known field BMPs that can remove salts and minerals from discharges by Community Water Systems. This requirement should be removed.	The State Water Board concurs. The requirement for BMPs to remove minerals and salts has been removed throughout the Draft Permit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
23.5	Coachella Valley Water District	The subject permit would require PWS's monitor each direct discharge event. This is wholly infeasible. Many PWS's sources operate automatically based on water system pressure changes that change constantly and can't be predicted or scheduled	The State Water Board concurs. The Draft Permit has been modified to clarify representative monitoring requirements. To address monitoring cost concerns, the Draft Permit has been modified to allow direct discharges to be sampled through representative monitoring.
23.6	Coachella Valley Water District	There is no feasible method to control pH in Public Water System (PWS) discharges beyond what is already performed to meet drinking water quality goals. There is no evidence indicating PWS discharges are a source of receiving water impairments for pH. Controlling and monitoring pH in PWS discharges is unwarranted. Please remove this monitoring requirement for pH.	The State Water Board concurs that monitoring for pH for all discharges is unnecessary. The permit has been revised to require only pH monitoring for superchlorinated discharges. The State Water Board is concerned that discharges heavily dosed with de-chlorination chemicals may pose a threat to beneficial uses of receiving waters. Monitoring for pH in superchlorinated discharges will give the discharger information on whether pH adjustment is needed to comply with applicable receiving water objectives.
23.7	Coachella Valley Water District	The fee structure should be revised to exempt public water supply systems whose discharges occur mostly within areas covered by MS4 permits from fees attached to this Draft Permit.	Thank you for your comment. The proposed fee schedule is a different item and outside the scope of this Draft Permit.
24.1	Del Paso Manor Water District	Commenter supports the concept of a statewide permit for water purveyors because it provides a consistent and uniform approach to regulation.	Thank you for your comment.
24.2	Del Paso Manor Water District	The site schematic requirement is labor intensive and costly. The site schematic requirements should be clarified and be made less burdensome.	The State Water Board concurs. The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
24.3	Del Paso Manor Water District	Del Paso Manor Water District requests better clarification and the threshold limits being revised in the MRP.	The State Water Board concurs. The Draft Permit monitoring and reporting requirements have been revised to clarify the monitoring frequency requirements.
24.4	Del Paso Manor Water District	We realize pH Is a factor In protecting aquatic life in rivers; however, it is impractical for a water purveyor to adjust pH In a discharge; therefore, pH sampling should be eliminated In the monitoring requirements. Instead require BMP's for direct discharges only if the water purveyor's water normally exceeds a certain level.	The State Water Board concurs that monitoring for pH for all discharges is unnecessary. The permit has been revised to require only pH monitoring for superchlorinated discharges. The State Water Board is concerned that discharges heavily dosed with de-chlorination chemicals may pose a threat to beneficial uses of receiving waters. Monitoring for pH in superchlorinated discharges will give the discharger information on whether pH adjustment is needed to comply with applicable receiving water objectives.
25.1	East Bay Municipal Utility District	The commenter, along with regional partners, has been actively engaged in obtaining a clear regulatory framework for de minimis drinking water discharges and has supported an effort in the San Francisco Bay Region (Region 2), both technically and financially for the last two plus years. The Agencies appreciate the efforts of both the San Francisco Regional Water Quality Control Board (SFRWQCB) and SWRCB staff to work collaboratively on the framework for the proposed permits. The District believes that the comments and recommendations provided herein will improve the draft permit by reducing costs of compliance while maintaining protection of water quality in the state (consistent with the intent of State Water Board Resolution No. 2013-0029) and will help to facilitate consistent and implementable industry standard best management practices for all water utilities.	The State Water Board appreciates your comments.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
25.2	East Bay Municipal Utility District	The definitions provided for the various types of discharges in the permit are too complicated, and would benefit from simplification.	The State Water Board has simplified the permit to remove the distinction of the varying qualities of water discharged from a drinking water system.
25.3	East Bay Municipal Utility District	The Draft Permit should be modified to add clarity regarding authorized discharges and references to MCLs.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). The final Draft Permit has been modified and reorganized for clarification. The State Water Board has clarified that unscheduled discharges are part of planned discharges. The State Water Board has also clarified, in the description of the discharges that emergency discharges include unplanned discharges.
25.4	East Bay Municipal Utility District	The use of the term "potable water" should be restricted to groundwater sources that are used as sources of drinking water.	The State Water Board has simplified the permit to remove the distinction of the varying qualities of water discharged from a drinking water system.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
25.5	East Bay Municipal Utility District	As you are aware, the Federal Water Transfer Rule (40 C.F.R. § 122.3[i]) exempts “water transfers” from regulation under the Clean Water Act; therefore, these discharges do not require NPDES permits. The Draft Permit currently includes the following language specific to this clarification in Section I. Scope of Statewide General Permit and Requirement for Regulatory Coverage: This Order is a National Pollutant Discharge Elimination System (NPDES) general permit that authorizes discharges from community drinking water systems, as defined in Table 1 and described in the Fact Sheet (Attachment F of this Order). In order to legally discharge, this Order requires enrollment of all water purveyors in California that discharge per the description above to waters of the U.S., unless otherwise exempt from the requirement to obtain an NPDES permit under federal law, in accordance with section I and II of this Order, with the exception of water purveyors that meet the following criteria: The challenge with this language is that the way it is written it is addressed to the discharger, not the discharge. For example, the District does need to enroll in this permit, but we also need acknowledgment of the regulatory status of our water transfers. We propose a slight modification, as written below, to easily address this issue: This Order is a National Pollutant	The Draft Permit does not require coverage for a discharge that is otherwise exempt from the need to obtain NPDES permit coverage. 40 C.F.R. §122.3(i) exempts discharges from a water transfer from the requirement to obtain an NPDES permit, defining a water transfer as "an activity that conveys or connects waters of the United States without subjecting the transferred water to intervening industrial, municipal or commercial use. This exclusion does not apply to pollutants introduced by the water transfer activity itself to the water being transferred." However, rule has been challenged, and the U.S. District Court for the Southern District of New York partially vacated and remanded to EPA in 2014 in Catskill Mountains Chapter of Trout Unlimited, Inc. et al. v. EPA. Regardless, the State Water Board does not concur that a discharge of raw water from a drinking water system will always constitute an exempt water transfer under the rule, or a discharge that is not subject to NPDES permitting requirements. To the extent that discharges of raw water are exempt pursuant to 40 C.F.R. §122.3(i), the Draft Permit clearly states that the basis for a Notice of Non-Applicability includes discharges that are exempt from the requirement to obtain an NPDES permit under federal law.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		Discharge Elimination System (NPDES) general permit that authorizes discharges from community drinking water systems, as defined in Table 1 and described in the Fact Sheet (Attachment F of this Order). In order to legally discharge, this Order requires enrollment of all water purveyors in California that discharge per the description above to waters of the U.S., ~~unless otherwise~~ to the extent such discharges are not exempt from the requirement to obtain an NPDES permit under federal law, in accordance with section I and II of this Order, with the exception of water purveyors that meet the following criteria:	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
25.6	East Bay Municipal Utility District	The District suggests that monitoring not be required for unplanned events, but should be focused on deployment of Best Management Practices (BMPs), which is consistent with earlier draft concept language circulated by State Water Board staff.	The State Water Board concurs and has made changes in the monitoring requirements accordingly.
25.7	East Bay Municipal Utility District	The District requests that the SWRCB staff add a low threshold volume for direct discharges under which no monitoring would be required because little to no risk to beneficial uses is feasible.	The State Water Board concurs. The Draft Permit has been modified to include direct discharges under representative monitoring.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
25.8	East Bay Municipal Utility District	The District believes implementation of the 10 NTU numeric effluent limit for turbidity in groundwater well discharges in the Draft Permit is not feasible or appropriate. Due to high variability in the flow rate, duration, and sediment load in these discharges, individual site constraints, and limited data make it difficult with any certainty to determine a reasonable action level that can be achieved with the given BMP technology. Further, the Draft Permit provides no technical explanation for the proposed 10 NTU limit, other than to globally reference regional basin plans. It is unclear to us where this number comes from. The SWRCB needs to conduct a reasonable potential analysis that demonstrates that short term, intermittent discharges of groundwater with varying turbidity concentrations have the potential to impact beneficial uses in order to propose a scientifically justifiable numeric limit. It would be more effective to take an iterative, adaptive approach, whereby permittees implement mechanisms to evaluate the performance of BMPs, formally document their use and make adjustments as necessary to protect water quality. At this time, the District recommends that the Draft Permit be amended to delete the turbidity effluent limit of 10 NTU and instead require appropriate BMP deployment to the maximum extent practicable, documentation of such deployment and documented evaluation of said BMPs and	The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		make all records of deployment and evaluation available for regulatory review.	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
25.9	East Bay Municipal Utility District	The Draft Permit includes an effluent limitation for total chlorine residual of 0.019 mg/L (Section V. Effluent Limitations and Discharge Specifications). Compliance is based on a total measurable chlorine residual of less than 0.10 mg/L (Section IX. Compliance Determination, B. Total Residual Chlorine). State Water Board staff has explained that the 0.019 mg/L figure is based on USEPA testing applicable to continuous extended exposure discharges. This basis is not sufficient for deriving water quality criteria for organisms exposed to episodic intermittent discharges of chlorine. Further, it is unclear what the basis is for a numeric effluent limit for chlorine residual; the Draft Permit provides no documentation of actual water quality problems caused by the thousands of essential drinking water system discharges that occur every year throughout the Region. There is also no information presented demonstrating that Numeric Effluent Limits (NELs) have been appropriately calculated or that they would be any more effective than benchmarks or action levels in ensuring that BMPs are effectively implemented for protecting water quality. The District suggests that the NEL for chlorine residual proposed in this permit be eliminated and replaced by an action level.	The State Water Board does not concur. Since the chlorine concentration in chlorinated drinking water is higher than the U.S. EPA Freshwater Quality Criteria for the one-hour average aquatic toxicity criteria, an effluent limitation for chlorine is required to protect aquatic life per 40 CFR 122.44(d)(1)(i). The State Water Board does not concur that chlorine limits should be replaced by action levels or benchmarks. This permit focuses on constituents specific to drinking water discharges that pose a direct threat to beneficial uses. Action levels and bench marks triggering iterative BMP application are not appropriate where reasonable potential for a pollutant to exceed water quality objectives or toxicity has been established.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
25.10	East Bay Municipal Utility District	The District does not believe that the Draft Permit needs to address the pH of discharges. Monitoring of drinking water discharges for pH would place an additional labor burden that would not yield information that could not already be obtained from reporting pH values already collected under regulatory and operational programs. The District has no knowledge of any pH related impairments of receiving water beneficial uses related to discharges from our discharge activities.	The State Water Board concurs and the Draft Permit has been modified to require pH monitoring for discharges of superchlorinated discharges only. There is a need to evaluate the pH in superchlorinated discharges because the addition of chlorinating, and subsequently dechlorinating chemicals, may alter the pH of the water and impact beneficial uses of the receiving waters. The monitoring will provide the information needed by the discharger to determine if the pH should be altered prior to ultimate discharge.
25.11	East Bay Municipal Utility District	The Draft Permit provides coverage for "short-term or seasonal discharges of potable water and treated drinking water" as indicated in Section I of the permit. This limited scope provides a gap in coverage for similarly de minimis discharges that run on a continuous basis to meet regulatory requirements for life, health and safety.	The State Water Board does not concur. The Draft Permit implements a regulatory exception that is based on the proposed Mitigated Negative Declaration to fulfill the requirements of CEQA. Unplanned discharges pursuant to the proposed permit are consistent with the CEQA definition of emergency discharges, and must be in accordance with the definition in the SIP section 5.3. The State Water Board has modified the permit to illustrate that emergency discharges include unplanned discharges. Additionally, the State Water Board is not able to declare continuous discharges as de minimis on a statewide basis since continuous discharges may pose a threat to water quality.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
25.12	East Bay Municipal Utility District	East Bay Municipal Utility District requests revising the Water Treatment Plant coverage to include all discharges from Water Treatment Plants, not just the treated water intended to go directly in to the distribution system as these are also low risk discharges.	The State Water Board does not concur. Due to the many different types of discharges from a drinking water system, the list of regulated discharges has been purposely defined as non-exclusive, stating that the discharges include, but are not limited to, the listed items. The Draft Permit has been modified to include a listing of authorized discharges to include Water Treatment Plant discharges. However, filter backwash that is recirculated to the headworks of the water treatment plant or discharged to a water supply reservoir that is not deemed a water of the U.S is not necessarily a discharge and therefore does not need coverage under this Permit. However if the filter backwash discharges to a water of the U.S, then this discharge is not covered under this Permit. Instead such discharge will need to be addressed by a separate NPDES Permit as it is not considered a drinking water discharge but more as a wastewater discharge and does not fall under the categorical SIP or Ocean Plan exceptions.
26.1	Eastern Municipal Water District	Commenter requests clarification of compliance requirements to ensure consistency in application.	The State Water Board concurs and has clarified the proposed permit accordingly.
26.2	Eastern Municipal Water District	The two page fee schedule is confusing and not easy to navigate.	Thank you for your comment. The proposed fee schedule is a different item and outside the scope of this Draft Permit.
27.1	El Dorado Irrigation District	Commenter urges incorporation of previously suggested modifications to the draft permit in order to reduce unnecessary costs for achieving compliance under this new general permit while assuring protection of water quality.	The State Water Board has incorporated many of the suggested changes into the final draft permit documents. Cost of compliance has been a primary factor in the development of the proposed permit requirements while assuring protection of beneficial uses in the receiving waters.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
27.2	El Dorado Irrigation District	Board staff on many occasions has indicated there will be more than minor changes to the July 3rd Draft Permit as a result of numerous comments it has received during recently held workshops and the public hearing on August 5th. Anticipating that the Draft Permit will have significant changes, the El Dorado Irrigation District urges a 45-day final review period from when the updated Draft Permit is available to the public before Board adoption.	The Draft Permit was originally circulated for public comment on June 6, 2014, with a comment period that was later extended to August 19, 2014. The Draft Permit circulated on October 2, 2014 includes many changes that simply involve reorganization of otherwise-unaltered language in order to provide for better organization. Actual changes to the language of the previously circulated version of the permit are minor, clarifying in nature, and not sufficiently significant to require an additional 30- or 45-day comment period under the cited regulations. In order to facilitate public participation, a workshop was held on October 21, with further clarifying changes based upon comments made.
27.3	El Dorado Irrigation District	The Permit states it is applicable to all community drinking water systems unless otherwise exempt. This Permit defines community drinking water systems as "a system with greater than 15 connections that is regulated by the California Department of Public Health (CDPH) or a local county department of health, with the primary purpose of conveying, treating and distributing safe drinking water". EID request the threshold for applicable service connections (SC) be raised from "greater than 15" to "1,000 or more". Per CDPH, some small water systems lack financial resources and limited opportunity for economies of scale to meet even primary drinking water standards. Predominantly, these systems are located in disadvantaged communities and/or in rural areas. These water systems typically cannot charge rates sufficient for maintenance and operation, or to undertake infrastructure repairs and upgrades.	The State Water Board however has considered public comments addressing concerns regarding small system owner/operators having multiple priorities to address during this time period of drought. Due to the difficulties small water systems are encountering due to the drought, the permit has been modified to not require systems with less than 1,000 connections to enroll in the permit. However, language in the permit has also been modified to clarify that these smaller systems that discharge to waters of the U.S. are still required, by the Clean Water Act, to obtain an NPDES permit. Water purveyors with systems less than 1000 connections maintain the option to enroll in the permit to obtain the necessary regulatory coverage for discharges to waters of the U.S. The State Water Board intends to reconsider the mandatory enrollment requirement for drinking water systems of 15 connections or more in a future re-issuance of the permit. The permit will be available for these smaller systems now if a Regional Board requires these small systems to obtain coverage.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
27.4	El Dorado Irrigation District	El Dorado Irrigation District request the fees and requirement to have a Permit be tiered for very small systems so that systems with less than 1000 SC only need apply if they have direct discharges, not be required to provide a detailed site schematic and only be required to apply BMPs and annual reporting.	Thank you for your comment. The proposed fee schedule is a different item and outside the scope of this Draft Permit. The State Water Board is being responsive to many stakeholders concerns regarding cost to small communities. In response, the Draft Permit has been modified and the proposed mandatory enrollment threshold has been raised from 15 end user connections to 1000 end user connections. The Draft Permit has also been modified to clarify that all small systems that have a discharge to waters of the U.S. must fulfill requirements of the Clean Water Act; this permit will remain available for small system owners/operators that choose to obtain NPDES regulatory coverage, or that are directed to obtain regulatory coverage from the corresponding Regional Water Board.
27.5	El Dorado Irrigation District	The District is requesting the Permit stipulate that: (1) a water purveyor may elect not to enter into a local agreement with the local MS4, and this permit will provide coverage for water system discharges to surface water conveyance systems under these circumstances, and; (2) the water purveyor will not be required to enter into additional agreements with other agencies including, but not limited to, MS4s unless specifically required by either the corresponding State or Regional Water Board. [Section I (1,2), page 4]	This NPDES permit regulates point source discharges from drinking water systems before they enter either a receiving water or an MS4 system. This permit does not require the discharger to enter into a local agreement with the MS4, nor does it replace the need for a local agreement. The State Water Board will not limit the ability of MS4s to use their discretion on requiring additional requirements for discharges entering their systems. This authority for the MS4 is in the California Water Code (Wat. Code, § 13002, subds. (a).).
27.6	El Dorado Irrigation District	The Draft Permit should include clarification regarding the eligibility for coverage. Specifically, references to compliance with MCLs should be clarified.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants for which an exception has been granted and are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable water have been removed.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
27.7	El Dorado Irrigation District	The Draft Permit should clarify what is considered "raw water."	The Draft Permit has been modified to simplify the regulatory approach, removing differentiation of raw, potable and treated water. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants for which an exception has been granted and are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable or raw water have been removed.
27.8	El Dorado Irrigation District	The Draft Permit should include clarification regarding the eligibility for coverage. Specifically, references to compliance with MCLs should be clarified.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants for which an exception has been granted and are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable or raw water have been removed.
27.9	El Dorado Irrigation District	Clarification is needed on the distinction(s) between "emergency discharges" and "unplanned discharges" in the text and definitions provided in the Draft Permit.	The State Water Board has clarified that unscheduled discharges are part of planned discharges. The State Water Board has also clarified, in the description of the discharges that emergency discharges include unplanned discharges.
27.10	El Dorado Irrigation District	The site schematic requirement is labor intensive and costly. The site schematic requirements should be clarified and be made less burdensome.	The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities and approximate locations for representative monitoring. The monitoring and reporting program in Attachment E has also been clarified.
27.11	El Dorado Irrigation District	BMPs for very small discharges of 1,500 gallons per event or one gallon per minute continuous flows that may or may not discharge to surface waters should not be required as the BMPs may offer no positive impact to the environment, add yet another chemical (a de-chlorination agent) to the environment, and add more resource and labor cost to routine maintenance activities. In addition, not exempting small incremental system leakages may put the water system at risk for third party plaintive lawsuits for failure	The State Water Board does not concur. For all planned discharges to surface waters, BMPs shall be implemented unless infeasible (e.g., inaccessible, inadequate space, etc.).

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		to demonstrate BMPs implementation for every drop of water discharged from the water system. [Section VIII(C)(2), page18]	
27.12	El Dorado Irrigation District	Attachment C, Sections II.C.I and II be stricken or re-written to more accurately reflect actual operation scenarios.	The State Water Board concurs. Attachment C has been modified to specify that the BMPs listed are examples only. Additionally, all references to salt and minerals have been removed.
27.13	El Dorado Irrigation District	EID for the most part Is very satisfied with the monitoring and reporting requirements of the Permit. It finds the annual reporting and representative monitoring sections as vast improvements to its current low Threat Discharge Permit.	Thank you for your comment.
27.14	El Dorado Irrigation District	EID uses automated flushers that discharge directly into surface waters on regular bases over a 24 hour period based on demand schedules. For this type and other frequent and planned events EID request to be able to perform one-time per year representative monitoring.	The State Water Board concurs and has determined that representative monitoring should include direct discharges in order to address monitoring costs. Therefore, the proposed monitoring requirements have been modified accordingly. With the modification to have direct discharges monitored by representative monitoring, the State Water Board is not including a minimum monitoring threshold due to the variation in threat to water bodies based on site-specific conditions.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
27.15	El Dorado Irrigation District	The Permit currently requires handheld chlorine measuring devices with a method detection limit (MDL) of 0.10 mg/L or lower. This requirement is improper. The Permit should allow for compliance with measurements to be performed using a U.S. EPA approved method, as described in 40 C.F.R §136.3. The Permit should not specify the type of meter or MDL. Rather, water purveyors should be allowed to select any method to measure compliance, so long as the method is approved by the U.S. E.P.A. Furthermore, an MDL for chlorine should not be included in the Permit. Instead, the Permit should include minimum levels (MLs) or reporting levels (RLs), which is consistent with practice in NPDES permits issued for wastewater treatment plants by Regional Boards. Under this approach, measurements below the ML would be deemed in compliance. EID recommends establishing 0.10 mg/L as the ML for chlorine. [Section IX, page 21]	The permit does not specify the type of meter required to be used. The State Water Board concurs that use of the minimum level (ML) or reporting level (RL) is more appropriate than use of the method detection limit (MDL) for compliance determination purposes. The Chlorine effluent limit compliance determination has been revised to be a RL of 0.1 mg/L where a RL of 0.1 mg/L or greater is out of compliance with the limit. The use of handheld meters for Chlorine is specified to eliminate the need for laboratory analyses in order to lower cost of compliance and facilitate timely assessment of discharge conditions so BMPs can be modified in a timely manner. With respect to the compliance determination, the permit has been modified consistent with the recommended changes with the exception of citing CFR section 136.3. The CFR section 136.3 was not referenced to allow for dischargers to seek other U.S. EPA alternate method approvals, such as the use of a handheld meter.
27.16	El Dorado Irrigation District	The Permit currently requires pre-notification to the applicable RWQCB of large planned discharges greater than one-acre foot. While these events do not happen often they do on occasion occur for seasonal operation of storage tanks, water storage tank cleaning, tank inspections, etc. The Permit provides no rationale for this notification and it is likely the RWQCB will have little interest in these types of discharges as long as water purveyors follow appropriate BMPs and	The State Water Board does not concur. Regional Water Boards have expressed concerns regarding receiving water impacts due to high volume discharges. The pre-notification threshold of one acre-foot, or other volume-related requirements, is provided in existing regional board permits. The purpose of the pre-notification is to have the local Regional Water Board aware of the discharge in case there are any water quality concerns or if there is a need to respond to public inquiries or complaints.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		monitoring as required in the Permit. EID request this be stricken from the Permit or the threshold changed to an acre-foot per day. [Attachment E, section VI, page E-6]	
27.17	El Dorado Irrigation District	The State Water Board should extend the deadline to submit an application to allow enough time for dischargers to file NOIs and/or NONAs.	The State Water Board concurs. To allow coverage as soon as possible for those water purveyors throughout the state that need regulatory coverage immediately, the Draft Permit effective date is proposed to be established 100 days after the adoption date of the Draft Permit (the minimum allowed by U.S.EPA for a contested general permit). The State Water Board will grant additional time, up to September 1, 2015 for all water purveyors to file the required documents after adoption of the Draft Permit. Since the NOI or NONA requirements have been simplified, the State Water Board believes that the additional months will be sufficient time to submit the NOI or NONA.
27.18	El Dorado Irrigation District	The Permit should be revised to provide that NOIs and NONAs are deemed approved upon filing, and discharges may proceed unless approval Is revoked by the Board.	The State Water Board does not concur. To allow coverage as soon as possible for those water purveyors throughout the state that need regulatory coverage immediately, the Draft Permit effective date is proposed to be established 100 days after the adoption date of the Draft Permit (the minimum allowed by U.S.EPA for a contested general permit). The State Water Board urges water purveyors that need an immediate response to an NOA or NONA to file their submittal per requirements in the permit, once adopted.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
27.19	El Dorado Irrigation District	Commenter finds the time schedule for public comments prior to the Board adoption hearing too compressed, and recommends at least an additional 30-day review period instead.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
28.1	General Public	Many if not most small water systems/purveyors may presently not be aware that adoption of this Draft Order is being considered. Small and very small systems simply do not have the resources to quickly respond to complicated regulatory requirements-especially without orientation and training. (I have found no mention in the Draft Order or accompanying documents from the SWRCB any consideration for providing orientation or training for small systems.) Some of the characteristics and challenges for small systems include: a. Predominately rural. b. Many located in mountain and foothill communities. c. Predominately moderate and low income residents. d. Managed and operated largely by unpaid volunteers-most of whom have day jobs. The time they have available to manage and operate their systems are evenings and weekends, when government offices are usually closed. e. Few if any paid staff. f. Limited available funding. Available funding is used for operating and maintaining the system, water quality testing, new or replacement infrastructure funding, administrative expenses and regulatory fees. g. Most are non-profit entities, either mutual water companies or independent/special districts. There simply is insufficient income generated by small systems to justify the paid staff and expectation of profit on investment required by a private company. h. Most	The State Water Board does not concur. The adoption process has followed established procedural requirements and timelines for permit adoption and extensive outreach has been performed by State Water Board staff. The final draft resolution and statewide permit reflect input provided a variety of stakeholders and proposes requirements addressing concerns regarding unnecessary costs. The State Water Board shares the concerns regarding small system owner/operators having multiple priorities to address during this time period of drought. Due to the difficulties small water systems are encountering due to the drought, the permit has been modified to not require systems with less than 1,000 connections to enroll in the permit. However, language in the permit has also been modified to clarify that these smaller systems that discharge to waters of the U.S. are still required, by the Clean Water Act, to obtain an NPDES permit. Water purveyors with systems less than 1000 connections maintain the option to enroll in the permit to obtain the necessary regulatory coverage for discharges to waters of the U.S. The State Water Board intends to reconsider the mandatory enrollment requirement for drinking water systems of 15 connections or more in a future re-issuance of the permit. The permit will be available for these smaller systems now if a Regional Board requires these small systems to obtain coverage.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		are struggling with the challenges presented by the current statewide drought. Small systems are often encouraged to consolidate with other small systems or merge with a larger system. In most cases this is not feasible or practicable. Small systems are usually geographically distant from other systems. Some use surface water and some use wells. The quality and characteristics of the source water may be different. Some systems treat and others do not. The age and condition of the infrastructure may be significantly different. {The alternative for many small systems may not be consolidation, but instead, disbandment and reversion to individual residential wells.)	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
28.2	General Public	The State Water Board should extend the due date of the applications-Notices of Intent (NOIs) or Notices of Non-applicability (NONAs) to allow enough time for dischargers to file NOIs and/or NONAs.	The State Water Board concurs. To allow coverage as soon as possible for those water purveyors throughout the state that need regulatory coverage immediately, the Draft Permit effective date is proposed to be established 100 days after the adoption date of the Draft Permit (the minimum allowed by U.S.EPA for a contested general permit). The State Water Board will grant additional time, up to September 1, 2015 for all water purveyors to file the required documents after adoption of the Draft Permit. Since the NOI or NONA requirements have been simplified, the State Water Board believes that the additional months will be sufficient time to submit the NOI or NONA
28.3	General Public	Unclear and ambiguous concepts, terms and wording in the Draft Permit create difficulty for small systems in making informed decisions.	The Draft Permit has been modified to simplify and clarify the requirements. To keep the document simple, not all words and phrases can be defined. In the example of a "conveyance system", there is no difference if a conveyance system is man-made or natural. If the system conveys drinking water system discharges to a water of the U.S., the permit conditions and requirements apply. Similarly, the word "discharge" means any water discharged to a water of the U.S.; there is no threshold to the size of discharge.
28.4	General Public	The fee scheduled is strongly biased against small, particularly very small systems with fewer than 200 connections.	Thank you for your comment. The proposed fee schedule is a different item and outside the scope of this Draft Permit.
28.5	General Public	The two page fee schedule is confusing and not easy to navigate.	Thank you for your comment. The proposed fee schedule is a different item and outside the scope of this Draft Permit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
28.6	General Public	Commenter states that the draft permit provisions which detail "Best Practices" are helpful and should assist small water systems take preventive measures which should minimize discharges, and that these smaller systems would welcome the technical assistance and training on these subjects that the State Water Board may provide.	Thank you for your comment. The State Water Board understands the difficulty for small systems to implement preventative measures for water quality protection amidst other demands. The State Water Board is appreciative of the clean water associations and industry groups that have represented small systems in the public Board process. With the incorporation of the new Division of Drinking Water, the State Water Board is able to provide assistance to small systems for drinking water supply and water quality protection purposes.
29.1	General Public	AB 2403 changes the definition of water in the Proposition 218 Omnibus Implementation Act, to mean: any system of public improvement intended to provide for the production, storage, supply, treatment, or distribution of water from any source. The Draft Permit defines Raw Water as: For the purposes of this Order, raw water is defined as untreated or partially treated surface water or groundwater dedicated for drinking water supply but is not suitable for human consumption. To be eligible for coverage under this Order, discharge of raw water may not cause or contribute to the receiving water exceeding a primary or secondary drinking water MCL, on a running annual average basis. This includes stormwater collected from storm drains in the right-of-way to underground storage facilities (i.e. in a park used for irrigation) through an underground system transported to a treatment plant. You have made stormwater now a drinking water category, yet it is permitted by a MS4 system. City of Los Angeles Proposition O	The definition of "water" set forth in Assembly Bill 2403 is specific to interpretation of Government Code section 53750, the Proposition 218 Omnibus Implementation Act, relating to local government assessments, fees and charges. Any definitions contained in the Draft Permit are specific to interpretation and applicability of the provisions in this permit. Definitions contained within an NPDES permit are not intended for interpretation of laws under other statutory enactments absent a statute or other regulation specifically providing for such application.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		projects such as Penmar Water Quality Improvement Project, Temescal Canyon Park BMP and Mar Vista Recreation Center Stormwater BMP fit into this category. Currently, this type of collection is not defined in the 2013 California Plumbing Code. You are legitimizing projects after the fact with high risk to the Public Health and Safety including birds and wildlife and the spread of disease.	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
29.2	General Public	The Interested Party states that under this proposed Draft Permit, stormwater capture is now drinking water capture with TMDLs and permits, such as the Los Angeles permit for Enhanced Watershed Management Plans and Watershed Management Plans. Jurisdictionally, the City of Los Angeles stormwater is under the Bureau of Sanitation Watershed Protection Division while the drinking water is under the Los Angeles Department of Water and Power (LADWP). LADWP's charter specifies that it owns all water assets within the City. The property of the stormwater capture systems mentioned above is the Department of Recreation and Parks. This state of affairs creates confusion for the local citizens, taxpayers and ratepayers of the City of Los Angeles.	Comment noted. This comment does not address the proposed Resolution or Draft Permit requirements and does not request any specific changes.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
29.3	General Public	The addition of selected TMDLs and Impaired Water Bodies to Section K does not make the permit consistent across the state. There is a problem of Ambient Water Quality Standards and Antidegradation policy implementation associated with weak TMDL enactment and permitted solutions.	The State Water Board does not concur. The State Water Board considered the low threat nature of the discharges to be regulated by the statewide permit, together with the various existing TMDL requirements. The State Water Board does not concur with the statement regarding weak TMDL enactment. Examples provided in this comment are not related to the drinking water system discharges that are subject to the proposed permit. Discharges with regulatory coverage under the proposed permit, and in compliance with permit requirements, are permitted to discharge into the identified receiving waters due to the level of threat posed to the beneficial uses or contribution to an existing impairment. The proposed permit clearly states that discharges regulated under this statewide permit are intermittent, short-term and low threat in nature and do not contribute to the impairment associated with currently adopted TMDLs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
29.4	General Public	For the Mitigated Negative Declaration, there should be an Environmental Impact Report prepared as there are significant effects to the environment. Infrastructure is aging and the public needs the disclosure to those aspects that affect that infrastructure. Alternatives should be presented as well as an ongoing Mitigation and Monitoring Program.	The State Water Board does not concur. The California Environmental Protection Act allows for a Mitigated Negative Declaration document to be prepared and circulated for proposed impacts that will cause less than significant impacts with mitigation. See, Pub. Res. Code sec. 21064.5, 21080 (c)(2); 14 Cal. Code reg. sec.15070. The draft Mitigated Negative Declaration addresses planned discharges from drinking water systems that result from activities mandated by the federal Drinking Water Act and the California Health and Safety Code to protect public health, concluding that although some potentially significant effects were identified in the initial study, mitigation measures incorporated into the project reduce them to less than significant. The State Water Board recognizes concerns over the effects of aging infrastructure. However, any discharges potentially associated with failure of aging infrastructure would not constitute planned discharges. The draft Mitigated Negative Declaration addresses any such discharges as emergency discharges and explains the application of a CEQA exemption for emergency discharges. The State Water Board, through its consideration and adoption of the proposed Resolution and Draft Permit, takes no position on adequacy of existing infrastructure. The purpose of the proposed regulatory actions is to regulate discharges from drinking water systems and ensure that water purveyors are implementing proper management practices to maintain less than significant impacts to the environment. The State Water Board has prepared a Mitigation Monitoring and Reporting Program and attached it to the Mitigated Negative Declaration.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
30.1	General Public	The current Draft Permit depends upon imperfect bmp's for mandatory, low or no-impact discharges. There should be some recognition, as there is in the Draft Permit (see page F-61, 2(b), BMP Iterative Approach), that bmp's for regulating discharges are imperfect. There will certainly be inconsequential violations of pH, turbidity, and erosion control, especially as these bmp's are improved. These de minimis discharges should not be subject to MMP's. If the violations are the result of willful misconduct or egregious neglect, administrative civil liabilities should be used as the penalty. De minimis discharges, by their nature, should not be subject to such aggressive punitive measures as MMP's. Again, the Draft Permit itself acknowledges that "the discharges covered under this Order are of low threat and low complexity." There are better places to spend public money than for fines, passed from one public agency to another, especially in a time of drought when revenue to water utilities is cut drastically as the public is asked to reduce its water demand. If these types of discharges dictate a unique and more benign permit, they also suggest a more benign penalty. Further, if the State Water Board grants an exception to the SIP because the water purveyor is mandated to discharge, why should fines be so steep if the purveyor is truly exercising due diligence in the	The Water Boards are required by law to issue mandatory minimum penalties (MMPs) per the California Water Code section 13385 for any violations of effluent limits in an NPDES permit. Water Code section 13385.1, subdivision (d) provides that, for specified subsections of section 13385 covering MMPs, an effluent limitation does not include a receiving water limitation, a compliance schedule, or a best management practice.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		application of current bmp's? The Mitigated Negative Declaration also begs the question. Finally, the Anti-degradation Policy (page F-15) especially would seem to provide some justification for providing a new or no financial penalty for potable water discharge violations, especially minor ones if a bmp fails to hold up. The SIP exception, the MND, and the Anti-degradation Policy all provide justification for a different view of the applicability of MMP's to potable discharge violations.	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
30.2	General Public	The Draft Permit should include a definition of potable water. Secondary MCL's are exclusively contaminants of an aesthetic nature and should have no place in the Draft Permit.	The Draft Permit has been modified to simplify the regulatory approach, removing differentiation of raw, potable and treated water. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable or raw water have been removed.
30.3	General Public	Copper and zinc management BMP requirements should be removed from the permit.	The State Water Board does not concur. Drinking water systems have the potential of conveying water in which copper has been added for herbicide control or zinc has been added for corrosivity control. Therefore, drinking water system discharges may contain copper or zinc. Although the State Water Board is providing a regulatory exception for California Toxics Rule constituents including copper and zinc, the State Water Board expects BMPs to be implemented to further minimize or remove these heavy metals from the discharge, as feasible.
30.4	General Public	Page E-3, B{2). Shouldn't this paragraph conclude with "3) report the monitoring results"?	The State Water Board concurs and has modified the Draft Permit accordingly.
30.5	General Public	On Page E-4, Table E-4, for the parameter, of Flow. Why is the Sample Type "estimate"'? Planned discharges should all be capable of being metered.	The State Water Board does not concur with requiring planned discharges to be metered. An estimated quantity is sufficient for future regulatory decision making. It is not feasible to meter all planned discharges. The State Water Board, however, does concur that the parameter for quantity of discharge should be reflected as "volume" not "flow". The Draft Permit has been modified accordingly.
30.6	General Public	Recommend change in language in MRP Page E-5 Section V. The commenter believes the language should be changed to read: "Three (3) days prior to initiation of a planned discharge (or retroactively within 24-hours after the Discharger is compelled [or some such word] to conduct an urgent planned discharge ... ". It is	The State Water Board concurs and the Draft Permit has been modified to address the concern.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		relatively common that the need for large discharges present themselves unexpectedly.	
30.7	General Public	The Draft Permit should clarify what is considered "raw water."	The Draft Permit has been modified to simplify the regulatory approach, removing differentiation of raw, potable and treated water. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable or raw water have been removed.
30.8	General Public	Referring to permit Page F-10, Scenario No. 2, Applicable Permit Requirements, turbidity from potable surface or groundwater that meets secondary standards should never be above the limits set in the Draft Permit. If this turbidity is caused by fines in the distribution system, this can be applicable to both surface water and groundwater supplied distribution systems.	The State Water Board concurs. The permit has been revised to specify that the turbidity effluent limits only apply to planned discharges directly into, or within 300 feet of, ocean waters. The turbidity effluent limit for groundwater supply well operations discharges has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan.
30.9	General Public	The commenter concurs with comments submitted by ACWA & AWWA CA/NV. The current draft permit has improved, and is easier to understand and comply with.	The State Water Board appreciates your comments.
31.1	General Public	Commenter supports to the development of this new general permit.	Thank you for your comment.
32.1	Golden State Water Company	Commenter supports the development of this new general permit.	Thank you for your comment.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
32.2	Golden State Water Company	Commenter supports the development of this new general permit, but encourages the SWRCB to provide an additional comment period after the next draft is issued.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption
32.3	Golden State Water Company	The Company states that some of their systems do not fit the definitions proposed within the Draft Permit for treated, raw, or potable water. The State Water Board should utilize these existing data sets and leverage the analysis done by the Santa Ana Regional Board.	The Draft Permit has been modified to simplify the regulatory approach, removing differentiation of raw, potable and treated water. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). Due to the many different types of discharges from a drinking water system, the list of regulated discharges has been purposely defined as non-exclusive, stating that the discharges include, but are not limited to, the listed items. The listing referring to Water Treatment Plant discharges encompasses filter backwash water.
32.4	Golden State Water Company	The Company states that ground water wells should be included in this permit as sources of potential discharges.	Thank you for your support for the inclusion of discharges from supply wells.
32.5	Golden State Water Company	The Draft Permit uses the terms "surface water, "waters of the U.S.", and "receiving water" interchangeably, and this creates confusion.	The State Water Board is not intending the monitoring of ground water for the purposes of receiving water monitoring. The State Water Board has added a definition to the beginning of the permit to clarify that "waters of the U.S.", "surface waters", and "receiving waters" are used interchangeably in this Order unless specified otherwise.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
32.6	Golden State Water Company	We suggest that direct discharges less than 1 acre-foot be part of the representative monitoring requirements.	The State Water Board concurs. The Draft Permit has been modified to allow direct discharges to be sampled through representative monitoring. The State Water Board does not concur with the addition of a monitoring threshold due to the variation in receiving water conditions, flows and sensitivity to small discharges. The State Water Board also maintains the requirement for monitoring during the last minutes of a discharge to demonstrate that the BMPS are effective through the duration of the discharge.
32.7	Golden State Water Company	The two page fee schedule is confusing and not easy to navigate.	Thank you for your comment. The proposed fee schedule is a different item and outside the scope of this Draft Permit.
33.1	Irvine Ranch Water District	The Irvine Ranch Water District is requesting that the State Water Board allow permitted entities the option of choosing to operate under an existing NPDES permit that covers drinking water system discharges as an alternative to being covered by the statewide permit. Discharges from construction dewatering activities, on-going site dewatering and non-potable groundwater wells are not covered under the Draft Permit.	The local regional water board permits do not provide or implement the exception to the State Implementation Policy and Ocean Plan for compliance with priority pollutants. The statewide general permit has been drafted to implement this exception and to establish a consistent statewide set of requirements that applies to this type of discharges that will reduce cost of compliance and allow a more efficient management of these discharges in contrast to what the current General Regional Board NPDES Permits have established. The State Water Board concurs that there may still be certain types of discharges that do not fall under the categorical SIP description for the exception and that is the reason it cannot be included in this permit. Under these situations, other type of discharges will need coverage under different permits.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
33.2	Irvine Ranch Water District	The commenter notes that the next draft permit will be released for public review and comment with numerous substantive revisions by September 13, 2014, and will be considered for adoption by the Board on September 23. Due to these considerations, a longer public comment period is requested.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption
33.3	Irvine Ranch Water District	Section I of the Draft Permit exempts certain water purveyors from coverage under the permit. One of the listed exemptions is if the water purveyor has entered into a local agreement with the local Municipal Separate Storm Sewer System (MS4) permittee and if the governing regional board provides written confirmation to the SWRCB that the local agreement provides sufficient regulation of the subject discharges. While SWRCB staff indicated at the stakeholder workshop that they purposefully did not describe the requirements of the local agreement in order to allow for flexibility, the regional board's confirmation must be submitted to the SWRCB with the Notice of Non-Applicability. The notice package is subject to the SWRCB's approval. Section II(C), concerning "Water Board Notice of Applicability or Notice of Non-Applicability Approval," does not list conditions upon which the SWRCB can reject a water purveyor's application for	The State Water Board will ask the Regional Water Board if a submitted discharge agreement with the MS4 is acceptable. The Regional Water Board will evaluate the discharge agreement for conformance with the conditions of the MS4 permit and evaluate whether the discharge can be properly regulated via the MS4 permit. This evaluation will depend on the specific MS4 permit language, the limits in the MS4 permit, and the nature of the drinking water system discharge. The Water Boards cannot dictate the specific criteria for the MS4 discharge agreement. The local agreement may be in any written form the MS4 permittee and water purveyor agree to and think is appropriate.

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		non-applicability based the local agreement exemption. Conditions should be added to Section II(C) so that water purveyors and the regional boards understand what the local agreement must contain in order to gain SWRCB acceptance of the Notice for Non-Applicability.	
33.4	Irvine Ranch Water District	Definitions for "treated drinking water", "potable water", and "raw water" are too complex and contain erroneous regulatory concepts. References to MCLs and "suitability for human consumption" should be removed from the Draft Permit.	The State Water Board concurs. The Draft Permit has been modified to simplify the regulatory approach, removing differentiation of raw, potable and treated water. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable or raw water have been removed.
33.5	Irvine Ranch Water District	The site schematic requirement is labor intensive and costly. The site schematic requirements should be clarified and be made less burdensome.	The State Water Board concurs. The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
33.7	Irvine Ranch Water District	Requiring water purveyors to spend a significant amount of time researching 303d listings and adopted TMDLs for all possible receiving waters appears to be unnecessary, and disproportionate to the risk the discharge poses to the receiving water. Section G should be removed from the Notice of Intent.	The State Water Board expects water purveyors to know which receiving waters are receiving its systems' discharges. Section III. K of the Fact Sheet identifies the adopted TMDLs that are pertinent to water purveyors. Therefore water purveyors must only spend time identifying their receiving waters and comparing to the list of TMDLs in section III. K of the Fact Sheet. A similar process is necessary for 303(d) listed water bodies. A water purveyor must spend time identifying their receiving water and compare it to the list of 303(d) listed water bodies provided through the State Water Board website link (http://www.waterboards.ca.gov/losangeles/water_issues/programs/303d_list.shtml). The NOI has been modified to identify the website that provides the list of receiving waters that have been listed in the 303(d).
33.8	Irvine Ranch Water District	The monitoring and reporting program needs to provide better guidance as to what is expected of a permittee for direct and non-direct discharge monitoring. The Draft Permit should be amended to only require that one sample be taken within the first 30 minutes of the discharge.	The Draft Permit has been modified to clarify representative monitoring requirements. To address monitoring cost concerns, the Draft Permit has been modified to allow direct discharges to be sampled through representative monitoring. The State Water Board does not concur with the addition of a monitoring threshold due to the variation in receiving water conditions, flows and sensitivity to small discharges. The State Water Board also maintains the requirement for monitoring during the last minutes of a discharge to demonstrate that the BMPs are effective through the duration of the discharge.
33.9	Irvine Ranch Water District	The monitoring and reporting program requirement that "receiving water shall be monitored for all direct discharges that are out of compliance with this Order" should be removed because it is difficult for IRWD to know where all the storm drains enter a receiving water.	Receiving water monitoring requirements only apply to direct discharges into a waterbody. Drinking water system discharges entering a storm system do not require receiving water monitoring.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
33.6a	Irvine Ranch Water District	Effluent Limitations and Discharge Specifications -Section V should be simplified as to remove confusion related to total chlorine residuals for situational discharges. Sections V(B)(1), V(D)(1), and V(E)(1) should simply state that "Total chlorine residual concentration in the discharge shall be less than 0.1 mg/L." The threshold of 0.1 mg/L is appropriate given that it is the lowest level at which hand-held chlorine meters can confidently measure the concentration of chlorine in a sample. Additionally, during the stakeholder workshop, SWRCB staff indicated that the wording of Section V(C)(1) was mispublished and that the turbidity effluent limitation is meant to only apply to groundwater wellheads. Assuming this change will be made to Section V(C)(1), a turbidity effluent limitation of 10 NTU is problematic. Setting a turbidity effluent limitation on discharges from groundwater wellheads implies that turbidity monitoring must be conducted when a well is discharged. For water purveyors that have a large groundwater well field, as IRWD does, wells are automatically cycled on and off, both during and after working hours, without staff being present. It is unrealistic and cost prohibitive to monitor and sample all groundwater well flushes, especially upon pump start-up. More importantly, setting the turbidity effluent limitation at 10 NTU is not realistic for groundwater well start-up flushing, because groundwater	The State Water Board generally concurs and the Draft Permit has been modified simplify the effluent limits. The State Water Board has modified the permit to include the Chlorine and Turbidity compliance determination language immediately below the effluent limits to clarify the compliance determinations. A Chlorine monitoring result greater than or equal to 0.1 mg/L is now noted as being out of compliance with the effluent limit. The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs. The permit has been clarified to make the applicability of these limits clear.

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		wells are flushed until turbidity is reduced, and color and odor eliminated, before this valuable water is suitable to enter the potable water distribution system. While these discharges have the potential to be turbid, these discharges are typically very short in duration and are absolutely necessary for water purveyors to provide safe drinking water to their customers. The short duration of these discharges has led regional boards to deem these discharges low threat regardless of turbidity. The Draft Permit should do the same.	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
34.1	Kupferle	Manually flushing hydrants, while raising residual levels, Is usually an inefficient way of addressing the low residual Issue as it provides no technological way to monitor the flushed water in order to gauge residuals as the hydrant Is flushing and in turn wastes a great deal of water in the process. Fortunately, there already exists EPA approved (Green Project Reserve Funding Program) Intelligent and Automatic Flushing Station technology that can automatically flush lines and/or monitor residuals to flush the exact amount of water needed to maintain safe residuals and reduce the amount of total flushed water by up to 5O% (http://www.epa.state.ll.us/water/financlal-assistance/publicatlons/green-project-reserveguldance.pdf). Unfortunately, the provisions In the EPA '"Clean Water Act" are now conflicting with the requirements of the "Safe Water Drinking Act" limiting or placing restrictions on flushing water mains to ensure compliance. It would behoove regulators to include language into the "Statewide General National Pollutant Discharge Elimination System Permit for Drinking Water System Discharges" to exempt PWS that utilize this new flushing technology from obtaining permits as the total water flushed to keep consumer water safe using these methods is negligible in comparison to manual flushing or other types of discharges Into sewer systems. Setting a minimum flush	The State Water Board recognizes that automatic flushing technology can save substantial quantities of water. The Draft Permit does not require that water purveyors that hold a local agreement to discharge into a local MS4, to discharges directly to a sewer system, or to discharges to ground water, obtain coverage. Discharges to an MS4 or sanitary sewer system are governed by the operators of these systems. The purpose of the SIP and Ocean Plan exceptions implemented in the permit is to address the conflict between the Clean Water Act and Safe Drinking Water Act allowing the provisions of the Safe Drinking Water Act to prevail.

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		level (e.g. 2,250 gallons per day, per site) whereby PWS are exempt from acquiring a MS4 permit would go a long way in assisting PWS in complying with the "Safe Water Drinking Act". If unable to exempt, then the rule should enable PWS that use this new flushing technology to flush directly into a sanitary sewer system in order to recapture and reuse flushed water or to a below-grade French drain.	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
34.2	Kupferle	Include language in the permit that exempts public water systems that utilize new reduced flow flushing technology from obtaining permits as the total water flushed is negligible in comparison to manual flushing or other types of discharges into sewer systems.	The resolution and its specific exceptions to the SIP and California Ocean Plan apply regardless of the technology used to flush drinking water systems. The point source discharge of wastewater to waters of the U.S. will still require coverage under an NPDES permit regardless if the flushing flow is reduced by technology. The minimization of the necessary flushing flows by the available technology may be considered as a best management practice under the permit.
35.1	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	The Permit is not needed. The Group does not believe the Permit is needed in light of the low threat nature of potable water system discharges. These discharges have been ongoing for many years and there is no evidence those discharges cause recurring or significant adverse impacts. In fact, the Permit and the accompanying Initial Study/Mitigated Negative Declaration make repeated references to the low threat nature of the discharges that would be covered under the Permit. The Permit appears to be addressing a problem that simply does not exist.	The Clean Water Act (CWA), at section 301(a), broadly prohibits the discharge of any pollutant to waters of the US, including pollutants contained within mandatory discharges from drinking water systems, except in compliance with an NPDES permit. The regulatory and legal basis for regulation of drinking water system discharges is provided in the Draft Permit findings and the permit fact sheet.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
35.2	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	In the Los Angeles region, such discharges have been successfully regulated for many years under the Los Angeles County MS4 Permit, and in other regions, low threat permits have also been successfully used to address PWS discharges. From their perspective, "if it's not broke, don't fix it!" RECOMMENDATION: Do not proceed with adoption of the Permit, and allow the Regional Boards to continue to regulate PWS discharges within their respective Jurisdictions.	The State Water Board does not concur. The intent of the statewide permit is to implement the proposed regulatory exception with the State Implementation Policy and Ocean Plan for compliance with priority pollutants, and to establish a consistent statewide set of requirements that applies to drinking water system discharges, reducing the cost of compliance and allowing for more efficient management of these discharges in contrast to current general Regional Board NPDES permits. The Draft Permit allows drinking water systems currently covered under an MS4 Permit to continue with agreements in place that the applicable regional water board upholds and does not require separate NPDES permit coverage.
35.3	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	Commenter recommends issuing a revised draft permit on September 13 2014, and to lengthen the comment period to at least 45 days, thus postponing the Board adoption hearing date.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
35.4	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	The Permit will result in an increased regulatory burden and thus increase compliance costs for all Public Water Systems (PWSs), but especially has the potential to have significant adverse impacts on small water systems throughout the state. Many of those small systems, such as Tract 349 Mutual Water Company, are located in economically disadvantaged areas and struggle to comply with existing regulations and to meet their current operating costs. The Permit will require these small systems to purchase testing equipment, such as electronic chlorine test equipment and field turbidity testing units; incur increased personnel costs in doing required sampling and, if applicable, testing (particularly if the small system happens to operate in an area where TMDLs are applicable (see Comments 6 and 7, below)); and will likely require small systems to engage consultants to assist with the application and Notice of Intent requirements (see Comment 9, below). These small systems are also far less likely to have potable water discharges of a magnitude that could have any significant effect on a receiving water body. While the threshold of 3,000 service connections was not well received at the recent State Water Board workshop, we believe some threshold for applicability of the Permit needs to be added. In that regard, we offer the following language to be added to page 1 of the	The State Water Board does not concur. The State Water Board however has considered public comments addressing concerns regarding small system owner/operators having multiple priorities to address during this time period of drought. Due to the difficulties small water systems are encountering due to the drought, the permit has been modified to not require systems with less than 1,000 connections to enroll in the permit. However, language in the permit has also been modified to clarify that these smaller systems that discharge to waters of the U.S. are still required, by the Clean Water Act, to obtain an NPDES permit. Water purveyors with systems less than 1000 connections maintain the option to enroll in the permit to obtain the necessary regulatory coverage for discharges to waters of the U.S. The State Water Board intends to reconsider the mandatory enrollment requirement for drinking water systems of 15 connections or more in a future re-issuance of the permit. The permit will be available for these smaller systems now if a Regional Board requires these small systems to obtain coverage.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		Draft Permit in Section I -Scope of Statewide General Permit and Requirement for Regulatory Coverage, after the language that was added to exempt non-community water systems and non-transient water systems: "This Order also does not apply to any community water system with less than 500 service connections. This Order does not apply to any community water system with between 500 and 1,000 service connections unless the operator of such a system conducts the following discharges: (1) a planned discharge directly into inland surface waters, enclosed bays and estuaries, or within 300 feet of an inland surface water, enclosed bay or estuary; (2) a planned discharge into an impaired water body that is impaired for a constituent that exists in the discharge at a concentration greater than the criteria used to establish the impairment of the water body (the community water system shall be entitled to rely on its water quality testing data in determining the likely presence of such a constituent); or (3) a direct discharges into areas designated by the State Water Board as Areas of Special Biological Significance."	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
35.5	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	The Public Water Agencies Group states that a major shortcoming of the Permit is that it fails to address the need for coordination between public water system discharges and MS4 permits throughout the state. This lack of coordination does not address public water systems' concerns that they remain subject to the discretion of MS4 operators as to whether a particular MS4 operator may continue to allow a public water systems' potable water discharges despite that system's enrollment under the Permit. The Draft Permit should include regulatory relief/liability protection provisions which address these potential issues.	This Draft Permit does not regulate the discharges from systems with commingled discharges. Through this permit the State Water Board is not authorizing discharges into MS4 systems and does not limit the ability of MS4s to use their discretion in requiring additional requirements for discharges entering their systems. This permit does not apply California Toxic Rule criteria to the discharges, for those pollutants that have been granted an exception and are not part of a TMDL, but does require Best Management Practices and effluent monitoring. The intent of this permit is to provide consistent regulation of the mandatory discharges from drinking water systems to protect public health; it is not designed to provide consistent requirements on MS4 systems. Creating more consistent MS4 requirements would come from stakeholders of these systems working with Water Board permit writers on developing more consistency, and possibly regional MS4 permits. A statewide permit for discharges from drinking water systems is not the appropriate vehicle for this issue. The State Water Board encourages local collaboration between water purveyors and MS4 systems, however, does not concur that this permit shall require a local water purveyor to report to its corresponding MS4 system.
35.6	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	State Water Board staff mentioned at the July 23 stakeholder workshop in Los Angeles that it was likely that a threshold for application of the toxicity limitations would be added to the Permit. RECOMMENDATION: We concur with that addition and believe a 100,000 gallon per discharge threshold would be appropriate.	The Draft Permit applies the chlorine effluent limitation to direct discharges and discharges within 300 feet of the receiving water, providing the necessary safe guards for chlorinated discharges that will not naturally dechlorinate prior to reaching the receiving waters. The State Water Board does not concur that discharges less than 100,000 gallons of chlorinated drinking water are not a potential threat to water quality (i.e., aquatic toxicity) therefore the recommended toxicity threshold is not implemented in the Draft Permit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
35.7	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	There is much confusion regarding the relationship between coverage under the permit and the permit's TMDL provisions. If the TMDL provisions are not removed from the permit, then add provisions to clarify that compliance with the permit constitutes compliance with any applicable TMDLs.	Section III.K. of Attachment F contains a summary of the requirements of existing (already adopted) TMDLs. The requirements summarized in Attachment F have already been adopted by a regional water board or U.S.E.P.A. Attachment G is reserved for discharge requirements, in addition to the requirements in the permit, to properly implement the existing requirements of the existing TMDL. Shown on Attachment G, the State Water Board states that it is not imposing additional TMDL-specific requirements for discharges flowing into the TMDL-listed water bodies identified in Attachment F. Discharges with regulatory coverage under the proposed permit, and in compliance with permit requirements, are "permitted" to discharge into the identified receiving waters. This includes discharges into water bodies in which the adopted TMDL contains a zero waste load allocation. The proposed permit clearly states that discharges regulated under this statewide permit are intermittent, short-term and low threat in nature and do not contribute to the impairment associated with currently adopted TMDLs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
35.8	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	Attachment G does not specify any TMDLs or Waste Load Allocations applicable to the covered public water system discharges. Many TMDLs have different compliance levels based on dry weather and wet weather, however, the permit does not differentiate which standard is applicable for enrollment purposes. Inclusion of TMDL provisions in this permit may have unintended consequences on existing Basin Plans throughout the state, and could be interpreted to effectuate amendments to Basin Plans in the Los Angeles and San Diego regions by adding requirements that do not exist. In light of the minimal likelihood that public water system discharges contribute to impairment of TMDL water bodies, the commenter recommends removing the TMDL provisions from the permit.	Section III.K. of Attachment F contains a summary of the requirements of existing (already adopted) TMDLs. The requirements summarized in Attachment F have already been adopted by a regional water board or U.S.E.P.A. Attachment G is reserved for discharge requirements, in addition to the requirements in the permit, to properly implement the existing requirements of the existing TMDL. Shown on Attachment G, the State Water Board states that it is not imposing additional TMDL-specific requirements for discharges flowing into the TMDL-listed water bodies identified in Attachment F. Discharges with regulatory coverage under the proposed permit, and in compliance with permit requirements, are "permitted" to discharge into the identified receiving waters. This includes discharges into water bodies in which the adopted TMDL contains varying requirements. The proposed permit clearly states that discharges regulated under this statewide permit are intermittent, short-term and low threat in nature and do not contribute to the impairment associated with currently adopted TMDLs. The State Water Board does not concur with the recommended removal of the TMDL provisions from the permit. All existing TMDLs must be implemented through permits such as NPDES permits, as applicable. The Water Board has identified the TMDLs that it deems applicable to drinking water system discharges in Attachment F of the permit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
35.9	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	The State Water Board should revise the definitions of the types of discharges to conform to their common usage in the water industry (e.g., "potable water" would be defined as any water that is safe for human consumption), or simply delete the definitional provisions and instead use more specific language when referring to types of water where used in the permit. Also, references to Secondary MCLs should be deleted.	The Draft Permit has been modified to simplify the regulatory approach, removing differentiation of raw, potable and treated water. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). The final Draft Permit has been modified and reorganized for clarification. The State Water Board has clarified that unscheduled discharges are part of planned discharges. The State Water Board has also clarified, in the description of the discharges that emergency discharges include unplanned discharges. The Draft Permit regulates all water discharged from a drinking water system and implements a regulatory exception that is based the proposed Mitigated Negative Declaration to fulfill the requirements of CEQA. Unplanned discharges pursuant to the permit are consistent with the CEQA definition of emergency discharges. The State Water Board has modified the permit to illustrate that emergency discharges include unplanned discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
35.10	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	Clarification needs to be provided in Attachment B part G of the Notice of Intent regarding the receiving water body and its listing on a 303(d) list.	The State Water Board expects dischargers to know which receiving waters they are discharging. Section K of the Fact Sheet identifies the adopted TMDLs that are pertinent to water purveyors. Therefore water purveyors must only spend time identifying their receiving waters and comparing to the list of TMDLs in section K of the Fact Sheet. A similar process is necessary for 303(d) listed water bodies. A water purveyor must spend time identifying their receiving water and compare it to the list of 303(d) listed water bodies provided through the State Water Board website link (http://www.waterboards.ca.gov/losangeles/water_issues/programs/303d_list.shtml). The NOI has been modified to identify the website that provides the list of receiving waters that have been listed in the 303(d).
35.11	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	The site schematic requirement is labor intensive and costly. The site schematic requirements should be clarified and be made less burdensome.	The State Water Board concurs. The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges.
35.12	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	The Permit should include in multiple locations, including on the NOI, a clear explanation of exactly what is required with respect to any "representative monitoring" sites.	The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities and approximate locations for representative monitoring. The monitoring and reporting program in Attachment E has also been clarified.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
35.13	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	The turbidity provisions found at the referenced pages (i.e., Section V.C(1), page 16; Attachment C, Section 1.D, page C-1; and Table E-2, page E-4) create particular problems for public water systems (PWSs) that often discharge their wells to storm drains. First, many wells are automated and "go to waste" automatically when they begin operations, which may be at times when PWS personnel are not on site (e.g., late at night or early in the morning). Secondly, Section V.C(1) sets a limit for turbidity at 10 NTUs for the defined groundwater production well discharges. That limitation is far too low and will render many PWS wells unable to comply with that standard. Thirdly, the Best Management Practice for turbidity that is set forth in Attachment C is not feasible at many well sites due to space constraints and also may be cost prohibitive for small and even medium size systems. RECOMMENDATIONS: Increase the turbidity limit to 100 NTUs and remove the required Best Management Practice to allow PWSs discretion in applying a practical and cost effective BMP that better fits the conditions a particular PWS may face.	The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
35.14	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	Turbidly meter cost may be cost prohibitive to smaller systems.	The State Water Board concurs and has modified the permit to remove the need for turbidity meter monitoring and changed it to a visual estimate, except for discharges from groundwater supply well operations which will still be metered.
35.15	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	Increase the turbidity limit to 100 NTUs and remove the required Best Management Practice to allow Public Water Systems discretion in applying a practical and cost effective BMP that better fits the conditions that a particular PWS may face.	The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
35.16	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	State Water Board staff should consult with a qualified technical panel of water system operators (such as one that can be organized by Cal-Nevada AWWA) and staff of the Division of Drinking Water to revise Attachment C and other BMPs referenced in the Permit to ensure that any requirements actually exist, are practical and are economically feasible.	The State Water Board does not concur that recommended consultations would improve the quality of the permit. The Draft Permit cites the 2014 Edition of the BMP Manual for Drinking Water System Releases (or subsequent updates thereto), published by the California-Nevada Section of the American Water Works Association or other professional associations or entities, to comply with the BMP requirements of this Order. Industry associations have the most up-to-date knowledge of appropriate BMP implementation. The Draft Permit requires the discharger to make the appropriate consultations, as necessary to address system-specific needs.
35.17	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	pH monitoring under the Permit should be handled through a Public Water Systems existing water quality data, thereby obviating the need for further monitoring under the Permit.	The State Water Board concurs that data collected for other purposes could be used as long as the results are representative of the discharge to surface water. Monitoring required in this Draft Permit must represent water from a drinking water system after it is dechlorinated and/or controlled for solids and ph. The Draft Permit has been modified to require pH monitoring only for superchlorinated discharges due to the concern that dechlorination chemical additions may alter the pH to the level that a large volume discharge may impact the receiving stream.
35.18	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	Notification to OES required under Section V of Attachment E should be required only where the discharge is likely, according to the Discharger's discretion, to jeopardize public safety or threaten severe property damage.	State Water Board has considered the notification requirements and is concerned with the notifying of CalOES for discharge events that are not an actual emergency. The State Water Board concurs with this comment. The notification requirements to CalOES have been removed. The State Water Board is confident that water purveyors and MS4 permittees have procedures in place for when CalOES is to be notified during emergency events, and the requirement is not needed in the NPDES permit for surface water discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
35.19	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	Section VI requires post-notification of large planned discharges to be given to the applicable Regional Board. We believe it better to instead require notice of such discharges to the applicable MS4 operator(s).	The State Water Board concurs that the MS4 operator should be notified regarding large volume discharges. The permit has been modified to include reporting and notification to MS4 Operators/Permittees for large volume discharges of one acre-foot or larger.
35.20	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	Hand held field equipment for the determination of chlorine concentrations is allowed but only electronic colorimeters may be used. Color wheels, dip sticks, and other similar techniques are not allowed. This will create a financial burden for many very small community water systems, who may also lack the technical skills to properly maintain and operate this equipment. RECOMMENDATION: Allow the use of color wheels, dip stick and other similar industry-accepted techniques. Alternatively, such techniques may be allowed for smaller quantity discharges (say, less than 100,000 gallons), but an electronic colorimeter must be used for discharges above that threshold.	The State Water Board has determined that litmus paper or pH indicators, while low cost and easy to use, lack sufficient precision and accuracy for regulatory compliance and provide only a rough estimate of pH. Use of a pH meter is a more accurate method and digital meters are used successfully in the water supply industry. The Draft Permit requires the appropriate training of personnel per manufacturer's recommendations.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
35.21	Lagerlof Senecal Gosney & Kruse LLP on behalf of Bellflower-Somerset Mutual Water Company	Deputy Director of Water Quality Discretion (Attachment E- Section II.E (page E4)). The referenced section authorizes the State Water Board's Deputy Director of Water Quality or a Regional Board Executive Officer to increase monitoring frequency at any time to ensure the protection of the beneficial uses of the receiving water. However, there is no specified trigger to that power. We believe that power should be restricted in some manner. RECOMMENDATION: The stated power should be limited by adding the following to the end of the existing provision: "where circumstances have occurred as a result of a Discharger's discharge that lead to, contribute to or threaten an exceedance of an applicable water quality standard."	The State Water Board concurs and appreciates the example language provided in the comment. The Draft Permit in Attachment E, Section II has been modified using the example language provided, and basing the Deputy Director's decision to increase monitoring on site-specific data indicating that a discharge threatens to cause or contribute to an exceedance of a receiving water objectives or limitations.
36.1	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	The Permit is not needed. The Group does not believe the Permit is needed in light of the low threat nature of potable water system discharges. These discharges have been ongoing for many years and there is no evidence those discharges cause recurring or significant adverse impacts. In fact, the Permit and the accompanying Initial Study/Mitigated Negative Declaration make repeated references to the low threat nature of the discharges that would be covered under the Permit. The Permit appears to be addressing a problem that simply does not exist.	The Clean Water Act (CWA), at section 301(a), broadly prohibits the discharge of any pollutant to waters of the US, including pollutants contained within mandatory discharges from drinking water systems, except in compliance with an NPDES permit. The regulatory and legal basis for regulation of drinking water system discharges is provided in the Draft Permit findings and the permit fact sheet.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
36.2	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	In the Los Angeles region, such discharges have been successfully regulated for many years under the Los Angeles County MS4 Permit, and in other regions, low threat permits have also been successfully used to address PWS discharges. From their perspective, "if it's not broke, don't fix it!" RECOMMENDATION: Do not proceed with adoption of the Permit, and allow the Regional Boards to continue to regulate PWS discharges within their respective Jurisdictions.	The State Water Board does not concur. The intent of the statewide permit is to implement the proposed regulatory exception with the State Implementation Policy and Ocean Plan for compliance with priority pollutants, and to establish a consistent statewide set of requirements that applies to drinking water system discharges, reducing the cost of compliance and allowing for more efficient management of these discharges in contrast to current general Regional Board NPDES permits. The Draft Permit allows drinking water systems currently covered under an MS4 Permit to continue with agreements in place that the applicable regional water board upholds and does not require separate NPDES permit coverage.
36.3	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	Commenter recommends issuing a revised draft permit on September 13 2014, and to lengthen the comment period to at least 45 days, thus postponing the Board adoption hearing date.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
36.4	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	The Permit will result in an increased regulatory burden and thus increase compliance costs for all Public Water Systems (PWSs), but especially has the potential to have significant adverse impacts on small water systems throughout the state. Many of those small systems, such as Tract 349 Mutual Water Company, are located in economically disadvantaged areas and struggle to comply with existing regulations and to meet their current operating costs. The Permit will require these small systems to purchase testing equipment, such as electronic chlorine test equipment and field turbidity testing units; incur increased personnel costs in doing required sampling and, if applicable, testing (particularly if the small system happens to operate in an area where TMDLs are applicable (see Comments 6 and 7, below)); and will likely require small systems to engage consultants to assist with the application and Notice of Intent requirements (see Comment 9, below). These small systems are also far less likely to have potable water discharges of a magnitude that could have any significant effect on a receiving water body. While the threshold of 3,000 service connections was not well received at the recent State Water Board workshop, we believe some threshold for applicability of the Permit needs to be added. In that regard, we offer the following language to be added to page 1 of the	The State Water Board does not concur. The State Water Board however has considered public comments addressing concerns regarding small system owner/operators having multiple priorities to address during this time period of drought. Due to the difficulties small water systems are encountering due to the drought, the permit has been modified to not require systems with less than 1,000 connections to enroll in the permit. However, language in the permit has also been modified to clarify that these smaller systems that discharge to waters of the U.S. are still required, by the Clean Water Act, to obtain an NPDES permit. Water purveyors with systems less than 1000 connections maintain the option to enroll in the permit to obtain the necessary regulatory coverage for discharges to waters of the U.S. The State Water Board intends to reconsider the mandatory enrollment requirement for drinking water systems of 15 connections or more in a future re-issuance of the permit. The permit will be available for these smaller systems now if a Regional Board requires these small systems to obtain coverage.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		Draft Permit in Section I -Scope of Statewide General Permit and Requirement for Regulatory Coverage, after the language that was added to exempt non-community water systems and non-transient water systems: "This Order also does not apply to any community water system with less than 500 service connections. This Order does not apply to any community water system with between 500 and 1,000 service connections unless the operator of such a system conducts the following discharges: (1) a planned discharge directly into inland surface waters, enclosed bays and estuaries, or within 300 feet of an inland surface water, enclosed bay or estuary; (2) a planned discharge into an impaired water body that is impaired for a constituent that exists in the discharge at a concentration greater than the criteria used to establish the impairment of the water body (the community water system shall be entitled to rely on its water quality testing data in determining the likely presence of such a constituent); or (3) a direct discharges into areas designated by the State Water Board as Areas of Special Biological Significance."	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
36.5	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	The Public Water Agencies Group states that a major shortcoming of the Permit is that it fails to address the need for coordination between public water system discharges and MS4 permits throughout the state. This lack of coordination does not address public water systems' concerns that they remain subject to the discretion of MS4 operators as to whether a particular MS4 operator may continue to allow a public water systems' potable water discharges despite that system's enrollment under the Permit. The Draft Permit should include regulatory relief/liability protection provisions which address these potential issues.	This Draft Permit does not regulate the discharges from systems with commingled discharges. Through this permit the State Water Board is not authorizing discharges into MS4 systems and does not limit the ability of MS4s to use their discretion on requiring additional requirements for discharges entering their systems. This permit does not apply California Toxic Rule criteria to the discharges, for those pollutants that have been granted an exception and are not part of a TMDL, but does require Best Management Practices and effluent monitoring. The intent of this permit is to provide consistent regulation of the mandatory discharges from drinking water systems to protect public health; it is not designed to provide consistent requirements on MS4 systems. Creating more consistent MS4 requirements would come from stakeholders of these systems working with Water Board permit writers on developing more consistency, and possibly regional MS4 permits. A statewide permit for discharges from drinking water systems is not the appropriate vehicle for this issue. The State Water Board encourages local collaboration between water purveyors and MS4 systems, however, does not concur that this permit shall require a local water purveyor to report to its corresponding MS4 system.
36.6	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	State Water Board staff mentioned at the July 23 stakeholder workshop in Los Angeles that it was likely that a threshold for application of the toxicity limitations would be added to the Permit. RECOMMENDATION: We concur with that addition and believe a 100,000 gallon per discharge threshold would be appropriate.	The Draft Permit applies the chlorine effluent limitation to direct discharges and discharges within 300 feet of the receiving water, providing the necessary safe guards for chlorinated discharges that will not naturally dechlorinate prior to reaching the receiving waters. The State Water Board does not concur that discharges less than 100,000 gallons of chlorinated drinking water are not a potential threat to water quality (i.e., aquatic toxicity) therefore the recommended toxicity threshold is not implemented in the Draft Permit.

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36.7	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	There is much confusion regarding the relationship between coverage under the permit and the permit's TMDL provisions. If the TMDL provisions are not removed from the permit, then add provisions to clarify that compliance with the permit constitutes compliance with any applicable TMDLs.	Section III.K. of Attachment F contains a summary of the requirements of existing (already adopted) TMDLs. The requirements summarized in Attachment F have already been adopted by a regional water board or U.S.E.P.A. Attachment G is reserved for discharge requirements, in addition to the requirements in the permit, to properly implement the existing requirements of the existing TMDL. Shown on Attachment G, the State Water Board states that it is not imposing additional TMDL-specific requirements for discharges flowing into the TMDL-listed water bodies identified in Attachment F. Discharges with regulatory coverage under the proposed permit, and in compliance with permit requirements, are "permitted" to discharge into the identified receiving waters. This includes discharges into water bodies in which the adopted TMDL contains a zero waste load allocation. The proposed permit clearly states that discharges regulated under this statewide permit are intermittent, short-term and low threat in nature and do not contribute to the impairment associated with currently adopted TMDLs.

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36.8	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	Attachment G does not specify any TMDLs or Waste Load Allocations applicable to the covered public water system discharges. Many TMDLs have different compliance levels based on dry weather and wet weather, however, the permit does not differentiate which standard is applicable for enrollment purposes. Inclusion of TMDL provisions in this permit may have unintended consequences on existing Basin Plans throughout the state, and could be interpreted to effectuate amendments to Basin Plans in the Los Angeles and San Diego regions by adding requirements that do not exist. In light of the minimal likelihood that public water system discharges contribute to impairment of TMDL water bodies, the commenter recommends removing the TMDL provisions from the permit.	Section III.K. of Attachment F contains a summary of the requirements of existing (already adopted) TMDLs. The requirements summarized in Attachment F have already been adopted by a regional water board or U.S.E.P.A. Attachment G is reserved for discharge requirements, in addition to the requirements in the permit, to properly implement the existing requirements of the existing TMDL. Shown on Attachment G, the State Water Board states that it is not imposing additional TMDL-specific requirements for discharges flowing into the TMDL-listed water bodies identified in Attachment F. Discharges with regulatory coverage under the proposed permit, and in compliance with permit requirements, are "permitted" to discharge into the identified receiving waters. This includes discharges into water bodies in which the adopted TMDL contains varying requirements. The proposed permit clearly states that discharges regulated under this statewide permit are intermittent, short-term and low threat in nature and do not contribute to the impairment associated with currently adopted TMDLs. The State Water Board does not concur with the recommended removal of the TMDL provisions from the permit. All existing TMDLs must be implemented through permits such as NPDES permit, as applicable. The Water Board has identified the TMDL that it deems applicable to drinking water system discharges in Attachment F of the permit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
36.9	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	The State Water Board should revise the definitions of the types of discharges to conform to their common usage in the water industry (e.g., "potable water" would be defined as any water that is safe for human consumption), or simply delete the definitional provisions and instead use more specific language when referring to types of water where used in the permit. Also, references to Secondary MCLs should be deleted.	The Draft Permit has been modified to simplify the regulatory approach, removing differentiation of raw, potable and treated water. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). The final Draft Permit has been modified and reorganized for clarification. The State Water Board has clarified that unscheduled discharges are part of planned discharges. The State Water Board has also clarified, in the description of the discharges that emergency discharges include unplanned discharges. The Draft Permit regulates all water discharged from a drinking water system and implements a regulatory exception that is based the proposed Mitigated Negative Declaration to fulfill the requirements of CEQA. Unplanned discharges pursuant to the permit are consistent with the CEQA definition of emergency discharges. The State Water Board has modified the permit to illustrate that emergency discharges include unplanned discharges.

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36.10	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	Clarification needs to be provided in Attachment B part G of the Notice of Intent regarding the receiving water body and its listing on a 303(d) list.	The State Water Board expects dischargers to know to which receiving waters they are discharging. Section K of the Fact Sheet identifies the adopted TMDLs that are pertinent to water purveyors. Therefore water purveyors must only spend time identifying their receiving waters and comparing to the list of TMDLs in section K of the Fact Sheet. A similar process is necessary for 303(d) listed water bodies. A water purveyor must spend time identifying their receiving water and compare it to the list of 303(d) listed water bodies provided through the State Water Board website link (http://www.waterboards.ca.gov/losangeles/water_issues/programs/303d_list.shtml). The NOI has been modified to identify the website that provides the list of receiving waters that have been listed in the 303(d).
36.11	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	The site schematic requirement is labor intensive and costly. The site schematic requirements should be clarified and be made less burdensome.	The State Water Board concurs. The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges.
36.12	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	The Permit should include in multiple locations, including on the NOI, a clear explanation of exactly what is required with respect to any "representative monitoring" sites.	The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities and approximate locations for representative monitoring. The monitoring and reporting program in Attachment E has also been clarified.

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36.13	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	The turbidity provisions found at the referenced pages (i.e., Section V.C(1), page 16; Attachment C, Section 1.D, page C-1; and Table E-2, page E-4) create particular problems for public water systems (PWSs) that often discharge their wells to storm drains. First, many wells are automated and "go to waste" automatically when they begin operations, which may be at times when PWS personnel are not on site (e.g., late at night or early in the morning). Secondly, Section V.C(1) sets a limit for turbidity at 10 NTUs for the defined groundwater production well discharges. That limitation is far too low and will render many PWS wells unable to comply with that standard. Thirdly, the Best Management Practice for turbidity that is set forth in Attachment C is not feasible at many well sites due to space constraints and also may be cost prohibitive for small and even medium size systems. RECOMMENDATIONS: Increase the turbidity limit to 100 NTUs and remove the required Best Management Practice to allow PWSs discretion in applying a practical and cost effective BMP that better fits the conditions a particular PWS may face.	The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
36.14	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	Turbidly meter cost may be cost prohibitive to smaller systems.	The State Water Board concurs and has modified the permit to remove the need for turbidity meter monitoring and changed it to a visual estimate, except for discharges from groundwater supply well operations which will still be metered.
36.15	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	Increase the turbidity limit to 100 NTUs and remove the required Best Management Practice to allow Public Water Systems discretion in applying a practical and cost effective BMP that better fits the conditions that a particular PWS may face.	The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.

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36.16	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	State Water Board staff should consult with a qualified technical panel of water system operators (such as one that can be organized by Cal-Nevada AWWA) and staff of the Division of Drinking Water to revise Attachment C and other BMPs referenced in the Permit to ensure that any requirements actually exist, are practical and are economically feasible.	The State Water Board does not concur that recommended consultations would improve the quality of the permit. The Draft Permit cites the 2014 Edition of the BMP Manual for Drinking Water System Releases (or subsequent updates thereto), published by the California-Nevada Section of the American Water Works Association or other professional associations or entities, to comply with the BMP requirements of this Order. Industry associations have the most up-to-date knowledge of appropriate BMP implementation. The Draft Permit requires the discharger to make the appropriate consultations, as necessary to address system-specific needs.
36.17	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	pH monitoring under the Permit should be handled through a Public Water Systems existing water quality data, thereby obviating the need for further monitoring under the Permit.	The State Water Board concurs that data collected for other purposes could be used as long as the results are representative of the discharge to surface water. Monitoring required in this Draft Permit must represent water from a drinking water system after it is dechlorinated and/or controlled for solids and ph. The Draft Permit has been modified to require pH monitoring only for superchlorinated discharges due to the concern that dechlorination chemical additions may alter the pH to the level that a large volume discharge may impact the receiving stream.
36.18	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	Notification to OES required under Section V of Attachment E should be required only where the discharge is likely, according to the Discharger's discretion, to jeopardize public safety or threaten severe property damage.	State Water Board has considered the notification requirements and is concerned with the notifying of CalOES for discharge events that are not an actual emergency. The State Water Board concurs with this comment. The notification requirements to CalOES have been removed. The State Water Board is confident that water purveyors and MS4 permittees have procedures in place for when CalOES is to be notified during emergency events, and the requirement is not needed in the NPDES permit for surface water discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
36.19	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	Section VI requires post-notification of large planned discharges to be given to the applicable Regional Board. We believe it better to instead require notice of such discharges to the applicable MS4 operator(s).	The State Water Board concurs that the MS4 operator should be notified regarding large volume discharges. The permit has been modified to include reporting and notification to MS4 Operators/Permittees for large volume discharges of one acre-foot or larger.
36.20	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	Hand held field equipment for the determination of chlorine concentrations is allowed but only electronic colorimeters may be used. Color wheels, dip sticks, and other similar techniques are not allowed. This will create a financial burden for many very small community water systems, who may also lack the technical skills to properly maintain and operate this equipment. RECOMMENDATION: Allow the use of color wheels, dip stick and other similar industry-accepted techniques. Alternatively, such techniques may be allowed for smaller quantity discharges (say, less than 100,000 gallons), but an electronic colorimeter must be used for discharges above that threshold.	The State Water Board has determined that litmus paper or pH indicators, while low cost and easy to use, lack sufficient precision and accuracy for regulatory compliance and provide only a rough estimate of pH. Use of a pH meter is a more accurate method and digital meters are used successfully in the water supply industry. The Draft Permit requires the appropriate training of personnel per manufacturer's recommendations.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
36.21	Lagerlof Senecal Gosney & Kruse LLP on behalf of Public Water Agencies Group	Deputy Director of Water Quality Discretion (Attachment E- Section II.E (page E4)). The referenced section authorizes the State Water Board's Deputy Director of Water Quality or a Regional Board Executive Officer to increase monitoring frequency at any time to ensure the protection of the beneficial uses of the receiving water. However, there is no specified trigger to that power. We believe that power should be restricted in some manner. RECOMMENDATION: The stated power should be limited by adding the following to the end of the existing provision: "where circumstances have occurred as a result of a Discharger's discharge that lead to, contribute to or threaten an exceedance of an applicable water quality standard."	The State Water Board concurs and appreciates the example language provided in the comment. The Draft Permit in Attachment E, Section II has been modified using the example language provided, and basing the Deputy Director's decision to increase monitoring on site-specific data indicating that a discharge threatens to cause or contribute to an exceedance of a receiving water objectives or limitations.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
37.1	Mariposa Public Utility District	The SWRCB may or may not have received comments from the very small water systems on the proposed NPDES permit for drinking water system discharges. I do understand SWRCB staff has held several workshops. The Districts experience is that many small utilities have no time or staff to study proposed regulation and attend workshops. Many times small utilities are only able to react after a regulation is implemented. It may be appropriate to allow more time for small utilities to comply due to the financial impacts. The CDPH drinking water program has in the past implemented regulations at different periods depending on population served or number of service connections. I am hopeful that the SWRCB staff that has direct contact with small water systems will use discretion based on the utility size in implementation of the NPDES permit requirements for drinking water systems. Some specific comments: The economy of scale in funding new programs for small agencies is quite a bit different than the impacts to larger water systems. Many small water systems may not be able to perform the monitoring and reporting without additional staff and or funding. With the restrictions already in place on adjusting water rates, the cost to generate additional revenue is expensive and time consuming. If at all possible, it would reduce the impacts on small utilities to	The State Water Board does not concur. The adoption process has followed established procedural requirements and timelines for permit adoption and extensive outreach has been performed by State Water Board staff. The final draft resolution and statewide permit reflects input provided a variety of stakeholders and proposes requirements addressing concerns regarding unnecessary costs. The State Water Board shares the concerns regarding small system owner/operators having multiple priorities to address during this time period of drought. Due to the difficulties small water systems are encountering due to the drought, the permit has been modified to not require systems with less than 1,000 connections to enroll in the permit. However, language in the permit has also been modified to clarify that these smaller systems that discharge to waters of the U.S. are still required, by the Clean Water Act, to obtain an NPDES permit. Water purveyors with systems less than 1000 connections maintain the option to enroll in the permit to obtain the necessary regulatory coverage for discharges to waters of the U.S. The State Water Board intends to reconsider the mandatory enrollment requirement for drinking water systems of 15 connections or more in a future re-issuance of the permit. The permit will be available for these smaller systems now if a Regional Board requires these small systems to obtain coverage.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		provide relief from regulations on rate increases for specific SWRCB programs.	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
37.2	Mariposa Public Utility District	Additional monitoring for turbidity and pH is relatively simple to add to the tasks in the field. The documentation, notification and reporting requirements will take up additional staff time and represent most of the impacts of the referenced regulation to small water systems	The proposed notification requirements only apply to very large discharges of one acre-foot or non-compliance discharges that pose an adverse effect or impact on the beneficial uses of the receiving waters. The State Water Board remains concerned about placing local resources to valuable use. This permit has established a consistent statewide set of requirements that applies to drinking water system discharges, reduces the cost of compliance and allows for more efficient management of these discharges in contrast to current General Regional Board NPDES Permits. To address your comment, the annual reporting requirements to the State Water Board in the Draft Permit have been further reduced, placing the responsibility on the Discharger to have the information maintained at its main office and available upon Water Board staff request.
37.3	Mariposa Public Utility District	Receiving water limitations includes the limitation for pH in receiving water. The District could not find a required location for monitoring pH. At least an upstream and downstream sample should be collected. Is there a minimum or maximum distance from the discharge required for the pH monitoring?	The Draft Permit does not require receiving water monitoring of pH. It is the responsibility of the Discharger to assure that its discharges from drinking water systems do not cause or contribute to an adverse effect or impact to the beneficial uses of the receiving waters. The State Water Board's intent is to require monitoring that brings forth valuable information. The concern with pH is in regards to the addition of chemicals to the discharge altering the pH since it was last measured in the system. The State Water Board concurs that the pH monitoring of all discharges is not necessary. The pH requirements have been modified to include pH monitoring only of superchlorinated discharges after implementation of BMPs. This monitoring will provide information to determine if there is a concern with pH level changes due to superchlorinated discharges and the use of dechlorination chemicals.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
37.4	Mariposa Public Utility District	There may be some discharges to small streams with low or no flow (Referring to permit Page 17, section VII.F, Hydro modification). Is this limitation based on the full flow or wet weather characteristics of the stream or the condition of the stream at the time of discharge? Current stream conditions may prohibit any discharge.	The limitation is not based on the full flow or wet weather characteristics of the stream or the condition of the stream at the time of discharge; the limitation applies at all times during all conditions. The discharge from the drinking water system shall not be the cause of hydromodification of the receiving water body regardless of existing field conditions or flows. The Draft Permit requires visual observation for non-compliance determinations including non-compliance with hydromodification limits.
37.5	Mariposa Public Utility District	Recommending removing "1" as the test method for flow in the table.	State Water Board concurs and the Draft Permit has been modified appropriately.
37.6	Mariposa Public Utility District	Flushing distribution systems may take several days, is "event" considered one hydrant operation, one day of flushing, or the total time for flushing?	Fire hydrant flushing is not considered event monitoring in the Draft Permit. In the example provided, an event is considered the total time of the discharge, so there may be discharges that take a number of days. All those days are part of the event. Event monitoring refers to monitoring after each start and stop of discharge. (There will be discharge-specific situations that the discharger must use its common sense to determine when the start or end of discharge occurs.) The Draft Permit has been modified to clarify event monitoring and representative monitoring requirements. Additionally, to address monitoring cost concerns, the Draft Permit has been modified to allow direct discharges to be sampled through representative monitoring. The type of sampling and monitoring frequency that applies to each type of discharge has also been clarified.
38.1	Metropolitan Water District of Southern California	The commenter supports the concept of a statewide permit for water purveyors because it provides a consistent and uniform approach to regulation.	The State Water Board appreciates your comments.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
38.2	Metropolitan Water District of Southern California	The Draft Permit should clarify what is considered "raw water."	The Draft Permit has been modified to simplify the regulatory approach, removing differentiation of raw, potable and treated water. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable or raw water have been removed.
38.3	Metropolitan Water District of Southern California	Permit provisions concerning TMDLs and monitoring requirements are difficult to understand. It is unclear whether this commenter could apply for coverage. The permit's implied nexus between drinking water discharges as low threat and TMDL exceedances and impairments does not seem reasonable, and the TMDL references should be rewritten.	The proposed permit fact sheet has been modified to provide additional clarification. All water purveyors in California who discharge water intended for drinking water purposes discharged due to activities mandated by drinking water regulations must submit an application package or a Notice of Non-Applicability in accordance with the proposed permit. A supplemental application component is added to permit applications for discharges into water bodies listed in Section III.K. of the fact sheet. The supplemental information includes TMDL constituent-specific monitoring data to address the TMDL. The purpose of the monitoring for TMDL-specific constituents is so that a Regional Water Board may determine if the discharge must be regulated under a different permit with requirements that will implement waste load allocations. The Deputy Director may determine that the requirements of the permit are not consistent with the assumptions and requirements of a waste load allocation for a TMDL and not sufficient for the water purveyor to comply with TMDL requirements. If that were the case, the Deputy Director may require statewide permit coverage until a Regional Water Board issues an individual permit. If and until a Regional Water Board intends to issue such a permit, the water purveyor must maintain coverage under this permit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
38.4	Metropolitan Water District of Southern California	The number of service connections relates to the water supplied, and does not necessarily correlate with the extent or frequency of discharges by water purveyors. Metropolitan recommends that SWRCB add a definition for "Discharger" at the beginning of the Permit, similar to that contained in other NPDES permits, and include a threshold discharge volume of planned discharges for coverage under the Permit in lieu of using the number of service connections as the basis. For example, Metropolitan, as a water wholesaler, has less than 400 active service connections, yet serves a population of 19 million and has large volume, infrequent discharges (greater than 1 acre-foot) with the size of our pipes ranging from 16 inches up to 246 inches in diameter.	The State Water Board concurs and has added a definition for "Discharger" in the first pages of the permit. To be consistent with Division of Drinking Water and to promote internal efficiencies, the permit applicability is in accordance with number of connections consistent with the Division of Drinking Water permitting of those systems. Discharge volume can be highly variable and length of piping in a system does not necessarily reflect the drinking water systems discharges due to operations and maintenance.
38.5	Metropolitan Water District of Southern California	The Draft Permit should include all public or private entities operating under a water supply permit issued by the State Water Board which discharge treated or untreated water to surface water, storm drains, or elsewhere.	The Draft Permit implements a granted regulatory exception (per the proposed accompanying resolution) and solely regulates discharges that are within the criteria of the exception (discharges to waters of the U.S. that are due to activities to comply with the federal Safe Drinking Water Act and the California Health and Safety Code).

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
38.6	Metropolitan Water District of Southern California	The State Water Board should extend the deadline to submit an application to allow enough time for dischargers to file NOIs and/or NONAs.	The State Water Board concurs. To allow coverage as soon as possible for those water purveyors throughout the state that need regulatory coverage immediately, the Draft Permit effective date is proposed to be established 100 days after the adoption date of the Draft Permit (the minimum allowed by U.S.EPA for a contested general permit). The State Water Board will grant additional time, up to September 1, 2015 for all water purveyors to file the required documents after adoption of the Draft Permit. Since the NOI or NONA requirements have been simplified, the State Water Board believes that the additional months will be sufficient time to submit the NOI or NONA.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
38.7	Metropolitan Water District of Southern California	Metropolitan appreciates SWRCB's inclusion of four specific criteria that excludes certain water purveyors from the requirement to enroll under this Permit. Metropolitan has determined that criterion #3 does not apply, since Metropolitan is not an MS4 permittee or co-permittee named on an MS4 permit. However, this criterion may benefit several of Metropolitan's member agencies who are both water purveyors and MS4 permittees. With respect to criteria #1, 2, and 4, Metropolitan requests that SWRCB provide additional clarification as to when these may be applied. Criterion #1 provides an exemption from permit enrollment for water purveyors that have entered into a local agreement with the MS4 permittee, and criterion #2 further specifies that the corresponding Regional Water Board must provide written confirmation of this agreement. Yet, there is no definition or description of what constitutes a local agreement. Many of Metropolitan's discharges in the Los Angeles Region are into the storm drain system of the Los Angeles County Flood Control District (LACFCD), so Metropolitan is required to obtain a Flood Control Permit from the LACFCD for each discharge event, which Metropolitan refers to as a "shutdown." Metropolitan addresses criterion #4 in Attachment 1, Specific Comments on the Draft Drinking Water Systems (DWS) Permit. This criterion pertains to the need	Comment noted. The State Water Board does not concur that compliance with the statewide permit satisfies the TMDL requirements in the Basin Plans for all Regional Boards. Federal law requires TMDL implementation based on the requirements of the specific TMDL. It is not appropriate for the State Water Board to make such a finding without reviewing each TMDL. In the case of the currently Draft Permit, State Water Board staff has reviewed all the TMDLs that are applicable to water purveyors and has made a finding that the intermittent and short-term nature of these low threat discharges from water purveyors authorized under the statewide permit are not contributors to the impairment of the TMDL related waterbodies. As documented in the permit, the Board will review future TMDLs and make the appropriate findings at that time.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		to enroll under separate regional board NPDES permits for specific discharges not included in the statewide permit, or when there are TMDL-specific permit requirements, now or in the future. Metropolitan's recommended changes are designed to avoid the need for coverage under multiple permits for the same types of discharges. Metropolitan recommends language be added to the draft DWS Permit to state that a discharger's compliance with the DWS Permit satisfies the TMDL requirements in the Basin Plans for all Regional Boards because the intermittent and short-term nature of these low threat discharges from water purveyors authorized under the DWS Permit are not contributors to the impairment of the TMDL related waterbodies. See comments in Metropolitan's letter regarding the need for permit streamlining, and avoiding the need for multiple permits. It is recommended that SWRCB revisit the water system discharges captured under the Draft DWS Permit, and include as many as possible to avoid the need for water purveyors to obtain coverage under multiple permits. Item 4.b) should be deleted, since, according to SWRCB's narrative discussion in the Draft DWS Permit, there are no TMDL-specific permit requirements for discharges from drinking water systems. So, there would be no need to obtain a separate Regional Board NPDES permit.	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
38.8	Metropolitan Water District of Southern California	The Metropolitan Water District states that there are duplicate and overlapping requirements and regulatory coverage in the Los Angeles County MS4 Permit and the proposed statewide permit. In order to eliminate duplication, the District recommends that the State Water Board coordinate with the Los Angeles FCD to obtain their concurrence on the information needed.	The State Water Board does not concur. The State Water Board is not requiring MS4 permittees to enroll in the Draft Permit. Water purveyors that are approved for coverage under the Draft Permit (optional for MS4 permittees) are responsible for submitting application and compliance information to the State Water Board. The State Water Board will accept information gathered for other permitting purposes, if the information addresses the requirements of the permit.
38.9	Metropolitan Water District of Southern California	The Draft Permit needs to be re-organized to make it easier to understand, and preferably in a manner which follows a typical NPDES permit format.	The final Draft Permit has been modified and reorganized for clarification.
38.10	Metropolitan Water District of Southern California	The Draft Permit should include clarification regarding the eligibility for coverage. Specifically, references to compliance with MCLs should be clarified.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable water have been removed.
38.12	Metropolitan Water District of Southern California	Since drinking water system discharges are low threat and de minimis in nature, SWRCB should retain the current fee schedule. A fee schedule based on number of service connections is not appropriate for water discharges under the Clean Water Act. The current fee schedule is consistent with those used by the regional boards for potable water discharge permits, and other low threat NPDES permits.	The State Water Board appreciates your comments, however the fee schedule has been proposed and adopted at the September 23, 2014 Board meeting based on number of connections.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
38.13	Metropolitan Water District of Southern California	The site schematic requirement is labor intensive and costly. The site schematic requirements should be clarified and be made less burdensome.	The State Water Board concurs. The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges.
38.14	Metropolitan Water District of Southern California	The State Water Board should not require additional monitoring, and instead, should allow permittees to use existing data already collected by water purveyors for compliance with the Safe Drinking Water Act.	The State Water Board concurs that data collected for other purposes could be used as long as the results are representative of the quality of the discharge entering surface water (or a storm drain inlet or other conveyance system). Monitoring required of this Draft Permit must represent water from a drinking water system after BMPs are implemented to control chlorine, solids, turbidity and/or other applicable constituents of concern.
38.15	Metropolitan Water District of Southern California	Permit provisions concerning TMDLs and monitoring requirements are confusing and contradictory. Either delete these requirements or clarify them.	The TMDL provisions are necessary to assure that appropriate controls apply to discharges that may, however unlikely, contribute to impairment of TMDL water bodies. Therefore, the TMDL provisions have not been removed from the proposed permit. TMDL constituent-specific application monitoring requirements are included in the proposed permit to allow this statewide permit to regulate the many drinking water system discharges that flow into the many TMDL water bodies. The State Water Board is proposing a compliance avenue for water purveyors to comply with TMDL requirements through implementation of best management practices that allow the drinking water systems to continue operating as mandated by the Safe Drinking Water Act and California Health and Safety Code.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
38.16	Metropolitan Water District of Southern California	Section VIII.C.2. requires operating personnel to be trained but does not specify the scope of the training. Instead, this section should be written more as a performance standard that gives the permittee the discretion to assign appropriate staff to implement the requirements of this Permit, and to train them accordingly.	The State Water Board concurs. Drinking Water System discharges are a result of the operation and maintenance (O&M) of drinking water facilities. To comply with this Draft Permit and minimize pollutant discharges to receiving waters, the requirement of properly trained operation and maintenance personnel is appropriate. The Draft Permit has been modified to give the discharger the discretion to determine the appropriate training needed for permit compliance.
38.17	Metropolitan Water District of Southern California	The Draft Permit should define "raw water" as "low threat potable water" as defined in the permit issued to San Diego.	The Draft Permit has been modified to simplify the regulatory approach, removing differentiation of raw, potable and treated water, so there is no need to add any other definitions.
38.18	Metropolitan Water District of Southern California	Attachment C.II sections D and F related to training and operator certification are not applicable for an NPDES permit.	The State Water Board does not concur. Drinking water system discharges are a result of the operation and maintenance (O&M) of drinking water facilities. To comply with this Draft Permit and minimize pollutant discharges to receiving waters, the requirement of properly trained O&M personnel is appropriate.
38.19	Metropolitan Water District of Southern California	The copper BMP provision in the Draft DWS Permit is redundant with the requirements of the Weed Permit, and should be deleted. In lieu of including it in the Draft DWS Permit, State Water Board should cross reference the Weed Permit.	The purpose of the Aquatic Weed Control Draft Permit is to allow the use of copper herbicides, and regulate constituents such as copper when it is applied to control aquatic weeds. After the application for weed control, copper may remain in the drinking water supply. Higher concentration of copper may be discharged via Drinking Water System discharges regulated under this Draft Permit. Therefore, the discharge of copper from Drinking Water Systems is not for the purpose of controlling aquatic weeds. BMPs required in the aquatic weed Draft Permit are not applicable to BMPs required in this Draft Permit, since the management practices serve different purposes.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
38.20	Metropolitan Water District of Southern California	The Metropolitan Water District is concerned that the Permit requires all direct discharges to be monitored. The District recommends instead a minimum discharge flow of 100,000 gallons/event/day and greater be established for monitoring. The District also requests to use representative monitoring from its Safe Drinking Water Act requirements.	The State Water Board concurs and has determined that representative monitoring should include direct discharges in order to address monitoring costs. Therefore, the proposed monitoring requirements have been modified accordingly. With the modification to have direct discharges monitored by representative monitoring, the State Water Board does not concur with a minimum monitoring threshold due to the variation in threat to water bodies based on site-specific conditions.
38.21	Metropolitan Water District of Southern California	Recommending to modify Table E-1 to reflect that only one sample is required after 60 minutes, as close to the end of the discharge.	Comment noted. However, the monitoring during the last minutes is important to show that the BMPS are effective through the duration of the discharge.
38.22	Metropolitan Water District of Southern California	Recommending removal of MRP Section II. Provision E gives State or Regional Water Board the authority to increase the monitoring frequency at any time. Inclusion of this provision could result in arbitrary increases in monitoring requirements, and lead to inconsistencies between the Draft Permit and regional board requirements. This is contrary to the overall objective of the statewide permit which is to provide consistent permit coverage for drinking water system discharges that are insignificant and low threat. The provision, as currently written, does not establish a standard or criteria for increasing the monitoring. It is recommended that this provision be removed from this section of the permit and perhaps, included as rationale for re-opening the permit at some future date, if that is absolutely necessary.	State Water Board will make changes to leave the authority with the State Water Board only.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
38.23	Metropolitan Water District of Southern California	Requesting clarification of table E-2 Discharge Monitoring frequency. It is not clear when once/event monitoring is required, and/or when once/year monitoring is required. The State Water Board needs to clarify when these frequencies apply.	State Water Board concurs and the monitoring frequency has been clarified accordingly.
38.24	Metropolitan Water District of Southern California	Requesting to be allowed to use existing monitoring data that is used for compliance with the SDWA to avoid the need of redundant monitoring. Is groundwater monitoring required only? And what is meant by feasible in footnote #3 of Table E-2. Whenever possible, the State Water Board should allow water purveyors to utilize existing monitoring data that is used for compliance with the SDWA to avoid the need for redundant monitoring. With respect to turbidity, the permit does not specifically state whether monitoring for turbidity is a requirement for all drinking water discharges or solely for groundwater/well monitoring. During the workshops, a reference was made to well monitoring only, but that is not apparent from reading the MRP requirements. The State Water Board should also clarify what is feasible means in Footnote #3 and what downstream of management practices means.	The proposed permit does not prevent a water purveyor from utilizing existing monitoring data for compliance with other permits as long as the data submittal meets the requirements of the permit. The discharger should be aware that data collected to comply with the Division of Drinking Water permit may not be sufficient to represent managed discharges from drinking water systems. Monitoring required by this proposed permit is intended to represent the water that is released from the system, after best management practices are implemented, and before it reaches surface water or a storm drain inlet. Other monitoring may not reflect the solids level and chlorine level after BMP implementation. With regards to turbidity, the permit only implements turbidity specifications and monitoring for ground water well operations. BMPs are required for all discharges to minimize sediment, debris, sand and trash from all discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
38.25	Metropolitan Water District of Southern California	The State Water Board needs to clarify the turbidity monitoring requirements and detection limits of the required meters. See previous comments on turbidity.	The permit cannot specify the detection limits because of the different handheld equipment and its various detection levels. Therefore, in order to monitor turbidity for compliance with the groundwater activities, the minimum level must be less than the applicable numerical restriction.
38.26	Metropolitan Water District of Southern California	The provision for receiving water monitoring appears to go beyond the monitoring requirements for low threat drinking water discharges and discharge events that are in the Draft DWS Permit; and should not be the responsibility of water purveyors. The actual water quality monitoring of the discharges and observation of the discharges should be sufficient. Metropolitan is concerned that requiring receiving water monitoring would affect the ability to respond to and stop any non-compliant discharges, that may occur.	The State Water Board does not concur that the receiving water monitoring goes beyond what is necessary. The receiving water monitoring is for direct planned discharges that are out of compliance with permit requirements, which includes discovery of a failed BMP. Receiving water monitoring is only required when there is noncompliance from a direct discharge and a potential adverse effect or impact on a beneficial use of the receiving water. The State Water Board agrees that if you monitor the effluent for compliance with its effluent limits and implement appropriate BMPS there would not be a need to further visually monitor the receiving water. The receiving water monitoring is needed to assess to what extent the receiving waters may have been affected, and what further BMPs are needed for those type discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
38.27	Metropolitan Water District of Southern California	It is Metropolitan's understanding that notification to Cali-OES and the CUPA agency is for spill and release reporting of chemical and hazardous material discharges, and is not for discharges that may have an impact to beneficial uses of receiving water. Page E-6 of the Draft DWS Permit refers to such discharges that shall be reported to CalOES as "catastrophic." Metropolitan believes that reporting to CalOES, as described on page E-5 of the Draft DWS Permit, would lead to considerable over-reporting with no commensurate benefit. It is recommended that the requirement to notify CalOES be removed, and that the requirement to notify the Regional Board within five days be retained. SWRCB should also resolve the discrepancies between the reporting provisions on pages E-5 and E-6 of the Draft DWS Permit.	The State Water Board concurs and the Draft Permit has been modified to clarify that the post-notification requirement only applies when the direct discharge is non-compliant with permit requirements (i.e. failed BMP or effluent limit violation) and there may be an adverse effect or impact to beneficial uses of the receiving water. Furthermore, the State Water Board has considered the notification requirements and is concerned with the notifying of CalOES for discharge events that are not an actual emergency. The State Water Board concurs with this comment. The notification requirements to CalOES have been removed. The State Water Board is confident that water purveyors and MS4 permittees have procedures in place for when CalOES is to be notified during emergency events, and the requirement is not needed in the NPDES permit for surface water discharges.
38.28	Metropolitan Water District of Southern California	References to algaecides should be deleted in the Draft Permit because it is fully addressed in another NPDES general permit. The definitions of "drinking water", "potable water" and "raw water" need revision to improve clarity.	The State Water Board does not concur that the reference to algaecides should be removed. Algaecides used to control algae may be found in discharges to drinking water systems. The best management practices required in the State Water Board's Weed Control Permit apply to pesticide application practices. The best management practices required in the Draft Permit apply to the management of discharges from drinking water systems. The State Water Board does concur that Draft Permit is complex and has simplified the permit to remove the distinction of the varying qualities of water in a drinking water system.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
38.29	Metropolitan Water District of Southern California	The definition of super-chlorinated water in the Draft Permit should be revised to be consistent with AWWA standards for disinfection.	The State Water Board is concerned with the impact to beneficial uses from the chlorine in chlorinated water. The definition and description of superchlorinated water from AWWA and other industrial information resources is relative to the chlorine dose and disinfection power of superchlorinated water. The State Water Board is concerned with any discharge to surface water that contains chlorine. Therefore the Draft Permit defines superchlorinated water as water that is used for purposes of sanitizing and disinfecting drinking water facilities.
38.30	Metropolitan Water District of Southern California	The State Water Board should allow permit applicants to use their existing drinking water quality monitoring data, and conduct a Reasonable Potential Analysis (RPA) to demonstrate that the TMDLs are not applicable and that WLAs and TMDL-specific permit requirements are not necessary.	The State Water Board does not concur. Federal regulations require a reasonable potential analysis to be conducted to determine if final water quality based effluent limitations are needed in an NPDES Draft Permit to protect beneficial uses and maintain the concentration of subject pollutants within the criteria. A TMDL is established when a water body exceeds the criteria for the subject pollutants. A reasonable potential analysis is not applicable in the determination of whether TMDL specific Draft Permit requirements are necessary. A TMDL identifies the discharge in which the requirements of the waste load allocations are applicable. The State Water Board does concur that existing data can be used if the data represents the discharge from the drinking water system after required BMPs are implemented.
38.31	Metropolitan Water District of Southern California	The District provided a suggested format for the permit.	The final Draft Permit has been modified and reorganized for clarification.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
38.11.a	Metropolitan Water District of Southern California	The commenter finds the 10-day comment period on the draft permit too compressed, and request more time for public review and comment preparation by various water purveyors and their associations, and requests the Board to post another draft permit for review and comment prior to the Board hearing.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption The State Water Board is appreciative of the water purveyors, clean water associations and industry groups that have facilitated in stakeholder outreach efforts and have represented various drinking water system entities in the stakeholder meetings and the Board hearing.
38.11.b	Metropolitan Water District of Southern California	Water purveyors, such as Metropolitan, often coordinate with local fire departments or operation and maintenance and construction contractors, on fire systems and similar testing. For this reason, Metropolitan recommends that SWRCB remove fire departments and construction contractors from the list of exceptions. Instead, SWRCB should require the water purveyors to coordinate with the contractors and fire departments, and to notify SWRCB of these other dischargers under the Draft DWS Permit.	The referenced discharges from local fire departments, construction contractors on fire systems and similar water system testing are not exempted from Clean Water Act requirement for discharges of pollutants into surface waters. However, as documented in the permit findings, the Draft Permit solely regulates discharges which are granted a regulatory exception through the proposed accompanying resolution. Per State policy, the particular regulatory exception being provided by the State Water Board applies only to water purveyors. Therefore, the State Water Board does not intend to include fire system related discharges to be regulated under this permit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
39.1	Modesto Irrigation District	The Draft Permit language should be amended to state that water mains operated by wholesalers and transmission mains are covered under the permit.	The State Water Board concurs and has clarified the permit applicability to water wholesalers and their discharges from transmission lines.
39.2	Modesto Irrigation District	The Draft Permit should add irrigation of agricultural lands to the list of beneficial reuses.	The State Water Board concurs and has modified the Draft Permit accordingly.
39.3	Modesto Irrigation District	Add a categorical exemption from the dechlorination requirement for discharges of potable water which contains less than 4 mg/L of total chlorine when the discharge volume is less than 500 gallons total because discharges that meet these criteria will not cause an adverse effect on the ecosystem.	The State Water Board does not concur with the suggestion to add a categorical exemption for dechlorination requirements. All surface water discharges with chlorine concentration of 0.019 mg/L on an hourly average basis have a reasonable potential to impact the aquatic life in the receiving water body. Therefore, the Draft Permit will not be modified to include a higher threshold for discharges that are chlorinated.
39.4	Modesto Irrigation District	The District recommends adding permit language which states all drinking water, including raw water sources, are subject to this permit.	The State Water Board concurs and has modified the permit by clarifying that permit coverage is for discharges of all water that is primarily dedicated for drinking water, and is discharged due to a mandated activity.
39.5	Modesto Irrigation District	The District recommends following existing regulations for water purveyor compliance, and removal of references to averages in the Permit.	The State Water Board has modified the permit to simplify and clarify the proposed requirements. The level of regulation of the permit, however, remains unchanged.
39.6	Modesto Irrigation District	The District recommends that the draft Permit use the term "Potable" in a manner that is consistent with drinking water regulations.	The Draft Permit has been modified to simplify the regulatory approach, removing differentiation of raw, potable and treated water. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable or raw water have been removed.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
39.7	Modesto Irrigation District	The language which states that the discharges are mandatory should be amended because this statement is not accurate: these discharges are not due to regulatory requirements.	The proposed statewide permit implements a granted regulatory exception (per the proposed accompanying resolution) and solely regulates discharges that are within the criteria of the exception (discharges to waters of the U.S. that are due to activities to comply with the federal Safe Drinking Water Act and the California Health and Safety Code).
40.1	Otay Water District	Commenter finds the time schedule for public comments prior to the Board adoption hearing too compressed, and recommends a 30-day review period instead.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption
40.2	Otay Water District	The two page fee schedule is confusing and not easy to navigate.	Thank you for your comment. The proposed fee schedule is a different item and outside the scope of this proposed permit.
40.3	Otay Water District	The Authority recommends exclusion of raw water discharges that are exempt under the NPDES Water Transfers Rule, that potable water be defined using the same definition provided in the federal Safe Drinking Water Act, and that compliance standards should be based on basin plan objectives.	The State Water Board concurs, in part. The State Water Board has modified the permit to simplify and clarify the proposed requirements. The level of regulation of the permit, however, remains unchanged. The suggestion for the definition for raw water is appreciated, but it is no longer applicable since the permit has been revised to remove differentiation of raw, potable and treated water. With respect to the Water Transfers Rule, the Draft Permit does not require coverage for a discharge that is otherwise exempt from the need to obtain NPDES permit coverage.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
40.4	Otay Water District	We recommend that compliance standards be established based on basin plan objectives, but that data collected for Safe Drinking Water Act compliance be allowed, where appropriate to avoid duplicate monitoring. In addition, better clarity is needed on monitoring where all monitoring requirements associated with compliance are included in the monitoring section of the permit.	The proposed permit does not prevent a water purveyor from utilizing existing monitoring data for compliance with other permits as long as the data submittal meets the requirements of the permit. The discharger should be aware that data collected to comply with the Division of Drinking Water permit may not be sufficient to represent managed discharges from drinking water systems. Monitoring required by this proposed permit is intended to represent the water that is released from the system, after best management practices are implemented, and before it reaches surface water or a storm drain inlet. Other monitoring may not reflect the solids level and chlorine level after BMP implementation. The State Water Board has paid special attention to cost of compliance with the proposed permit, especially with the level of monitoring and reporting. All required monitoring is for the purpose of compliance with the requirements of the proposed permit. Some monitoring, such as pH and turbidity, is for the discharger to make the appropriate decisions regarding BMP implementation; however proper implementation of BMPs is a requirement of the permit.
40.5	Otay Water District	Permit provisions should be reasonable to implement by water suppliers. Currently, the permit requires implementation of BMPs and monitoring for all direct flows, regardless of the amount of flow. We recommend a minimum flow threshold for monitoring of 50,000 gallons/event/day.	The State Water Board concurs and has determined that representative monitoring should include direct discharges in order to reduce monitoring costs. Therefore, the proposed monitoring requirements have been modified accordingly. With the modification to have direct discharges monitored by representative monitoring, the State Water Board does not concur with a minimum monitoring threshold due to the variation in threat to water bodies based on site-specific conditions.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
40.6	Otay Water District	The site schematic requirement is labor intensive and costly. The site schematic requirements should be clarified and be made less burdensome.	The State Water Board concurs. The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges.
40.7	Otay Water District	The State Water Board should extend the deadline to submit an application to allow enough time for dischargers to file NOIs and/or NONAs.	The State Water Board concurs. To allow coverage as soon as possible for those water purveyors throughout the state that need regulatory coverage immediately, the Draft Permit effective date is proposed to be established 100 days after the adoption date of the Draft Permit (the minimum allowed by U.S.EPA for a contested general permit). The State Water Board will grant additional time, up to September 1, 2015 for all water purveyors to file the required documents after adoption of the Draft Permit. Since the NOI or NONA requirements have been simplified, the State Water Board believes that the additional months will be sufficient time to submit the NOI or NONA.
40.8	Otay Water District	Some of the information on expected locations of planned discharges may not be available at the time to the NOI is submitted, particularly for the entire five year period of the permit. It may be more appropriate to provide the planned discharge information annually to the State Board as part of the annual report.	State Water Board concurs and has modified the application requirements to include more general information. However, the State Water Board expects a discharger to know where its water flows once discharged from its system.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
40.9	Otay Water District	The permit contains no specific TMDL requirements in Attachment G. Appendix F, to the contrary, includes specific TMDL descriptions, which state that the TMDL has a zero waste load allocation for unnamed discharges, including drinking water discharges. In another case, it appears to reinstate the requirements to meet the CTR for lead, copper, and zinc, which was waived in another section of the permit. For the San Diego Region, a zero waste load allocation or requirements to meet CTR standards are equivalent to a discharge prohibition. The TMDL descriptions in the permit should clearly state that drinking water discharges do not significantly contribute to the impairment of a TMDL listed body that drinking water discharges cannot be reasonably controlled to meet a zero discharge or WLA, and therefore, by complying with this permit, agencies are in compliance with the TMDL.	Section III.K. of Attachment F contains a summary of the requirements of existing (already adopted) TMDLs. The requirements summarized in Attachment F have already been adopted by a regional water board or U.S.E.P.A. Attachment G is reserved for discharge requirements, in addition to the requirements in the permit, to properly implement the existing requirements of the existing TMDL. Shown on Attachment G, the State Water Board states that it is not imposing additional TMDL-specific requirements for discharges flowing into the TMDL-listed water bodies identified in Attachment F. Discharges with regulatory coverage under the proposed permit, and in compliance with permit requirements, are "permitted" to discharge into the identified receiving waters. This includes discharges into water bodies in which the adopted TMDL contains a zero waste load allocation. The proposed permit clearly states that discharges regulated under this statewide permit are intermittent, short-term and low threat in nature and do not contribute to the impairment associated with currently adopted TMDLs. Lastly, the proposed regulatory exception to water purveyors is for compliance with the federal California Toxic Rule criteria. The proposed exception is not an exception to a water board-adopted (or U.S.E.P.A. adopted) TMDL that is based on California Toxic Rule criteria. The findings in the resolution are clear that the exception is to the priority pollutant criteria as implemented through the State Implementation Plan and the California Ocean Plan. TMDL requirements are not within the criteria excepted through the proposed resolution.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
40.10	Otay Water District	The Authority recommends replacement of all references to California Department of Public Health to either "SWRCB" or "SWRCB DDW". "Raw Water" is defined on page 6, and not page 3.	The draft permit has been modified accordingly to update the transfer of the California Department of Public Health Drinking Water Program to the State Water Board, as of July 1, 2014. The need to correct the page numbering in the Table of Contents for Raw Water definition is no longer necessary as any reference to Raw Water has been removed from the permit.
40.11	Otay Water District	The draft permit's list of regulated discharges should include hydrostatic discharges following disinfection, but should not include flows generated by the use of water quality analyzers because their flow volumes are negligible.	Due to the many different types of discharges from a drinking water system, the list has been purposely defined as non-exclusive, stating that the discharges include, but are not limited to, the listed items.
40.12	Otay Water District	Remove Fire Departments and Construction from the list of exceptions as long as they are coordinated with a local water purveyor as follows: From other entities or individuals that test potable water systems, street cleaners, or other users of a municipal storm water system that discharge to waters of the U.S. unless coordinated with the local water purveyor or regulated entity.	The State Water Board does not concur. The proposed permit implements a regulatory exception that is based on the proposed Mitigated Negative Declaration to fulfill the requirements of CEQA, therefore unplanned discharges are those consistent with the CEQA definition of emergency discharges, and must be in accordance with the definition in the SIP section 5.3. The State Water Board has modified the permit to illustrate that emergency discharges include unplanned discharges. Additionally, the State Board is not able to declare continuous discharges as de minimis on a statewide basis since continuous discharges may pose a threat to water quality.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
40.13	Otay Water District	Coverage of small water systems under this permit will be confusing to those systems and may not be practical. A simplified permit should be proposed for water systems service less than 1,000 service connections. Complex permit requirements for small water systems will result in a high level of non-compliance taking significant State Board staff time to obtain compliance. Costs of this oversight should not be borne by the large water systems. The State Board should consult with Drinking Water Program staff to determine the best approach and appropriate thresholds for coverage under this permit. State parks, campgrounds and rest areas are typically non-community water systems should not be covered under this permit. Recommendation: Add coverage of wholesale water agencies. Remove small systems with less than 3000 service connections from the permit.	The State Water Board does not concur. The State Water Board however has considered public comments addressing concerns regarding small system owner/operators having multiple priorities to address during this time period of drought. Due to the difficulties small water systems are encountering due to the drought, the permit has been modified to not require systems with less than 1,000 connections to enroll in the permit. However, language in the permit has also been modified to clarify that these smaller systems that discharge to waters of the U.S. are still required, by the Clean Water Act, to obtain an NPDES permit. Water purveyors with systems less than 1000 connections maintain the option to enroll in the permit to obtain the necessary regulatory coverage for discharges to waters of the U.S. The State Water Board intends to reconsider the mandatory enrollment requirement for drinking water systems of 15 connections or more in a future re-issuance of the permit. The permit will be available for these smaller systems now if a Regional Board requires these small systems to obtain coverage.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
40.14	Otay Water District	The State Water Board should not require additional monitoring under the TMDL monitoring requirement, and instead, should allow permittees to use existing data already collected by water purveyors for compliance with the Safe Drinking Water Act. In addition, before establishing site specific controls, the State Board should ensure that reasonable BMPs are available to address concentrations required in attachment G.	The State Water Board concurs that data collected for other purposes could be used as long as the results are representative of the quality of the discharge entering surface water (or a storm drain inlet or other conveyance system). The TMDL Monitoring required of this Draft Permit must represent water from a drinking water system after BMPs are implemented to control chlorine, solids, turbidity and/or other applicable constituents of concern. With regards to ensuring reasonable BMPs are available first before establishing site specific controls, the State Water Board would take that in consideration, but feels it is premature to establish any controls without determining if there is a need to in the first place. Thus the reason for requiring representative monitoring during the application process for discharges to TMDL related waterbodies. Furthermore, currently there are no concentrations listed in Attachment G.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
40.15	Otay Water District	Water Purveyors should be allowed to continue operating under current Regional Board permits until they expire. The State Water Board does not have the authority to terminate current permits made in agreement with Regional Boards as stated. These permittees would unfairly be paying additional permitting fees prior to their current permits having fully ended their tenure.	The State Water Board is pursuing consistent and uniform regulation of Drinking Water Systems discharges statewide that are "low threat" in nature. The State Water Board intends that regulatory coverage under an existing Regional Water Board NPDES permit for discharges within the scope of this Order will be terminated by the applicable regional water board upon issuance of the Notice of Applicability for this Order, or one year after the Adoption Date of this Order, whichever is sooner. The State Water Board, Division of Administrative Service will be notified of each Regional Water Board termination and adjust fee invoices accordingly to prevent duplication. The State Water Board acknowledges that some regional board permits authorize discharges in addition to those from drinking water systems, and the water purveyor may need to maintain both coverages for the drinking water system discharges as well as the non-drinking water system discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
40.16	Otay Water District	Page 13. Section II.H. TMDL Implementation: The reasoning for including TMDLs in the permit is largely unfounded and arbitrary. Until a specific wasteload application has been determined for these types of discharges they should not be prospectively included in this permit.	Provisions implementing TMDLs are included in order to authorize discharges from drinking water systems that are directly or indirectly identified in Waste Load Allocations. A waste load allocation applying to general categories of discharges ("other NPDES dischargers") may include NPDES discharges from drinking water systems. To the extent that such waste load allocations apply, the limitations included in the permit must be "consistent with the assumptions and requirements of any available waste load allocation." 40 C.F.R. § 122.44(d)(1)(vii)(B). The provisions and determinations are based upon data currently available.
40.17	Otay Water District	The Water District feels that based on the language in Section IV.B. of the permit, a water purveyor with a TMDL in place would need to seek out an individual permit separate from this Proposed General NPDES Permit. TMDLs being listed in this permit are unnecessary.	If the requirements of the proposed permit are not consistent with the assumptions and requirements of the waste load allocation, then the water purveyor may need to obtain an individual NPDES Permit. However, the permit has been modified to leave the determination to the State Water Board Division of Water Quality Deputy Director instead of the Regional Board Executive Officer. Coverage under the proposed permit would still be in effect until the Regional Board issues its individual NPDES Permit to incorporate the necessary TMDL requirements. Furthermore, it is premature to make any final decision until the data is submitted and reviewed.
40.18	Otay Water District	The scope of training personnel should be left to the agency.	The State Water Board concurs that the need to train personnel should be left to the agency. Therefore the requirement for training is intentionally broad.
40.19	Otay Water District	The Authority states that the BMPs requested in the permit are unclear, and make implementation more difficult. Appropriate language should be added about this subject.	The State Water Board concurs. The State Water Board has modified the draft permit to simplify and clarify the proposed BMP requirements. The State Water Board expects the discharger to determine the appropriate system-specific BMPs to comply with the permit. The BMPs provided in attachment C are solely for example purposes.

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40.20	Otay Water District	In the event that the State specifically allocated TMDL waste loads to a permittee, the appropriate BMPs for TMDL waste load allocations would be assigned to a permittee. The onus should not be placed on the permittee to determine the appropriate BMPs for the TMDL; there also may be no such BMP available.	The State Water Board does not concur. A TMDL contains water quality requirements and objectives already adopted by a Water Board. The State Water Board is implementing already-adopted TMDLs in the Draft Permit. Through an NPDES permit, a Water Board does not specify the method of compliance (the appropriate treatment or controls to be implemented); for the Draft Permit, the discharger is required to determine the appropriate site-specific, facility-specific and water body-specific BMPs to be implemented to comply with the permit requirements (including applicable waste load allocations, as applicable). The intent of the monitoring is for the discharger to gather data to determine if BMP modifications are needed. The intent of the reporting is for the State Water Board to determine protection of water quality and obtain further information for future permit reissuance.
40.21	Otay Water District	There are no known field BMPs that can remove salts and minerals from discharges by Community Water Systems. This requirement should be removed.	The State Water Board concurs. The requirement for BMPs to remove minerals and salts has been removed throughout the Draft Permit.
40.22	Otay Water District	Copper is typically applied to raw waters in response to algae blooms and would be regulated under the State Board's Permit for Residual Aquatic Pesticide Discharges to Waters of the United States from Algae and Aquatic Weed Control Applications. Due to the intermittent nature of this treatment, it does not result in significant increases in copper concentrations in the treated water distribution system. This appears to try and address a problem that does not exist. Further regulation under this permit is not necessary. Copper is not added to the treated water system. Recommendation: The reference to copper should be deleted from this	The State Water Board Aquatic Weed Control permit regulates discharges of pesticides applied directly to waters of the U.S. for weed and algae control purposes only. The Aquatic Weed Control permit does not regulate discharges from drinking water systems where the source water has been treated with copper containing algaecides.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		section.	
40.23	Otay Water District	The Authority recommends deletion of references to training and certification requirements for operators that is required under the SDWA and limitation of training requirements to agency personnel.	The State Water Board concurs and has deleted reference to certification requirements. The State Water Board expects the discharger to assure all operators triggering and managing discharges are properly trained for compliance with this Order.
40.24	Otay Water District	All direct discharges to receiving waters must be monitored regardless of flow. Some discharges may be so insignificant that no monitoring is needed. Other discharges, such as well flushing, may occur as a part of automatic operations where no one is present to sample. Continuous analyzers and other proper water quality sampling are critical to ensure high quality of water for customers. Monitoring of these discharges should be waived under this permit. A minimum flow of 50,000 gallon/event/day should be established for required monitoring direct or indirect discharges. Routine direct discharges should be allowed based on	The State Water Board concurs and has determined that representative monitoring should include direct discharges in order to reduce monitoring costs. Therefore, the proposed monitoring requirements have been modified accordingly. With the modification to have direct discharges monitored by representative monitoring, the State Water Board does not concur with a minimum monitoring threshold due to the variation in threat to water bodies based on site-specific conditions. Additionally, the permit has been modified to emphasize that implementation of BMPs are expected for all discharges. Management practices do not always entail expensive treatment or controls. The simple reduction of flow velocity, or routing the discharge through a specific flow path to naturally dechlorinate or filter through vegetation is considered a management practice.

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		representative monitoring. However, all discharges should require the use of appropriate BMPs. Representative monitoring should be allowed for automated discharges. Monitoring should not be required for continuous discharges from analyzers and other water quality sampling.	
40.25	Otay Water District	Clarify that the required monitoring applies to planned discharges.	The proposed permit has been modified to clarify that all required monitoring is for planned discharges only.
40.26	Otay Water District	Draining of reservoirs may last many hours. Staff will set up the BMP, but may not be present during the entire draining to collect a sample during the last ten minutes of the draining. Recommend to make changes to table E-1 to require a sample to be collected after sixty minutes, but as close to the end of the discharge to the extent feasible.	The State Water Board concurs and has modified the proposed permit accordingly.

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40.27	Otay Water District	Page E-4 Section II.E allows the State Board or Executive Officer of the Regional Board to increase monitoring at any time to ensure the protection of the beneficial uses of the receiving water. Recommendation: Include criteria for determining when increased monitoring could be required such as changed circumstances, changes in standards, new information that was not available at the time the permit was adopted, or demonstrated threat to water quality.	The intent of the proposed language is to allow the Deputy Director or Executive Officer to make changes to the monitoring requirements as necessary per his/her discretion. This section has been modified however to only have the State Water Board Deputy Director of Water Quality make the decision to increase the monitoring.
40.28	Otay Water District	Page E-4 Section III. Table E-2. Recommendation: Clarify when 1/event monitoring is required and when 1/year monitoring is required.	The State Water Board concurs and has modified the permit to clarify event and representative monitoring.
40.29	Otay Water District	The permit should take advantage of existing monitoring for compliance with the Safe Drinking Water Act and avoid duplicate monitoring.	The proposed permit does not prevent a water purveyor from utilizing existing monitoring data for compliance with other permits as long as the data submittal meets the requirements of the permit. The discharger should be aware that data collected to comply with the Division of Drinking Water permit may not be sufficient to represent managed discharges from drinking water systems. Monitoring required by this proposed permit is intended to represent the water that is released from the system, after best management practices are implemented, and before it reaches surface water or a storm drain inlet. Other monitoring may not reflect the solids level and chlorine level after BMP implementation. With regard to turbidity, the permit only implements turbidity specifications and monitoring for ground water well operations. BMPs are required for all discharges to minimize sediment, debris, sand and trash from all discharges.
40.30	Otay Water District	Page E-4 Section III, Table E-2 footnote 3. Recommendation: Clarify what "feasible" means in the context of monitoring for	The turbidity monitoring has been modified from metered monitoring to visual monitoring, except for discharges from groundwater supply well operations which will still be metered... The term "feasible" means capable of being

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		turbidity.	carried out or accomplished.
40.31	Otay Water District	Page E-4 Section III, Table E-2 footnote 4. Recommendation: Delete or clarify the statement "Each discharge event that requires monitoring shall be monitored once per year".	The proposed permit has been modified to clarify whether monitoring for a discharge is required after every discharge event, or per the annual representative monitoring.
40.32	Otay Water District	Page E-5 Section IV. It is not clear what would be gained by using telephoto lenses and binoculars or if this approach would be practical.	The State Water Board's intent is to prioritize the safety of the discharger's personnel if hazardous conditions exist that prevent the discharger from performing visual receiving water monitoring. The use of binoculars or telephoto lenses will facilitate the visual monitoring requirements if access to the discharge location is restricted.
40.33	Otay Water District	Recommendation: Delete requirement to notify OES for any violation that may impact beneficial uses. Retain the requirement to notify the Regional Board within five days.	State Water Board concurs and the permit has been modified for dischargers to only report to the Regional Board when there is a potential adverse effect or impact to the receiving waters. The State Water Board recognizes that water purveyors already have procedures for when to contact the Office of Emergency Services under emergency events.
40.34	Otay Water District	Recommendation: Delete reference to algaecides since this is covered under a separate permit. Revise drinking water, potable and raw water definitions.	The State Water Board Aquatic Weed Control permit regulates discharges of pesticides applied directly to waters of the U.S. for weed and algae control purposes only. The Aquatic Weed Control permit does not regulate discharges from drinking water systems where the source water has been treated with copper containing algaecides.

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40.35	Otay Water District	The description of super chlorinated water should be consistent with AWWA standards for disinfection of water mains.	The State Water Board is concerned with the impact to beneficial uses from the chlorine in chlorinated water. The definition and description of superchlorinated water from AWWA and other industrial information resources is relative to the chlorine dose and disinfection power of superchlorinated water. The State Water Board is concerned with any discharge to surface water that contains chlorine. Therefore the draft permit defines superchlorinated water as water that is used for purposes of sanitizing and disinfecting drinking water facilities.
40.36	Otay Water District	Monitoring wells are not part of a public water system, so references to them should not be included in the draft permit.	The State Water Board does not concur. Monitoring wells that provide critical information for the mandated management of supply wells.

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40.37	Otay Water District	It is also inaccurate to state that unidentified point sources have a waste load allocation of zero and that discharges are not allowed. A zero waste load allocation for bacteria or nitrogen is effectively a prohibition on all raw water discharges and flushing that may be required to maintain water quality in the potable water distribution system for the San Diego Region and any discharge to Rainbow Creek. In addition, the copper, zinc and lead standards for discharges to Chollas Creek cannot be met in the potable water supply and will act as a prohibition of discharges to Chollas Creek. These discharge prohibitions will interfere with water agencies ability to provide safe drinking water to customers.	The State Water Board is not proposing wasteload allocations through adoption of the Draft Permit. The Fact Sheet of the Draft Permit has been clarified to state that the previously adopted TMDLs, and reference documents, provide very stringent wasteload allocations, and allocations of zero, for the identified constituents. To implement such TMDL is a manner that is feasible to continue mandated operations of drinking water systems, the State Water Board is proposing TMDL compliance determination language for water purveyors authorized to discharge under this permit. The State Water Board will be using data and information from the TMDL-application supplement to determine if enrollment in the statewide permit is sufficient to address the discharge of TMDL-pollutants. Attachment G of the Draft Permit states that discharges approved to be regulated under the statewide permit, and that are in compliance with the requirements of the statewide permit, are deemed in compliance with corresponding TMDL requirements. For dischargers that receiving approval of their applications, compliance with the permit deems compliance with applicable TMDLs. The Draft Permit does not state that further compliance monitoring for TMDL constituents is to be conducted and compared to the wasteload allocations for compliance determination.
40.38	Otay Water District	Commenter recommends using the term "water purveyor" in the first portion of the draft permit, and "permittee" in the portions of the permit devoted to compliance.	The State Water Board concurs and definitions have been added to the first page of the permit to provide the recommended distinction.
40.39	Otay Water District	The notice of intent requires mapping of storm water alignments. Most water suppliers subject to this permit are not storm water agencies and do not have access to this information	The State Water Board concurs this information is not readily accessible to water purveyors. The Notice of Intent has been modified to remove this reference.

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		Recommendation: Delete reference to storm water mapping in the notice of intent.	
40.40	Otay Water District	Attachment C II. A.iii. Should be revised to state: Such controls shall minimize the energy of discharges by managing flow velocities and volumes, and shall be appropriately designed so that the discharge does not exceed the hydraulic capacity of the receiving water at the point of discharge and areas downstream of the discharge point.	The State Water Board concurs. Attachment C has been modified accordingly.
40.41	Otay Water District	Spell out and define acronym Method Detection Limit (MDL) and National Pollutant Discharge Elimination System (NPDES).	The State Water Board concurs and has made the recommended changes accordingly.
41.1	Pasadena Water & Power District, et al.	The commenter finds the proposed 10-day comment period on the draft permit too compressed, and request more time for public review and comment preparation by various water purveyors and their associations, and requests the Board to post another draft permit for review and comment prior to the Board hearing.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
41.2	Pasadena Water & Power District, et al.	The commenter finds the public comment period for the next proposed draft permit insufficient for adequate review and comment preparation. On June 6, 2014 a draft SWP was issued and followed on July 3, 2014 by a revised draft. The latter was drastically different from the former with more than 30 pages of additional text. This provided only a minimal amount of time to review the draft.	The State Water Board granted a 45-day public comment period for the draft permit package and related documents issued on July 3, 2014. The revised draft document issued on this July 3, 2014 solely provided additional language regarding implementation of TMDLs (as applicable) and other minor changes to the previous draft permit. No changes were made to the draft resolution or mitigated negative declaration documents. The State Board considered the numerous requests for an additional public comment period. The scheduled adoption was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption.
41.3	Pasadena Water & Power District, et al.	One of the arguments made by Board staff at the Stakeholders' Workshops in support of the Draft Permit was that this NPDES Permit would provide community water systems with protection for liability associated with its routine discharges. Community water systems already have such protection in more than nine different NPDES Permits already in place in the various Regions. Some of these permits are specific to water systems (e.g. "Hydrostatic Test Waters" Permit) while others cover a number of discharges including those from community water systems (“Low Threat” or “De Minimis Risk” Permits). Thus, adopting another NPDES Permit would not ameliorate potential community water system liability.	The existing Regional Water Board permits regulating drinking water system discharges are variable in their requirements and duplicate efforts and workload amongst the regional water boards. Whereas drinking water system discharges may currently be regulated by an NPDES permit, the State Water Board's overall goal of statewide consistency and efficiency supports a single NPDES permit and exception for the applicable discharges. The proposed Resolution and the Draft Permit will implement consistent application of the regulatory exception, and consistent regulation for discharges that are similar in nature.

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		Only one Region does not have a permit like this, the San Francisco Bay Region, but it has as a completed draft, which is ready for adoption. The only reason that they did not adopt it was because they were awaiting the outcome of the State Water Board's action on this permit.	
41.4	Pasadena Water & Power District, et al.	This Draft Permit provides no additional protection for water purveyors than already exists in eight of nine Regions and the remaining San Francisco Bay Region has a final draft ready for adoption.	The State Water Board does not concur. The intent of the statewide permit is to implement the exception with the State Implementation Policy and Ocean Plan for compliance with priority pollutants. Providing consistent regulations statewide will reduce the discharger's cost of compliance and allow for more efficient Water Board management of these permits compared to the current staff resources needed to manage the current general Regional Board NPDES permits.
41.5	Pasadena Water & Power District, et al.	Sound public policy is not served by the SWRCB dedicating significant resources to respond to a very small number of CWSs while placing unneeded burdens on the vast majority of CWSs who do not need or want this permit.	The Clean Water Act (CWA), at section 301(a), broadly prohibits the discharge of any pollutant to waters of the US, including pollutants contained within mandatory discharges from drinking water systems, except in compliance with an NPDES permit. The State Water Board believes that it is an efficient use of resources to adopt a single statewide permit providing consistent regulation for similar discharges.

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41.6	Pasadena Water & Power District, et al.	A second argument made in favor of the Draft Permit is that requiring community water systems (CWSs) to enroll in a General NPDES Permit protects local governments that operate both MS4s and CWSs. However, the MS4 NPDES Permits throughout the state, consistent with the Clean Water Act (CWA) and federal CWA regulations (including 40 C.F.R. Section 122.26(d)(2)(iv)(B)(1)), allow potable drinking water supply and water distribution system releases by CWSs into (MS4s) and, ultimately, into receiving waters, so long as appropriate BMPs are utilized. These existing provisions of the various MS4 Permits are already in place, and provide equivalent protection to that which would be obtained by issuance of yet another, new General NPDES Permit specific to such discharges. A related shortcoming of the state wide permit (SWP) is that it does not address the relationship between CWS discharges to MS4s. Thus, while a CWS may be authorized under the SWP to discharge to the MS4, the SWP would not preclude an MS4 operator from prohibiting CWS discharges to that operator's MS4 system. No new General NPDES Permit is needed, and if issued the proposed SWP would not provide CWSs or MS4 Operators any better protection from liability.	If the drinking water system discharges are to an MS4 and are in compliance with the MS4 permittee' s requirements, there should be no change in the practice upon issuance of the Draft Permit. The permit is not required if the MS4 and drinking water system discharger enter a local agreement and provide that agreement and a Notice of Non-Applicability to the Water Boards. Additionally, the permit is not required if the water purveyor is an MS4 permittee. The Draft Permit implements a regulatory exception for specific priority pollutants for compliance with California Toxic Rule criteria for a water purveyor.

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41.7	Pasadena Water & Power District, et al.	Commenter states that no new general NPDES permit is needed, and the proposed draft offers no improved liability protection for MS4 or CWSs.	The Clean Water Act (CWA), at section 301(a), broadly prohibits the discharge of any pollutant to waters of the US, including pollutants contained within mandatory discharges from drinking water systems, except in compliance with an NPDES permit. The State Water Board believes that it is an efficient use of resources to adopt a single statewide permit providing consistent regulation for similar discharges. The intent of the statewide permit is to implement the exception with the State Implementation Policy and Ocean Plan for compliance with priority pollutants. Providing consistent regulations statewide will reduce the discharger's cost of compliance and allow for more efficient Water Board management of these permits compared to the current staff resources needed to manage the current general Regional Board NPDES permits.
41.8	Pasadena Water & Power District, et al.	This proposed Permit provides no additional protection to aquatic organisms than already exists in regionally issued NPDES Permits. There is no evidence of documented events where aquatic organisms have been killed because of discharges of chlorinated water from CWSs, or indeed by any other specific class of dischargers. It is important to note that CWSs are not the largest dischargers of chlorinated water by volume on an annualized basis, although they are the most visible. If the State Water Board truly believes that discharges of chlorinated water are causing or materially contributing to receiving water quality exceedances, it should first gather and present such documented evidence that demonstrates the scope of the purported problem, and then include all dischargers of chlorinated water in a permit, not just CWSs. This proposed Permit provides no	The State Water Board concurs that discharges from drinking water systems, when properly managed, are not a source of negative impacts of water quality. The proposed permit contains findings consistent with this comment. The proposed permit implements the Clean Water Act and federal regulations requiring discharges to waters of the United States to be regulated by an NPDES permit. The proposed permit provides the necessary NPDES permit coverage and focuses solely on the constituents potentially in, or discharged with, drinking water system discharges.

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		additional protection to aquatic organisms than already exists in regionally issued NPDES Permits.	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
41.9	Pasadena Water & Power District, et al.	The City states that most discharges through an MS4 system will not be covered in this Permit and the inconsistencies in current regulation will not be corrected by this Permit. Contradictory requirements between the various MS4 permits will continue to exist even if this Permit is adopted since it makes no changes to the numerous MS4 Permits in the State.	The intent of this permit is to provide consistent regulation of the mandatory discharges from drinking water systems to protect public health; the Draft Permit is not designed to provide consistent requirements for MS4 systems. Creating more consistent MS4 requirements would come from stakeholders with these systems working with Water Board permit writers on developing more consistency, and possibly regional MS4 permits. This statewide permit for discharges from drinking water systems is not the appropriate vehicle for this issue.

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41.10	Pasadena Water & Power District, et al.	This proposed Permit does not create a consistent state wide regulatory environment for CWSs.	The proposed statewide permit will provide consistent regulation for all drinking water system discharges that are within the scope of the permit. The proposed permit will replace the regional water board permits that regulate similar discharges statewide with varying requirements.
41.11	Pasadena Water & Power District, et al.	There is a lack of a water quality problem. There is no evidence that the water discharged by CWSs (or even non-CWSs who also discharge chlorinated drinking water) are causing any water quality problems. There is no indication that the discharges from CWSs have put any receiving water on the 303(d) list or caused any Water Quality Based Effluent Limitation (WQBEL) or Receiving Water Limitation (RWL) exceedances. Therefore, this Permit is not at all necessary.	The State Water Board does not concur. An NPDES Permit is established to provide the discharger a legal means of discharge to a water of the U.S. There does not need to be a water quality problem required for issuance of an NDPES Permit. Any discharge of pollutants no matter the type and how de minimis it may be needs to have an NPDES Permit before it can legally be discharged to a water of the U.S. In addition, in issuing an NPDES Permit, requirements are established for the protection of beneficial uses and in conformance with applicable water quality standards, including any applicable TMDL requirement. The proposed permit provides the appropriate mechanisms to address applicable requirements. The State Water Board acknowledges that discharges from drinking water systems are short term and intermittent and are generally not the cause of water body impairment. However, it is still necessary to properly collect some data to support and confirm that these discharges are also not contributing to any established impairment.
41.12	Pasadena Water & Power District, et al.	The impacts the discharges from CWSs have on surface water bodies are small. This permit is not at all necessary.	The State Water Board does not concur. The Clean Water Act (CWA), at section 301(a), broadly prohibits the discharge of any pollutant to waters of the US, including pollutants contained within mandatory discharges from drinking water systems, except in compliance with an NPDES permit. The regulatory and legal basis for regulation of drinking water system discharges is provided in the Draft Permit findings and the permit fact sheet.

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41.13	Pasadena Water & Power District, et al.	There is no efficiency to be gained by having a Statewide Permit (SWP).	The State Water Board does not concur. Prior to the proposal of this SWP, three Regional Boards were working on developing their own general permits specifically to address drinking water system discharges in addition to their already adopted broader General Permits that still exist in each of those regions. The State Water Board, therefore, determined that those General Permits that covered a much broader set of discharges in the different Regional Boards are not appropriate for the drinking water system discharges; thus, the need for a SWP. Furthermore there is the issue of the SIP exception with regards to priority pollutants and also an Ocean Plan exception with ocean plan objectives when discharging to the ocean that those other general permits do not all adequately address. The Draft Permit has been amended to include a table of the existing general permits and finds that there is a wide variety of requirements placed on these similar discharges from drinking water systems statewide with some imposing unnecessary monitoring and/or compliance issues. The intent of the statewide permit is to implement the exception to the State Implementation Policy and Ocean Plan for compliance with priority pollutants, and to establish a consistent statewide set of requirements that applies to this type of discharges. Lastly, all NPDES permit must be renewed every five years. In five years, one statewide permit will demand one renewal. In those same five years, nine regional board permits will require nine renewals.

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41.14	Pasadena Water & Power District, et al.	For example, in the Los Angeles Region there is the NPDES General Permit Order No. R4-2009-0068 for Hydrostatic Test Waters. Only about half of the enrollees in that permit are CWSs. Oil companies and natural gas companies are also enrolled. This permit will still have to be renewed by the Los Angeles Regional Board even if CWSs are required to enroll in the SWP. The same situation exists for just about every other General NPDES Permit in which CWSs are already enrolled.	The State Water Board concurs that those broader General Permits would still need to be renewed. However, not all of the broader regional general permits adequately regulate drinking water system discharges.
41.15	Pasadena Water & Power District, et al.	The SWP will not reduce the total number of NPDES Permits adopted as all of the existing regional NPDES Permits will still need to exist and be renewed. Given the limited resources of the SWRCB, to say nothing of the thousands of CWSs in California, it is not reasonable to dedicate so much time and effort to propose a solution to a problem that simply does not exist.	The State Water Board does not concur. This Statewide Permit is necessary in order to implement the State implementation Policy and Ocean Plan exceptions for compliance with priority pollutants, and to establish a consistent statewide set of requirements that applies to this type of discharges, reducing cost of compliance and allowing for a more efficient management of these discharges in contrast to the varying current general Regional Board NPDES Permits currently established.

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41.16	Pasadena Water & Power District, et al.	The SWP will not reduce the total number of NPDES Permits adopted as all of the existing regional NPDES Permits will still need to exist and be renewed. There is every indication that the water being discharged by CWSs is being adequately addressed under the existing system of NPDES Permits, including but not limited to the MS4 Permits, and the statewide permit is not needed.	State Water Board does not concur. Prior to the development of the statewide permit, some regional boards were proceeding to develop permits specifically for drinking water system discharges. Some of the reasons why the need for the more specific general permit include: 1) The broader General Permits do not provide or implement a SIP or Ocean Plan exception for compliance with priority pollutants, which would require water purveyors to comply with priority pollutant criteria and ocean plan objectives; 2) Some existing Regional Water Board permits included requirements that caused some water purveyors to be in noncompliance and liable for mandatory minimum penalties. Alternatively, the Draft Permit will reduce the cost of compliance for dischargers while providing for water quality protection through implementation of best management practices.
41.17	Pasadena Water & Power District, et al.	The Draft Permit offers no explanation of what purpose it serves or what water quality problem it is attempting to solve other than to provide regulatory consistency, which it does not.	The State Water Board does not concur. The fact sheet of the Draft Permit has been modified to add additional explanation regarding the need for consistent regulation of such similar discharges throughout the state, and the basis for regulation of constituents of concern in drinking water system discharges.

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41.18	Pasadena Water & Power District, et al.	Since November 2013 there have been numerous, significantly different proposed Permit Attachments circulated and since June, two extremely different drafts of the proposed Permit were released. The rapid pace and highly variable nature of the changes have made it unreasonably difficult for CWSs to follow and understand the nature of the Permit and to provide cogent comments. As written, this Permit should not be adopted as it has had too little opportunity for effective stakeholder input. It is unreasonable and unproductive for the State Water Board to promulgate such a wide-reaching permit in such a short amount of time.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption The State Water Board issued one draft permit package with a second issuance pertaining mostly to implementation of total maximum daily loads. The significant changes in documents provided by staff are from the large amount of stakeholder involvement with the development of the draft permit documents. The State Water Board is appreciative of the stakeholders including water purveyors, local agencies, clean water associations, environmental groups and industry groups that have provide feedback in the stakeholder meetings and the public Board process.

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41.19	Pasadena Water & Power District, et al.	At some Workshops SWRCB staff asserted that streets and gutters are not WOTUS. We certainly agree with assessment for the following reasons: a. The Supreme Court of the United States ruled quite clearly on this issue in 2006 in Rapanos et ux., et al., vs. United States. This raises an important jurisdictional issue, since the streets, gutters, and similar MS4 related conveyances are not WOTUS, and discharges into streets and gutters are not subject to NPDES permitting requirements. If effluent monitoring must occur where the discharge enters a WOTUS, and if that point is not in a city street or gutter, but at the outfall to a WOTUS, then CWSs are not discharging into a WOTUS and an NPDES Permit is not needed. b. When this issue has been raised at various Workshops, the response from SWRCB staff has been that while streets and gutters are not WOTUS, since they drain to a WOTUS they can be regulated as "tributaries" to a WOTUS and thus subject to the CWA. However, this is counter to Rapanos where the court held that a WOTUS is a " ... relatively permanent, standing, or continuously flowing body of water" such as “streams, oceans, rivers, and lakes ... " that are connected to navigable waters. Storm sewers, drain tiles, culverts, and man-	Commenters’ reliance on the plurality opinion in Rapanos v. United States (2006) 547 U.S. 715, (while omitting the controlling concurring opinion which instead requires a “significant nexus” to a water of the U.S.) is misplaced. Rapanos addressed the extent of Clean Water Act jurisdiction over wetlands adjacent to navigable waters, while the Draft Permit regulates point source discharges of pollutants. A point source discharge of a pollutant requires an NPDES permit under Clean Water Act section 301(a). A point source is defined to mean “any discernable, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit . . . from which pollutants are or may be discharged.” 40 C.F.R. §122.2. A municipal separate storm sewer (MS4) means “a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains)” owned or operated by a public entity and discharging to waters of the U.S. 40 C.F.R. §122.26(b)(8). “Discharge of a pollutant” is defined as any addition of any pollutant to waters of the U.S. from any point source, including “surface runoff which is collected or channeled by man; discharges through pipes, sewers or other conveyances owned by a State, municipality or other person which do not lead to treatment works. . . .” 40 C.F.R. 122.2 If a drinking water system discharge enters a water of the U.S., either directly or via any conveyance system, including portions of an MS4, it is a discharge to a water of the U.S. and must be regulated by an NPDES permit.

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		made drainage ditches, are specifically rejected. If every impermeable surface that ultimately drained to a WOTUS were a WOTUS, then the entire surface of the State of California would be a WOTUS.	

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41.20	Pasadena Water & Power District, et al.	This Draft Permit contains expensive text relating to TMDL-related BMPs that do not exist to reduce non-existent WLAs from TMDLs that are not applicable to CWSs and which the Permit states should never occur.	The State Water Board concurs and has modified the permit by reducing the expansive text relating to TMDLs. The State Water Board however continues to require BMPs that will address pollutants in the discharge that are specific to a TMDL. A table has been added to the front of Section III.K. in the fact sheet. The table contains all receiving water bodies with TMDLs that pertain to water purveyors, in alphabetical order, and the constituents which the water purveyor must monitor. The permit also provides a reference to the appropriate websites where detailed information on all previously adopted TMDLs is located.
41.21	Pasadena Water & Power District, et al.	In Section III.K. of the fact sheet, there appears to be a significant amount of text missing from the TMDLs adopted by the Regional Water Boards. The legal basis for the TMDL requirements are also unclear. Existing waste load allocations are set by actions of the State Water Board that are amendments to Basin Plans. The proposed statewide permit appears to effectively amend the Basin Plans of both the Los Angeles and San Diego Regions without any action by the relevant Regional Board.	The State Water Board concurs that the fact sheet needs clarification. However, the Draft Permit does not amend any Regional Water Board basin plan. The Draft Permit fact sheet, Section III.K., has been modified to clarify that all waste load allocations and TMDL-related requirements implemented though this permit are requirements adopted through a previous basin amendment process of a Regional Water Board, and subsequently approved by the State Water Board and U.S. EPA. The fact sheet language in Section III.K. has also been modified to clarify that this Draft Permit does not amend any basin plan amendment that sets forth TMDL requirements, but instead interprets and implements duly adopted TMDL requirements.

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41.22	Pasadena Water & Power District, et al.	Community Water Systems will be required to conduct representative monitoring from a minimum of two samples of raw, potable, and/or treated discharge based on applicable TMDLs in section III.K of Attachment F. There is no explanation or stated purpose to be achieved by this monitoring or how it will be interpreted or applied.	The purpose of the monitoring for TMDL-specific constituents is so that the Deputy Director may determine if regulatory coverage under the statewide permit will sufficiently address the corresponding TMDL requirements. The fact sheet has been clarified accordingly. If the Deputy Director determines that the requirements of the permit are not consistent with the assumptions and requirements of a waste load allocation for a TMDL and not sufficient for the water purveyor to comply with TMDL requirements, the Deputy Director may allow regulatory coverage under the statewide permit until the Regional Water Board issues an individual permit that addresses the TMDL requirements.
41.23	Pasadena Water & Power District, et al.	Concerned with placing additional requirements on the CWSs that discharge to TMDL related waterbodies or altogether disallowing discharge.	NPDES permits must implement existing TMDLs that place requirements on the discharger. Review of the existing TMDLs concluded that only the TMDLs listed in the fact sheet of the permit place requirements on water purveyors that are permitted with an NPDES permit. The State Water Board is requiring upfront monitoring of TMDL constituents to make the determination if compliance with the statewide permit will be sufficient to meet the intent of the TMDL. This process is intentionally simplified to avoid further unnecessary and costly lab analyses.
41.24	Pasadena Water & Power District, et al.	Concerned with the future placement of additional requirements for discharges to TMDL related waterbodies. The process is not clearly described in the Permit and the criteria used to impose additional requirements is not described. Many questions not addressed, for instance, would resampling be allowed and can averages be considered,	The Draft Permit states that the laboratory analysis results will be used for the Deputy Director to determine if coverage under the statewide permit will address the requirements of the subject TMDL. Specific criteria of how the data will be evaluated is not included in this statewide permit because the data analysis differs with each TMDL and with each constituent. Data submitted with applications for permit coverage will be examined on a TMDL-specific basis. The State Water Board has intentionally simplified the process upfront to avoid potential unnecessary and costly lab analyses.

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41.25	Pasadena Water & Power District, et al.	Would every sampling location have to be sampled? How would concentrations of naturally occurring parameters be assessed and would that be different from how anthropogenic parameters would be assessed? When there are two sets of WLA's for the same constituents and receiving water, which would apply?	All sampling locations that are representative of the discharge (for either event monitoring or representative monitoring) must be monitored as specified in the proposed monitoring and reporting program. Monitoring for discharges is required for constituents of concern such as chlorine, pH, and/or turbidity, as applicable. Whether a constituent is anthropogenic is not a factor. The Draft Permit requires monitoring for TMDL constituents in the application (enrollment) phase of the permit only (unless otherwise specified by the Deputy Director on a site-specific basis). The application requirement for discharges into a TMDL water body is per constituent. If more than one wasteload allocation is for a same constituent, the water purveyor submits monitoring for that constituent. The Draft Permit states that compliance with the permit deems a discharger (that has approved permit coverage) in compliance with the TMDL wasteload allocations and other TMDL requirements. With the exception of any water purveyors listed in Attachment G (at this time there are none), enrollees in this permit that have either one or numerous sets of wasteload allocations solely have to comply with the requirements of the permit to be in compliance with the TMDL.

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41.26	Pasadena Water & Power District, et al.	Why are TMDLs from two Regional Water Boards listed and not TMDLs from other Regions?	The Regional Water Board basin plans, and specific TMDLs contained in their basin plans, are established based upon water quality requirements of the applicable waters. The terms of any TMDL or waste load allocation will vary, depending on information specific to these water bodies. When preparing the draft statewide permit, State Water Board staff worked with staff of the Regional Water Boards to identify existing TMDLs throughout the state that apply to drinking water systems, including TMDLs with waste load allocations identifying general categories of NPDES dischargers. The Los Angeles Water Board and the San Diego Water Board provided the State Water Board staff with the list of TMDLs that is set forth in the fact sheet. TMDLs can be complicated to interpret, and the applicable language and provisions in any TMDL determines how it should be implemented. Santa Ana Water Board staff indicates that the organochlorine compounds TMDL for Newport Bay and San Diego Creek does not include allocations for any permit including drinking water systems, based on the impairment assessment and assigned beneficial uses. For TMDLs in the San Francisco Bay region, such as the Napa River and Sonoma Creek, regional water board staff indicate that no load reductions from MS4 sources are needed, and regional water board staff translates that as water purveyors are not a source of significant sediment in these waters since many drinking water system discharges in the region are regulated through MS4 permits. In order to provide adequate scope of coverage and establish feasible implementation measures, the State Water Board is authorizing NPDES permitting of discharges from water purveyors that are directly or indirectly named in a TMDL Waste Load Allocation. The provisions and requirements of the permit are consistent with the assumptions and requirements of Waste Load Allocations in existing TMDLs applicable to discharges from drinking water systems, as required by 40 CFR 122.44(d)(1)(vii).

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41.27	Pasadena Water & Power District, et al.	Wasteload allocations are set by either the USEPA or the various Regional Water Boards through basin plan amendments. In adopting this statewide permit with the provisions assigning wasteload allocations to community water systems, the State Water Board is effectively amending the Basin Plans and USEPA Total Maximum Daily Load (TMDL) Documents. The State Water Board does not have the authority to unilaterally amend these documents by the adoption of a Permit. If the State Water Board wants to amend Basin Plan and TMDL documents, it would have to do so before the statewide permit is adopted. The proposed statewide permit effectively amends Basin Plans and TMDL documents without following the appropriate procedures.	The Draft Permit does not itself apply WLAs to drinking water system discharges or otherwise amend requirements set forth in basin plans. The Permit finds that, to the extent that WLAs apply to drinking water system discharges, consistent with information provided by regional water board staff, the applicable TMDLs and their supporting documentation do not indicate that these discharges are significant sources of pollutants. Further, currently available data support a conclusion that these discharges are unlikely to contribute to the impairment of water bodies to which the TMDL applies. Rather than amending the TMDLs or applying requirements not otherwise applicable, the Draft Permit implements requirements already contained in adopted TMDLs.

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41.28	Pasadena Water & Power District, et al.	Attachment E, Section II, Paragraph states: "The State Water Board Deputy Director of Water Quality or an Executive Officer of the appropriate Regional Water Board may increase monitoring frequency at any time to ensure the protection of the beneficial uses of the receiving water." However, there are no criteria or thresholds for which the Deputy Director or Executive Officer may use to make such a decision. Under what conditions or situations would the Deputy Director or Executive Officer be empowered to make these changes? Without some objective standard, this provision is arbitrary and capricious. Some language is needed to establish factual basis for making such a determination, such as "If a monitored constituent in the discharge from a Permittee threatens to cause or contribute to an exceedance of a WQBEL or RWL, the State Water Board Deputy Director of Water Quality or an Executive Officer of the appropriate Regional Water Board may increase monitoring frequency". The power to extend and expand monitoring has to be based on monitoring data.	The State Water Board concurs and appreciates the example language provided in the comment. The Draft Permit in Attachment E, Section II has been modified using the example language provided, and basing the Deputy Director's decision to increase monitoring on site-specific data indicating that a discharge threatens to cause or contribute to an exceedance of a receiving water objectives or limitations.

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41.29	Pasadena Water & Power District, et al.	The few remaining parts of the statewide permit that are not tied to Attachment G are actually redundant with other existing permits. There are many overlapping Scopes and Redundant Provisions. CWSs are already required to implement the BMPs in Attachment C as these discharges are already regulated under all local MS4 Permits and these BMPs are currently widely practiced. These practices will still be mandatory for CWSs whether this Permit is adopted or not.	MS4 permits do not provide or implement the exception with the State Implementation Policy and Ocean Plan for compliance with priority pollutants. The Statewide general permit has been drafted to implement this exception and to establish a consistent statewide set of requirements that applies to this type of discharges including BMPs that will reduce cost of compliance and allow a more efficient management of these discharges. Additionally, not all drinking water discharges in California flow into MS4 systems.
41.30	Pasadena Water & Power District, et al.	b. There is also a requirement to manage copper based algaecides, but there is already a State-Wide Permit issued by the SWRCB covering those activities (WATER QUALITY ORDER N0.2013-0002-DWQ, GENERAL PERMIT NO. CAG 990005).	The State Water Board has adopted a General Aquatic Pesticide Permit that regulates the application of copper based pesticides into waters of the U.S and establishes BMPs and a receiving water limit for copper based on hardness of the receiving water. However, coverage under the proposed statewide permit allows for the exception for compliance with priority pollutants, such as copper, as long as appropriate BMPs for drinking water system discharges are implemented and thus the reason for the BMPs being included in the State Wide Permit. Without the application of these required BMPs, the discharge of drinking water would be required to comply with an applicable copper water quality standard. Copper is managed differently during the application of pesticides, such as in Order 2013-0002 versus when managed in drinking water system discharges.

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41.31	Pasadena Water & Power District, et al.	Many of the provisions of the draft SWP are redundant and some conflicting provisions of with already existing NPDES Permits and WDRs. The Permit includes a requirement to discharge to land, but there is already a WDR for discharges to land.	The State Water Board understands that there currently exists a WDR order for discharges to land. However, the requirements in this statewide Permit are not meant to replace the established requirements in WDR Order 2003-0003-DWQ. The statewide Permit requirements are simply established to provide an incentive to collect the water that would otherwise be discharged to a water of the U.S., and put it to a beneficial reuse whenever possible. However, the Discharger still has the option to obtain coverage under WDR 2003-0003-DWQ to cover other types of discharges. The statewide permit is simply providing the flexibility that if the discharge of potable water can be put to a beneficial reuse then it does not necessarily require separate coverage.
41.32	Pasadena Water & Power District, et al.	The Draft Permit should include clarification the regarding eligibility for coverage. Specifically, references to compliance with MCLs should be clarified.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable water have been removed.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
41.33	Pasadena Water & Power District, et al.	Language in the Draft Permit strongly implies that CWSs should be monitoring both their discharges and the receiving waters for compliance with all MCLs. How can a CWS say that it is eligible for coverage when it does not know if this statement is correct? Also this language suggests analysis is needed: "An exceedance of the water quality objective for the pollutant(s) that is causing the impairment." For waterbodies with an applicable TMDL, nowhere in the permit is there any positively stated requirement to report any monitoring results (except as applies to Section K which is discussed separately above). The Notice of Intent (NOI) does not require any reporting of any laboratory results nor does the Monitoring and Reporting Program (Attachment· E) discuss a requirement to report any results. CWSs need clear and unambiguous requirements as to what needs to be monitored, what does not need to be monitored and what to do with the results.	The State Water Board concurs. Changes have been made in the Draft Permit for clarification. With regards to the TMDL waterbodies, the required monitoring is two sample analyses required during the application process for those water purveyors that discharge into a waterbody listed in Section III.K of the Fact Sheet.
41.34	Pasadena Water & Power District, et al.	Definitions for "treated drinking water", "potable water", and "raw water" are too complex and contain erroneous regulatory concepts. References to MCLs and "suitability for human consumption" should be removed from the Draft Permit.	The State Water Board concurs. The Draft Permit has been modified to simplify the regulatory approach, removing differentiation of raw, potable and treated water. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable or raw water have been removed.

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41.35	Pasadena Water & Power District, et al.	The Permit then creates a complicated series of Discharge Specifications which are entirely different from the Discharge Definitions. a. Different Effluent Limitations for chlorine (Cl2) are applied to different situations. i. Direct Discharges to Inland Surface Waters: Cl2 < 0.019 mg/L. ii. Indirect Discharges to MS4s < 300 ft. from outfall: Cl2 < 0.019 mg/L. iii. Indirect Discharges to MS4s > 300 ft. from outfall: No Cl2 Limit. iv. Direct and Indirect Discharges to the Ocean: Cl2 < 0.008 mg/L. v. Discharge to Land (Beneficial): No requirement to measure Cl2. vi. Any discharge > One Acre-Foot must be measured for Cl2. b. The Permit creates conflicts for many community water systems (CWSs) as these same discharges are regulated under local MS4 NPDES Permits. Local MS4 NPDES Permits often have different requirements than those required in this permit. CWSs must then sort through the different permit requirements. c. Hand held field equipment for the determination of chlorine concentrations is allowed but only electronic colorimeters. Color wheels, dip sticks, and other similar techniques are not allowed. This will create a financial burden for many very small CWSs. They may also lack the technical skills to properly maintain and operate this equipment. The same point can be made for field portable turbidity meters and pH meters. The draft state wide permit (SWP) discharge specifications are overly	The Draft Permit has been further modified to simplify all requirements including effluent limitations, monitoring, reporting, and TMDLs. If the drinking water system discharge is currently regulated under an MS4 permit, then there will be no required change in practice by the drinking water system as this permit will not apply to that system provided a discharge agreement and Notice of Non-Applicability is submitted and approved by the Deputy Director of Water Quality. The State Water Board has determined that paper or color wheel chlorine indicators, while low cost and easy to use, lack sufficient precision and accuracy for regulatory compliance and provides only a rough estimate of free chlorine concentration. Use of a chlorine meter is a more accurate method and digital meters are used successfully in the water supply industry. The Draft Permit requires the appropriate training of personnel per manufacturer's recommendations.

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		complicated and confusing. The draft SWP would be considerably easier to understand and comply with if it simply required all CWSs to dechlorinate all their discharges of any volume and to any receiving water to concentrations of less than 0.1 mg/L. The effluent limitation for any discharge to an inland receiving body is <0.019 mg/L and to the ocean it is <0.008 mg/L. Existing MS4 Permits already require this.	

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41.36	Pasadena Water & Power District, et al.	Notification of the MS4 Permittee is more appropriate than notifying CalOES or the local RWQCB. The MS4 Permittee has staff and knowledge to make practical use of this information.	The State Water Board has considered the notification requirements and is concerned with the notifying of CalOES for discharge events that are not an actual emergency. The State Water Board concurs with this comment. The notification requirements to CalOES have been removed. The State Water Board is confident that water purveyors and MS4 permittees have procedures in place for when CalOES is to be notified during emergency events, and the requirement is not needed in the NPDES permit for surface water discharges.
41.37	Pasadena Water & Power District, et al.	The site schematic requirement is labor intensive and costly. The site schematic requirements should be clarified and be made less burdensome.	The State Water Board concurs. The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges.
41.38	Pasadena Water & Power District, et al.	The reference to "municipal groundwater supply well discharges" appears to exclude discharges from all other types of water supply wells, yet all of these types of wells are subject to the same permit provisions, so the term "municipal" should be removed in Attachment C.	The State Water Board concurs and has struck the word "municipal" from the phrase referring to supply wells.

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41.39	Pasadena Water & Power District, et al.	The draft State Wide Permit (SWP) has provisions that address the measurement of turbidity but are very unclear and unnecessarily burdensome. a. Section V.C states: "The turbidity measure in Nephelometric Units (NTUs) in the discharge of potable water shall not exceed 10 NTUs as a daily average or per turbidity water quality objectives in the corresponding Regional Water Board basin plan, whichever is less" which applies to "all planned discharges of potable water directly to a surface water or via a storm drain". This implies that turbidity samples and measurements are required for all planned discharges. b.However on Page E-2, Section I B of Attachment E states: "Chemical analyses that require laboratory testing are not required in this Order". c. In the Code of Federal Regulations, Volume 40 Part 136 only laboratory techniques (USEPA Method 180.1) are allowed for the determination of turbidity, field mobile units are not authorized for regulatory compliance monitoring with the Clean Water Act. d. While there is specific language in the SWP discussing hand held chlorine analyzers, there is no parallel discussion of field mobile turbidity units. e. However, at the Los Angeles Stakeholders Workshop, SWRCB staff discussed that community water systems (CWSs) would be expected to obtain and use field mobile turbidity units for discharges from well heads during "well to	The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.

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		waste" or "pump to waste operations" for direct discharges to waters of the US. f. However, this approach contradicts what is written in the text. The text of the draft SWP states that all planned discharges are to be measured, not just well head operations. Further, the text is silent about requiring the use of field mobile units. g. Further, many wells "go to waste" at the beginning of operations which are entirely automated and can occur at any time. It is often impossible for CWS staff to be present when a well turns on as they do not know what time that might be and it may occur after normal business hours. h. Additionally, the costs associated with purchasing and maintaining a field mobile turbidity meter are prohibitive for small CWSs, as those units cost over $1,000 for the meter plus the additional cost of the associated equipment. This is to say nothing of the labor times associated with this activity. Of the over 3500 CWSs in the State of California, half have a service population of 250 or less, many of which have no more than one full time employee. Discharges from CWSs are not known to cause exceedances of turbidity in receiving waters, particularly for smaller systems. The turbidity provisions are confusing, costly, and unnecessary.	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
41.40	Pasadena Water & Power District, et al.	The City states that the costs associated with purchasing, maintaining, and deploying mobile turbidity meters are significant for the approximately 1750 CWSs in CA, and states that the turbidity provisions in the Draft Permit are confusing and unnecessary.	The State Water Board concurs and has modified the permit to remove the need for turbidity meter monitoring and changed it to a visual estimate, except for discharges from groundwater supply well operations which will still be metered.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
41.41	Pasadena Water & Power District, et al.	The Permit has two provisions that address pH but are very unclear. a. Attachment C in Section C on page C-1 states "All discharges from distribution system draining for cleaning and maintenance shall be dechlorinated, pH adjusted as appropriate, and filtered to remove sediment, prior to discharging to surface waters or storm drains." b. There are not any BMPs identified to adjust pH. pH adjustment in the field is not a commonly practiced BMP and it is unclear if the necessary equipment and supplies are readily available or that it is cost effective. c. Page F-16 it states: "Community drinking water systems are required to maintain a pH of 7.0 in their distribution systems as part of their corrosion control treatment plans (40 CFR Section 141.82(f))." However, the Code of Federal Regulations states: "A minimum pH value, measured in all tap samples. Such value shall be equal to or greater than 7.0, unless the State determines that meeting a pH level of 7.0 is not technologically feasible or is not necessary for the system to optimize corrosion control." d. The regulation requires a pH of not less than 7.0 under certain circumstances, not 7.0. Those circumstances involve the Lead and Copper Rule, which makes no general rule that applies to all community water systems (CWSs) but rather a rule that only applies to a few CWSs and only if they do not have alternative treatment options.	The State Water Board concurs that monitoring for pH for all discharges is unnecessary. The permit has been revised to require only pH monitoring for superchlorinated discharges. The State Water Board is concerned that discharges heavily dosed with de-chlorination chemicals may pose a threat to beneficial uses of receiving waters. Monitoring for pH in superchlorinated discharges will give the discharger information on whether pH adjustment is needed to comply with applicable receiving water objectives. The State Water Board has determined that litmus paper or pH indicators, while low cost and easy to use, lack sufficient precision and accuracy for regulatory compliance and provide only a rough estimate of pH. Use of a pH meter is a more accurate method and digital meters are used successfully in the water supply industry. The Draft Permit requires the appropriate training of personnel per manufacturer's recommendations.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		e. pH can be accurately and effectively measured using pH strips. Hand held electronic monitors are unnecessary and expensive. f. There is really no need for this provision. Even if CWS had a discharge with pH outside the range found in the basin plan, the volumes would be too small to actually alter the pH of a receiving water. The pH control requirement is not necessary, as pH in the water discharged by CWSs will be too small in volume to alter the pH of receiving waters.	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
41.42	Pasadena Water & Power District, et al.	There are receiving water requirements that present a number of hazards to CWS staff without any obvious benefits to the protection of human health and the environment.	State Water Board does not concur. The Draft Permit does not require receiving water monitoring for indirect discharges (discharges into storm water systems or other conveyances). The receiving water requirements state that if there are hazards present, visual monitoring can be conducted using binoculars or other long distance visual equipment; if further hazards exist, no monitoring shall be required.
41.43	Pasadena Water & Power District, et al.	Clarification needs to be provided in Attachment B part G of the Notice of Intent regarding the receiving water body and whether it is 303(d) listed.	The State Water Board expects dischargers to know to which receiving waters they are discharging. Section K of the Fact Sheet identifies the adopted TMDLs that are pertinent to water purveyors. Therefore, water purveyors must identify their receiving waters and compare them to the list of TMDLs in section K of the Fact Sheet. A similar process is necessary for 303(d) listed water bodies. A water purveyor must identify their receiving water and compare it to the 303(d) list provided at the State Water Board website (http://www.waterboards.ca.gov/losangeles/water_issues/programs/303d_list.shtml). The NOI has been modified to identify the website that provides the list of receiving waters that are on the 303(d) list.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
41.44	Pasadena Water & Power District, et al.	It is extremely important that if the SWRCB decides to proceed with this permit, it must provide another 45 day comment period, additional Stakeholder Workshops, and another set of staff responses to comments in a timely matter before this statewide permit can be heard for adoption.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption The State Water Board is appreciative of the water purveyors, clean water associations and industry groups that have facilitated in stakeholder outreach efforts and have represented various drinking water system entities in the stakeholder meetings and the Board hearing.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
41.45	Pasadena Water & Power District, et al.	In 2008 the Los Angeles Regional Water Quality Control Board proposed a General NPDES Permit for CWSs that was somewhat similar to this one. However, the Los Angeles Regional Water Quality Board found itself without a quorum. So the Executive Officer of the Los Angeles Board sent the Draft Permit to the SWRCB for adoption. After careful consideration, the Executive Officer of the SWRCB, Dorothy Rice, declined to pursue that effort. In her response she stated: " ... most Regional Water Boards use municipal separate storm sewer system (MS4) permits to regulate potable water discharges to surface waters ... We are not aware of any particular problems under the current practices. Therefore, we urge you to consider whether an additional regulatory mechanism is necessary to regulate these discharges at this time" (see attachment). If there are concrete data indicating that the current method of regulating discharges from CWSs is not working, then there might be some reason to adopt this permit. However to date, all indications are that the current path is working just fine. It does not seem reasonable to adopt a permit that serves no obvious purpose, is technically flawed, has numerous arbitrary and capricious provisions, was presented in an incomplete fashion, and is being hastily and unnecessarily rushed	The State Water Board does not concur. The Clean Water Act (CWA), at section 301(a), broadly prohibits the discharge of any pollutant to waters of the US, including pollutants contained within mandatory discharges from drinking water systems, except in compliance with an NPDES permit. Language in the proposed Resolution and Draft Permit provide the basis for the State Water Board's consideration of a statewide NPDES permit for discharges from drinking water systems.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
42.1	Riverside County Flood Control and Water Conservation District	The County states that numeric effluent limitations are not required for other pollutants such as nutrients, bacteria that are included in MS4 storm water permits.	The SIP allows for an exception to be made by the State Water Board to implement exceptions for low threat discharges from water purveyors. The State Water Board has found that these system's mandatory discharges are a low threat to water quality when Best Management Practices are properly installed and maintained. The State Water Board is permitting these discharges in and of themselves and this permit does not relate to the quality of the commingled discharges. The permit does not limit the ability of MS4 permittees to use their discretion on requiring additional local requirements for discharges entering their systems.
42.2	Riverside County Flood Control and Water Conservation District	The District states that many MS4 permits hold MS4 operators strictly liable for water quality exceedances during non-storm conditions. Some can be more stringent than drinking water standards. Raw and potable water often do not meet the receiving water standards. MS4 diversions for low flows may be overwhelmed (circumvents effectiveness) by these types of discharges and increase bacteria levels/other pollutants. Higher costs to MS4 permittees may result if changes are not made to the Draft Permit. The MS4 permittee needs to be relieved from the cost and associated impacts from these discharges, which are the water purveyor operators' responsibility	This permit does not regulate the discharges from systems with commingled discharges. The permit does not authorize discharges into MS4 systems and does not limit the ability of MS4 owners/operators to use their local discretion on requiring additional requirements for discharges entering their systems. This permit does not apply California Toxic Rule water quality criteria to the discharges, for those pollutants that have been granted an exception and are not part of a TMDL, but does require Best Management Practices and effluent monitoring.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
42.3	Riverside County Flood Control and Water Conservation District	The permit does not provide sufficient justification for the permit conclusion that these discharges do not contribute to the impairment of the TMDL-related water bodies. The record is not sufficient for the State Water Board to make this conclusion; many MS4 permits purport to establish instantaneous and strict liability for discharges that cause or contribute to the exceedance of a water quality standard such as nutrients and bacterial indicators. In light of that fact, any significant discharge from a drinking water system that flows through an MS4, especially under dry conditions could lead to liability to the MS4 operator, because the discharge from the MS4 allegedly "caused or contributed" to an exceedance of water quality standards.	The State Water Board does not concur that the record is insufficient for the determination that discharges provided regulatory coverage under this Order do not contribute to impairment of the TMDL-related water body. To gain approval for regulatory coverage under this Order, the water purveyor must submit lab analysis of its discharges for the TMDL-related pollutants. With the laboratory results and other information submitted through the application process, the Deputy Director will make the determination regarding whether the discharge is within the "low threat" threshold of the Draft Permit, and the constituents of concern can be addressed through the required best management practices. For each discharge to a TMDL-related surface water, the application information will add to the record information needed to make the conclusion on a discharge-specific basis. Regarding liability, an MS4 operator is generally responsible for discharges from its system. MS4 permittees are governed by the specific provisions contained within their NPDES permit. This drinking water discharge permit does not alter responsibilities of MS4 operators or the applicability of specific permit provisions. An MS4 retains authority to prohibit, restrict or control discharges to storm drain systems or other watercourses within their jurisdiction as allowed by state and federal law.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
42.4	Riverside County Flood Control and Water Conservation District	Groundwater well development and maintenance activities require the flushing of sand and grit from the well screens prior to delivery of raw/potable water which can contribute to elevated suspended solid concentrations and turbidity levels, either in the water pumped or from erosion or debris-flushing caused by the flow. Such discharges potentially cause exceedances of water quality objectives applicable to the receiving waters into which the MS4s flow. As acknowledged in the Draft Permit Fact Sheet, even the relatively high quality drinking water system discharges can exceed the water quality objectives and very stringent CTR standards applicable to MS4 dischargers. Where such discharges dominate or constitute the entire flow in an MS4 facility, this would cause MS4 operators to be in non-compliance with their MS4 permits. The risk to MS4 permittees from such discharges is concerning due to the fact that even if an RWQCB had knowledge of the discharge, nothing prevents a third-party from monitoring such discharge and then bringing a citizen suit under the provisions of those MS4 permits.	The State Water Board concurs with the commenter's contention regarding the potential for relatively high quality drinking water system discharges to exceed the stringent CTR standards, which are applicable to MS4 dischargers and all NPDES dischargers. The proposed resolution provides the legal and regulatory basis for the State Water Board granting of a regulatory exception to water purveyors in regard to the CTR objectives. The proposed exception is for compliance with the CTR objectives; the proposed exception is not for compliance with other water quality criteria or TMDLs. Therefore, for discharges approved for permit coverage, additional information is required to assure the quality of the discharge does not contribute to impairment of the TMDL requirements. Through the proposed NPDES permit, the State Water Board is authorizing water purveyors to discharge water from their drinking water systems to surface waters in accordance with the proposed discharge requirements. The State Water Board is not regulating whether the drinking water system discharges are allowed to enter the MS4 storm drain systems in route to discharging to surface water. The owner/operator of the MS4 storm drain system maintains authority to place more stringent requirements on drinking water system discharges through local agreements to address TMDL or other MS4 discharge water quality concerns; the owner/operator of the MS4 storm drain system also maintains the authority to prohibit non-storm water discharges into its system.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
42.5	Riverside County Flood Control and Water Conservation District	Compliance Responsibility Should Not Be Placed On MS4 Operators. While the categorical exemption proposed in the Draft General Permit may protect drinking water system dischargers from liability for impacts on receiving waters associated with their discharges, it leaves MS4 permittees conveying their discharges potentially liable for compliance with water quality objectives and for implementing programs to monitor and manage these discharges. While drinking water systems are critical infrastructure and discharges are necessary for the operation and maintenance of these systems, these discharges must not adversely impact compliance with MS4 NPDES permits. Simply put, the Draft General Permit must not shift environmental consequences caused by drinking water system discharges to MS4 permittees. The Draft General Permit must address potential water quality impacts from drinking water systems to MS4s. The District is not recommending prohibition of these discharges to the MS4 as we do not believe this is effective public policy. As a matter of fact, there are necessary public benefits to allowing water transfers through MS4 facilities to downstream water providers and/or recharge facilities to address water rights and/or stabilization of local water supplies. However, liability for these beneficial discharges must not be transferred to MS4 operators.	Through the proposed NPDES permit, the State Water Board is authorizing water purveyors to discharge water from their drinking water systems to surface waters in accordance with the proposed discharge requirements. The State Water Board is not regulating whether the drinking water system discharges are allowed to enter the MS4 storm drain systems in route to discharging to surface water. The owner/operator of the MS4 storm drain system retains authority to place more stringent requirements on drinking water system discharges through local agreements to address TMDL or other MS4 discharge water quality concerns; the owner/operator of the MS4 storm drain system also retains the authority to prohibit non-storm water discharges into its system.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
42.6	Riverside County Flood Control and Water Conservation District	The District requests that the Draft General Permit and the Draft Resolution be revised to provide a categorical exemption to MS4 operators receiving discharges from drinking water systems for compliance with water quality objectives until those discharges depart the MS4. If such an exemption cannot be provided, then the Draft General Permit must be revised to hold the drinking water system dischargers to similar standards as MS4s. suggested language to the Draft General Permit to effectuate these needed changes, which are feasible for drinking water system operators and which will help to quantity the contribution of such discharges to receiving waters.	The State Water Board does not concur with the request to revise the SIP exception in the proposed resolution to include MS4 operators whose systems receive drinking water system discharges. The SIP allows for a Regional or the State Water Board to grant a categorical SIP exception to a water purveyor for its discharges resulting from mandated activities. The regulatory exception and supporting mitigated negative declaration apply to the drinking water system discharge only. The exception does not apply to the drinking water system discharge that is commingled with other regulated discharges prior to discharging into a receiving surface water body. The water quality effects of commingled storm drainage on a receiving water are regulated through the specific provisions of the MS4 NPDES permit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
42.7	Riverside County Flood Control and Water Conservation District	The Draft General Permit only requires measurement of flow and field testing of Total Residual Chlorine, pH and turbidity in discharges from drinking water systems. No laboratory testing is required. Such monitoring does not fully address the potential impacts of drinking water system discharges on receiving waters, and the cost of such monitoring should not be effectively transferred to MS4 operators. Additionally, the Draft General Permit does not require reporting to MS4 operators of discharges that enter the MS4. This is a major oversight, and should be addressed in the Draft General Permit through parallel reporting to the Principal Permittee under the corresponding MS4 Permit or, where a Principal Permittee has not been designated, to the MS4 permittee on whose jurisdiction the discharge occurs. Finally, the threshold for notification and monitoring of discharges has been set too high at one-acre foot. We note that in the 2012 Los Angeles County MS4 Permit, recordkeeping is required for all non-stormwater discharges exceeding 0.3 acre-foot (100,000 gallons'). A similar threshold should be included in the Draft General Permit. These changes, while adding little to compliance costs for drinking water system operators, will assist MS4 permittees to determine the impacts of drinking water system discharges and to establish, if required, that such discharges may be the cause of an impairment that otherwise would be	The State Water Board does not concur. The Draft Permit contains requirements for discharges to waters of the U.S. These discharges may occur directly or via storm drains or other conveyance systems. The permit establishes the minimum requirements for surface water discharges. An MS4 operator may place additional requirements on water purveyors that discharge into its system on a site-specific or system-specific basis. The State Water Board concurs that the MS4 operator should be notified regarding large volume discharges. The permit has been modified to include reporting and notification to MS4 Operators/Permittees for large volume discharges of one acre-foot or larger.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		ascribed to MS4 permittees.	
42.8	Riverside County Flood Control and Water Conservation District	The Draft Permit should be clarified if the discharger is expected to evaluate the flows and implement BMPs all the way to the terminus of the discharge and after discharging from an MS4 if applicable. Discharges of drinking water may create violations of water quality standards in downstream receiving waters even where the initial discharges have been treated for removal of pollutants.	The State Water Board does not concur. If a water purveyor's drinking water system discharges enter an MS4, the water purveyor no longer has control over its discharge. This Draft Permit requires water purveyors to implement BMPs and determine compliance for all discharges entering an MS4 system, prior to discharge into the MS4 system. It is not practical to require a water purveyor to implement BMPs all the way to the terminus of the discharge in instances that the drinking water system discharges do not flow directly to a surface water.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
42.9	Riverside County Flood Control and Water Conservation District	It is not clear how a local agreement with an MS4 operator could exempt a discharger of waste to a surface receiving water from compliance with these state and federal statutes.	A local agreement with an MS4 operator does not exempt a discharge of waste to surface water from compliance with state and federal statutes. A local agreement with an MS4 operator specifies that the MS4 operator is allowing non-storm water discharges into its system. Even though a water purveyor has a local agreement with an MS4 operator, an MS4 operator has the discretion to require a water purveyor to obtain NPDES Draft Permit coverage separate from its MS4 NPDES Draft Permit, or add additional requirements onto the water purveyor (per the agreement) as a condition of discharging into their MS4 system. The statewide NPDES Draft Permit for discharges from drinking water systems provides both regulatory coverage and implements the regulatory exceptions to water purveyors, per the proposed Resolution, if the MS4 operator requires the water purveyor to obtain separate permit coverage prior to discharging into its system. The MS4 operator also has the discretion prohibit non-storm discharges into its system.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
42.10	Riverside County Flood Control and Water Conservation District	While the District acknowledges that drinking water systems are critical infrastructure and discharges are necessary to operate and maintain these systems, there is a major policy issue that needs to be addressed; MS4 facilities designed to protect life and property are also critical infrastructure. MS4 operators face increasing challenges in complying with MS4 permits in meeting water quality objectives and are required to conduct extensive monitoring and watershed management programs during dry and wet weather. MS4 permits are now holding permittees strictly liable for meeting receiving water standards during dry weather. Recognizing that discharges from drinking water systems may not meet water quality standards, the Draft General Permit must recognize these efforts and extend the categorical exemptions proposed for drinking water system discharges to the MS4s impacted by those discharges. If such an exemption cannot be provided, then drinking water system dischargers must be held to similar standards as MS4 operators.	The State Water Board does not concur with the request to revise the SIP exception in the proposed resolution to include MS4 operators whose systems receive drinking water system discharges. The SIP allows for a Regional or the State Water Board to grant a categorical SIP exception to a water purveyor for its discharges resulting from mandated activities. The regulatory exception and supporting mitigated negative declaration apply to the drinking water system discharge only. The exception does not apply to the drinking water system discharge that is commingled with other regulated discharges prior to discharging into a receiving surface water body. The water quality effects of commingled storm drainage on a receiving water are regulated through the specific provisions of the MS4 NPDES permit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
42.11	Riverside County Flood Control and Water Conservation District	The commenter does not oppose adoption of the Draft Resolution and General Permit, however requests that adoption be deferred pending resolution of the concerns described in this letter and the development/additions of protections for MS4 operators that may be the recipients of discharges from drinking water systems authorized by the Draft General Permit. The commenter looks forward to working with the State Board, the drinking water system industry, and other stakeholders in a dialogue to incorporate these concepts into a revised General Permit.	The State Water Board has taken all public comments received during the public comment period into consideration prior to release of the final draft documents. The State Water Board does not concur with the recommended inclusion of measures to address liability of MS4 permittees that accept drinking water system discharges into their systems. The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption
42.12	Riverside County Flood Control and Water Conservation District	The District is requesting addition of a finding to state that this statewide permit does not shift responsibility for the impacts of discharges from the drinking water system dischargers to the entities covered under the MS4 permit.	The State Water Board appreciates the comments and concurs that this permit does not otherwise shift the responsibility of the impacts to the MS4 entities. However, this permit cannot include such a finding since it does not regulate the discharges from commingled discharges. The permit does not authorize discharges into MS4 systems and does not limit the ability of MS4 owners/operators to use their local discretion on requiring additional requirements for discharges entering their systems. This permit does not apply California Toxic Rule water quality criteria to the discharges, for those pollutants that have been granted an exception and are not part of a TMDL, but does require Best Management Practices and effluent monitoring.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
42.13	Riverside County Flood Control and Water Conservation District	A municipal separate storm sewer system (MS4) covered under a MS4 NPDES permit issued by either a Regional Water Board or the State Water Board.	Comment noted.
42.14	Riverside County Flood Control and Water Conservation District	The District is requesting modification of monitoring requirements to reduce the volume threshold for event monitoring from one acre-foot to 100,000 gallons.	At stakeholder workshops during the development of the permit, staff discussed the volume threshold for notification. During those discussions, the value of having such information was also discussed. Staff determined that discharges of one acre-foot or greater posed a potential threat to water quality in which notification is needed. Staff correlates the need for monitoring with the same threat posed to water quality. Thus, the event monitoring threshold of 325,850 gallons is consistent with the notification discharge volume threshold. Reducing the event monitoring threshold will likely result in repetitive monitoring. The primary purpose for monitoring in this permit is for the discharger to assess proper implementation of BMPs. Representative monitoring fulfills that purpose. The District, as the MS4 permittee, may impose additional monitoring requirements on drinking water system discharges entering its system, to address MS4 system-specific needs.
42.15	Riverside County Flood Control and Water Conservation District	The District is requesting modification of the post notification requirements for emergency discharges to include notification to the MS4 Permittee if discharge entered an MS4.	The State Water Board concurs and the permit has been modified to include notification to MS4 Operators/Permittees when there are emergency discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
42.16	Riverside County Flood Control and Water Conservation District	The District is requesting modification of pre-notification requirements for large planned discharges by changing the volume threshold from one acre-foot to 100,000 gallons. The District is also requesting other changes to monitoring and reporting requirements, requesting the discharger to provide additional information regarding BMP implementation during large volume discharges.	The State Water Board does not concur. The Draft Permit imposes requirements for all drinking water systems, not only drinking water systems that discharge to storm drain systems. The State Water Board believes if an MS4 permittee, or other entities with interest over storm water flows, need additional monitoring and reporting above and beyond the requirements of the permit, the MS4 permittee must place those MS4 system-specific requirements on water purveyors discharging into its system.
42.17	Riverside County Flood Control and Water Conservation District	The District is requesting modification of notification requirements to include submitting a copy of emergency reports to the MS4 Permittee or county flood control district.	The State Water Board encourages strong communication and collaboration in management of drinking water system discharges into storm conveyance systems. The Draft Permit has been amended to include a requirement to report to the MS4 owner or operator (if applicable) in the case of emergency or non-compliant discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
42.18	Riverside County Flood Control and Water Conservation District	Some discharges will be to MS4s. The commenter requests an additional paragraph to the draft resolution recognizing that issuance of the exceptions does not shift responsibility to, or create liability for, any MS4 permittee for exceedances of CTR priority pollutant objectives or California Ocean Plan objectives caused by water purveyor discharges to and from the MS4.	The draft resolution allows for a SIP and Ocean Plan exception to be granted to a discharger when its discharges are a result of a mandated activity affiliated with drinking water facilities. The draft resolution allows for the exception to be implemented through an NPDES permit, including where discharges are to an MS4 system subject to an NPDES storm water permit. With the issuance of its MS4 permit, an MS4 permittee already has the responsibility to meet water quality objectives of its receiving waters in accordance with the conditions and requirements of the MS4 permit. If an MS4 permittee does not want to be liable for the quality of discharge allowed through the exception for water purveyors, it must either (1) not allow drinking water dischargers into its system, (2) work with the water board that issues its MS4 permit and request the exception to apply to its own MS4 permit, or (3) place additional requirements onto the non-storm water discharges entering its system to address its MS4-specific concerns.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.1	San Diego County Water Authority and its Member Agencies	Commenter finds the time schedule for public comments prior to the Board adoption hearing too compressed, and recommends a 30-day review period instead.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.2	San Diego County Water Authority and its Member Agencies	The two page fee schedule is confusing and not easy to navigate.	Thank you for your comment. The proposed fee schedule is a different item and outside the scope of this Draft Permit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.3	San Diego County Water Authority and its Member Agencies	The Authority recommends exclusion of raw water discharges that are exempt under the NPDES Water Transfers Rule, that potable water be defined using the same definition provided in the federal Safe Drinking Water Act, and that compliance standards should be based on basin plan objectives.	The State Water Board concurs as to clarification. The State Water Board has modified the Draft Permit to simplify and clarify the proposed requirements. The level of regulation of the permit, however, remains unchanged. The suggestion for the definition for raw water is appreciated, but it is no longer applicable since the permit has been revised to remove differentiation of raw, potable and treated water. With respect to the Water Transfers Rule, the Draft Permit does not require coverage for a discharge that is otherwise exempt from the need to obtain NPDES permit coverage.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.4	San Diego County Water Authority and its Member Agencies	San Diego County Water Authority recommends that compliance standards be established based on basin plan objectives, but that data collected for Safe Drinking Water Act compliance be allowed, where appropriate to avoid duplicate monitoring. In addition, better clarity is needed on monitoring where all monitoring requirements associated with compliance are included in the monitoring section of the permit.	The Draft Permit does not prevent a water purveyor from utilizing existing monitoring data for compliance with other permits as long as the data submittal meets the requirements of the permit. The discharger must be aware that data from its drinking water system to comply with the Division of Drinking Water permit may not be sufficient to represent managed discharges from drinking water systems. Monitoring required from this Draft Permit is to represent the water that is released from the system, after best management practices are implemented, and before it reaches surface water or a storm drain inlet. Other monitoring may not reflect the solids level and chlorine level after BMP implementation. The State Water Board has paid special attention to cost of compliance with the Draft Permit, especially with the level of monitoring and reporting. All required monitoring is for the purpose of compliance with the requirements of the Draft Permit. Some monitoring, such as pH and turbidity, is for the discharger to make the appropriate decisions regarding BMP implementation; however, proper implementation of BMPs is a requirement of the permit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.5	San Diego County Water Authority and its Member Agencies	Permit provisions should be reasonable to implement by water suppliers. Currently, the permit requires implementation of BMPs and monitoring for all direct flows, regardless of the amount of flow. We recommend a minimum flow threshold for monitoring of 50,000 gallons/event/day.	The State Water Board concurs and has determined that representative monitoring should include direct discharges in order to reduce monitoring costs. Therefore, the proposed monitoring requirements have been modified accordingly. With the modification to have direct discharges monitored by representative monitoring, the State Water Board does not concur with a minimum monitoring threshold due to the variation in threat to water bodies based on site-specific conditions.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.6	San Diego County Water Authority and its Member Agencies	The site schematic requirement is labor intensive and costly. The site schematic requirements should be clarified and be made less burdensome.	The State Water Board concurs. The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.7	San Diego County Water Authority and its Member Agencies	The State Water Board should extend the deadline to submit an application to allow enough time for dischargers to file NOIs and/or NONAs.	The State Water Board concurs. To allow coverage as soon as possible for those water purveyors throughout the state that need regulatory coverage immediately, the Draft Permit effective date is proposed to be established 100 days after the adoption date of the Draft Permit (the minimum allowed by U.S.EPA for a contested general permit). The State Water Board will grant additional time, up to September 1, 2015 for all water purveyors to file the required documents after adoption of the Draft Permit. Since the NOI or NONA requirements have been simplified, the State Water Board believes that the additional months will be sufficient time to submit the NOI or NONA.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.8	San Diego County Water Authority and its Member Agencies	Some of the information on expected locations of planned discharges may not be available at the time to the NOI is submitted, particularly for the entire five year period of the permit. It may be more appropriate to provide the planned discharge information annually to the State Water Board as part of the annual report.	The State Water Board concurs and has modified the application requirements to include more general information. However, the State Water Board expects a discharger to know where its water flows once discharged from its system.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.9	San Diego County Water Authority and its Member Agencies	The provisions requiring additional BMPs for water suppliers who use copper based products for algae control are inappropriate since this activity is covered under a separate NPDES Permit. Algae control is a high priority for water suppliers. Recently, the city of Toledo, Ohio, issued an order to its customers to avoid showering and drinking water, due to the presence of algae toxins in the water. These toxins are released by blue green algae, which can be common in waters containing excessive nutrients. The State Water Board issued Statewide General National Pollutant Discharge Elimination System (NPDES) permit for residual aquatic weed control Order No. 2013-0002 DWQ, NPDES NO. CAG990005 which allows water suppliers to add copper based products to Waters of the United States for the control of algae. Use of these products in conformance with the permit is expected to protect the environment. Moreover, these products are only used in the event of an algae bloom. We do not anticipate significant increases in copper in the treated water supply as a result of the use of algae control products. We ask that the provisions in this permit relating to algae control products be deleted from the permit. In addition, we ask for State and Regional Board support in controlling nutrient loading to municipal water supplies where algae is a problem to minimize the need for use of copper	The State Water Board Aquatic Weed Control permit regulates discharges of pesticides applied directly to waters of the U.S. for weed and algae control purposes only. The Aquatic Weed Control permit does not regulate discharges from drinking water systems where the source water has been treated with copper containing algaecides.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		products.	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.10	San Diego County Water Authority and its Member Agencies	The permit contains no specific TMDL requirements in Attachment G. Appendix F, to the contrary, includes specific TMDL descriptions, which state that the TMDL has a zero waste load allocation for unnamed discharges, including drinking water discharges. In another case, it appears to reinstate the requirements to meet the CTR for lead, copper, and zinc, which was waived in another section of the permit. For the San Diego Region, a zero waste load allocation or requirements to meet CTR standards are equivalent to a discharge prohibition. The TMDL descriptions in the permit should clearly state that drinking water discharges do not significantly contribute to the impairment of a TMDL listed body that drinking water discharges cannot be reasonably controlled to meet a zero discharge or WLA, and therefore, by complying with this permit, agencies are in compliance with the TMDL.	Section III.K. of Attachment F contains a summary of the requirements of existing (already adopted) TMDLs. The requirements summarized in Attachment F have already been adopted by a regional water board or U.S.E.P.A. Attachment G is reserved for discharge requirements, in addition to the requirements in the permit, to properly implement the existing requirements of the existing TMDL. Shown on Attachment G, the State Water Board states that it is not imposing additional TMDL-specific requirements for discharges flowing into the TMDL-listed water bodies identified in Attachment F. Discharges with regulatory coverage under the proposed permit, and in compliance with permit requirements, are "permitted" to discharge into the identified receiving waters. This includes discharges into water bodies in which the adopted TMDL contains a zero waste load allocation. The proposed permit clearly states that discharges regulated under this statewide permit are intermittent, short-term and low threat in nature and do not contribute to the impairment associated with currently adopted TMDLs. Lastly, the proposed regulatory exception to water purveyors is for compliance with the federal California Toxic Rule criteria. The proposed exception is not an exception to a water board-adopted (or U.S.E.P.A. adopted) TMDL that is based on California Toxic Rule criteria. The findings in the resolution are clear that the exception is to the priority pollutant criteria as implemented through the State Implementation Plan and the California Ocean Plan. TMDL requirements are not within the criteria excepted through the proposed resolution.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.11	San Diego County Water Authority and its Member Agencies	The Authority recommends replacement of all references to California Department of Public Health to either "SWRCB" or "SWRCB DDW". "Raw Water" is defined on page 6, and not page 3.	The Draft Permit has been modified accordingly to update the transfer of the California Department of Public Health Drinking Water Program to the State Water Board, as of July 1, 2014. The need to correct the page numbering in the Table of Contents for Raw Water definition is no longer necessary as any reference to Raw Water has been removed from the permit.
43.12	San Diego County Water Authority and its Member Agencies	Commenter recommends using the term "water purveyor" in the first portion of the Draft Permit, and "permittee" in the portions of the permit devoted to compliance.	The State Water Board concurs and definitions have been added to the first page of the Draft Permit to provide the recommended distinction.
43.13	San Diego County Water Authority and its Member Agencies	The Draft Permit's list of regulated discharges should include hydrostatic discharges following disinfection, but should not include flows generated by the use of water quality analyzers because their flow volumes are negligible.	Due to the many different types of discharges from a drinking water system, the list has been purposely defined as non-exclusive, stating that the discharges include, but are not limited to, the listed items.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.14	San Diego County Water Authority and its Member Agencies	Remove Fire Departments and Construction from the list of exceptions as long as they are coordinated with a local water purveyor as follows: From other entities or individuals that test potable water systems, street cleaners, or other users of a municipal storm water system that discharge to waters of the U.S. unless coordinated with the local water purveyor or regulated entity.	The State Water Board does not concur. The Draft Permit implements a regulatory exception that is based the proposed Mitigated Negative Declaration to fulfill the requirements of CEQA. Unplanned discharges pursuant to the proposed permit are consistent with the CEQA definition of emergency discharges, and must be in accordance with the definition in the SIP section 5.3. The State Water Board has modified the permit to illustrate that emergency discharges include unplanned discharges. Additionally, the State Water Board is not able to declare continuous discharges as de minimis on a statewide basis since continuous discharges may pose a threat to water quality.
43.15	San Diego County Water Authority and its Member Agencies	Coverage of small water systems under this permit will be confusing to those systems and may not be practical. A simplified permit should be proposed for water systems with less than 1,000 service connections. Complex permit requirements for small water systems will result in a high level of non-compliance taking significant State Water Board staff time to obtain compliance. Costs of this oversight should not be borne by the large water systems. The State Water Board should consult with Drinking Water Program staff to determine the best approach and appropriate thresholds for coverage under this permit. State parks, campgrounds and rest areas are typically non-community water systems should not be covered under this permit. Recommendation: Add coverage of wholesale water agencies. Remove small systems with less than 3000 service connections from the permit.	The State Water Board does not concur. The State Water Board however has considered public comments addressing concerns regarding small system owner/operators having multiple priorities to address during this time period of drought. Due to the difficulties small water systems are encountering due to the drought, the permit has been modified to not require systems with less than 1,000 connections to enroll in the permit. However, language in the permit has also been modified to clarify that these smaller systems that discharge to waters of the U.S. are still required, by the Clean Water Act, to obtain an NPDES permit. Water purveyors with systems less than 1000 connections maintain the option to enroll in the permit to obtain the necessary regulatory coverage for discharges to waters of the U.S. The State Water Board intends to reconsider the mandatory enrollment requirement for drinking water systems of 15 connections or more in a future re-issuance of the permit. The permit will be available for these smaller systems now if a Regional Board requires these small systems to obtain coverage.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.16	San Diego County Water Authority and its Member Agencies	The State Water Board should not require additional monitoring, and instead, should allow permittees to use existing data already collected by water purveyors for compliance with the Safe Drinking Water Act.	The State Water Board concurs that data collected for other purposes could be used as long as the results are representative of the quality of the discharge entering surface water (or a storm drain inlet or other conveyance system). Monitoring required of this Draft Permit must represent water from a drinking water system after BMPs are implemented to control chlorine, solids, turbidity and/or other applicable constituents of concern.
43.17	San Diego County Water Authority and its Member Agencies	Water Purveyors should be allowed to continue operating under current Regional Board permits until they expire. The State Water Board does not have the authority to terminate current permits made in agreement with Regional Boards as stated. These permittees would unfairly be paying additional permitting fees prior to their current permits having fully ended their tenure.	The State Water Board is pursuing consistent and uniform regulation of Drinking Water Systems discharges statewide that are "low threat" in nature. The State Water Board intends that regulatory coverage under an existing Regional Water Board NPDES permit for discharges within the scope of this Order will be terminated by the applicable regional water board upon issuance of the Notice of Applicability for this Order, or one year after the Adoption Date of this Order, whichever is sooner. The State Water Board, Division of Administrative Service will be notified of each Regional Water Board termination and adjust fee invoices accordingly to prevent duplication. The State Water Board acknowledges that some regional board permits authorize discharges in addition to those from drinking water systems, and the water purveyor may need to maintain both coverages for the drinking water system discharges as well as the non-drinking water system discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.18	San Diego County Water Authority and its Member Agencies	Page 13. Section II.H. TMDL Implementation: The reasoning for including TMDLs in the permit is largely unfounded and arbitrary. Until a specific wasteload application has been determined for these types of discharges they should not be prospectively included in this permit.	Provisions implementing TMDLs are included in order to authorize discharges from drinking water systems that are directly or indirectly identified in Waste Load Allocations. A waste load allocation applying to general categories of discharges ("other NPDES dischargers") may include NPDES discharges from drinking water systems. To the extent that such waste load allocations apply, the limitations included in the permit must be "consistent with the assumptions and requirements of any available waste load allocation." 40 C.F.R. § 122.44(d)(1)(vii)(B). The provisions and determinations are based upon data currently available.
43.19	San Diego County Water Authority and its Member Agencies	Delete reference to trash. Water supplies do not contain trash. Water agencies should not be held responsible for removing other people's trash.	The State Water Board does not concur. Dischargers are required to implement BMPs to address floating material, debris, or trash that is pushed into a receiving water body (or into a storm drain system) by or due to the drinking water system discharge.
43.20	San Diego County Water Authority and its Member Agencies	The scope of training personnel should be left to the agency.	The State Water Board concurs that the need to train personnel should be left to the agency. Therefore the requirement for training is intentionally broad.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.21	San Diego County Water Authority and its Member Agencies	The Authority states that the BMPs requested in the permit are unclear, and make implementation more difficult. Appropriate language should be added about this subject in Attachment 1, page 10.	The State Water Board concurs. The State Water Board has modified the Draft Permit to simplify and clarify the proposed BMP requirements. The State Water Board expects the discharger to determine the appropriate system-specific BMPs to comply with the permit. The BMPs provided in attachment C are solely for example purposes.
43.22	San Diego County Water Authority and its Member Agencies	In the event that the State specifically allocated TMDL waste loads to a permittee, the appropriate BMPs for TMDL waste load allocations would be assigned to a permittee. The onus should not be placed on the permittee to determine the appropriate BMPs for the TMDL; there also may be no such BMP available.	The State Water Board does not concur. A TMDL contains water quality requirements and objectives already adopted by a Water Board. The State Water Board is implementing already-adopted TMDLs in the Draft Permit. Through an NPDES permit, a Water Board does not specify the method of compliance (the appropriate treatment or controls to be implemented); for the Draft Permit, the discharger is required to determine the appropriate site-specific, facility-specific and water body-specific BMPs to be implemented to comply with the permit requirements (including applicable waste load allocations, as applicable). The intent of the monitoring is for the discharger to gather data to determine if BMP modifications are needed. The intent of the reporting is for the State Water Board to determine protection of water quality and obtain further information for future permit reissuance.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.23	San Diego County Water Authority and its Member Agencies	There is a lack of clarity with regard to how compliance is determined where the effluent limits are set at levels lower than the Maximum Detection Limit (MDL) in the permit. This section attempts to provide clarity for compliance for this specific occurrence. This lack of clarity leaves a permittee exposed to being out of compliance regardless of the good intent of staff to clarify this existing potential for excursion from effluent limits. Recommendation: Provide compliance clarification in section IX.B as follows: B. Total Residual Chlorine Handheld chlorine measuring devices that are U.S. EPA-approved are appropriate to measure residual chlorine in the field for compliance determination. The MDL of a hand-held chlorine meter used to determine compliance with the total chlorine residual effluent limitations is 0.10 mg/L or lower. <u>In some instances, effluent limitations in this permit are recognized to be lower than the available field equipment MDLs and permittees are not expected to demonstrate compliance with levels below the MDLs. Therefore, for total residual chlorine compliance determinations where the effluent limitations are set below the MDLs of available field equipment MDLs, the exceedance of maximum concentration limit would be a</u> discharge monitoring result with a ~~total residual chlorine~~ concentration greater or equal to 0.10 mg/L ~~shall be deemed out of compliance~~	The State Water Board concurs. The State Water Board has modified the permit to include the compliance determination language immediately below the effluent limits to clarify the compliance determination. A chlorine monitoring result greater than or equal to 0.1 mg/L is noted as being out of compliance with the effluent limit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		~~with a chlorine effluent limitation~~. Due to other possible interferences of these handheld devices, if readings are false positives, these will not be evaluated for compliance if explanation of cause is provided.	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.24	San Diego County Water Authority and its Member Agencies	The Authority is recommending that the Draft Permit includes the following items for the Notice of Intent requirements: 1. Request a list of planned discharges for next year as part of the annual report. 2. Request a report on beneficial uses of drinking water discharges as part of the annual report instead of the NOI 3. Delete reference to storm water mapping in the notice of intent 4. Map should identify receiving waters to the extent that the information is reasonably available. 5. Revise: a. Laboratory Analysis and estimated volume of your discharge. Do not specify that the data must be after BMPs are implemented.	The State Water Board concurs that only important information is to be required in the Notice of Intent (NOI). The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities, not other facilities such as storm drains. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges. The Draft Permit has been modified to accept a map of receiving water bodies for applicants that discharge to numerous receiving water bodies. The State Water Board will be using data and information from the TMDL-application supplement to determine if the enrollment in the statewide permit is sufficient to address the discharge of TMDL-pollutants. The data and estimated flow must be after the implementation of BMPs to verify that the discharge can be appropriately treated/controlled through compliance with the statewide permit. Therefore, the Draft Permit has not been modified.
43.25	San Diego County Water Authority and its Member Agencies	There are no known field BMPs that can remove salts and minerals from discharges by Community Water Systems. This requirement should be removed.	The State Water Board concurs. The requirement for BMPs to remove minerals and salts has been removed throughout the Draft Permit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.26	San Diego County Water Authority and its Member Agencies	Attachment C II. A.iii. Should be revised to state: Such controls shall minimize the energy of discharges by managing flow velocities and volumes, and shall be appropriately designed so that the discharge does not exceed the hydraulic capacity of the receiving water at the point of discharge and areas downstream of the discharge point.	The State Water Board concurs. Attachment C has been modified accordingly.
43.27	San Diego County Water Authority and its Member Agencies	Copper is typically applied to raw waters in response to algae blooms and would be regulated under the State Water Board's Permit for Residual Aquatic Pesticide Discharges to Waters of the United States from Algae and Aquatic Weed Control Applications. Due to the intermittent nature of this treatment, it does not result in significant increases in copper concentrations in the treated water distribution system. This appears to try and address a problem that does not exist. Further regulation under this permit is not necessary. Copper is not added to the treated water system. Recommendation: The reference to copper should be deleted from this section.	The State Water Board Aquatic Weed Control permit regulates discharges of pesticides applied directly to waters of the U.S. for weed and algae control purposes only. The Aquatic Weed Control permit does not regulate discharges from drinking water systems where the source water has been treated with copper containing algaecides.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.28	San Diego County Water Authority and its Member Agencies	The Authority recommends deletion of references to training and certification requirements for operators that is required under the SDWA, and limit training requirements to agency personnel only.	The State Water Board concurs and has deleted reference to certification requirements. The State Water Board expects the discharger to assure all operators triggering and managing discharges are properly trained for compliance with this Order.
43.29	San Diego County Water Authority and its Member Agencies	Standard Provision D.I.B is not compatible with 40 Code of Federal Regulations Part 122.41(c).	The State Water Board concurs and the provision has been amended to conform to the referenced federal standard provision that is applicable to all NPDES permits.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.30	San Diego County Water Authority and its Member Agencies	All direct discharges to receiving waters must be monitored regardless of flow. Some discharges may be so insignificant that no monitoring is needed. Other discharges, such as well flushing, may occur as a part of automatic operations where no one is present to sample. Continuous analyzers and other proper water quality sampling are critical to ensure high quality of water for customers. Monitoring of these discharges should be waived under this permit. A minimum flow of 50,000 gallon/event/day should be established for required monitoring direct or indirect discharges. Routine direct discharges should be allowed based on representative monitoring. However, all discharges should require the use of appropriate BMPs. Representative monitoring should be allowed for automated discharges. Monitoring should not be required for continuous discharges from analyzers and other water quality sampling.	The State Water Board concurs and has determined that representative monitoring should include direct discharges in order to reduce monitoring costs. Therefore, the proposed monitoring requirements have been modified accordingly. With the modification to have direct discharges monitored by representative monitoring, the State Water Board does not concur with a minimum monitoring threshold due to the variation in threat to water bodies based on site-specific conditions. Additionally, the permit has been modified to emphasize that implementation of BMPs is expected for all discharges. Management practices do not always entail expensive treatment or controls. The simple reduction of flow velocity, or routing the discharge through a specific flow path to naturally dechlorinate or filter through vegetation is considered a management practice.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.31	San Diego County Water Authority and its Member Agencies	Clarify that the required monitoring applies to planned discharges.	The Draft Permit has been modified to clarify that all required monitoring is for planned discharges only.
43.32	San Diego County Water Authority and its Member Agencies	Draining of reservoirs may last many hours. Staff will set up the BMP, but may not be present during the entire draining to collect a sample during the last ten minutes of the draining. Recommend to make changes to table E-1 to require a sample to be collected after sixty minutes, but as close to the end of the discharge to the extent feasible.	The State Water Board concurs and has modified the Draft Permit accordingly.
43.33	San Diego County Water Authority and its Member Agencies	Page E-4 Section II.E allows the State Water Board or Executive Officer of the Regional Board to increase monitoring at any time to ensure the protection of the beneficial uses of the receiving water. Recommendation: Include criteria for determining when increased monitoring could be required such as changed circumstances, changes in standards, new information that was not available at the time the permit was adopted, or demonstrated threat to water quality.	The intent of the proposed language is to allow the Deputy Director or Executive Officer to make changes to the monitoring requirements as necessary per his/her discretion. This section has been modified, however, to only have the State Water Board Deputy Director of Water Quality make the decision to increase the monitoring.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.34	San Diego County Water Authority and its Member Agencies	Page E-4 Section III. Table E-2. Recommendation: Clarify when 1/event monitoring is required and when 1/year monitoring is required.	The State Water Board concurs and has modified the permit to clarify event and representative monitoring.
43.35	San Diego County Water Authority and its Member Agencies	The permit should take advantage of existing monitoring for compliance with the Safe Drinking Water Act and avoid duplicate monitoring.	The Draft Permit does not prevent water purveyors from utilizing existing monitoring data for compliance with other permits as long as the data submittal meets the requirements of this permit. The discharger must be aware that data from its drinking water system to comply with the Division of Drinking Water permit may not be sufficient to represent managed discharges from drinking water systems. Monitoring required from this Draft Permit is to represent the water that is released from the system, after best management practices are implemented, and before it reaches surface water or a storm drain inlet. Other monitoring may not reflect the solids level and chlorine level after BMP implementation. With regards to turbidity, the permit only implements turbidity specifications and monitoring for ground water well operations. BMPs are required for all discharges to minimize sediment, debris, sand and trash from all discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.36	San Diego County Water Authority and its Member Agencies	Page E-4 Section III, Table E-2 footnote 3. Recommendation: Clarify what "feasible" means in the context of monitoring for turbidity.	The turbidity monitoring has been modified from metered monitoring to visual monitoring, except for discharges from groundwater supply well operations which will still be metered. The term "feasible" mean capable of being carried out or accomplished.
43.37	San Diego County Water Authority and its Member Agencies	Page E-4 Section III, Table E-2 footnote 4. Recommendation: Delete or clarify the statement "Each discharge event that requires monitoring shall be monitored once per year".	The Draft Permit has been modified to clarify whether monitoring for a discharge is required after every discharge event, or per the annual representative monitoring.
43.38	San Diego County Water Authority and its Member Agencies	Page E-5 Section IV. It is not clear what would be gained by using telephoto lenses and binoculars or if this approach would be practical.	The State Water Board's intent is to prioritize the safety of the discharger's personnel if hazardous conditions exist that prevent the discharger from performing visual receiving water monitoring. The use of binoculars or telephoto lenses will facilitate the visual monitoring requirements if access to the discharge location is restricted.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.39	San Diego County Water Authority and its Member Agencies	Recommendation: Delete requirement to notify OES for any violation that may impact beneficial uses. Retain the requirement to notify the Regional Board within five days.	The State Water Board concurs and the permit has been modified for dischargers to only report to the Regional Board when there is a potential adverse effect or impact to the receiving waters. The State Water Board recognizes that water purveyors already have procedures for when to contact the Office of Emergency Services under emergency events.
43.40	San Diego County Water Authority and its Member Agencies	Recommendation: Delete reference to algaecides since this is covered under a separate permit. Revise drinking water, potable and raw water definitions.	The State Water Board Aquatic Weed Control permit regulates discharges of pesticides applied directly to waters of the U.S. for weed and algae control purposes only. The Aquatic Weed Control permit does not regulate discharges from drinking water systems where the source water has been treated with copper containing algaecides.
43.41	San Diego County Water Authority and its Member Agencies	The description of super chlorinated water should be consistent with AWWA standards for disinfection of water mains.	The State Water Board is concerned with the impact to beneficial uses from the chlorine in chlorinated water. The definition and description of superchlorinated water from AWWA and other industrial information resources is relative to the chlorine dose and disinfection power of superchlorinated water. The State Water Board is concerned with any discharge to surface water that contains chlorine. Therefore the Draft Permit defines superchlorinated water as water that is used for purposes of sanitizing and disinfecting drinking water facilities.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.42	San Diego County Water Authority and its Member Agencies	Monitoring wells are not part of a public water system, so references to them should not be included in the Draft Permit.	The State Water Board does not concur. Monitoring wells provide critical information for the mandated management of supply wells.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.43	San Diego County Water Authority and its Member Agencies	It is also inaccurate to state that unidentified point sources have a waste load allocation of zero and that discharges are not allowed. A zero waste load allocation for bacteria or nitrogen is effectively a prohibition on all raw water discharges and flushing that may be required to maintain water quality in the potable water distribution system for the San Diego Region and any discharge to Rainbow Creek. In addition, the copper, zinc and lead standards for discharges to Chollas Creek cannot be met in the potable water supply and will act as a prohibition of discharges to Chollas Creek. These discharge prohibitions will interfere with water agencies ability to provide safe drinking water to customers.	The State Water Board is not proposing wasteload allocations through adoption of the Draft Permit. The Fact Sheet of the Draft Permit has been clarified to state that the previously adopted TMDLs, and reference documents, provide very stringent wasteload allocations, and allocations of zero, for the identified constituents. To implement such TMDL in a manner that is feasible to continue mandated operations of drinking water systems, the State Water Board is proposing TMDL compliance determination language for water purveyors authorized to discharge under this permit. The State Water Board will be using data and information from the TMDL-application supplement to determine if enrollment in the statewide permit is sufficient to address the discharge of TMDL-pollutants. Attachment G of the Draft Permit states that discharges approved to be regulated under the statewide permit, and that are in compliance with the requirements of the statewide permit, are deemed in compliance with corresponding TMDL requirements. For dischargers that receiving approval of their applications, compliance with the permit deems compliance with applicable TMDLs. The Draft Permit does not state that further compliance monitoring for TMDL constituents is to be conducted and compared to the wasteload allocations for compliance determination.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.44	San Diego County Water Authority and its Member Agencies	Spell out and define acronym Method Detection Limit (MDL) and National Pollutant Discharge Elimination System (NPDES).	The State Water Board concurs and has made the recommended changes accordingly.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
43.45	San Diego County Water Authority and its Member Agencies	The State Water Board should clarify the TMDL in Section K to address inconsistencies with the San Diego TMDLs, acknowledge the lack of significant impact of drinking water discharges on water quality and the inability to meet zero discharge allocations, and allow water suppliers to maintain health and safety without violating TMDLs.	The State Water Board is not proposing wasteload allocations through adoption of the Draft Permit. The Fact Sheet of the Draft Permit has been clarified to state that the previously adopted TMDLs, and reference documents, provide very stringent wasteload allocations (some including allocations of zero) for the identified constituents. To implement such TMDLs in a manner that is feasible to continue mandated operations of drinking water systems, the State Water Board is proposing TMDL compliance determination language for water purveyors authorized to discharge under this permit. The State Water Board will be using data and information from the TMDL-application supplement to determine if the enrollment in the statewide permit is sufficient to address the discharge of TMDL-pollutants. Attachment G of the Draft Permit states that discharges approved to be regulated under the statewide permit, and that are in compliance with the requirements of the statewide permit, are deemed in compliance with corresponding TMDL requirements. For dischargers that receiving approval of their applications, compliance with the permit deems compliance with applicable TMDLs. The Draft Permit does not state that further compliance monitoring for TMDL constituents is to be conducted and compared to the wasteload allocations for compliance determination.
44.1	San Francisco Bay Regional Water Agency Partners	The Agencies greatly appreciate the consistency across regions that the state-wide Draft Permit will bring,	The State Water Board appreciates the comments.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
44.2	San Francisco Bay Regional Water Agency Partners	For Statewide consistency, the Agencies recommend that the language be amended in the Monitoring and Reporting Program (MRP), Section II.E. to remove the authority of the Executive Officer of a Regional Water Board to increase monitoring frequency and leave it to the Deputy Director of the State Water Board Division of Water Quality.	This section has been modified to only have the State Water Board Deputy Director of Water Quality make the decision to increase the monitoring.
44.3	San Francisco Bay Regional Water Agency Partners	As the Draft Permit is currently written, the discharge definitions are unnecessarily confusing and require additional clarification. Discharges are divided into three separate categories "treated drinking water," "potable water," and "raw water." These discharge distinctions are unnecessary. All three of these definitions can be streamlined, as is proposed in the revisions below.	The State Water Board has simplified the permit to remove the distinction of the varying qualities of water discharged from a drinking water system. References to potable water versus non-potable water have been removed.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
44.4	San Francisco Bay Regional Water Agency Partners	The coverage of raw water from transmission system pipelines, tunnels, or surface water reservoirs is outside the scope of the NPDES permitting program. Transfers of raw water that convey or connect waters of the U.S. without subjecting the transferred water to intervening industrial, municipal, or commercial use are not subject to regulation under the NPDES permitting program (see the Federal Water Transfer Rule 40 C.F.R. § 122.3[i]). The permit should be revised to delete any references to coverage of these types of raw water discharges.	The Draft Permit does not require coverage for a discharge that is otherwise exempt from the need to obtain NPDES permit coverage. 40 C.F.R. §122.3(i) exempts discharges from a water transfer from the requirement to obtain an NPDES permit, defining a water transfer as "an activity that conveys or connects waters of the United States without subjecting the transferred water to intervening industrial, municipal or commercial use. This exclusion does not apply to pollutants introduced by the water transfer activity itself to the water being transferred." However, the rule has been challenged, and the U.S. District Court for the Southern District of New York partially vacated and remanded to EPA in 2014 in Catskill Mountains Chapter of Trout Unlimited, Inc. et al. v. EPA. Regardless, the State Water Board does not concur that a discharge of raw water from a drinking water system will always constitute an exempt water transfer under the rule, or a discharge that is not subject to NPDES permitting requirements. To the extent that discharges of raw water are exempt pursuant to 40 C.F.R. §122.3(i), the Draft Permit clearly states that the basis for a Notice of Non-Applicability includes discharges that are exempt from the requirement to obtain an NPDES permit under federal law.
44.5	San Francisco Bay Regional Water Agency Partners	Per informal correspondence with SWRCB, staff we understand that direct discharges are considered to be discharges that do not flow through a constructed conveyance (such as a storm drain, canal, lined ditch, etc.) prior to reaching a receiving water. SWRCB staff is concerned that there is a higher possibility of erosion and unintended hydro modification from direct discharges. The Draft Permit would therefore require monitoring of all direct discharges, regardless of volume. However, erosion, sediment and hydro modification are	The State Water Board does not concur with the inclusion of a minimum volume threshold for direct discharge monitoring. The Draft Permit has, however, been modified to include the use of representative monitoring for direct discharges. This proposed modification addresses the concern of monitoring for small discharges. With the proposed modification, the monitoring results of extremely small discharges may be represented by the monitoring of larger size discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		typically associated with large volumes. The Agencies recommend that a volume threshold for direct discharges to waters of the U.S. be included in the Draft Permit.	
44.6	San Francisco Bay Regional Water Agency Partners	The Agencies support the 325,800 gallons per event monitoring threshold in Attachment E -Monitoring and Reporting Program Section II.A. 2 for planned direct or non-direct discharges.	Thank you for your comment.
44.7	San Francisco Bay Regional Water Agency Partners	The Agencies propose that the Draft Permit include a volume threshold of 100,000 gallons for monitoring of direct discharges. The 100,000 gallons threshold has been used in prior NPDES permits as a trigger for notification	The State Water Board concurs and has determined that representative monitoring should include direct discharges in order to address monitoring costs. Therefore, the proposed monitoring requirements have been modified accordingly. With the modification to have direct discharges monitored by representative monitoring, the State Water Board does not concur with a minimum monitoring threshold due to the variation in threat to water bodies based on site-specific conditions.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
44.8	San Francisco Bay Regional Water Agency Partners	The Agencies believe the representative monitoring approach is both protective of the environment and practical and therefore support this concept. However, this specific requirement needs some clarification as to how dischargers are expected to meet representative monitoring obligations.	The State Water Board concurs and has modified the representative monitoring requirements for further clarification. The intent of representative monitoring is to best capture a representation of the quality of water being discharged and the effectiveness of the implemented BMPs. The items in common listed in the representative monitoring definition are to assist the discharger in determining the appropriate representative monitoring locations for its system. Each water purveyor has the system-specific knowledge to select representative monitoring locations. The discharger must take into account the water sources, implemented treatment, and management practices when selecting the representative monitoring locations within its system.
44.9	San Francisco Bay Regional Water Agency Partners	The Draft Permit does not make any distinction between monitoring planned and unplanned events, the variability of these scenarios, and how the required responses are significantly different. Unplanned discharges are far more difficult to control than planned discharges due to their unpredictable nature and location. The Agencies suggest that monitoring not be required for unplanned events, but responding staff should be focused on deployment of BMPs.	The Draft Permit has been modified to clarify that emergency discharges include unplanned discharges, and that the discharge is not required to monitor emergency discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
44.10	San Francisco Bay Regional Water Agency Partners	The Agencies would like to preface their comments on the method for compliance determination with the proposed chlorine Numeric Effluent Limit (NEL) by noting that the agencies do not believe that the USEPA Water Quality Criteria (WQC) for chlorine residual (EPA 440/5-84-030, January 1985) is applicable to intermittent potable water system discharges. The 1985 WQC document states that "These criteria are intended to apply to situations of continuous exposure ... " (p. 2, emphasis supplied). The Agencies believe that Draft Permit Section IX. Compliance Determination needs to be modified to state that compliance with effluent limitations is to be based on a Minimum Level (ML) or Reporting Level (RL) and not a Method Detection Limit (MDL) as stated in Section IX. The Agencies suggest that Section IX be modified as follows: "A. General Compliance with effluent limitations shall be determined using monitoring and reporting protocols defined in the Monitoring and Reporting Program of this Order. For purposes of reporting and administrative enforcement by the State and/or Regional Water Boards, the Discharger shall be deemed out of compliance with the effluent limitations if the constituent concentration or level is greater than the effluent limitation and greater than or equal to the minimum level (ML) or reporting level (RL) of the method used to determine compliance. B. Total	The permit does not specify the type of meter required to be used. The State Water Board concurs that use of the minimum level (ML) or reporting level (RL) is more appropriate than use of the method detection limit (MDL) for compliance determination purposes. The use of handheld meters for Chlorine is specified to eliminate the need for laboratory analyses in order to lower cost of compliance and facilitate timely assessment of discharge conditions so BMPs can be modified in a timely manner. With respect to the compliance determination, the permit has been modified consistent with the recommended changes with the exception of citing CFR section 136.3. The CFR section 136.3 was not referenced to allow for dischargers to seek other U.S. EPA alternate method approvals, such as the use of a handheld meter. The Chlorine effluent limit compliance determination has been revised to be a RL of 0.1 mg/L where a RL of 0.1 mg/L or greater is out of compliance with the limit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		Residual Chlorine Field measurements for total residual chlorine shall be made using U.S. EPA-approved methods described in 40 C.F.R. § 136.3. The ML or RL of the method used to determine compliance with the total chlorine residual effluent limitations must be 0.1 mg/L. A discharge monitoring result with a total residual chlorine concentration greater than or equal to 0.1 mg/L shall be deemed out of compliance with a chlorine effluent limitation. Due to other possible interferences of these handheld devices, if readings are false positives, these will not be evaluated for compliance if explanation of cause is provided." The above suggestion is consistent with the definitions of ML and RL in Draft Permit Attachment A (p. A-2) and with the State Implementation Policy (Appendix 4). The Agencies also request that throughout the permit where the 0.019 mg/L effluent limit is referenced that a footnote be added to describe the compliance determination method with this effluent limit. The agencies suggest the following language for the footnote: "The ML used to determine compliance with the total chlorine residual effluent limitation is 0.1 mg/L. A discharge monitoring result with a total residual chlorine concentration greater than or equal to 0.1 mg/L shall be deemed out of compliance with the total residual chlorine effluent limitation."	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
44.11	San Francisco Bay Regional Water Agency Partners	Lastly, the Draft Permit does not provide a technical justification for the proposed chlorine residual 0.1 mg/L Minimum Level (ML) value. The Agencies provided the SWRCB and Region 2 staff with copies of a study performed by the State of Missouri that supported their adoption of a 0.13 mg/L ML for chlorine residual using handheld instruments. The 0.13 mg/L was included in the Draft Permit (Draft Permit) issued by Region 2 and the Agencies request that the Draft Permit ML for chlorine residual, and all associated references, be changed to 0.13 mg/L.	The State Water Board does not concur that a minimum level (ML) of 0.13 mg/L should be used for compliance determination purposes for chlorine. Handheld chlorine meters that read to a level of less than 0.1 mg/L are commonly used in the water supply industry.
44.12	San Francisco Bay Regional Water Agency Partners	The Agencies recommend that the Draft Permit be amended to remove the turbidity numeric effluent limit and require appropriate BMP deployment to the maximum extent practicable (MEP), documentation of such deployment and to retain and make all pertinent records of deployment available upon request for regulatory review. The agencies also recommend that the turbidity requirements in the body of the Draft Permit should explicitly state that they are applicable only to discharges related to groundwater wells (which is consistent with what is stated in the Fact Sheet (p. F-9 to F-1 0)).	The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
44.13	San Francisco Bay Regional Water Agency Partners	The Agencies (i.e., San Francisco Bay Regional Water Agency Partners) seek clarification on the rationale for the turbidity limit in the Fact Sheet and feel that BMP requirements are more appropriate. There is no readily available means to translate the turbidity objectives into numeric Water Quality Based Effluent Limits (WQBELs) appropriate for the many receiving waters. The Draft Permit contains minimal rationale for inclusion of numeric turbidity effluent limits or for the basis for the proposed 10 NTU limit. The Fact Sheet (p. F-56) simply provides the conclusory statements that: "This Order imposes numeric WQBELs for total chlorine residual and turbidity because it is feasible to calculate numeric WQBELs for these pollutants. Also, field test kits are readily available to measure them, so it is feasible to collect representative total chlorine and turbidity data." The mere existence of a water quality objective for a given constituent does not constitute sufficient grounds for imposition of a numeric WQBEL. Similarly, the availability of a test method, in this case field test kits, does not constitute sufficient grounds for imposition of numeric WQBELs. Consequently, the Agencies believe to require a discharger to reduce pollutants to levels consistently below a WQBEL (or a numeric action level) using BMPs is to require the implementation of technology based practices that are not available to the industry.	The permit Fact Sheet discusses the reasonable potential analyses utilized to develop the effluent limits for Chlorine and Turbidity and, these analyses are based on more than the ability to calculate the limits or measure the parameter. For example, the chlorine concentration in chlorinated drinking water is greater than the U.S. EPA Freshwater Quality Criteria for aquatic toxicity; therefore there is reasonable potential for Chlorine to cause aquatic toxicity and, an effluent limitation for chlorine is required to protect beneficial uses per 40 CFR 122.44(d)(1)(i). The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
44.14	San Francisco Bay Regional Water Agency Partners	The Agencies believe that the Draft Permit need not address the pH of discharges based on the following comments: 1) The pH of the water discharged is already accurately characterized by water agencies. 2) Monitoring of the discharges for pH is not practical. 3) Water agencies that serve water above the 6.5 to 8.5 pH range do so for corrosion control reasons and must obtain approval from the Division of Drinking Water for their corrosion control plan.	The State Water Board concurs and the Draft Permit has been modified to require pH monitoring for discharges of superchlorinated discharges only. There is a need to evaluate the pH in superchlorinated discharges because the addition of chlorinating and subsequently dechlorinating chemicals may alter the pH of the water and impact beneficial uses of the receiving waters. The monitoring will provide the information needed by the discharger to determine if the pH should be altered prior to ultimate discharge.
44.15	San Francisco Bay Regional Water Agency Partners	The Agencies recommend revising Water Treatment Plant coverage to include all discharges from Water Treatment Plants, including backwash filter and not just the treated water as these are also low risk discharges.	The State Water Board does not concur, however filter backwash that is recirculated to the headworks of the water treatment plant or discharged to a water supply reservoir that is not deemed a water of the U.S is not necessarily a discharge and therefore does not need coverage under this Permit. However if the filter backwash discharges to a water of the U.S, then this discharge is not covered under this Permit. Instead such discharge will need to be addressed by a separate NPDES Permit as it is not considered a drinking water discharge but more as a wastewater discharge that does not fall under the categorical SIP or Ocean Plan exceptions.
44.16	San Francisco Bay Regional Water Agency Partners	References to the AWWA guidance manual for the BMPs and other established guidance recommended to mitigate discharges are appropriate as it has not been shown that additional measures improve protection of beneficial uses.	The State Water Board concurs. The Draft Permit cites the 2014 Edition of the BMP Manual for Drinking Water System Releases (or subsequent updates thereto), published by the California-Nevada Section of the American Water Works Association or other professional associations or entities, to comply with the BMP requirements of this Order. Industry associations have the most up-to-date knowledge of appropriate BMP implementation. The Draft Permit requires the discharger to make the appropriate consultations, as necessary to address system-specific needs for permit compliance.

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44.17	San Francisco Bay Regional Water Agency Partners	The Agencies recommend revising the BMPs provisions to not intend to require treatment to meet MCLs, but instead to be used as a tool to minimize adverse environmental impacts to the maximum extent practicable.	The State Water Board concurs and the Draft Permit has been modified to simplify the requirement. The reference to compliance with MCLs when implementing BMPs has been changed to compliance with this Order instead as a more appropriate requirement.
44.18	San Francisco Bay Regional Water Agency Partners	The site schematic requirement is labor intensive and costly. The site schematic requirements should be clarified and be made less burdensome.	The State Water Board concurs. The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges.
44.19	San Francisco Bay Regional Water Agency Partners	We recommend moving the requirements to identify monitoring locations and receiving waters to annual Self-Monitoring Reports (p. E-7) B2.	The State Water Board concurs and has changed the Draft Permit to limit the receiving water information and remove the identification of the monitoring locations in the application process.
44.20	San Francisco Bay Regional Water Agency Partners	Amend Section II.B.c .iv to apply to planned discharges only and to read as follows: iv. The general location of representative monitoring sites for planned discharges, with reference to parameters to be monitored at each site.	The State Water Board concurs. The site schematic requirement has been simplified, requiring dischargers to include boundary lines of facilities and approximate locations for representative monitoring. The monitoring and reporting program in Attachment E has also been clarified.
44.21	San Francisco Bay Regional Water Agency Partners	Section II.B.c .vi should be removed because it will have very limited value and the State Water Board's focus should be where discharges actually happen which will be self-reported. Further it may be impossible to get access to such maps from MS4 permittees.	The State Water Board does not concur The site schematic requirement has been simplified, requiring dischargers to only include boundary lines of facilities. Although consideration was taken to remove the requirement for the applicant to list receiving water bodies, the State Water Board believes that all dischargers, including water purveyors, should know the receiving waters of their discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
44.22	San Francisco Bay Regional Water Agency Partners	The Agencies recommend that de minimis long term and/or continuous discharges be included in the scope of the Draft Permit and be included as part of the representative monitoring program.	The State Water Boards appreciates the comment, and concurs that these discharges would be covered under this permit and can be included under the representative monitoring.
44.23	San Francisco Bay Regional Water Agency Partners	The Agencies generally support granting water purveyors an exception to the SIP and California Ocean Plan for compliance with CTR and Ocean Plan priority pollutant criteria/objectives.	The commenter's support for the exceptions to the SIP and California Ocean Plan is noted.
44.24	San Francisco Bay Regional Water Agency Partners	The Agencies request that SWRCB staff review the Draft Permit's references to MCLs and whether they need to be retained.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity).
44.25	San Francisco Bay Regional Water Agency Partners	The Agencies support clarification of the definition of "completion of the project" regarding SIP exception criteria and requirements for when a biologist certification is required that beneficial uses have been restored.	The commenter's support for the definition of "completion of the project" is noted.
44.26	San Francisco Bay Regional Water Agency Partners	The Agencies support statements in the IS/MND regarding coverage of emergency discharges and the definition of existing conditions.	The commenter's support for coverage of emergency discharges and the definition of existing conditions is noted.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
45.1	San Jose Water Company	The State Water Board should consider simplifying the language addressing the Facilities Authorized to Discharge, the Discharge Definitions, and the Authorized Discharges.	Thank you for the suggested language. The State Water Board concurs and has modified the Draft Permit accordingly.
45.2	San Jose Water Company	The Draft Permit does not provide a technical justification for the proposed chlorine residual 0.1 mg/L Minimum Level (ML) value. SJWC hereby would like to provide the State Water Board staff with a study performed by the State of Missouri that supported State of Missouri's adoption of a 0.13 mg/L ML for chlorine residual using handheld instruments http://www.dnr.mo.gov/env/wpp/permits/manuai/T O.pdf). A copy of the document is attached. The 0.13 mg/L ML for determining compliance was included in the Tentative Order issued by Region 2 and SJWC suggests that the Draft Permit ML for chlorine residual, and all associated references, be changed to 0.13 mg/L. See Appendix T in Letter for TRC study info.	The State Water Board does not concur that a minimum level (ML) of 0.13 mg/L should be used for compliance determination purposes for chlorine. Handheld chlorine meters that read to a level of less than 0.1 mg/L are commonly used in the water supply industry.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
45.3	San Jose Water Company	SJWC believes that Draft Permit Section IX. Compliance Determination needs to be modified to state that compliance with effluent limitations is to be based on a Minimum Level (ML) or Reporting Level (RL) and not a Method Detection Limit (MDL) as stated in Section IX. SJWC suggests that Section IX be modified as follows: "A. General Compliance with effluent limitations shall be determined using monitoring and reporting protocols defined in the Monitoring and Reporting Program of this Order. For purposes of reporting and administrative enforcement by the State and/or Regional Water Boards, the Discharger shall be deemed out of compliance with the effluent limitations if the constituent concentration or level is greater than the effluent limitation and greater than or equal to the minimum level {ML} or reporting level (RL) of the method used to determine compliance. B. Total Residual Chlorine Field measurements for total residual chlorine shall be made using U.S. EPA-approved methods described in 40 C.F.R. § 136.3. The ML or RL of the method used to determine compliance with the total chlorine residual effluent limitations must be 0.1 mg/L. A discharge monitoring result with a total residual chlorine concentration greater than or equal to 0.1 mg/L shall be deemed out of compliance with a chlorine effluent limitation. Due to other possible Interferences of these handheld devices, if readings are false	The State Water Board concurs that use of the Minimum Level (ML) or Reporting Level (RL) is more appropriate than use of the MDL for compliance determinations. With respect to the compliance determination, the permit has been modified consistent with the recommended changes. The State Water Board has modified the permit to include the compliance determination language immediately below the effluent limits to clarify the compliance determination. The Chlorine effluent limit compliance determination has been revised to be a RL of 0.1 mg/L where a RL of 0.1 mg/L or greater is out of compliance with the limit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		positives, these will not be evaluated for compliance if explanation of cause is provided." The above suggestion is consistent with the definitions of ML and RL in Draft Permit Attachment A (page A-2) and with the State Implementation Policy (Appendix 4). SJWC also requests that throughout the permit where the 0.019 mg/L effluent limit is referenced that a footnote be added to describe the compliance determination method with this effluent limit. SJWC suggests the following language for the footnote: "The ML used to determine compliance with the total chlorine residual effluent limitation is 0.1 mg/L. A discharge monitoring result with a total residual chlorine concentration greater than or equal to 0.1 mg/L shall be deemed out of compliance with the total residual chlorine effluent limitation."	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
45.4	San Jose Water Company	With respect to the Final Effluent Limitation for all Planned Discharges of Treated or Untreated Groundwater directly to a Surface Water or Via a Storm Drain, SJWC may not be able to comply with the turbidity Effluent Limitation on some its well sites because many of these sites were developed more than sixty years ago, are situated in an urban environment, and are adjacent to Waters of the US. These wells are unlikely to meet a Final Effluent Limitation of 10 NTU after startup or following maintenance activities such as rehabilitation. SJWC proposes using a Final Effluent Limitation of 500 NTU. This numeric effluent limit (NEL) would be consistent with the Construction General Permit and well below the mean of the turbidity values in the background turbidity of receiving water in California (Construction General Permit, Fact Sheet, p. 18). Additionally, the Best Management Practices as proposed in Attachment C are written as prescriptive minimum requirements. This is inconsistent with the BMP iterative approach and the necessity to adapt BMPs to field conditions. For example, Attachment C prescribes the use of multi baffled sediment tanks and 5 micron bag filters as a mean to treat turbidity to less than 10 NTU. This technology is not an accepted BMP and is typically not feasible for SJWC on many well sites due to space and flow constraints. It should also be noted that the efficacy of multi-baffled sediment tanks	The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		without the use of coagulants has not been demonstrated. This prescriptive BMP would almost certainly place limitations on SJWC's ability to operate some of its wells. For the reasons stated above, SJWC recommends that the prescriptive language in the Draft Permit that requires structural BMPs be implemented on all discharges be removed and be replaced with language that requires BMPs to be implemented and adapted to a variety of field conditions to the Maximum Extent Practicable (MEP).	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
45.5	San Jose Water Company	The San Jose Water Company comments that the proposed pH monitoring would be onerous and would not yield information that is not already available.	The State Water Board's intent is to require monitoring that brings forth valuable information. The concern with pH is in regards to the addition of chemicals to the discharge altering the pH since it was last measured in the system. The State Water Board concurs that the pH monitoring of all discharges is not necessary. The pH requirements have been modified to include pH monitoring only for superchlorinated discharges after implementation of BMPs. This monitoring will provide information to determine if there is a concern with pH level changes due to superchlorinated discharges and the use of dechlorination chemicals.
45.6	San Jose Water Company	The Draft Permit does not offer clarity on how MCL compliance would be measured and reported.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity).
45.7	San Jose Water Company	There are no known field BMPs that can remove salts and minerals from discharges by Community Water Systems. This requirement should be removed.	The State Water Board concurs. The requirement for BMPs to remove minerals and salts has been removed throughout the Draft Permit.
45.8	San Jose Water Company	The Draft Permit should include clarification the regarding eligibility for coverage. Specifically, references to compliance with MCLs should be clarified.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable water have been removed.
45.9	San Jose Water Company	The monitoring of all direct discharges into a receiving water lacks clarity and could not be accomplished for many unplanned discharges, e.g. pressure relief valve discharges. The lack of a volume threshold could also require water agencies to monitor discharges as small as a few gallons.	The Draft Permit has been modified to clarify representative monitoring requirements. To address monitoring cost concerns, the Draft Permit has been modified to allow direct discharges to be sampled through representative monitoring. The State Water Board does not concur with the addition of a monitoring threshold due to the variation in receiving water conditions, flows and sensitivity to small discharges.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
45.10	San Jose Water Company	The NOI requirement to provide information on the "Distribution and discharge area (Provide general map information (including site schematic) showing boundaries of distribution system and identifying the receiving waters. Include alignment of storm water collection system, if applicable.)" would be prohibitively expensive, time consuming, and a potential security concern.	The State Water Board concurs. Language concerning national security concerns has been added to the Draft Permit.
46.1	San Mateo Countywide Water Pollution Prevention Program	SMCWPPP strongly supports Draft Permit Section 1.3, which exempts water purveyors from applying for coverage under this General Permit if: "The water purveyor is an MS4 permittee or co-permittee named on an MS4 permit that also authorizes discharges from community drinking water systems issued by the State Water Board or a Regional Water Board. " SMCWPPP's members are among the 76 permittees under the San Francisco Bay Area Municipal Regional Stormwater Permit (MRP), Order No. R2-2009-0074, which already contains requirements concerning the management of potable water discharges. Eleven of our 21 member agencies are municipal water purveyors whose potable water management programs under the MRP have already proven effective; as such, they should not have to obtain additional coverage for potable water discharges under the State Water Board General Permit.	Comment noted.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
46.2	San Mateo Countywide Water Pollution Prevention Program	Municipal stormwater permittees should be exempted from filing by December 1, 2014 Notices of Non-Applicability (NONA) per Section li.B.2	The State Water Board does not concur. The State Water Board's intent is to identify drinking water systems that do not need regulatory coverage under the statewide permit, as they are regulated by a separate NPDES Permit issued by a Regional Water Board for discharges that are outside the scope of this Order, or covered under a local agreement, covered as an MS4 Permittee or co-permittee. Discharge of waste to surface waters from drinking water systems that submit a notice of non-applicability does not exempt them from compliance with state and federal statutes. Pursuant section 13383 of the Water Code, the State Water Board or Regional Water Boards may establish monitoring, inspection, entry, reporting, and recordkeeping requirements, as authorized by Sections 13160, 13376, or 13377 or by subdivisions (b) and (c) of that section, for: (1) any person who discharges, or proposes to discharge, to navigable waters, or (2) any person who introduces pollutants into a publicly owned treatment works. In addition, the NONA has been simplified to a simple one-page form, which will reduce the time required for completion and submission. Requiring the submission of a one-page NONA alleviates the need for the Water Board to dedicate a large amount of staff resources to identify water purveyors that are not required to enroll in the permit, and other water purveyors that are required to, but have not yet, enrolled in the permit.
46.3	San Mateo Countywide Water Pollution Prevention Program	The Authority recommends clarification in the Findings to the effect that regulatory coverage for potable water discharges under an existing MS4 NPDES Permit are not automatically terminated within a year of adoption of this Permit when there has been no issuance of a Notice of Applicability.	The State Water Board does not intend for Regional Water Boards to terminate regulatory coverage for potable water discharges under an existing MS4 NPDES permit. The Draft Permit has been modified to clarify that the existing permits to be terminated are non-storm water permits.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
46.4	San Mateo Countywide Water Pollution Prevention Program	To address the spirit of Finding III.C. while recognizing the need for some flexibility given the Clean Water Act's standards for different types of NPDES permits (such as the maximum extent practicable standard for MS4 permits), it is important for the State Water Board to recognize on the record here that potable discharge requirements contained in MS4 permits need not be identical to those in the General Permit as long as they provide an equivalent level of protection to water quality overall. We believe that having the State Water Board speak to this concern and embrace the "equivalent level of protection" concept for future potable discharge requirements in MS4 permits in a modified finding or response to comments is in everyone's interest and will help avoid future disputes and controversy.	The Draft Permit regulates point source discharges from drinking water systems and does not affect requirements set forth in existing or reissued MS4 permits that cover systems operated by MS4 operators also authorized to discharge from their drinking water systems. The applicable regional water board retains discretion to adopt appropriate requirements for such systems, consistent with applicable statutory authority and regulations.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
46.5	San Mateo Countywide Water Pollution Prevention Program	To the extent that the State Water Board General Permit will regulate non-MRP dischargers, some of whom will need to coordinate with MRP permittees, SMCWPPP requests that the numeric effluent limits (NEL) for chlorine residual and turbidity proposed in the General Permit be eliminated and replaced by "benchmarks" (or action levels). Given the experience of SMCWPPP's members and other MS4s with potable water discharges, no evidence has emerged that suggests that the Best Management Practice (BMP)-based approach and benchmark-based monitoring and reporting practices are not effective or that NELs are necessary or feasible for such discharges. Indeed, these potable water system discharges have already been defined by the State Water Board as "de minimis" and "not likely to cause or have a reasonable potential to cause or contribute to an adverse impact on the beneficial uses of receiving waters."1 1 This definition is codified in the California Code of Regulations (CCR Title 23 Division 3 Chapter 9 Article 1 Section 2200 Subdivision (b) (9) Category 3 footnote 18). Footnote 18. De minimis discharge activities include, but are not limited to, the following: ... discharges from fire hydrant testing or flushing; discharges resulting from construction dewatering; discharges associated with supply well installation, development, test pumping, and purging;	With respect to the Chlorine WQBELs, the State Water Board does not concur that chlorine limits should be replaced by action levels or benchmarks. The chlorine concentration in chlorinated drinking water is greater than the U.S. EPA Freshwater Quality Criteria for aquatic toxicity; therefore an effluent limitation for chlorine is required to protect beneficial uses per 40 CFR 122.44(d)(1)(i). For chlorine, action levels and bench marks triggering iterative BMP application are not appropriate where reasonable potential for acute and chronic toxicity have been established. The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		discharges resulting from the maintenance of uncontaminated water supply wells, pipelines, tanks, etc.; discharges resulting from hydrostatic testing of water supply vessels, pipelines, tanks, etc.,· discharges resulting from the disinfection of water supply pipelines, tanks, reservoirs, etc.; discharges from water supply systems resulting from system failures, pressure releases, etc.: and other similar types of wastes that hare low pollutant concentrations and are not likely· to cause or have a reasonable potential to cause or contribute to an adverse impact on the beneficial uses of receiving waters yet technically must be regulated under an NPDES permit. (emphasis added)	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
46.6	San Mateo Countywide Water Pollution Prevention Program	We do not agree from a technical perspective with the Draft Permit's justification of the need for numeric effluent limit (NEL) for chlorine residual and turbidity. Fact Sheet section VI.B.3.b.i (p. F-55) appears to assert that since the typical (required) concentration of chlorine residual in a water distribution system is at a level above the U.S. EPA's acute water quality criterion, that reasonable potential for toxicity exists for chlorinated waters that are within 300 feet of receiving waters. While it is true that water purveyors are required to maintain a chlorine residual in their distribution systems, the appropriate point of application for a Reasonable Potential Analysis is after the application of dechlorination BMPs. Following application of industry standard dechlorination BMPs, chlorine residual concentrations would be reduced to below the reporting level (minimum level (ML)) of handheld instruments (0.13 mg/L based on a State of Missouri ML study) and therefore not show reasonable potential.	The permit Fact Sheet discusses the reasonable potential analyses utilized to develop the effluent limits for Chlorine and Turbidity and, these analyses are based on more than the ability to calculate the limits or measure the parameter. For example, the chlorine concentration in chlorinated drinking water is greater than the U.S. EPA Freshwater Quality Criteria for aquatic toxicity; therefore there is reasonable potential for Chlorine to cause aquatic toxicity and, an effluent limitation for chlorine is required to protect beneficial uses per 40 CFR 122.44(d)(1)(i). The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
46.7	San Mateo Countywide Water Pollution Prevention Program	We also disagree with the alternative rationale cited in section VI.B.4 of the Fact Sheet as the basis for the finding of reasonable potential for toxicity. The mere existence of a water quality objective for a given constituent does not constitute sufficient grounds for imposition of a numeric Water Quality Based Effluent Limitation (WQBEL). Similarly, the availability of a test method, in this case field test kits, does not constitute sufficient grounds for imposition of numeric WQBELs It is also important to recognize in this regard that field measurements, using handheld instruments, taken frequently by non-laboratory staff, are subject to interference by such things as turbidity, potentially causing false positive readings.	The permit Fact Sheet discusses the reasonable potential analyses utilized to develop the effluent limits for Chlorine and Turbidity and, these analyses are based on more than the ability to calculate the limits or measure the parameter. For example, the chlorine concentration in chlorinated drinking water is greater than the U.S. EPA Freshwater Quality Criteria for aquatic toxicity; therefore there is reasonable potential for Chlorine to cause aquatic toxicity and, an effluent limitation for chlorine is required to protect beneficial uses per 40 CFR 122.44(d)(1)(i). The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
46.8	San Mateo Countywide Water Pollution Prevention Program	We disagree with the characterization of the "feasibility" of imposing numeric WQBELs in the urban runoff-related context. As you know, in 2005 and 2006 the State Water Board convened a Blue Ribbon Panel of Experts to address the feasibility of numeric effluent limitations in California's storm water permits ("The Feasibility of Numeric Effluent Limits Applicable to Discharges of Stormwater Associated with Municipal, Industrial, and Construction Activities (June 19, 2006)). For multiple reasons, the Panel concluded that numeric effluent limitations were infeasible. Subsequently numerical effluent limitations were therefore deleted from the Construction General Permit Order No. 2009-0009-DWQ and subsequent amendments and also, more recently, from the Industrial Stormwater General Permit (Order No. 2014-0057-DWQ). The same should be the case here. Beyond these issues, relative to those who will be covered and have to coordinate with its members, we generally supports the proposed approaches to notification, monitoring, and reporting requirements in the Draft Permit. One exception is the absence of a volume threshold for direct discharges to Waters of the United States (Attachment E-Monitoring and Reporting Program II.A.l., p. E-3). We would suggest consideration	The Draft Permit regulates point source discharges rather than industrial or construction storm water discharges, and the effluent limitations are drafted accordingly. The State Water Board is implementing the U.S. EPA ambient water quality criteria for toxicity to establish effluent limitations for chlorine. Therefore, the State Water Board has established numeric chlorine effluent limitations similar to other NPDES permits that regulate toxicity from chlorinated discharges. Excess discharge of solids to a receiving water may disturb the aquatic habitat and hydromodify a receiving water body. The State Water Board is expecting water purveyors that conduct supply well discharge operations to implement proven best management practices (BMPs) to reduce the discharge of solids flushed from the well casing and/or collected via flow to a receiving water. Turbidity is a parameter that can be measured in the field,. In place of placing total suspended solids limitations on these discharges that requires lab analysis, the turbidity action level is used as an indicator that management practices to reduce solids in the discharge have been implemented. The State Water Board is placing a best management practice action level threshold of 100 NTUs for turbidity to address turbidity/solids in supply well development and rehabilitation discharge operations that discharge to enclosed bays, estuaries and inland surface waters. Exceedance of the numeric action level is not a violation but will require improvement of BMPs when exceeded. However, for all planned discharges to the Ocean, the permit still includes a turbidity effluent limitation of 225 NTUs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		of a 50,000 gallon threshold that has been used in other higher threat to water quality regulatory contexts (e.g., SSOs, recycled water).	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
47.1	Santa Clara Valley Urban Runoff Pollution Prevention Program	Dischargers should not be required to file a NONA to minimize unnecessary administrative and management costs.	The State Water Board does not concur. The State Water Board's intent is to identify drinking water systems that are regulated by a separate NPDES permit issued by a Regional Water Board for discharges that are outside the scope of this Order, covered under a local agreement, covered as an MS4 permittee or co-permittee. Discharge of waste to surface waters from drinking water systems that submit a notice of non-applicability does not exempt them from compliance with state and federal statutes. Pursuant to section 13383 of the Water Code, the State Water Board or Regional Water Boards may establish monitoring, inspection, entry, reporting, and recordkeeping requirements, as authorized by Sections 13160, 13376, or 13377 or by subdivisions (b) and (c) of that section, for: (1) any person who discharges, or proposes to discharge, to navigable waters, or (2) any person who introduces pollutants into a publicly owned treatment works. In addition, the NONA has been simplified to a simple one-page form, which will reduce the time required for completion and submission. Requiring the submission of a one-page NONA alleviates the need for the Water Board to dedicate a large amount of staff resources to identify water purveyors that are not required to enroll in the permit, and other water purveyors that are required to, but have not yet, enrolled in the permit.
47.2	Santa Clara Valley Urban Runoff Pollution Prevention Program	The Authority recommends clarification in the Findings to the effect that regulatory coverage for potable water discharges under an existing MS4 NPDES permit are not automatically terminated within a year of adoption of this Permit when there has been no issuance of a Notice of Applicability.	The State Water Board does not intend for Regional Water Boards to terminate regulatory coverage for potable water discharges under an existing MS4 NPDES permit. The Draft Permit has been modified to clarify that the existing permits to be terminated are non-storm water permits.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
47.3	Santa Clara Valley Urban Runoff Pollution Prevention Program	To address the spirit of Finding III.C. while recognizing the need for some flexibility given the Clean Water Act's standards for different types of NPDES permits (such as the maximum extent practicable standard for MS4 permits), it is important for the State Water Board to recognize on the record here that potable discharge requirements contained in MS4 permits need not be identical to those in the General Permit as long as they provide an equivalent level of protection to water quality overall. We believe that having the State Water Board speak to this concern and embrace the "equivalent level of protection" concept for future potable discharge requirements in MS4 permits in a modified finding or response to comments is in everyone's interest and will help avoid future disputes and controversy.	The Draft Permit addresses discharges from drinking water systems and 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 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.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
47.4	Santa Clara Valley Urban Runoff Pollution Prevention Program	To the extent that the State Water Board General Permit will regulate non-MRP dischargers, some of whom will need to coordinate with MRP permittees, SCVURPPP suggests that the numeric effluent limits (NEL) for chlorine residual and turbidity proposed in the General Permit be eliminated and replaced by "benchmarks" (or action levels). Given the experience of SCVURPPP's members and other MS4s with potable water discharges, no evidence has emerged that suggests that the BMP-based approach and benchmark-based monitoring and reporting practices are not effective or that NELs are necessary or feasible for such discharges. Indeed, these potable water system discharges have already been defined by the State Water Board as "de minimis" and "not likely to cause or have a reasonable potential to cause or contribute to an adverse impact on the beneficial uses of receiving waters."[2] Beyond this, we do not agree from a technical perspective with the Draft Permit's justification of the need for Numeric Effluent Limits (NEL) for chlorine residual and turbidity. Fact Sheet section VI.B.3.b.i (p. F-55) appears to be asserting that since the typical (required) concentration of chlorine residual in a water distribution system is at a level above the U.S. EPA's acute water quality criterion, that reasonable potential for toxicity exists for chlorinated waters that are within 300 feet of receiving waters. While it is true that	With respect to the Chlorine WQBELs, the State Water Board does not concur that chlorine limits should be replaced by action levels or benchmarks. The chlorine concentration in chlorinated drinking water is greater than the U.S. EPA Freshwater Quality Criteria for aquatic toxicity; therefore an effluent limitation for chlorine is required to protect beneficial uses per 40 CFR 122.44(d)(1)(i). For chlorine, action levels and bench marks triggering iterative BMP application are not appropriate where reasonable potential for acute and chronic toxicity have been established. The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
		water purveyors are required to maintain a chlorine residual in their distribution systems, the appropriate point of application for a Reasonable Potential Analysis (RPA) is after the application of dechlorination BMPs. Following application of industry standard dechlorination BMPs, chlorine residual concentrations would be reduced to below the reporting level (minimum level (ML) of handheld instruments (0.13 mg/L based on a State of Missouri ML study) and therefore not show reasonable potential. [2]See California Code of Regulations (CCR Title 23 Division 3 Chapter 9 Article 1 Section 2200 Subdivision (b) (9) Category 3 footnote 18.	

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
47.5	Santa Clara Valley Urban Runoff Pollution Prevention Program	We also disagree with the alternative rationale section VI.B.4 of the Fact Sheet cited as the basis for the finding of reasonable potential for toxicity. The mere existence of a water quality objective for a given constituent does not constitute sufficient grounds for imposition of a numeric water quality based effluent limit (WQBEL). Similarly, the availability of a test method, in this case field test kits, does not constitute sufficient grounds for imposition of numeric WQBELs.	The permit Fact Sheet discusses the reasonable potential analyses utilized to develop the effluent limits for Chlorine and Turbidity and, these analyses are based on more than the ability to calculate the limits or measure the parameter. For example, the chlorine concentration in chlorinated drinking water is greater than the U.S. EPA Freshwater Quality Criteria for aquatic toxicity; therefore there is reasonable potential for Chlorine to cause aquatic toxicity and, an effluent limitation for chlorine is required to protect beneficial uses per 40 CFR 122.44(d)(1)(i). The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
47.6	Santa Clara Valley Urban Runoff Pollution Prevention Program	For water purveyors that may have to coordinate with MS4s, the El Dorado Irrigation District disagrees with the characterization of the "feasibility" of imposing numeric WQBELs in the urban runoff-related context. As you know, in 2005 and 2006 the State Water Board convened a Blue Ribbon Panel of Experts to address the feasibility of numeric effluent limitations in California's storm water permits ("The Feasibility of Numeric Effluent Limits Applicable to Discharges of Stormwater Associated with Municipal, Industrial, and Construction Activities (June 19, 2006)). For multiple reasons, the Panel concluded that numeric effluent limitations were infeasible. Subsequently numerical effluent limitations were therefore deleted from the Construction General Permit Order No. 2009-0009-DWQ and subsequent amendments and also, more recently, from the Industrial Stormwater General Permit (Order No. 2014-0057-DWQ). The same should be the case here.	The Draft Permit regulates point source discharges rather than industrial or construction storm water discharges, and the effluent limitations are drafted accordingly. The State Water Board is implementing the U.S. EPA ambient water quality criteria for toxicity to establish effluent limitations for chlorine. Therefore, the State Water Board has established numeric chlorine effluent limitations similar to other NPDES permits that regulate toxicity from chlorinated discharges. Excess discharge of solids to a receiving water may disturb the aquatic habitat and hydromodify a receiving water body. The State Water Board is expecting water purveyors that conduct supply well discharge operations to implement proven best management practices to reduce the discharge of solids flushed from the well casing and/or collected via flow to a receiving water. Turbidity is a parameter that can be measured in the field. In place of placing total suspended solids limitations on these discharges that requires lab analysis, the turbidity action level is used as an indicator that management practices to reduce solids in the discharge have been implemented. The State Water Board is placing a best management practice action level threshold of 100 NTUs for turbidity to address turbidity/solids in supply well development and rehabilitation discharge operations that discharge to enclosed bays, estuaries and inland surface waters. Exceedance of the numeric action level is not a violation but will require improvement of BMPs when exceeded. However, for all planned discharges to the Ocean, the permit still includes a turbidity effluent limitation of 225 NTUs.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
48.1	Santa Clara Valley Water District	Although we will be exempted from their direct application, the District especially concurs with SCVURPPP's strong belief that the proposed chlorine and turbidity water quality based effluent limits (WQBELs) are inappropriate, not practicable, and should be replaced with benchmarks. Even though the District would be exempted from this provision, it must coordinate with other systems for which the General Permit does apply.	With respect to the Chlorine WQBELs, the State Water Board does not concur that chlorine limits should be replaced by action levels or benchmarks. The chlorine concentration in chlorinated drinking water is greater than the U.S. EPA Freshwater Quality Criteria for aquatic toxicity; therefore an effluent limitation for chlorine is required to protect beneficial uses per 40 CFR 122.44(d)(1)(i). For chlorine, action levels and bench marks triggering iterative BMP application are not appropriate where reasonable potential for acute and chronic toxicity have been established. The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.
48.2	Santa Clara Valley Water District	Commenter supports section 1.3 of the draft permit, which exempts the MS4 co-permittees from the requirement that they obtain this additional NPDES permit.	Thank you for your comment.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
48.3	Santa Clara Valley Water District	To further minimize unnecessary administrative and management costs, the Draft Permit requirement to file a Notice of Non-Applicability (NONA) per Section II.B.2 form in Attachment B.2 by December 1, 2014 (Section II.D) should be deleted.	The State Water Board does not concur. The State Water Board's intent is to identify drinking water systems that are regulated by a separate NPDES Permit issued by a Regional Water Board for discharges that are outside the scope of this Order, covered under a local agreement, covered as an MS4 Permittee or co-permittee. Discharge of waste to surface waters from drinking water systems that submit a notice of non-applicability does not exempt them from compliance with state and federal statutes. Pursuant section 13383 of the Water Code, the State Water Board or Regional Water Boards may establish monitoring, inspection, entry, reporting, and recordkeeping requirements, as authorized by Sections 13160, 13376, or 13377 or by subdivisions (b) and (c) of that section, for: (1) any person who discharges, or proposes to discharge, to navigable waters, or (2) any person who introduces pollutants into a publicly owned treatment works. In addition, the NONA has been simplified to a simple one-page form, which will reduce the time required for completion and submission. Requiring the submission of a one-page NONA alleviates the need for the Water Board to dedicate a large amount of staff resources to identify water purveyors that are not required to enroll in the permit, and other water purveyors that are required to, but have not yet, enrolled in the permit.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
48.4	Santa Clara Valley Water District	The District states that most discharges through an MS4 system and the inconsistencies in current regulation will not be successfully addressed by this Permit. Contradictory requirements between the various MS4 permits will continue to exist even if this Permit is adopted since it makes no changes to the numerous MS4 Permits in the State.	This NPDES permit regulates point source discharges from drinking water systems before they enter either a receiving water or an MS4 system. The Draft Permit is for point source discharges of non-storm water discharges. It is not appropriate for the State Water Board to specify that MS4 permits must have an equivalent level of protection, in this permitting action. The Draft Permit recognizes that drinking water system discharges into MS4 systems vary depending on the system and are set by the operators of the MS4. 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.
49.1	Soquel Creek Water District	The Draft Permit should include clarification regarding eligibility for coverage. Specifically, references to compliance with MCLs should be clarified.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable water have been removed.
49.2	Soquel Creek Water District	The Draft Permit does not appear to allow for planned discharges of raw water from sources that require treatment to comply with primary or secondary MCLs.	The State Water Board intends to provide water purveyors with an NPDES permit that, to the extent possible, does not interfere with their responsibility to operate and manage systems to deliver safe drinking water. The State Water Board concurs. The Draft Permit has been modified to simplify the regulatory approach, removing differentiation of raw, potable and treated water. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity).

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
49.3	Soquel Creek Water District	"Receiving water" should be defined and included in the Draft Permit, and it should clarify whether this definition would encompass would include the all waters of the United States that have beneficial use designations.	The Draft Permit is applicable to the drinking water system discharges to all waters of the U.S. within California. The Draft Permit has been modified to explain that the terms "receiving water", "surface water", and "waters of the U.S." are used interchangeably. In general, natural water bodies that are tributary to water bodies listed in applicable Basin Plans are also waters of the U.S.
49.4	Soquel Creek Water District	For complex community water systems encompassing multiple receiving waters, please revise the Draft Permit to accept a map (or maps) showing the distribution system in relation to the multiple receiving waters, and to accept the water purveyor's identification of the discharge (either planned or unplanned) occurring within 300 feet of receiving waters.	The State Water Board accepts your suggestion. The Draft Permit application requirements have been modified to require a general description of the portions of the system that are within 300 feet of the discharge.
49.5	Soquel Creek Water District	The Draft Permit should define what it is meant by "near the location of discharge."	The Draft Permit clarifies a distance of 300 feet. If the system water leaves the drinking water systems at a location that is within 300 feet of the point the discharge enters the water of the U.S., then the discharge is considered to be near the location of discharge.
49.7	Soquel Creek Water District	Section VIII.C.2.c. This section addresses BMPs for automatic discharges from unchlorinated pump-to-waste wells. However, this type of discharge is not listed in either Section I.C.1.b, Attachment F Section II.D.1.b, or Attachment F Table F-1.	The State Water Board concurs and has modified the Draft Permit accordingly.
49.8	Soquel Creek Water District	Please include a definition for "representative monitoring sites," a definition for "Daily Average," and "receiving water."	The Permit has been clarified to add a definition for receiving water that is used interchangeably with the term waters of the U.S. The daily average effluent limitation for turbidity has been removed so there is no need to add a definition for daily average. The monitoring and reporting program has also been clarified to differentiate event monitoring from representative monitoring, including criteria to determine appropriate representative monitoring sites.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
49.9	Soquel Creek Water District	If Soquel Creek Water District has one of the 303d listed water bodies with an adopted TMDL, does that automatically make the District subject to the TMDL regulations in Attachment F, even if the District is not part of the Los Angeles or San Diego regions?	The TMDLs listed in the Fact Sheet of the Draft Permit include those that currently identify water purveyors, as NPDES discharges, as a party subject to the TMDL. The TMDLs listed in the Fact Sheet that meet this description are administered by the Los Angeles Regional Water Board and San Diego Regional Water Board. A TMDL is adopted for a specific reach of a water body and the WLAs are assigned to discharges into that reach of water body. If the drinking water system discharges from its drinking water system does not enter the water body reach identified in the TMDL, the TMDL is not applicable to those discharges. TMDLs typically do not establish requirements for dischargers outside of the identified water body reach. Some TMDLs identify an entire water body, a water purveyor should contact its Regional Water Board to seek assistance in identifying if a TMDL WLA is applicable to its discharge. For water purveyors that discharge to a water body listed in Attachment K, the Draft Permit states that enrollment and compliance with the permit satisfies the requirements of the TMDL.
49.10	Soquel Creek Water District	Field testing instead of lab analysis monitoring is appreciated	Thank you for your comment.
49.11	Soquel Creek Water District	Please list the exact USEPA guideline or AWWA approved procedure that will be acceptable for this Order.	Due to the variety of field equipment that can be utilized and site-specific conditions that need to be addressed, it is impractical for a statewide permit to have specific quality control and quality assurance requirements or best management practice procedures.
49.12	Soquel Creek Water District	Attachment E-Section I.E. The acknowledgment of monitoring certain emergency discharges as being infeasible is appreciated.	Thank you for your comment.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
49.13	Soquel Creek Water District	Please explain why the "300 feet" rule has undergone a strikethrough in this section of Attachment E, yet the NOI requirements still make mention of providing locations within 300 feet of a water body and the Fact Sheet makes several references to 300 feet.	The change in the monitoring and reporting program (Attachment E) was made to clarify that discharges within 300 feet can be included in the representative monitoring as opposed to event monitoring. The reference in the permit and in the NOI for 300 feet is due to the application of the chlorine effluent limitations. The discharger must be aware of what portion of their system may need immediate dechlorination to comply with effluent limitations.
49.14	Soquel Creek Water District	Required monitoring should have a volume threshold. Monitoring per Table E-1 is not feasible for automated pump to waste discharges.	The State Water Board does not concur that a monitoring threshold is needed. Varying site and receiving water conditions make it difficult to determine an appropriate minimum monitoring threshold. Instead, the Draft Permit has been modified to include monitoring of direct discharge under representative monitoring requirements, thus reducing monitoring costs.
49.15	Soquel Creek Water District	Please specifically describe what monitoring data will satisfy "representative monitoring."	Any monitoring available from the SDWA compliance data can be used for the data needed for the pollutants under a TMDL during the application process only. However, that data may not be representative of the discharge from the drinking water system, since the discharge is dechlorinated and must also have solids control BMPs to reduce the amount of solids picked up as it travels to the receiving water (or storm drain inlet). In this case, actual monitoring of the system discharges, after implementation of BMPs, should be conducted per the required annual frequency.
49.16	Soquel Creek Water District	On page E-5, please change the word "Discharge" to "Discharger" in the first sentence of Section V.	Thank you for the suggested language. The State Water Board concurs and has modified the Draft Permit accordingly.
49.17	Soquel Creek Water District	The Self-Monitoring Report due date is satisfactory.	Thank you for your comment.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
49.18	Soquel Creek Water District	The Draft Permit should define what is an unpolluted drinking water aquifer.	The Draft Permit has been modified to simplify the regulatory approach. All references to compliance with MCLs have been changed to compliance with Basin Plan objectives (other than for those pollutants granted an exception and that are not part of a TMDL) and receiving water limitations in the receiving water (with the exception of chlorine and turbidity). References to potable water versus non-potable water have been removed.
49.19	Soquel Creek Water District	The State Water Board should consider adding calcium thiosulfate to this list of common dechlorinating agents.	The State Water Board is not requiring water purveyors to dechlorinate their discharges using specific dechlorination agents. Therefore, the dechlorination agents or methods to be applied to individual discharges are per the discretion of the dischargers. The State Water Board is requiring that all discharges are absent of a chlorine concentration that would adversely affect or impact aquatic life in the receiving waters. The Board acknowledges through the permit that discharges that are distant from the receiving water may dechlorinate naturally, without the need for dechlorination agent. This acknowledgement, however, does not replace any additional requirements placed on the water purveyor by the MS4 permittee or other local agencies for permitted discharge into their storm drain system.
49.20	Soquel Creek Water District	Attachment F - Section II.C.5. Please correct the highlighted word "unexpectedly" to "unexpected."	Thank you for the suggested language. The State Water Board concurs and has modified the Draft Permit accordingly.
49.6.a	Soquel Creek Water District	If further TMDLs are adopted that address pollutants that are likely to be in discharges from drinking water systems, and allocate waste loads specifically to water purveyors regulated under this Order, the State Water Board will may consider adding TMDL-specific permit requirements to Appendix G of this Order in a subsequent	Attachment G is maintained in the Draft Permit for future TMDLs pertaining to Water purveyors are adopted.

Comment Number	Commenter(s) Company/Agency	Comment (Summary)	Response
49.6.b	Soquel Creek Water District	In Section VII.A of the permit, consider pH changes that lower OR RAISE the pH – since there are water systems that utilize caustic soda (sodium hydroxide) to raise the pH of the water entering the distribution system.	The State Water Board concurs and revised the permit to read that pH shall not fall outside the pH range specified in the Regional Water Boards basin plans.
50.1	South Coast Water District	Commenter finds that the time schedule for the comment period prior to the Board hearing on adoption is insufficient in view of the numerous substantive changes that are anticipated in the next draft, and recommends allowing more time for public comments. Commenter is requesting that if significant changes are being made to the next draft permit by staff, that the revised draft permit should be released for public comment during a subsequent comment period.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption
50.2	South Coast Water District	Commenter states that the current regulatory framework adequately addresses water quality concerns that may arise from the types of discharges encompassed in this draft general permit, so this additional general permit is not necessary for protecting water quality.	The proposed statewide permit will provide consistent regulation for all drinking water system discharges that are within the scope of the permit. The proposed permit will replace the regulatory coverage provided by regional water board permits that regulate similar discharges with varying requirements. To promote efficient use of staff, the State Water Board is choosing to regulate low-threat discharges from drinking water systems with one statewide permit.
50.3	South Coast Water District	The District recommends alternate provisions for Section 1.4 which exempt discharges occurring under either of the following conditions: (1) a pre-existing Regional Water Board permit regulates the discharge, and/or; (2) the discharge is subject to TMDL-specific regulation under a Regional Water Board-issued permit.	The State Water Board is seeking regulatory consistency for all drinking water system discharges meeting the scope of the proposed statewide permit. The State Water Board expects the Regional Water Boards to terminate their permits that provide coverage to such discharges. If the Boards determine that a site-specific permit is needed, the water purveyor must obtain coverage under the statewide permit until an individual permit is adopted by the Regional Water Board.

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50.4	South Coast Water District	SCWD conducts groundwater supply well flushing that is covered by its NPDES permit for its groundwater recovery facility. While groundwater supply well flushing is "within the scope of activities covered by this Order," it is already regulated by the NPDES permit. As such, for this portion of SCWD's discharges, the NPDES permit, and not the state wide permit, should govern.	The State Water Board concurs that an existing individual NPDES permit for groundwater supply well flushing should govern the discharge if the Regional Water Board has issued the individual NPDES permit specifically for site-specific conditions to protect receiving water-specific water quality. If the groundwater supply well discharges are within the "low-threat" scope of the proposed statewide permit, the State Water Board is choosing to regulate all such discharges uniformly and consistently throughout the state, rather than by varying regional water board permits. The Draft Permit has been revised accordingly.
50.5	South Coast Water District	Requests modification of the MRP per their submitted changes to clarify what discharges fall under representative monitoring and which ones under event monitoring.	The Draft Permit has been modified to clarify whether monitoring for a discharge is required after every discharge event, or per the annual representative monitoring.
50.6	South Coast Water District	Requests clarification of MRP page E-3, Section II.C that the frequency requirements in Table E-2 only apply to planned discharges.	The Draft Permit has been modified to clarify what type of discharges fall under representative monitoring and under event monitoring. Furthermore, the MRP has also been clarified to not require monitoring of emergency discharges.
51.1	Stanford University Utility Services	It is Stanford Utilities' opinion that the conditions stated in the MRP for post-notification would require an unnecessary increase in the amount of reporting required by each water agency as well as impacting resources within CalOES by a large increase in workload. Stanford Utilities proposes modification of the post notification language to clearly state what volumes, levels of chlorine, or observations of a receiving water would indicate that a discharge "may adversely affect or impact beneficial uses of a receiving water body". Section VII of Attachment E also required notification for	The Draft Permit has been modified to clarify that the post-notification requirement only applies when the direct discharge is non-compliant with permit requirements (i.e. failed BMP or effluent limit violation) and there may be an adverse effect or impact to beneficial uses of the receiving water. Furthermore, State Water Board has considered the notification requirements and is concerned with the notifying of CalOES for discharge events that are not an actual emergency. The State Water Board concurs with this comment. The notification requirements to CalOES have been removed. The State Water Board is confident that water purveyors and MS4 permittees have procedures in place for when CalOES is to be notified during emergency events, and the requirement is not needed in the NPDES permit for surface water discharges.

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		catastrophic discharges to CalOES. However, the criteria for this notification still vague and would result in excessive calls to CalOES and a burden for both the water systems and CalOES staff.	

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51.2	Stanford University Utility Services	Attachment C, Section I.C. states "All discharges from distribution system draining for cleaning and maintenance shall be dechlorinated, pH adjusted as appropriate, and filtered to remove sediment, prior to discharging to surface waters or storm drains. The Draft Permit states that it is unnecessary to include an effluent limitation for pH. Stanford Utilities agrees with this statement, but would like to clarify that water systems can maintain a pH of varying ranges as long as it is protective of human health, water quality, and corrosion.	State Water Board concurs, that it is not the intent of the permit to have dischargers adjust the pH of the effluent being discharged unless the pH in the discharge poses a potential adverse effect or impact to beneficial uses of the receiving waters. For clarification purposes, the Draft Permit has been modified to remove the description of the need for pH adjustment. It is also not the intent of the permit to require monitoring of pH in the receiving waters. Monitoring of receiving waters is strictly visual monitoring. The receiving water pH limits in the permit are standard language to ensure the permit is complete with its requirements, and that regional water board-established pH water quality objectives are applicable on a water body-specific basis. Due to the low threat nature of these discharges to water quality, the State Water Board has concluded that visual monitoring of the receiving water is sufficient. State Water Board concurs that pH monitoring of all discharges is not necessary, except for superchlorinated discharges. Therefore, the monitoring and reporting requirements have also been modified to only require pH monitoring of superchlorinated discharges.

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51.3	Stanford University Utility Services	Stanford Utilities suggests that the numeric effluent limits (NEL) for chlorine residual and turbidity proposed in this permit be eliminated and replaced by action levels. Given Stanford Utilities' experience with the Construction General Permit for stormwater discharges, action levels have been an effective means to evaluating BMPs and taking action to improve discharge water quality. In addition, potable water system discharges have already been defined by the State Water Board as "de minimis" and "not likely to cause or have a reasonable potential to cause or contribute to an adverse impact on the beneficial uses of receiving waters."1 The inclusion of numeric effluent limits is inconsistent with this definition. Stanford Utilities appreciates the significant effort that SWRCB staff has invested in this permit writing process, none the less we strongly recommend that additional attention must be paid to the issues listed above. Stanford Utilities requests SWRCB staff to continue to outreach to water systems, as more input is needed in the development of a general permit that will have significant impacts on all water systems subject to this permit. We also ask that a second Draft Permit be available for comments on changes made based on the comments from this period prior to formal permit adoption. We are looking forward to continuing the improvement of the general permit as we	With respect to the Chlorine WQBELs, the State Water Board does not concur that chlorine limits should be replaced by action levels or benchmarks. The chlorine concentration in chlorinated drinking water is greater than the U.S. EPA Freshwater Quality Criteria for aquatic toxicity; therefore an effluent limitation for chlorine is required to protect beneficial uses per 40 CFR 122.44(d)(1)(i). For chlorine, action levels and bench marks triggering iterative BMP application are not appropriate where reasonable potential for acute and chronic toxicity have been established. The proposed turbidity effluent limit of 225 NTU for these discharges to ocean waters has not been changed. This effluent limit is required per the Ocean Plan as an effluent limitation. However, the turbidity effluent limit for groundwater supply well operations discharges to inland waters, enclosed bays and estuaries has been revised to a BMP specification with a numeric action level of 100 NTU. Turbidity effluent limits for all other discharges to inland waters, enclosed bays, and estuaries have been revised to a receiving water limit set at the water quality objective in the applicable Basin Plan. The State Water Board has determined based on comments from water purveyors that this action level is appropriate and achievable with available BMPs.

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		work together with SWRCB and other stakeholder groups. 1 See California Code of Regulations (CCR) Title 23 Division 3 Chapter 9 Article 1 Section 2200 Subdivision (b) (9) Category 3 footnote 18.	

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51.4	Stanford University Utility Services	Commenter requests continued outreach to stakeholders in permit development process, and that the next draft permit be revised pursuant to comments received previously prior to adoption by the Board.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption
52.1	The Sea Ranch Water Company	Are there any related requirements inherent in the Draft about discharging potable water to a sanitary sewer collection/treatment system?	No, discharges to sanitary sewers are not covered by this permit. Any such discharges should be conducted under agreement with, and with the approval of, the local sewer agency.
52.2	The Sea Ranch Water Company	Is a qualified biologist required for all discharges?	Certification that receiving water beneficial uses are restored is required under limited circumstances as described in item 15 of the draft resolution as follows: "15. According to the SIP, to grant this exception the applicable Water Board must ensure that each discharger: (1) notifies potentially affected public and governmental agencies; (2) describes its proposed action; (3) provides a time schedule and monitoring plan; (4) provides CEQA documentation, contingency plans, residual waste disposal plans, and (5) upon completion of the project and termination of authorized regulatory permit coverage, provides certification by a qualified biologist that the receiving water beneficial uses have been restored. For drinking water system discharges, completion of the project is when the water purveyor ceases discharges from its drinking water system, or when the State and/or Regional Water Board terminates NPDES permit coverage for the discharge(s), whichever is sooner. Thus, the certification by a qualified biologist must be submitted only after a water purveyor completely and permanently stops discharging from a drinking water system, or when the Water Boards cease permitting the discharge to waters of the U.S."

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52.3	The Sea Ranch Water Company	Does discharge of potable water in firefighting incidents require water provider sampling of any runoff, or is that the responsibility of the fire department?	No, the statewide permit does not regulate fire departments and does not place any requirements on run-off of potable water due to firefighting activities. All requirements in the Draft Permit are for planned and emergency discharges as described in the draft order.
52.4	The Sea Ranch Water Company	Once enrolled in the subsequent reporting Queue, will the reporting mechanism be simpler and more user friendly that the SMARTS system.	The SMARTS system is applicable to stormwater NPDES Permits only. This General NPDES Permit will be added to the California Integrated Water Quality System (CIWQS). However, at this time there is no requirement to submit electronic reports into CIWQS from General NPDES Permits. Therefore the reporting mechanism will be simple by submitting any required reports via regular mail.
52.5	The Sea Ranch Water Company	Is the requirement for notification of planned discharge of one acre-foot of water a one-time event, or is the one acre-foot accumulative total over time?	The pre-notification requirement for planned discharges of one acre-foot or more is per event. The pre-notification requirement is not for cumulative flow over time.
53.1	Tuolumne Utilities District	Commenter requests a postponement in the adoption of the draft permit in order to fully incorporate the revisions proposed by stakeholders, questions the scientific basis for various draft permit provisions, and asserts that unresolved issues will make implementation difficult if not successfully addressed before issuance.	The State Water Board granted a 45-day public comment period for the draft permit and related documents. The State Board also considered the numerous requests for an additional public comment period. The scheduled adoption meeting was postponed to allow a Board workshop for further dialogue directly with the Board members. All changes to the proposed permit are an outgrowth of public comments and do not require an additional 30-day public comment period prior to State Water Board consideration of adoption

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53.2	Tuolumne Utilities District	Although TUD has staff and the organizational capability of complying with new regulations, there are over 130 small private water companies in Tuolumne County, many of which provide water to more than 16 service connections, to at least 25 Individuals, at least 60 days each year. The criteria of using service connections to determine coverage under the permit seems arbitrary. TUD suggests that feet of distribution system pipeline would be a better Indicator of the amount of flushing that a system requires and also the occurrences of "unplanned' discharges, i.e. main breaks.	The State Water Board does not concur. To be consistent with Division of Drinking Water and to promote internal efficiencies, the permit applicability is in accordance with number of connections consistent with the Division of Drinking Water permitting of those systems. Discharge volume can be highly variable and length of piping in a system does not necessarily reflect the drinking water systems discharges due to operations and maintenance.
53.3	Tuolumne Utilities District	Per Fact Sheet Section III.A: The proposed order..... "shall serve as an NPDES permit for point source discharge from multiple discharge points to surface waters, storm drains, and other storm water conveyances leading to surface waters." Being subject to an NPDES permit with multiple discharge points exposes responsible public agencies to increased liability and risk of 3rd party lawsuits. Over just the past few years, public agencies have paid out millions of dollars to settle lawsuits related to sanitary sewer overflows, many of which were only a few gallons. That money could have gone toward making Infrastructure Improvements, but instead, went into litigation and lawyer's fees and further funded more 3rd party litigation. The District hopes that safeguards are in place to ensure that public agencies don't get	Clean Water Act §301(a) prohibits the discharge of any pollutant except in compliance with specified sections, including §402, which governs NPDES permitting. The State Water Board believes that the Draft Permit provides appropriate regulatory coverage to protect water quality while ensuring that drinking water systems are able to carry out mandatory discharges consistent with the requirement to obtain NPDES permit coverage.

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		taken advantage of while trying to comply with this Draft Order.	
53.4	Tuolumne Utilities District	TUD interprets that per its conditions, the representative monitoring means that at a minimum It would monitor 17 discharge points that correspond with its 17 water systems, assuming each system has different water sources or treatment systems. TUD questions the validity of this form of representative monitoring and believes It creates more regulatory complexity and paperwork. Why not simply require all discharges Implement a set of BMPs and do a one-time evaluation of those BMPs.	The intent of representative monitoring is to best capture a representation of the quality of water being discharged and the effectiveness of the implemented BMPs. A one-time evaluation is not sufficient to determine the continuation of effective BMP implementation. Each water purveyors has the system-specific knowledge to select representative monitoring locations that reflect the uniqueness of its system. The discharger must take into account the water sources, implemented treatment, and management practices when selecting the representative monitoring locations within its system.

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53.5	Tuolumne Utilities District	Effective flushing requires achieving a specific flow velocity in the water main. Placement of downstream controls, such as filter bags or rolls, effectively limits the operator's ability to reach the flow velocity needed to effectively clean or scour the pipe. Additional research is needed to describe how to implement a BMP so that it doesn't adversely impact the overall purpose of distribution system flushing.	The State Water Board does not specify the means of compliance. In this case, the discharger should determine the appropriate BMPs. The 2014 Edition of the BMP Manual for Drinking Water System Releases (or subsequent updates thereto), published by the California-Nevada Section of the American Water Works Association or other professional associations or entities provide proven BMP so that it doesn't adversely impact the overall purpose of distribution system flushing.
53.6	Tuolumne Utilities District	Is there a volume exemption for discharges that are within 300 feet of a water of the U.S. but are so small they constitute minimal risk to surface waters? During the summer months about 50% of TUD's demand for treated water is used for watering lawns, washing vehicles, boats, trailers, and the washing of sidewalks and driveways. Some percentage of this water runs off and potentially makes its way to receiving waters. How will this be regulated?	The Draft Permit does not propose a discharge volume threshold for regulatory coverage. Discharges from watering lawns, washing vehicles, boats, trailers, and the washing of sidewalks and driveways are regulated as non-storm water discharges through municipal storm water (MS4) permits. In the absence of an MS4 permit, the State Water Board does not have a permit available for regulatory coverage. Regardless, the Clean Water Act, Section 301(a) requires point source non-storm water discharges to waters of the U.S. to be regulated with an NPDES permit.
53.7	Tuolumne Utilities District	How are fire departments going to be regulated under this Draft Order? Will Fire Departments as dischargers be responsible to Implement the same BMPs and conduct some of the representative monitoring? Some systems are not regulated by DPH or the local water agency, but use water from the public water system to fill storage tanks and utilize on-site fire hydrants for fire suppression. Many shopping centers and Industrial complexes have on-site fire protection systems, including hydrants that the local fire agency may test and exercise	The referenced discharges from local fire departments, construction contractors on fire systems and similar water system testing are not exempted from Clean Water Act requirement for discharges of pollutants into surface waters. However, as documented in the permit findings, the Draft Permit solely regulates discharges which are granted a regulatory exception through the proposed accompanying resolution. Per State policy, the particular regulatory exception being provided by the State Water Board applies only to water purveyors. Therefore, the State Water Board does not intend to include fire system related discharges to be regulated under this permit.

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		from time to time. How are these situations going to be addressed?	
53.8	Tuolumne Utilities District	Referencing the text in the permit Fact Sheet, Section VI.B.4, the nexus between elevated residual chlorine concentrations and proximity to receiving waters is weak. The reasonable potential analysis falls to take Into account flow path length, type of surface the discharge is running over, volume of the discharge, dilution with receiving waters, and ambient temperature.	Comment noted. The State Water Board determined that chemical de-chlorination is not required if the discharge is over 300 feet from a receiving water based the study cited in the permit fact sheet. This study determined that 200 feet was generally adequate to allow chlorine residuals to dissipate to acceptable levels without the need for further chemical de-chlorination. The State Water Board set the distance to the receiving water at 300 feet to provide an additional factor of safety due to the lack of extensive site specific studies. Requiring all dischargers to do site specific studies examining chlorine dissipation from overland flow was determined to be too costly and not practical.

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53.9	Tuolumne Utilities District	So the Draft Order which will impact thousands of water systems and millions of California residents, Is being based on results from 27 fire hydrants with water originating from 5 different agencies? The basis for reasonable potential seems to lack statistical significance. On one hand the Draft Order emphasizes representative sampling, on the other hand It bases Its numeric WQBEL on a total of 27 sample sites, two of which had suspected interferences, not even confirmed Interferences. This doesn't seem like a representative sample population In which to base development of the proposed regulation.	The permit fact sheet provides technical and legal rationale and basis of the permit requirements.
53.10	Tuolumne Utilities District	The permit doesn't describe what dechlorination BMPs were implemented so the reproducibility of these results is questionable unless each water agency is implementing the same BMPs for dechlorination.	The draft Fact Sheet specifies that the Guidance Manual for Disposal of Chlorinated Water by Tikkanen et. Al. specified the BMPs that were used during the study.
53.11	Tuolumne Utilities District	Although implementation of the Draft Permit may seem like a small cost in comparison to our District's overall operating budget, the effects of these types of regulations are cumulative.	The State Water Board has considered the cost of permit compliance to small systems and has made permit modifications accordingly.

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54.1	City of Napa	The Draft Permit should include backwash water that goes back into the source water to be covered under this permit.	Due to the many different types of discharges from a drinking water system, the list of regulated discharges has been purposely defined as non-exclusive, stating that the discharges include, but are not limited to, the listed items. The listing referring to Water Treatment Plant discharges encompasses filter backwash water, if it does not discharge to a Water of the U.S.
54.2	City of Napa	There is lack of consideration regarding the toxicological effects of chloramines versus free chlorine. The discharge limit of 0.08 associated with chlorine does not take into account the fact that free chlorine is volatile and quickly consumed when in contact with any natural water body that contains sediment or is a natural flowing body of water as part of nature. A limit that reflects the lack of stability of free chlorine, such as 0.20 should be considered. On page 16 of the July 3, 2014 Draft Permit insert item V.E.1 after "0.008 mg/L" insert "or 0.20 mg/L free chlorine".	The State Water Board does not concur. A higher chlorine limit will result in higher rates of chloramine formation from free chlorine reaction with any organic matter in the effluent or receiving water. A lower chlorine limit ensures lower rates of chloramine formation resulting in lower toxicity due to chloramines.