

**Item 7. Municipal Regional Stormwater NPDES Permit –
Municipalities and Flood Management Agencies in Alameda County,
Contra Costa County, San Mateo County, Santa Clara County, and the
Cities of Fairfield, Suisun City, and Vallejo in Solano County**

Appendix E

Response to Comments on the December 14, 2007 Tentative Order

**The Response to Comment Tables are arranged by the
Provisions of the Final TO, with the exception of General and
Legal Comments, which are placed at the end. C.1
comments are included in the Legal section.**

Response to Comments on December 14, 2007 Tentative Order

Provision C.2. – Municipal Operations

File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
C.2 – Municipal Operations - General						
SF Baykeeper	33	C.2	Add permit objective	The Permit should clearly state the objective of the provision (See San Diego's permit " <u>elach Co-permittee must implement a municipal program which meets the requirements of this section, prevents illicit discharges into the MS4, reduces municipal discharges of pollutants from the MS4 to the MEP, and prevents municipal discharges from the MS4s from causing or contributing to a violation of water quality standards. Los Angeles Regional Water Quality Control Board, Revised Tentative Order No. R9-2008-0001, p. 48 (December 12, 2007) (hereinafter "Draft Orange County Permit"). San Diego Region Regional Water Quality Control Board, Order No. R9-2007-0001, NPDES No. CA0108758, p. 32 (January 24, 2007) (hereinafter "San Diego Permit").</u>	We agree.	The objective has been added to the beginning of the Municipal operations section. Additionally, each sub-provision contains a task description section.
Sunnyvale Att A	5	C.2	General	Prioritize the TO provisions, and provide phasing opportunities for modification to the existing permit to allow for budgetary considerations within the municipalities.	In response to this comment and others, street sweeping and storm drain inlet inspections and cleanup are removed from Provision C.2.	The provisions related to street sweeping and storm drain inlet/catch basin inspection and cleanup are entirely deleted from the TO.
Clayton, Hoffmeister, L	1	C.2, C.6, C.10	General Cost	Operational costs for three components, including street sweeping, commercial inspection, and drain and inlet special trash, go up for one city over each of the five years. Even in a stepped up or ramped up or phased in approach as the staff has suggested, there's still some real cost considerations there ... administration cost and management cost issues that go up as well, but I just wanted to capture kind of the three big ones that we could quantify.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
EPA Region 9	3	C.2, C4, C5, &C6	Support Comment	Support detailed BMP requirement. Elsewhere in the proposed permit, we are pleased to see that the permit includes detailed BMP requirements in many areas such as municipal maintenance, illicit discharges and industrial/commercial site controls. These requirements clarify MEP and improve the enforceability of the permit. Our municipal audits of recent years have identified lack of detailed requirements as a frequent	No response is needed to this comment.	Comment noted.

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				shortcoming in previously-issued MS4 permits in our Region.		
C.2.a – Street and Road Sweeping and Cleaning						
SF Baykeeper	34	C.2.a	Street swept %	Street Sweeping. Provision C.2.A.i does not specify what percentage of permittees' streets must be swept.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Woodside	1	C.2.a	Reporting	...Given the residential nature of the community, much of the roadside trash and leaf removal is handled by individual property owners as part of their individual property maintenance. Given these private efforts, Town staff does not know the exact volume or weight of materials removed to be reported.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
SMCWPPAtt3- Table SouthSF Monte Sereno SCVURPPP Att A Sunnyvale Att A	6.1 7 1 3 1	C.2.a	Sweeping Frequency	<ul style="list-style-type: none"> • Not sure why the Water Board needs these maps and what it would do with them. Municipalities cannot afford to develop maps that have no purpose. SMCWPPP suggests that this proposed permit requirement be deleted. • The fact sheet does not describe the technical basis for sweeping high priority streets twice a month and what impact this frequency of sweeping will have on improving MS4 stormwater quality. For example, how does sweeping frequency impact water quality during the dry season? Twice a month sweeping may represent a significant increase for some municipalities. SMCWPPP recommends the deletion of this requirement and replacement with a requirement that allows municipalities to continue the currently allowed frequency of sweeping. • Most cities have already developed a 	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).

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				frequency of sweeping that meets local needs; it is unclear that there is a water quality benefit to making these changes. As described above, the permit should be modified to allow the current frequency of sweeping to continue. • Monte Sereno recommends the deletion of this requirement and replacement with a requirement that allows municipalities to continue the currently allowed frequency of sweeping per current performance standards and BMPs.		
Berkeley Contra Costa County Supervisors	2 21	C.2.a	Sweeping Private Streets & Parking Lots	Reference is made to public parking lots, which could be interpreted to mean publicly (or agency) owned parking lots, or privately owned parking lots for public use. The agencies cannot take on responsibility for sweeping privately owned facilities. Specify that the streets, roads, and parking lots included in sweeping operations are publicly owned facilities. ... Sweeping of private roads with public funds may not be legally permissible, as it would constitute a gift of public funds.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Councilmember of Concord – Hearing – Hoffmeister, L.	2	C.2.a	Prescriptive	On of the things that's brought up about trash and about street sweeping is that, you know, using the type of equipment inside a shopping center in a parking lot, a public lot, some of the issues are that you can't get sweepers to maneuver about inside these parking lots. There are bumper blocks. That's an area that maybe captures trash. There are other devices and other ways to do that. So again, being prescriptive is not realistic.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Santa Clara County	1	C.2.a	Sweeping Priority	The County staff is concerned with the map that identifies high, medium and low frequency sweeping areas. A map of the entire County's roads with the according sweeping frequency will probably be unreadable. We suggest that a list of the streets we provide medium and low sweeping frequencies be provided instead. To sweep every street, even at the lowest frequency, is very time consuming and costly. Reporting on our sweeping equipment and annual sweeper operator training information	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).

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				was not previously provided and it will take time and effort to begin reporting. To implement this it requires a traffic study and additional signage on the roads. This is both time consuming and costly to perform		
Pleasanton Dublin	15 14	C.2.a	Parking restriction	There exist no city ordinances to remove in the path of street sweepers. Politically, the cities do not wish to take on this challenge which will create havoc in their communities. With the availability of their street sweeping schedule, the cities have not needed to, nor believe it is cost-effective to, post signs on streets for sweeping days. Installing sweeping day signs on all streets bears a significant unbudgeted additional capital and ongoing maintenance cost. It will cost about \$100 per sign or \$500,000 over the five-year permits to install about 5000 signs.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Oakley Moraga	14 14	C.2.a	Overlapping Requirements	C.10.c.i (1) requires enhanced trash management controls also be immediately implemented with at least weekly sweeping. In light of Board staff indicating skepticism about sweeping effectiveness, which requirement prevails, C.2.a or C.10.c.i (1)?	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Oakley Oakley Moraga	15 155 15	C.2.a	Reporting	The reporting form indicates that the number would be street report curb mile, multiplied by the number of times swept. Is that the case or is it as we have been reporting? Similarly for volume, is it on an event basis, or total annual amount?	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Oakley Moraga	16 16	C.2.a	Sweeping Frequency	Streets without curb and gutter should be exempted entirely.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).

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					very few exceptions, it is not optimized for stormwater pollutant removal.	
ContraCostaCnty – LierlyR	22	C.2.a	Cost effectiveness	We sweep all the curbed streets, public streets within the county. It costs about \$200,000 a year. The MRP requires us to sweep all streets in the county. We have over 700 miles of rural roads that don't have curb and gutter. The benefit of sweeping those is minimal, and our cost would go from \$200,000 to like over \$2 million just for that one item alone.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
ContraCostaCnty – SwartzD	41	C.2.a	General	Implicit and perhaps unintentional requirements to develop legal authorities include those related to potentially requiring the sweeping of private roads and placement of storm drain markers on private storm drains. It may not be possible for jurisdictions to develop this sort of legal authority.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Oakley	156	C.2.a	Reporting	C.2.a requires reporting total roadway length swept at the curb "fee of parked cars." This unacceptable & unreasonable; there's no way an operator can keep a certifiable/provable number while trying to operate the sweeper.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Oakley	157	C.2.a	Reporting	We've been reporting the annual total volume of material collected during sweeping. We assume that is still the number sought.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Contra Costa Cnty Supervisors Clayton-Julie Pierce-Hearing	19 2	C.2.a	Sweeping frequency	There needs to be flexibility that allows alternative means of compliance. Increase in street sweeping will create financial burden. The County currently sweeps all	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO).	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from

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				publicly-maintained curbed streets once a month. The MRP will require a significant increase in sweeping area and frequency. The MRP requires that all public streets (curbed or not) and public parking lots (libraries, hospitals, offices, etc.) be swept. Due to the designs of many of these parking lots, our current trash collection services (including hand sweeping) performed by our General Services Department and Probation Department's Juvenile Work Program provide more effective pollution prevention, but would not meet the requirements of the MRP. Regenerated air sweeper is used to sweep all street monthly, whether that's good or bad is up to the scientists to determine. Clayton is mostly residential with a small commercial area. In addition to the monthly sweeping, the city crews pick up trash by hand. The proposed street sweeping requirements for weekly service citywide would quadruple our current costs to \$148,000 a year. That's more than the cost of one police officer for a city with only 10 police officers.	Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	the Revised Tentative Order (TO).
Contra Costa Clean Water Program LTR	13	C.2.a	Sweeping Frequency	The TO street sweeping requirements are overly prescriptive and, as written, would require the sweeping of covered parking lots and all roads, including rural roads. The proposed requirements would also require the purchase of specific street sweeping equipment regardless of its intended use. Most municipalities in Contra Costa County implement effective street sweeping programs exceeding the minimum requirements. Given minimum expectations and reporting requirements, Permittees must continue to be provided the flexibility to optimize their sweeping programs.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
San Pablo	7	C.2.a	Sweeping Frequency	In case of heavy rain, street sweeping activities must be called off resulting in the City not meeting the increased sweeping frequencies. Make-up days are not effective since posted signage can not account for this and there would be too many parked cars on the usual non-	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).

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				sweeping days. We request that safe harbor language be included in the permit to allow for these circumstances.	Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	
JamesRogerAttil	4.b	C.2.a & C.2.b	Prescriptive	If a municipality does what the Permit specifies and there is an ongoing exceedance of water quality standards or prohibitions, what can the RWOCB really do about it since they specified what was necessary for compliance?	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
JamesRogerAttil	4.c	C.2.a & C.2.b	Cost effectiveness	The studies show that sweeping is ineffective in controlling trash discharged to receiving waters. Street sweeping studies show that sweeping results in poorer quality runoff than with upswept conditions. Street sweeping studies unless conducted under extremely controlled conditions indicate that there is minimal difference in the effectiveness of broom sweepers, the regenerative air and vacuum filter sweepers in removing particles <63 um so how can the staff rationalize requiring municipalities to spend \$250,000-350,000 for a high efficiency street sweeper with \$50,000 annual maintenance costs to address pollutants in runoff?	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
JamesRogerAttil	4.d	C.2.a & C.2.b	Sweeping effectiveness	The effectiveness of street sweepers is affected by many factors, including sweeping frequency, type and condition of paved surfaces, rainfall depth and intensity, amount and distribution of street-dirt, parked cars, and methods of operation, ability to operate under wet street conditions and employment of different types of sweepers in tandem.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
JamesRogerAttil	4.e	C.2.a & C.2.b	Sweeping effectiveness	Trash, litter and sediments enter storm drain inlets from traffic created or natural wind and from the "snow plow effect" of street sweepers as well as storm water runoff making it difficult to quantify and characterize trash solely based on street surface loadings. The characteristics of street trash have significantly changed since the	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).

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				NURP studies with increased amounts of plastics and styrofoam.	very few exceptions, it is not optimized for stormwater pollutant removal.	
JamesRogerAttll	4.f	C.2.a & C.2.b	Sweeping Effectiveness	Removal and capture of silt and clay size (<63-µm) particles has not been demonstrated using current street sweeping practices. Studies have shown an increase in these particles attributed to the removal of larger armoring particles, fugitive dust, recirculation and subsequent loss of fine particles and crushing of larger particles by sweeper brooms.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
JamesRogerAttll	4.g	C.2.a & C.2.b	Sweeping Frequency	Street sweeping frequency to be effective in reducing pollutants in storm water runoff in the Bay Area must occur on a weekly basis during the wet weather season must be at a frequency that is less than the interval between storm events which as about 8 days in the Bay Area.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
JamesRogerAttll	4.h	C.2.a & C.2.b	Prescriptive	The RWQCB staff should be encouraging, but not requiring or specifying in detail a more comprehensive approach for controlling solids and associated pollutants and controlling trash including a combination of public education, street sweeping, catch basin or storm drain cleaning, full capture devices/end of pipe treatment and receiving water cleanup.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
JamesRogerAttll	4.i	C.2.a & C.2.b	Sweeper Efficiency	Based on the 2007 USGS study, mechanical broom sweepers achieve a 5% reduction and higher efficiency sweeping can only achieve a 15% reduction.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
San Jose Att A	2	C.2.a, C.2.b, C.2.f	Completion Date	...The City requests a minimum period of two years to fully comply with these requirements.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO).	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from

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					Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	the Revised Tentative Order (TO).
JamesRogerAtIII Berkeley	2.1 3	C.2.a.i	Definition	Provision C.2. i.e. – High, medium and low traffic zones should be defined by average daily traffic. Recommend that low traffic zones as those with ADT < 1,000 medium 1000-5000 and large as >5000. Define "high-traffic", "medium-traffic", and "light-traffic" zones and should be coordinated with other uses throughout the TO and common usage in the Traffic Engineering profession.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Fremont Menlo Park	13 4	C.2.a.i	Sweeping Frequency	Fremont and Menlo Park recommend that each City to be allowed the flexibility to develop its own street sweeping plan or continue the current street sweeping frequency that meets local needs.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Berkeley ACCWP-Att1- Redline	7.1 1	C.2.a.i	Redline/Strikeo ut	The definition of high frequency areas is too broad and could obligate Permittees to frequently sweep areas that include the described land uses but do not accumulate high volumes of trash. Modify the language as follows: <u>This designation shall include areas that consistently accumulated high volumes of trash, debris and other stormwater pollutants</u> Street, road segments and public parking lots designated as high frequency <u>and may include, include at least, but are not limited to</u> high traffic zones, commercial and industrial districts, shopping malls, large schools, high-density residential dwellings, sport and event venues and plazas. This designation shall include areas that consistently accumulated high volumes of trash, debris and other stormwater pollutants.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Berkeley	7.2	C.2.a.i	Redline/Strikeo	Permittees shall identify and map all designated	In response to these comments and	The entire sub-Provisions C.2.a

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ACCWP-Att2-Questions ACCWP-Att1-Redline Contra Costa Cnty Supervisors Contra Costa Clean Water Program	2 2 20 4		ut	streets, roads, and public parking lots for sweeping frequency by November 30, 2008 June 30, 2009. Change implementation date to August 1, 2009, for areas street sweeping in order to ramp up our existing sweeping/litter clean-up operations. Section C.2.a.ii. (1) - Should provision C.2.a.ii.(1) be adopted without the Program's proposed changes above, replace "by November 30, 2008" to " <u>within 12 months of permit adoption</u> ".	others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Contra Costa Clean Water Program Berkeley	3 5	C.2.a.i	Sweeping Covered Parking Lot	Unnecessary to Require Sweeping of Covered Parking Lots - The proposed sweeping rules, as written, would also unnecessarily require sweeping of covered public parking lots, and could be interpreted to require sweeping of parking facilities used by the public but which are privately owned and maintained. Permittees do not have the authority to sweep privately owned parking facilities. Parking areas not exposed to rainfall need to be exempted from sweeping.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Orinda	1	C.2.a.i	Non-curbed	Provision C.2.a.i does not appear to include an exclusion for non-curbed streets. The MRP RO would effectively result in decreased sweeping of the downtown commercial area in order to re-allocate resources to meet the sweeping requirements for non-curbed streets.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Danville-Newell Arnerich-Hearing	1	C.2.a.i	Sweeping Frequency	Sweeping required in areas not high in trash. We sweep our streets monthly with weekly sweeping in our downtown commercial area where we find most of our trash. In the fall, we increase sweeping frequency in some areas to deal with leaf drop of the deciduous trees. The new MRP would require increased sweeping of high-traffic zones and arterial streets; however, in Danville these aren't our high trash areas.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Daly City	5	C.2.a.i	Definition	What standard is being used to define High Frequency, Medium Frequency and Low Frequency road standards? Define/clarify those	In response to these comments and others, these provisions are removed from the Revised Tentative Order	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related

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				standards.	(TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	requirements, are deleted from the Revised Tentative Order (TO).
Contra Costa Clean Water Program	1	C.2.a.i & C.2.a.ii	Sweeping Frequency	Section C.2.a.i. and C.2.a.ii. – Combine and change these two provisions as follows: <u>“Permittees shall sweep all curbed streets and non-covered public parking lots owned, operated or maintained by the permittees on at least a monthly average unless an alternative schedule is proposed and approved by the Regional Board.”</u> An acceptable alternative to the minimum frequency proposed above would be the frequencies outlined in provision C.2.a.ii.(2) provided that Permittees would be allowed to determine high, medium and low priority areas, which may not always be consistent with specified traffic levels or land uses. ... The existing sweeping rules effectively establish a minimum level of sweeping while providing municipalities with the flexibility to prioritize areas and frequencies for sweeping to maximize pollutant removal. The proposed requirements are unnecessarily prescriptive and may result in increased sweeping in areas thought by Water Board staff to accumulate high levels of trash, but which in reality may not.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
JamesRogerAttIII	2.2	C.2.a.i(1)	Editorial	Provision C.2. a.i.(1)– Changes: a. “Other pollutants” to “sediments >75-µm”. b. Delete “large” schools because virtually all schools are land uses associated with large amounts of trash.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Santa Clara County	2	C.2.a.ii	Leaf Removal	Will leaves be identified as pollutants? Implementing BMPs for reducing leaves from getting into the storm drain system is unreasonable.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO).	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from

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					Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	the Revised Tentative Order (TO).
Berkeley	4	C.2.a.ii(2)	Definition	Provision C.2.a.ii(2) includes the term "technically infeasible", without defining how this is to be determined. Define "technically infeasible".	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
ACCWP-Att2-Questions	3	C.2.a.ii(2)	Sweeping Frequency	Rural Roads should be excluded from the street sweeping requirement	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Contra Costa Clean Water Program	2	C.2.a.ii(2)	Technically infeasible	...Requiring enhanced trash/litter controls where street sweeping is technically infeasible will result in an unnecessary expenditure of public funds with little water quality benefit. For example, unincorporated Contra Costa County, with many miles of rural roads, estimates a 250% increase in its annual sweeping budget to comply with the proposed new rules.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Walnut Creek-Gwen Regalia-Hearing Clayton-Julie Pierce-Hearing	2 & 5 3	C.2.a.ii(2)	Sweeping Frequency	We have more frequent street sweeping in downtown and on the major arterial roads, to require more street sweeping in some areas is a waste of funds. More street sweeper on street will lead to air quality degradation with minimal environmental benefit.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
ACCWP-Att2-	4	C.2.a.iii	Reporting	How is this recording/reporting information going	In response to these comments and	The entire sub-Provisions C.2.a

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Questions				to be used by the Water Board?	<p>others, these provisions are removed from the Revised Tentative Order (TO).</p> <p>Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.</p>	and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Daly City	6	C.2.a.iii(3)	Editorial	Report on the public outreach ... storm drains and creeks; and ??	<p>In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO).</p> <p>Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.</p>	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
C.2.b – Sweeping Equipment Selection and Operation						
Mayor of Menlo Park – Hearing – Fergusson, K.	3	C.2.b		Some quick points on operations, the street sweeping you've heard about is a serious concern. The street resurfacing exemption, we're facing a financial and legal nightmare if that's not extended.	<p>In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO).</p> <p>Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.</p>	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
SCVURPPP Att A	91	C.2.b	Reporting Attachment L	<ul style="list-style-type: none"> • Page L-14 - Types of sweeper used- The MRP requires reporting on the sweeper type rather than sweeper name. The summary table provides the sweeper name. The type of sweeper (e.g., regenerative air, broom, etc.) will give more information regarding targeted pollutant removal effectiveness. • Page L-15 - Total Roadway length swept at the curb, free of parked cars- The MRP does not require the collection of this data point. In addition, it is highly impractical to collect this data point since a sweeper operator cannot stop sweeping to calculate the length of road which is free of parked cars. Recommend deleting this data point from the summary table. 	<p>In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO).</p> <p>Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.</p>	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).

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				<ul style="list-style-type: none"> • Page L-15-Area of public parking lots swept- The MRP does not require the collection of this data point. In addition, it is not possible to collect this data point in square miles. It is possible to collect the total length (in miles) of parking lots swept. • Page L-16 - Sweeper maintenance record- What is the significance of collecting this item? The MRP does not require the collection of this data point. • Page L-20- Frequency of inspections (high accumulation areas) - Unclear why this frequency needs to be reported since the MRP requires an increase to twice a year. The identification of high accumulation areas is used to prioritize areas where BMPs or other trash and litter abatement actions should be instituted. • Page L-21- Pump station trash racks and oil absorbent booms inspection and maintenance frequency- Unclear why this frequency needs to be reported since the MRP requires inspection during or within 24 hours of significant storm events. • Page L-22 - Length of rural public roads in jurisdiction- Unclear why the total length (numeric value) of rural roads is relevant in the protection of water quality. General location within a jurisdiction maybe more appropriate. The MRP does not mention/require reporting the length of rural roads. Suggest deleting this data point from the summary table 		
Daly City	9	C.2.b	Training	<p>"Street sweeper operators shall be trained to enhance operations for water quality benefit." What are the specific learning points and objectives? What specific skill or knowledge is lacking?</p>	<p>In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO).</p> <p>Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.</p>	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Moraga	2	C.2.b, C.8	Implementation schedule	Compliance dates aren't coordinated. Items to be evaluated for implementation in one provision	The street sweeping requirements have been removed from TO. The	Compliance dates have been revised to phase and

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				are already mandated in another provision with an earlier implementation date, e.g.: • High efficiency sweepers • Parking restrictions • Diversion of dry weather & first flush flows	compliance dates have been revised for remaining provisions.	coordinate implementation
Oakley	71 & 88	C.2.b,C.10.b & C.12.d	Overlapping Requirements	C.10.b overlaps with C.2.b and C.12.d. C.2.b makes curb clearing of vehicles an out reach item, but C.10 and C.12 make parking restrictions mandatory. Mandatory parking enforcement as a blanket requirement is unacceptable and should be left to the discretion of the local agency. We request that those provisions require outreach only due to multi-use housing and limited street parking sites. Also, the implementation and reporting dates need to be coordinated.	The TO does not require mandatory parking restrictions. Mandatory parking restrictions may be used as a trash reduction strategy for meeting the goals of provision C.10.	No changes made.
JamesRogerAtill	5	C.2.b.i	Sweeper efficiency	The Tentative Order indicates that regenerative air sweepers are effective in removing particulates less than 150-µm (medium sand). The USGS 2007 study conducted in Madison, Wisconsin reports that: Both regenerative-air and vacuum-assist sweepers slightly reduce particles greater than 250-µm and 500-µm respectively and broom sweeper reduce particles greater than 1,000-µm. All sweepers produced slight increases in the percentage of particles less than 125-µm. This study concluded that "there is little probability that street sweeping, regardless of street-sweeper type, had any measurable effect on the quality of runoff." These results and conclusion raise significant questions regarding the Tentative Order's requirements that municipalities spend \$250,000-350,000 for high efficiency street sweepers with \$50,000 annual maintenance costs to address pollutants in runoff.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Brisbane SMCWPPAtt3- Table SouthSF SCVURPPP Att A	7.1 6.1 7 4	C.2.b.i	Sweeper Efficiency/ cost	Municipalities need to consider all of their operational needs and local conditions when deciding on the purchase of street sweepers. Regenerative air sweepers are not good for all situations, especially for removing leaf-drop, and	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO).	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order

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Sunnyvale Att A Oakley Moraga ACCWP-Att2- Questions Alameda City Contra Costa Clean Water Program Millbrae Moraga Mayor Alameda City Millbrae-Robert Grottschalk- Hearing Albany	2 17 17 5 4 5 4 7 5 4 & 5 2			<p>it is not cost effective to use both broom and regenerative air sweepers. Besides, no studies demonstrate using regenerative air sweepers improve stormwater quality. In addition, mandating contract sweeper companies replace sweepers with a certain kind is outside the City's jurisdiction. If you are replacing your single sweeper, how does 75% work? The Water Board should encourage municipalities to consider the water quality benefits when purchasing new sweepers. (See study not included in the Findings: USGS Scientific Investigations Report 2007-5156, Evaluation of Street Sweeping as a Stormwater Quality Management Tool in Three Residential Basins in Madison, Wisconsin. http://pubs.usgs.gov/sir/2007/5156/#z).</p> <p>Revise the TO to encourages municipalities to consider purchasing regenerative air sweepers when purchasing new sweepers.</p> <p>The requirement for specific types of sweeping equipment should be removed as a permit condition until it is adequately demonstrated that water quality benefits are observed through the use of expensive, regenerative air sweepers. Municipalities could require contractors to use a certain type of sweeper when a contractor sweeps their roads, but they cannot control the contractor's overall purchase of equipment.</p> <p>Eliminate section C.2.b.i because it is Unnecessarily prescriptive and expensive requirement that 75% of replaced sweepers have the particulate removal performance of regenerative air sweeper or better.</p> <p>The specification of means of compliance violated Section 13360(a) of the Water Code. Unnecessarily prescriptive and presumes all local agencies either own and operate or exercise extensive control over contracted sweeping operations.</p> <p>Based on past experience, regenerative air sweepers are more maintenance intensive than</p>	Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	(TO).

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				conventional broom sweepers, increasing costs and vehicle downtime. A regenerative air sweeper costs approximately \$33,000 more than a comparable broom sweeper. The City already anticipates having to replace approximately two street sweepers over the term of the pending MRP. Thus, the estimated fiscal impact to the City over the term of the MRP for regenerative air sweeper purchase would be approximately \$66,000 above the cost of direct replacement of the conventional broom sweepers. This does not include increased vehicle maintenance or downtime costs.		
Berkeley ACCWP-Att1- Redline	7.3 3	C.2.b.i	Redline/ Strikeout	<p>The requirement for 75% of replaced street sweepers to have particulate removal of regenerative air sweepers or better does not give cities flexibility to use equipment that is most appropriate for specific applications. In some circumstances bush sweeper may be more effective than regenerative air sweepers even though the rate of particulate removal may be less. Modify the language as follows:</p> <p>At least 75% of the sweepers replaced during the Permit term shall have the particulate removal performance of regenerative air sweepers or better <u>unless the cities can demonstrate how an alternative sweeper is more effective for a specific application even though the rate of particulate removal may be less than that of a regenerative air sweeper.</u></p>	<p>In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO).</p> <p>Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.</p>	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Daly City	7	C.2.b.i	Sweeper Efficiency	<p>The sweepers replaced during the Permit term shall have the particulate removal performance of regenerative air sweepers or better. High-performing sweepers are capable of removing fine particulates (i.e., particulates less than 150 microns)...Street sweeper operators shall be trained to enhance operations for water quality benefit.</p> <p>What is the particulate removal performance of regenerative air sweepers? We are not aware of</p>	<p>In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO).</p> <p>Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.</p>	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).

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				any street sweeper manufacturers that list fine particulates less than 150 microns in their equipment performance specifications. How will street sweepers be certified as high performing sweepers?		
Daly City	8	C.2.b.i	Fact Sheet Citation	<p>o Fact Sheet - Provision C.2.b cites Article 121, Technical Note #103 from Watershed Protection Techniques. 3 (1): 601-604, New Developments in Street Sweeper Technology. In the article's summary, the author writes: "Additional wetfall research is needed to establish more representative pollutant removal efficiencies for street sweepers." Has this "additional wetfall research" been completed? If so, provide the correct citation for this additional research.</p> <p>o Fact Sheet - Provision C.2.b cites Article 121, Technical Note #103 from Watershed Protection Techniques. 3 (1): 601-604, New Developments in Street Sweeper Technology. This article was only available via purchase from the Center for Watershed Protection. Request attachment of cited articles.</p> <p>o Fact Sheet - Provision C.2.b cites the "Characterization of Portland's Storm Water Quality Using Simplified Particulate Transport Model (SIMPTM), the American Water Resources Association's National Symposium on Water Quality, Chicago, IL, November 6-10, 1994, Sutherland, Roger C. and Jelen, Seth L. 1994. The citation contained a link, http://www.worldsweeper.com/street/bestpractices. This article could not be located on the linked website.</p>	<p>In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO).</p> <p>Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.</p>	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Daly City	11	C.2.b.ii	Clarification Required	<p>o "Provide annual training for street sweeper operators." What are the specific learning points and objectives of this annual training? What specific skill or knowledge is lacking?</p>	<p>In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO).</p> <p>Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.</p>	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).

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Moraga Mayor	8	C.2.b.ii	Increase Cost	While the MRP's requirements on operator training and equipment operation will certainly affect the way contract operators perform, such an impact will be over the long term and will most certainly result in significantly increased costs to the local agency.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Palo Alto	5	C.2.b.ii	sweeping operation	•The permit requirement to <u>verify</u> the speed at which street sweepers are operated is unenforceable and of negligible benefit and should be deleted.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Daly City	10	C.2.b.ii	Clarification Required	Implementation Level – Permittees shall follow equipment design performance specifications to ensure that street sweeping equipment operates effectively and at the proper equipment design speed with appropriate verification; and is properly maintained. Provide annual training for sweeper operators. Vague. What is "appropriate verification" for ensuring that street sweeping equipment operates effectively and at the proper equipment design speed?	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
Contra Costa Clean Water Program	6	C.2.b.ii & C.2.b.iii	Prescriptive	The proposed language in provisions C.2.b.ii and C.2.b.iii is unnecessarily prescriptive, and will impose an unwarranted and costly additional administrative burden on municipal staff and its contractors. Replace and combine these two provisions as follows: 1. In the first full reporting year after Permit adoption, identify high, medium and low priority areas and an implementation schedule with respect to each. Annually identify any changes to each. 2. Maintain records of types of sweepers used and proper operation for each.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).

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				<p>3. Maintain records of swept curb miles and parking lots, volume or weight of materials removed, and verification of proper operation of equipment.</p> <p>4. Maintain municipal staff training records.</p> <p>5. Maintain a summary of seasonal leaf removal program efforts.</p> <p>6. Maintain records concerning permittees public outreach efforts to improve sweeping efficiency.</p> <p>7. Report information for items 3-6 (listed above) in summary form within Annual Report</p>		
Daly City Oakley Moraga	18 12 12	C.2.b.iii	Reporting/ Training	<p>...As mentioned in comments above for C.2.b.ii, what specific information would be acceptable in confirming rate or speed at which street miles are covered by sweeper operations? Without specific learning points and objectives to convey to street sweeper operators during training, it would be difficult to describe the method and effectiveness of sweeper operator training for enhanced water quality performance. Is it to be considered verification if training, maintenance and operating speed are confirmed from submitted written records? Will a written letter of certification from contract sweepers be acceptable?</p>	<p>In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO).</p> <p>Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.</p>	<p>The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).</p>
Alameda City	19	C.2.b.iii	Reporting	<p>...[T]he reporting requirement to document "Total roadway length swept at the curb, <u>free of parked cars</u>" (emphasis added) is impractical to implement. ...The City recommends that the RWQCB strike the expectation for local agencies to calculate the cumulative length of parked cars obstructing actual curb access.</p>	<p>In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO).</p> <p>Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.</p>	<p>The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).</p>
Berkeley	6	C.2.b.iii	Reporting	<p>Confirming and reporting on street sweeper rates and speeds is overly onerous. It is an example of a reporting requirement that would not improve water quality and diverts limited staff resources from far more productive activities. In Section C.2.b.iii, eliminate "Report on efficient street sweeping methods, including the manner of specifying and confirming rate or speed at</p>	<p>In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO).</p> <p>Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized</p>	<p>The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).</p>

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				which street miles are covered by sweeper operators."	for stormwater pollutant removal.	
Berkeley ACCWP-Att1- Redline	7.4 4	C.2.b.iii	Redline/Strikeout	Confirming and reporting on street sweeper rates/speeds is overly onerous. It is an example of a reporting requirement that would not improve water quality and diverts limited staff resources from far more productive activities. Delete: Report on efficient street sweeping methods, including the manner of specifying and confirming rate or speed at which street miles are covered by sweeper operators.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
ACCWP-Att2- Questions	6	C.2.b.iii	Reporting	How is this recording/reporting information going to be used by the Water Board?	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).
C.2.c – Street and Road Repair and Maintenance						
Central San	1	C.2.c		Street Road Repair and Maintenance Issue: The method of disposal of the residuals generated from this process activity is not identified. Disposal to the sanitary sewer system of concrete slurry or pavement cutting can contribute solids and pollutants that are not acceptable unless pretreated. CCCSD does allow these wastes to be discharged to the sanitary sewer provided that appropriate standards are met (e.g. pretreatment, obtain Special Discharge Permit (SDP) for larger projects). Recommendation: Add text to defer to the standards and approval authority of the sanitary sewer agencies' when instructing permittees to direct these wastewater-generating sources to the sanitary sewer.	The TO is revised to clarify that Permittees need to coordinate with local sanitary sewer authorities prior to disposal of wastes from such activities to sanitary sewer system.	The added language reads: <i>"Permittees shall coordinate with sanitary sewer agencies to determine if disposal to the sanitary sewer system is available for the wastewater generated from these activities provided that appropriate approvals and pretreatment standards are met. Permittees shall determine the proper disposal method for wastes generated from these activities. Permittees shall train their employees and/or specify in contracts about these proper capture and disposal methods for the wastes generated."</i>
SF Baykeeper	35	C.2.c	Vague	Street and Road Repair. Provision C.2.c needs to specify minimum BMPs and/or establish specific performance criteria. As written, it	BMPs for these maintenance activities are more subjective depending on the nature and location of the facilities.	Permittees are required to implement measures consistent with the BMPs

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				requires "appropriate" BMPs and "proper management" "to avoid discharges to storm drains."	Thus, it may not be appropriate to provide specific BMP menu that may limit the flexibility of using appropriate measures that fit the site condition. The permittees are required to implement BMPs as described in the California Stormwater Quality Association's Handbook for Municipal Operation.	described in the California Stormwater Quality Association's Handbook for Municipal Operation.
San Jose Att A	3	C.2.c, C.2.d, C.2.e	Editorial	The City requests the language for Provisions C.2.c.ii(1), C.2.d.i, and C.2.e.i.1 be consistent with the BASMAA Mobile Surface Cleaner Program that is referenced in the TO, and that the goal of implementing BMPs during maintenance as the "prevention of pollutant discharges" versus the prohibition of all wash waters to storm drains, which is sometimes impractical.	The TO is revised to clarify that the prohibition applies only to discharges of polluted wash water and non-stormwater discharges to storm drain inlets. The BASMAA Mobile Surface Cleaner Program is specifically referenced, and should be implemented to the extent that it results in the discharge of unpolluted water to the storm drain system. This approach will not cover all instances of such work, and further review by Permittees or the Water Board staff may be required for certain proposed operations.	C.2.d language revised to clarify discharge prohibition and usage of BASMAA Mobile Surface Cleaner Program.
SF Baykeeper, NRDC, & Clean Water Action	3	C.2.c.i	Vague	Places where the permit requires "appropriate" BMPs should be revised to include a BMP menu list of the minimum BMPs that must be implemented: C.2.c.i. Street and Road Repair and Maintenance: Asphalt/Concrete Removal, Cutting, Installation and Repair. "Permittees shall develop and implement appropriate BMPs at street and road repair and/or maintenance sites."	BMPs for these maintenance activities are more subjective depending on the nature and location of the facilities. Thus, it may not be appropriate to provide specific BMP menu that may limit the flexibility of using appropriate measures that fit the site condition. The permittees are required to implement BMPs as described in the California Stormwater Quality Association's Handbook for Municipal Operation.	Permittees are required to implement measures consistent with the BMPs described in the California Stormwater Quality Association's Handbook for Municipal Operation.
JamesRogerAttIII	2.3	C.2.c.ii(1)	Editorial	Provision C.2.c.ii.(1) – Change "avoid" to "prohibit".	The language and organization of C.2.C.ii has changed and this comment no longer directly applies. The word "avoid" was removed from the provision.	C.2.c.ii language revised.
Santa Clara County	3	C.2.c.ii(2)	Dry Method	What is intended with proper management of	This section has been modified.	C.2.c. revised to provide more

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)		concrete wastewaters? Are there going to be any new BMPS coming to address this issue? The County is also concerned with clean up spills using dry methods because of the high cost that is associated with this technique.	Permittees are required to implement BMPs in accordance with the California Stormwater Quality Association's Handbook for Municipal Operation. Permittees shall prevent the discharge of materials to the MS4 to the MEP	flexibility regarding specific methods while preventing discharges to the MS4.
Contra Costa Clean Water Program	7	C.2.c.ii(2))	Redline/ Strikeout	Add Reference to CASQA BMP Handbooks Add to the end of the last sentence of Provision C.2.c.ii (2) to read as <u>"and/or the California Stormwater Quality Association's California BMP Handbook for Municipal Activities."</u> Rationale for change: The California BMP Handbooks are a well recognized and readily available resource, and reflect the current state of water quality best management practices.	TO has been revised to incorporate the proposed comment.	See C.2.a.i for the revised TO language.
C.2.d – Sidewalk/Plaza Maintenance and Pavement Washing						
Brisbane SMCWPPPAtt3- Table Mountain View Palo Alto San Jose Santa Clara County SCVURPPP Att A Oakley Moraga	7.2 6.3 1 6 6 4 5 20 20	C.2.d	Sidewalk/plaza	Modify the TO to allow the discharge of washwaters to storm drains as described in BASMAA's BMPs for Mobile Surface Cleaner Program. Mountain View recommends a revision to this requirement stating that BASMAA's Mobile Surface Cleaner Program BMPs must be implemented during sidewalk and pavement washing operations. Furthermore, the City recommends revisions to clarify that the BMP for some types of cleaning operations may require collection of the wash water and disposal to the sewer, while wash water from other washing operations may discharge to the storm drain if BMPs are installed. Requiring San José to conduct this work only during the dry season will result in increased risk of system blockages and significant additional cost for storm preparation and response in the wet season. The total additional cost to meet this requirement as proposed is \$650,000 per year.	The TO is revised to clarify that the prohibition applies only to discharges of polluted wash water and non-stormwater discharges to storm drain inlets. The BASMAA Mobile Surface Cleaner Program is specifically referenced, and should be implemented to the extent that it results in the discharge of unpolluted water to the storm drain system. This approach will not cover all instances of such work, and further review by Permittees or the Water Board staff may be required for certain proposed operations.	C.2.d language revised to clarify discharge prohibition and usage of BASMAA Mobile Surface Cleaner Program.
Central San	2	C.2.d	Sidewalk/plaza	Sidewalk/Plaza Maintenance and Pavement Washing Issue: CCCSD accepts the discharges from this process activity provided that the standards are met (e.g. pretreatment, obtain SDP). Using the sanitary sewer system for	The TO is revised to clarify that Permittees need to coordinate with local sanitary sewer authorities prior to disposal of wastes from such activities to sanitary sewer system.	The added language reads: <i>"Permittees shall coordinate with sanitary sewer agencies to determine if disposal to the sanitary sewer system is</i>

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				disposal is a more significant issue for other surfaces that could be cleaned by mobile washers (e.g. parking structures). The BASMAA Mobile Surface Cleaner Program BMPs allow sidewalk/plaza wash water to be discharged to the storm drain system if dry clean-up methods are used first and the water is screened (no mesh size specified) prior to discharge. This contradiction can cause confusion about proper management of wash water generated from cleaning these surfaces. Recommendation: Establish appropriate scope of activities that apply to this standard (e.g. include parking structures) and ensure that inconsistent standards are not set by referencing existing programs that do not meet the objective of the MRP.		<i>available for the wastewater generated from these activities provided that appropriate approvals and pretreatment standards are met. Permittees shall determine the proper disposal method for wastes generated from these activities. Permittees shall train their employees and/or specify in contracts about these proper capture and disposal methods for the wastes generated."</i>
Oakley Moraga	19 19	C.2.d	Compliance	Most mobile washing is done during late night hours, and the municipality is typically not informed of the washing schedule for private property. Does the Board require that night time policing activity include looking for and monitoring compliance of mobile washers? Is staff required to have late shift hours to have staff patrol to observe mobile washers, or does the Board have some specific activities to engage in to verify compliance?	Mobile washing business need license to operate within municipal jurisdiction. Permittees may specify stormwater compliance as one of the licensing conditional approval in order to insure that appropriate BMPs are implemented. Permittees shall determine if late night inspections are necessary to insure BMPs are properly implemented. We recognize that these businesses are difficult to regulate.	C.2.d language revised to clarify discharge prohibition and usage of BASMAA Mobile Surface Cleaner Program. Mobile business supervision has been moved to C.5 Illicit Discharge provision.
Oakley	158	C.2.d	Surface Cleaning Methods	Attachment L, C.2.d refers to BASMAA's "Pollution from Surface Cleaning, 7/1/96." This is outdated & doesn't require runoff diversion, only pre-dry sweeping or filtering of runoff.	Attachment L has been removed for the TO. Municipalities shall comply with the most updated BMPs in BASMAA or CASQA's handbooks for municipal operation.	Attachment L removed from the TO.
Contra Costa Clean Water Program Daly City Burlingame	8 13 1	C.2.d.i	Washwater Discharge	Allow Wash Water Discharge in Specific Circumstances. Section C.2.d.i - Replace "which prohibit the discharge of wash water to storm drains. Permittees shall implement the BMPs included in...." with <u>"consistent with"</u> . Rationale for change: This provision, as written, would prohibit all wash water from mobile cleaning, pressure wash operations, and	The TO The TO is revised to indicate that discharge of polluted wash water or non-stormwater to storm drain is prohibited. The BASMAA Mobile Surface Cleaner Program is specifically referenced, and should be implemented to the extent that it results in the discharge of unpolluted water to the storm drain system. This	The revised TO language is underlined. "Permittees shall implement, and require to be implemented, BMPs for pavement, washing, mobile cleaning, pressure wash operations <u>in such locations as, parking lots and garages, trash areas, gas stations fueling</u>

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				sidewalk and plaza cleaning from entering the stormwater system; however, BASMAA's Mobile Surface Cleaning Program allows wash water discharges to the storm drain in certain limited situations...	approach will not cover all instances of such work, and further review by Permittees or the Water Board staff may be required for certain proposed operations. language has to be self-standing and enforceable. Therefore, the TO is revised to indicate that discharge of polluted wash water or non-stormwater to storm drain is prohibited.	areas, and sidewalk and plaza cleaning, which prohibit the discharge of <u>polluted</u> wash water <u>and non-stormwater</u> to storm drains..."
C.2.e – Bridge and Structure Maintenance and Graffiti Removal						
Daly City	14.a	C.2.e	Discharge to storm drain	Bridge & Structure Maintenance & Graffiti Removal See Comment C.2.d.i. (i.e. The permit language should recognize the long standing practice of allowing some minor types of non-stormwater discharges when BMPs are used).	It is very difficult to classify between minor and major discharges. Multiple small discharges could also have significant impacts to water quality depending on the nature of pollutants and the sensitivity of the receiving water bodies. Thus, no discharge of polluted non-stormwater is allowed without properly removing pollutants of concern. If there are significant practicality issues for very minor discharges, these can be addressed case-by-case.	No change made.
Central San Santa Clara County	3 5	C.2.e	Graffiti removal	Bridge and Structure Maintenance and Graffiti Removal Issue: The method of disposal of the residuals generated from this process activity is not identified. Disposal of cleaning solutions should be prohibited from discharge to sanitary sewer. In addition, solids and potential metals from paint pigments should not be discharged to sanitary sewer. Recommendation: Identify that the residuals generated from this process activity need to be properly disposed. County staff is unaware of any BMPs for graffiti removal. How should pollutants be prevented from reentering storm or watercourses?	TO language is revised to clarify that discharges to the sanitary sewer require permission from the sanitary agency. See proposed language in the next column. Graffiti removal generated polluted wash waters may be disposed to landscaping where appropriate, or captured in absorbent or a wet vacuum for proper disposal.	<i>"Permittees shall determine the proper disposal method for wastes generated from these activities. Permittees shall train their employees and/or specify in contracts about these proper capture and disposal methods for the wastes generated. Permittees shall coordinate with sanitary sewer agencies to determine if disposal to the sanitary sewer is available for any wastewaters generated, and the necessary approvals and conditions."</i>
SF Baykeeper	36	C.2.e	Specify Appropriate BMPS	Bridge and Structure Maintenance and Graffiti Removal. Provision C.2.e should specify the minimum BMPs to be implemented.	Permittees will be able to implement pollutant control measures based on the needs and nature of their specific	No change is proposed.

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					maintenance activities after appropriate training, and using such guidance as the BASMAA Mobile Cleaner training materials, the CASQA BMP Handbooks, and other similar resources. Some of these work circumstances will require customized BMP solutions to prevent discharge of polluted non-stormwater.	
Oakley Moraga	21 21	C.2.e	Reporting	C.2.e requires reporting graffiti removal compliance. Is more required than the report in the Summary Table on page L-18?	Permittees are required to report compliance with the provision requirements.	Attachment L has been removed from the Revised TO.
JamesRogerAtIII	2.4	C.2.e.i(1)	Editorial	Provision C.2.e.i.(1) – Change to “implement BMPs to reduce to the maximum extent practicable discharge of wash water, sand blast material and paint drift to surface waters.”	Permittees are required to implement BMPs to all provisions to the maximum extent practicable. The TO requires Permittees to implement BMPs for graffiti removal and prevent on-stormwater and wash water discharges to water ways or storm drains.	No changes made.
ConcordMayor Contra Costa Engineering Advisory Committee (CCCEAC)	8 6	C.2.e.i(1)	Bridges Retrofit	C.2.e.i(1) requires Permittees to prevent pollutant discharge from bridges. If this requires that all bridges be retrofitted, this is infeasible based on current budget restrictions.	The TO does not include bridge retrofit language.	No changes made.
SF Baykeeper, NRDC, & Clean Water Action Comment	4	C.2.e.i.	Vague	Places where the permit requires “appropriate” BMPs should be revised to include a BMP menu list of the minimum BMPs that must be implemented: C.2.e.i.(1). Bridge and Structure Maintenance and Graffiti Removal. “Permittees shall implement appropriate BMPs to prevent pollutant discharge from bridges and structural maintenance activities directly over water or into storm drains.”	Permittees will be able to implement pollutant control measures based on the needs and nature of their specific maintenance activities after appropriate training, and using such guidance as the BASMAA Mobile Cleaner training materials, the CASQA BMP Handbooks, and other similar resources. Some of these work circumstances will require customized BMP solutions to prevent discharge of polluted non-stormwater.	No changes made.
JamesRogerAtIII	2.5	C.2.e.ii(1))	Editorial	Provision C.2.e.ii.(1) – Change “prevent” to “reduce to the maximum extent practicable”.	Such maintenance activities are controllable, and Permittees need to implement pollution prevention measures to prevent debris and non-	No changes made.

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					stormwater discharges to storm drains and water ways.	
JamesRogerAttIII	2.6	C.2.e.ii(1)	Editorial	Provision C.2.e.ii.(1) – Change "protect" to "cover, berm or provide an equivalent BMP".	Proposed language will not change the meaning or restriction of the requirement.	No changes made.
C.2.f – Catch Basin or Storm Drain Inlet Inspection and Cleaning						
SMCWPPPAtt3-Table	6.5	C.2.f	Add Language to TO	<ul style="list-style-type: none"> The draft permit should have language added that the identification of inlets with high accumulations of trash/litter is for the purpose of identifying high trash and litter impact catchments per Provision c.10.a.i. 	In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.	The entire Provision C.2.f. has been deleted from the TO.
Moraga-KennedyF	49	C.2.f	Prescriptive	These streets get swept on a regular basis, but the inlets that you're going to see have not been cleaned ... The inlets that you're going to see have not been cleaned since September, so our question -- Well, it looks like somebody deliberately emptied their ashtray into one of our inlets, but our question becomes the rational of imposing prescriptive measures and trying to make that work in an economic fashion when you have that sort of situation.	In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.	The entire Provision C.2.f. has been deleted from the TO.
Oakley	159	C.2.f	Reporting	C.2.f suggests in the "Comments", as an update, "the number of drain inlets that have been retrofit." The Permit requirement for C.2.f is to prioritize inlets not retro-fit. Retrofitting is a requirement of C.10.b.	In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11	The entire Provision C.2.f. has been deleted from the TO.

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					or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.	
Contra Costa Flood Control	8	C.2.f	Maintenance Operations	The FC District constructs, owns, operates and maintains large regional drainage conveyance facilities. Maintenance services are performed for the FC District by the Contra Costa County Public Works Department (CCCPWD). CCCPWD provides appropriate staff training and performs the maintenance operations in accordance with the requirements of the RWQCB.	In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.	The entire Provision C.2.f. has been deleted from the TO.
Pittsburg	1	C.2.f	Storm drain inlets	This requirement arbitrarily requires annual inspections and cleaning of all catch basins and storm drain inlets before the wet season. As written, this provision would require the City to fund the purchase of an additional vector vehicle and to employ an additional storm vector vehicle crew.	In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.	The entire Provision C.2.f. has been deleted from the TO.
Suisun	5	C.2.f	Reporting	The city requests the deletion of the requirement to report on the inspection results at the transaction level. For Suisun City this	In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If	The entire Provision C.2.f. has been deleted from the TO.

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				requirement would result in the recording of approximately 1,300 drop inlet inspection results each year for this Program. This excessive record keeping requirement would result in wasted public resources.	inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.	
San Jose	2	C.2.f, C.3.b, C.4, C.8, C.10	Reporting	<p>The draft Order that would be unreasonably costly and offer questionable returns in water quality benefit, including the following:</p> <ul style="list-style-type: none"> • Treatment controls on trails and during road rehabilitation; • Shifting of storm drain inlet cleaning to dry season only; • Inspection of mobile businesses in the field; • Inspection of industrial facilities directly regulated by the Water Board; • Duplicative control measures for trash; • Monitoring and benchmarks for planned and unplanned potable water discharges; and, • Excessive data management and reporting. <p>... The aggregate of the proposed requirements do not reflect Water Board priorities and are too extensive to accomplish within a five-year permit term. The permit language is too prescriptive and does not provide municipalities with flexibility to implement their stormwater programs pragmatically and efficiently.</p>	In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.	The entire Provision C.2.f. has been deleted from the TO.
Central San	4	C.2.f.	Diversion to Sanitary Sewer	...Disposal of the aqueous phase of these residuals to the sanitary sewer is acceptable provided that significant contamination is not present (e.g. used oil dumping event contaminating solids in a catch basin, presence of pesticides). Solids should not be discharged to sanitary sewer.	In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the	The entire Provision C.2.f. has been deleted from the TO.

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					practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.	
Alameda City Pittsburg	6 1	C.2.f.	Increase cost	Provision C.2.f requires the annual inspection <u>and cleaning of all</u> storm drain inlets and catch basins prior to the rainy season. The requirement for the City of Alameda to inspect <u>and clean all</u> storm drain facilities during the period May through October, would necessitate the purchase of at least three vector trucks and the hiring of six additional full-time staff to operate this new equipment. The City recommends that this provision requirement should provide the City with the continued flexibility to perform actual cleaning efforts only where necessary based on inspection results. The estimated fiscal impact of the purchase of three additional vector trucks would total approximately \$630,000 for Alameda. For Pittsburg, the annual cost will be \$300,000 or 38% increase of the current annual cost.	In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.	The entire Provision C.2.f. has been deleted from the TO.
FSSD/FairfieldSuisu nURP – CullenK	74a	C.2.f.	Drain inlet inspections	There are DI inspections for each DI in the jurisdiction. It's unclear whether an inspection report is required for each DI inspection. If so, it's too onerous, too much paperwork for maintenance & public works folks. So clarify in the permit.	In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.	The entire Provision C.2.f. has been deleted from the TO.
Los Gatos	3	C.2.f.	Storm drain	Regarding catch basin and storm drain inlet	In response to these comments, and	The entire Provision C.2.f. has

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			inlets	<p>inspections, it would take the West Valley Cities backwards from their goal to ensure a clean storm drain system. Requiring that "Permittees shall annually inspect, before the wet season, all catch basins or storm drain inlets, and clean them to remove sediment, trash, litter, and other pollutants..." does not take into consideration a program that has successfully maintained clean systems on a biennial inspection/cleaning cycle.</p> <p>C.2.f. would require a 24-month task to be completed in four months (July to October); thereby necessitating three to four times the current number of staff to complete the work. The costs would be prohibitive without any benefit to water quality. We urge the Water Board to consider a less prescriptive method of attaining desired results. Allow permittees with sufficient data to develop a plan that identifies select storm drain structures for annual or semi-annual inspection and cleaning based on the quantity and type of debris found.</p>	<p>other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.</p>	<p>been deleted from the TO.</p>
Burlingame Daly City Menlo Park Millbrae Brisbane SMCWPPPAtt3- Table Mountain View San Jose San Jose Att A Santa Clara County SCVURPPP Att A Sunnyvale Att A Saratoga City Oakley Moraga San Jose – TovarM Fairfield City	2 14.b 5 5 7.3 6.5 2 4 4 6 6 3 1 22 22 61	C.2.f.i	Storm drain inlets	<ul style="list-style-type: none"> • Modify TO to limit inlet inspection and cleaning requirements to inlets municipalities own or operate and are part of the MS4 covered by the permit. Also, the language should be changed to only require inlet cleaning when an inspection shows cleaning is needed. • The TO allows the following alternative to the requirement for twice a year inlet inspections and maintenance: do what is required for compliance with Provision C.10.a.i (Trash Reductions). Modify the TO the use of other alternatives to this TO requirement as long as the alternatives help to lessen the accumulation of sediment, trash or debris. • To conduct this work only during the dry season will result in increased risk of system blockages and significant additional cost for storm preparation and response in the wet season. The total additional cost to meet this requirement as proposed is \$650,000 per year. 	<p>In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.</p>	<p>The entire Provision C.2.f. has been deleted from the TO.</p>

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	14			<p>Inspecting and providing records for all the storm drains in the county will be very difficult and generate a lot of additional work and cost. What is considered excessive sediment that would warrant increasing inspection and maintenance frequency for a specific storm drain? Will leaves be considered trash?</p> <p>For Fairfield/Suisun City, this requirement would result in the recording of approximately 4,000 drop inlet inspections each year for this Program. This excessive record keeping requirement would result in wasted public resources, and we request to be deleted.</p>		
Berkeley ACCWP-Att1- Redline	7&7.5 5	C.2.f.i	Redline/ Strikeout	<p>The requirement to inspect and maintain all inlets (regardless of ownership) would require Permittees to maintain inlets on private property. This is not feasible. Modify: Permittees shall annually inspect, before the wet season, all <u>municipally owned</u> catch basins or storm drain inlets, and clean them to remove....</p>	<p>In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.</p>	The entire Provision C.2.f. has been deleted from the TO.
Danville Danville-Newell Arnerich-Hearing	5 2	C.2.f.i	Redline/ Strikeout	<p>Requiring that all catch basins must be inspected and cleaned annually is excessive. This represents a 500% increase in the current service level, which has proven to be effective over the past 16 years of operating the Clean Water Program. Change "all" catch basins to be cleaned within one year to a requirement <u>to clean and inspect all catch basins on a minimum 3 year cycle.</u></p> <p>Danville cleans and inspects 20 percent of our 5,000 catch basins annually. ... We have a program that we have proved to be effective. Let us continue that program.</p>	<p>In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets,</p>	The entire Provision C.2.f. has been deleted from the TO.

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					primarily to prevent flooding.	
Contra Costa Clean Water Program	9	C.2.f.i & C.2.f.ii	Combine Provisions	<p>Unnecessarily Prescriptive Sections C.2.f.i. and C.2.f.ii – Combine these two provisions and replace with the following:</p> <p><i>1. Annually inspect, before the wet season, all catch basins and storm drain inlets for trash and accumulated debris and clean as appropriate.</i></p> <p><i>2. During inspections:</i></p> <p><i>a. Look for evidence of illicit discharges. Report evidence of illicit discharges to appropriate municipal representative(s) for follow-up in accordance with the "Illicit Discharge Detection and Elimination" provisions in C.5.</i></p> <p><i>b. Check for legibility of storm drain inlet markings and provide appropriate corrective action in accordance with provision C.7.a.</i></p> <p><i>c. Check for inlets and catch basins with high accumulation of trash. Conduct increased inspection and maintenance of problem areas in accordance with provision C.10.b.i.(1).</i></p> <p>Justification for change: Water Board staff's proposed language is unnecessarily prescriptive and as a result confusing and poorly integrated with the other proposed provisions in the MRP (e.g., C.5 and C.10). The proposed language above is much clearer and concise, meets the intent of Water Board staff's language, and better integrates various provisions within the MRP. Should this proposed language not be acceptable to Water Board staff, the Program requests a detail response as to why this language is not acceptable.</p>	In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.	The entire Provision C.2.f. has been deleted from the TO.
ACCWP-Att1-Redline	6	C.2.f.ii	Redline/ Strikeout	<p>Storm drain cleaning should be done on an as needed basis ... Modify the language as follows:</p> <p>(a) Inspect and clean storm drain inlets/catch basins, at least once per year before the rainy season <u>and clean as needed</u></p>	In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain	The entire Provision C.2.f. has been deleted from the TO.

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					inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.	
Daly City	15	C.2.f.ii (2)	Vague	..." The specific requirements "to increase inspection and maintenance frequency in problem areas, such as those that accumulate excessive sediment, trash and debris" are vague, subjective and lack specificity. What amount of material is "excessive sediment, trash and debris?"	In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.	The entire Provision C.2.f. has been deleted from the TO.
Daly City	16	C.2.f.ii (3)	Clarification Required	o (3) In the course of inspection, identify storm drain inlets with high accumulations of litter/trash in Permittees' jurisdictions to prioritize areas where retrofit BMPs or other trash and litter abatement actions would be most effective in preventing trash and litter from entering storm drain systems. The results of this task shall be used in the prioritization and trash control requirements of Provision C.10. How do you define "high accumulations" of litter/trash?	In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.	The entire Provision C.2.f. has been deleted from the TO.
San Jose Att A	5	C.2.f.ii(2) iii	Editorial	The City requests that this Provision be revised so that it is consistent with Provision C.7.a.ii which requires inspection of storm drain stencil legibility once per permit cycle.	In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the	The entire Provision C.2.f. has been deleted from the TO.

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					practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.	
JamesRogerAttIII	2.7	C.2.f.ii(3)	Editorial	Provision C.2.f.ii.(3) – Change to read “identify storm drain inlets or catch basins with more than three (3) inches accumulation “.	In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.	The entire Provision C.2.f. has been deleted from the TO.
ACCWP-Att2-Questions	7	C.2.f.ii(3)	Reporting	This item should be removed from this section. This should be a one-time activity under C.10	In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.	The entire Provision C.2.f. has been deleted from the TO.
JamesRogerAttII	6	C.2.f.ii.2 (a) & (b)	Storm drain inlets	Provision C.2.f.ii.(2)(a) must require that inlets be inspected monthly and catch basins semiannually with one inspection during the month of September. Provision C.2.f.ii.(2)(b)	In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful	The entire Provision C.2.f. has been deleted from the TO.

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				must require that catch basins be cleaned whenever 60% of the sump capacity is exceeded and during the month of September and inlets must be cleaned whenever the bottom has move than 4-inches of accumulated solids.	pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.	
JamesRogerAttI	7	C.2.f.iii	Reporting	A requirement must be added to report the location of all catch basins and all inlets with standing water to the county mosquito abatement district.	The C.2.f prescriptive storm drain cleaning and reporting requirements have been removed	The entire Provision C.2.f. has been deleted from the TO.
San Jose Att A	6	C.2.f.iii	Editorial	The "shall report" phrase be changed to "shall summarize and report the data consistent with Attachment L."	The C.2.f prescriptive storm drain cleaning and reporting requirements have been removed	The entire Provision C.2.f. has been deleted from the TO.
ACCWP-Att2- Questions	8	C.2.f.iii	Reporting	What is the purpose of requiring municipalities to track and report on the cleaning of each catch basins?	The C.2.f prescriptive storm drain cleaning and reporting requirements have been removed	The entire Provision C.2.f. has been deleted from the TO.
FSSD	2	C.2.f.iii	Reporting	The District would strongly encourage the Water Board to not require the Permittees to record all inspections at the transaction level. Relief from this type of paperwork burden would allow Permittees to spend their time more effectively protecting water quality.	The C.2.f prescriptive storm drain cleaning and reporting requirements have been removed	The entire Provision C.2.f. has been deleted from the TO.
C.2.g – Stormwater Pump Stations						
Burlingame Millbrae SMCWPPPAtt3- Table Milpitas Palo Alto Santa Clara County SCVURPPP Att A Sunnyvale Att A	3 6 6.6 15 7 7 7 4	C.2.g	Pump Station	• The TO should be modified to only require that municipalities inspect stormwater pump stations that they own or operate. The fact sheet does not describe the technical basis for requiring inspections at a minimum frequency of four times per year. A particular pump station may not have water quality problems, and not justify 4x per year inspections. In addition, it is unclear what benefit there would be to provide the Water Board with information about the volume or mass of material removed from a particular pump station. SMCWPPP recommends that the permit avoid requirements to collect and report unnecessary information.	TO is revised to specify that Permittees will be responsible to provide inventory and perform inspection and maintenance of pump stations within their jurisdiction. The inspection frequencies have been reduced to twice a year. The TO language for this provision is revised in response to the comments received. See the proposed revisions. Please note that the monitoring requirement in this provision is focused	Inspect <u>and collect dissolved oxygen (DO) data from all pump stations twice a year during the dry season between the months of July and October.</u> Inspect <u>pump stations in the first business day after ¼-inch within 24 hour or larger storm event. Such post-storm inspection and monitoring shall focus on trash and illicit discharge characteristics that</u>

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				<p>• The requirement for pump station maintenance during or within 24 hours of significant storm events is too inflexible. Municipalities have experience with how often these pump stations need to be maintained. SMCWPPP is unaware of any water quality problems that have been identified resulting from inadequate maintenance, and it recommends that this level of specificity is unnecessary to include in the permit.</p> <p>• The MRP requirements should make a distinction between maintenance operations and capital investment. Maintenance of the road and road culverts should not bear requirements commensurate with a large scale capital project. Replace "within 24 hours of significant storm event" with "within the next business day after a significant storm event." We do not believe this inspection warrants payment of double or triple overtime for our on-call field crews. It is not possible to "eliminate non-stormwater discharges" through operation, inspection, and maintenance of storm water pump stations, so delete this language from C.2.g.i. The County is proposing that there be three pump station inspections instead of four (fall, winter and spring). The County is also proposing that there is already a BMP that addresses inspecting trash racks and oil absorbent booms at pump station during or within 24 hours of a significant storm event and that it is not necessary to make this a regulation. It is essential that the new initiatives proposed in the TO be: (1) focused on identified receiving water quality problems, and (2) practical, understandable, within the control and jurisdiction of the municipal stormwater agencies, and allow for needed flexibility to cost-effectively solve water quality problems. C.2.g, C.11.f, C.12.d, and C.12.f has to be replaced with a single more integrated and effective requirement for the permittees to work with sanitary sewer authorities. Together with</p>	<p>on Dissolved Oxygen concentration. Other short-term and long-term monitoring requirements are addressed in the provisions for Pollutants of Concern in the Order.</p>	<p><u>may adversely affect receiving waters, including presence of odor, color, turbidity, and floating hydrocarbons.</u> Remove debris <u>and trash</u> and replace oil absorbent booms, as needed.</p>

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				<p>BASMAA we are available to work with Water Board staff to develop specific permit language for the MRP that would specify parameters for this collaborative effort so as to ensure it is implemented. We are collectively willing to:</p> <ol style="list-style-type: none"> 1) develop (Bay Area wide) an inventory of municipally owned stormwater pump stations, 2) characterize operations, 3) collect general water quality data sufficient to characterize potential water quality issues, and 4) identify criteria to evaluate potential solutions and to develop recommended guidance to prioritize and implement appropriate solutions. <p>In the context of the collaborative and better informed approach, we are also willing, during the term of the permit, to initiate the identification of several additional pilot tests and work on developing a standard reporting format for O&M.</p> <ul style="list-style-type: none"> • The City requests that the Water Board remove the debris quantification reporting requirement, as there is no support for it in the findings or as a water quality benefit. 		
<p>Bay Area Clean Water Agencies – Hearing – Pla, M. Contra Costa Clean Water Program LTR</p>	<p>1 3</p>	<p>C.2.g</p>	<p>Diversion to Sanitary Sewer</p>	<p>The Bay Area Clean Water Agencies is concerned about C.2, the diversions to sanitary sewers because it will enable us to meet our numerical and narrative water quality requirements. ... We believe that for the most part we -- well, we hope for the most part that most of our systems would be able to take dry weather urban runoff. They should be designed to do so, but we don't know that for sure. We have to actually take a look and do a hydraulic analysis and make sure we don't have some chokes in our systems that would cause sanitary sewer overflows somewhere else if we were to do that. But as far as taking wet weather runoff, that is going to be very, very site specific to make sure that we're not going to result in sanitary sewer overflows ... so that we're not trying to solve one problem and creating</p>	<p>Diversion of pump station discharges to sanitary sewer is removed from this provision. Dry weather and first flush diversions are addressed in the provisions for Pollutant of Concerns of the Order.</p>	<p>Diversion to sanitary sewer requirement is removed from this provision and included with the provisions for Pollutants of Concern.</p>

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				another. We also want to make sure that if in fact we are going to be taking any kind of runoff into our systems that there's some kind of offset program, some kind of credit program created for our agencies for doing this. And we do believe that the San Francisco Southeast permit is an excellent model already there, already developed in this region for what we should be looking at for our NPDES permits for when it rains and when we look at taking that.		
Association of Governments of San Mateo County – Hearing – Napier, R.	1	C.2.g	Diversion to Sanitary Sewer	We believe the MRP should incorporate a stepwise approach to determine if there really are water quality problems at all pump stations and then allow municipalities the flexibility to determine the best way to deal with those problems rather than assuming diversion to the sanitary sewer is the most cost effective solution.	Diversion of pump station discharges to sanitary sewer is removed from this provision. Dry weather and first flush diversions are addressed in the provisions for Pollutant of Concerns of the Order.	Diversion to sanitary sewer requirement is removed from this provision and included with the provisions for Pollutants of Concern.
GCRCDAAtt	8, 9, 10, 11, 12, 13, & 14	C.2.g, C.8	Non-stormwater Outfalls	The MRP does not adequately address non-stormwater outfalls that discharge water into waterways, including in multiple locations along Guadalupe River. The discharge from these outfalls have negative impacts to beneficial uses, such as sudden flow reduction strands fish, altering river water temperature especially during low flow periods creating negative impacts to salmonid spawning, egg incubation, hatching and rearing. The MRP needs to address these negative impacts and require they be eliminated or fully mitigated.	Many of the non-stormwater discharges should be controlled by provision C.15.. The pilot studies required in the provisions for Pollutants of Concern, and the various inspection provisions shall identify pollutant problem areas and require the implementation of appropriate control measures to control pollutant discharges to the maximum extent practicable.	No changes made.
Milpitas	10	C.2.g, C.8	Fact Sheet	Page 18 – How does observation of black-colored water discharges from the Alvarado pump station confirm that low dissolved oxygen in the slough was caused by urban runoff?	Only color cannot be used to distinguish the deficiency of DO in urban runoff. The best tool to measure DO deficiency is to measure, which is easily done on-site with the field monitoring equipment.	No changes made.

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JamesRogerAtIII Contra Costa Clean Water Program	8 10	C.2.g.i	Pump Stations	It is unreasonable to require that existing pump stations comply with water quality standards. Last sentence should be changed to read "and to reduce the discharge of pollutants in the storm water discharges to the maximum extent practicable." Change " comply with water quality standards " to " <u>the maximum extent practical in compliance with provisions in this order.</u> " to be consistent with State Board Order WQ 1999-05, which ties compliance with discharge prohibitions to the implementation of control measures.	The main purpose of the Order is to reduce pollutants from urban runoff with the ultimate goal to attain water quality standards in all receiving waters. In the implementation level, Permittees are required to check the DO concentration to be 3 mg/l or higher before discharging from pump stations to storm drains or other water ways to avoid discharge of polluted water that may impact receiving waters.	No changes made.
San Jose Att A	7	C.2.g.i	Pump Stations	The City requests the word "eliminate" be replaced with "reduce impact from" and, to note conditionally exempt discharges, contain the statement "consistent with Provision C.15."	The Permittees are not allowed to discharge non-stormwater discharges containing pollutants. The TO language is revised to clarify the statement while keeping the word "eliminate."	"... Permittees shall develop and implement measures to operate, inspect, and maintain these facilities to eliminate non-stormwater discharges <u>containing pollutants...</u> "
Oakley	114	C.2.g.ii	Reporting	Attachment C.2g.ii & the Permit talk about reporting for items (1) - (3), but data is to be collected on dry weather and first flush flows. Should that not be reported here? The listing does not say if the information is to be submitted in hard copy or electronic. What is required?	Permittees are required to submit their annual reports in hard copy although they can also submit an electronic copy as a complementary. The reporting requirements for this provision are due with the annual reports.	No changes made.
JamesRogerAtIII	2.8	C.2.g.ii(1)	Editorial Comment Regarding Characteristics	Provision C.2.g.ii.(1) – Define "characteristics" in a footnote as "Land uses, catchment acres, design capacity, trash control design features, wet well size, depth of inlet and discharge pipes."	The purpose of the word 'characteristics' used in this context is for illicit discharge. The TO provided list of physical characteristics of the illicit discharges, such as odor, color, turbidity, and floating hydrocarbon presence.	No changes made.
JamesRogerAtIII	2.9	C.2.g.ii(2)	Editorial	Provision C.2.g.ii.(2) – Define or delete "water quality problems".	The phrase is deleted from the revised TO.	C.2.g.ii(2) language revised.
Contra Costa Clean Water Program	11	C.2.g.ii(2)	Pump Station Monitoring	Change " but at least four times a year " to " <u>once before the wet season and once during the wet season</u> ".	The inspection requirement is reduced to twice a year during the dry season between months of July and October.	Specific language is given in the response for the first C.2. g. comment above.
San Jose Att A	8	C.2.g.ii(3)	Editorial	The City requests that the statement read "...within 24 hours <i>or next business day...</i> " so as not to incur unmerited costs.	TO is revised in response to this comment and other similar comments.	Specific language is given in the response for the first C.2. g. comment above.
Contra Costa Clean	12	C.2.g.ii(3)	Redline/	Change C.2.g.ii.(3) to read: " <u>(3) Inspect trash</u> "	TO is revised in response to this and	Specific language is given in

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Water Program FSSD	3)	Strikeout	racks and oil absorbent booms at pump stations and remove debris in trash racks and replace oil absorbent booms, respectively, as needed." ...Prescribing (i.e., requiring) the inspection of trash racks and oil absorbent booms at each pump station during or within 24 hours of each significant storm event is without justification and would place, in most situations, an unnecessary and unwarranted burden on limited municipal public works staff. During storm events, Public Works staff is mobilized and ready to react to a variety of common emergencies (e.g., localized flooding, fallen trees, debris flows, etc...)...	other comments relevant to this provision.	the response for the first C.2. g. comment above.
JamesRogerAtill	9	C.2.g.ii(4))	Editorial	Suggest changing "first flush" to "first storm" of the year where predicted rainfall depth will exceed 0.25-inch.	TO language is revised specifying storm event that would trigger inspection.	Specific language is given in the response for the first C.2. g. comment above.
Contra Costa Clean Water Program	13	C.2.g.ii(4)) & C.2.g.iii(2)	Overlapping Requirements	Sections C.2.g.ii.(4) and C.2.g.iii.(2) – Move these two provisions into provision C.8.e.iii. Referencing and including the implementation and reporting requirements (i.e., C.2.g.ii(4) and C.2.g.iii(2), respectively) related to the "Dry Weather Discharges & First Flush Investigations" required in provision C.8.e.iii in the standard provisions for operation and maintenance of municipal pump stations is unnecessarily duplicative and confusing.	The provision modified to streamline and avoid overlapping requirements.	C.2.g.ii language revised.
San Bruno-Larry Franzelle-Hearing	2	C.2.g.iii(1)	Increase cost	...San Bruno already inspects and maintains these pumps without compensation, but tracking the amount of waste and debris removed would require an additional cost of \$120,000 for equipment and annual maintenance.	Tracking their inspection and trash and debris removal efforts, municipalities will be able to prioritize and target problem areas and eventually eliminate unnecessary cost allocation.	The reporting requirements in the TO have been revised.
JamesRogerAtill	10	C.2.g.iii(1)	Reporting	Both the volume and mass of materials removed must be reported to obtain an assessment of the type of material being quantified. Floatables captured in a CDS device ahead of a storm water pump station have been found to constitute about 8% of the volume, but only 0.6% of the mass of solids.	Under the revised TO, Permittees are required to keep records on-site and make them available upon request.	The reporting requirements in the TO have been revised.
ACCWP-Att2-Questions	9	C.2.g.iii(1)&(2)	Reporting	It is not a good use of resources for maintenance crews to be keeping track of how much trash they are removing from pump stations during a storm event, when their priority is to keep the	Tracking and keeping records of trash and debris removed from pump stations will eventually help Permittees to prioritize their efforts and allocate	The reporting requirements in the TO have been revised.

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				pump stations operating. What is the purpose of requiring this data to be collected and reported?	resources to more problem areas.	
Contra Costa County Supervisors	22	C.2.g/C.11.f	Pump Station	POTWs may not allow diversion. It may not be possible to comply with the requirement to eliminate all non-stormwater discharges from the pump station. This provision (in conjunction with C.11.f) appears to imply that eliminating discharges of non-stormwater is to be accomplished by pumping to the sanitary sewer, which may not be accepted by the local Sanitary District.	The requirement for diversion has been removed from this provision and streamlined in the provisions for pollutants of concern.	Specific requirements for diversion removed from C.2
C.2.h – Rural Public Works Construction and Maintenance						
San Mateo County #1	1	C.2.h	Rural Roads	<p>The draft permit should clarify the criteria which establish roads as problematic and requiring upgrades, allow local agencies to phase-in improvements by requiring that some improvements be made annually on problematic roads, and allow flexibility in the type of improvements constructed, so that individual site considerations and associated costs can be factored into the road improvement effort.</p> <p>The draft permit should be modified to eliminate the requirement that an agency continually police privately owned and maintained roads.</p>	<p>Under the current provisions permittees do have the ability to phase in improvements. Permittees must develop criteria for replacing problematic roads based many factors. The requirements of this provision include water quality related problems as a part of those criteria. Permittees have the flexibility to determine the appropriate methods for implementing water quality improvements. The TO does not require continual policing.</p>	No changes made
SMCWPPAtt3-Table Local Streets & Roads Working Group San Jose San Jose Att A SCVURPPP Att A CondordMayor Moraga Mayor CCCEAC	6.7 1 5 10 8 4 9 9	C.2.h	Rural Roads	<ul style="list-style-type: none"> • Municipalities covered under the permit should be responsible for implementing BMPs on rural roads that they own or operate. • There should not be fixed compliance dates in the permit, and that all dates be specified based on the permit adoption date. Thus, it is recommended that the BMPs should be indentified within one year of permit adoption and training on these BMPs be completed within two years of permit adoption. • Additional requirements should be conditioned to only apply where the additional maintenance and rehabilitation of stream crossings and culverts is needed and part of a MS4 owned or operated by a municipality covered under the permit. • Modify TO that requirements should only apply 	<ul style="list-style-type: none"> • Permittees are responsible to maintain rural roads within their jurisdictions in a manner that does not cause pollution of stormwater runoff. • These requirements are not new to existing MS4 programs with rural infrastructures. Under the existing permit, Permittees of Alameda and Santa Clara Counties with rural roads have developed BMPs for maintenance activities. • Permittees without developed BMPs are required to develop and provide verification of their compliance three years after the adoption of the Order. In addition, some municipalities and special districts may seek a multi-year 	No changes made.

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				to rural roads adjacent to streams and riparian habitat with a known MS4 related water quality problem. <ul style="list-style-type: none"> • Significant capital cost if the TO requires a rehabilitation program. The TO should make distinction between maintenance operations and capital improvement projects. 	permit for projected rural road maintenance activities, such as culvert replacement, stream bank stabilization and bridge work. The TO provisions are intended to facilitate a simple process that will address pollutant issues that this work may create. <ul style="list-style-type: none"> • The intent of this provision is not to require capital improvement, but to implement BMPs when municipalities are conducting routine rural road maintenance and construction works in rural infrastructures. 	
SF Baykeeper	38	C.2.h	Vague	Rural Public Works Construction and Maintenance. Provision C.2.h should identify minimum BMPs that must be implemented by permittees and contractors.	Projects that involve impacts to streams, wetlands, and riparian corridors are subject to site specific permits, such as Section 401 water quality certification from the Water Board and other agencies permits. BMPs for these maintenance activities are more subjective depending on the nature and location of the infrastructure. Thus, it may not be appropriate to provide specific BMP menu that may limit the flexibility of using appropriate measures that fit the site condition.	No change made.
GCRCDAtt	7	C.2.h	River/creek crossings	The MRP does not address the construction of creek and river crossings, or the problems they cause and no other sections of the MRP seem to address these problems ... Bridges and culvert openings must be adequately sized to allow a properly sized bankfull channel to pass unrestricted under the crossing and to drain an adequately sized floodplain.	The provision requirements are for rural public works construction and maintenance. Specific projects that directly involve water body alterations and impacts to wetlands are separately regulated under Section 401 water quality certification.	The TO language for this provision has been revised in response to these comments.
NRDC	20	C.2.h	Vague	<ul style="list-style-type: none"> • Street and Road Repair and Maintenance - Permittees must develop and implement "appropriate BMPs" to control debris and waste materials, and must "require proper management" of materials in order to "avoid discharge to storm drains." • Bridge and Structure Maintenance and Graffiti 	Projects that involve impacts to streams, wetlands, and riparian corridors are subject to site specific permits, such as Section 401 water quality certification from the Water Board and other agencies permits. BMPs for these maintenance activities	No change made.

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				<p>Removal</p> <ul style="list-style-type: none"> • Rural Public Works Construction and Maintenance <p>o Among other provisions, Permittees must implement BMPs that include: "[m]inimization of areas that are cleared and graded" to only that area necessary for active construction; "[m]inimization of exposure time" of areas of disturbed solid; "[p]reservation and protection of natural hydrologic features, riparian buffers, and corridors"; "[e]rosion prevention"; revegetation or landscaping "as early as feasible"; and implementation of advanced treatment for sediment removal, "if necessary," at sites that the Permittee determines to be "an exceptional threat to water quality."</p> <p>In many instances, the Draft Permit essentially directs the Permittees to develop their own permit, which will not be subject to public review or Board oversight. Further, the lack of performance standards and compliance measures could render these provisions useless if and when the Regional Board or the public ever needs to enforce them. Without a clear understanding of exactly what these sections require of the Permittees, the Board cannot determine that they result in the reduction of pollutants to the maximum extent practicable.</p>	are more subjective depending on the nature and location of the infrastructure. Thus, it may not be appropriate to provide specific BMP menu that may limit the flexibility of using appropriate measures that fit the site condition. Permittees will report on BMP implementation in the annual report, if the measures implemented are not adequate the Water Board will take appropriate follow up actions.	
San Jose Att A	9	C.2.h	Why change	The City and SCVURPPP spent considerable time, effort, and funds developing the Performance Standard and Supporting Documents for Rural Public Works, Maintenance and Support Activities. The TO provides no basis for changing the existing standard, which was approved by the Water Board and has been successfully implemented in the City.	The main purpose of developing MRP is to create an "even playing field" because not all Permittees have developed BMPs for the rural road construction and maintenance activities. Most of the Provision C.2.h requirements are inherited from the existing Performance Standards of the MS4 programs, including SCVURPPP.	No changes made.
Contra Costa Clean Water Program	17	C.2.h	Increase cost	Water Board staff's well intended yet overly prescriptive language in this provision will have the unintended consequence of further exacerbating deferred rural road maintenance needs, which is in excess of 10 million dollars	<ul style="list-style-type: none"> • These requirements are not new to existing MS4 programs with rural infrastructures. Under the existing permits for Alameda and Santa Clara Counties, Permittees with rural roads 	No changes made.

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				countywide.	<p>have developed BMPs for maintenance activities.</p> <ul style="list-style-type: none"> • Permittees without developed BMPs are required to develop and provide verification of their compliance three years after the adoption of the Order. In addition, some municipalities and special districts may seek a multi-year permit for projected rural road maintenance activities, such as culvert replacement, and stream bank stabilization and bridge work. The TO provisions are intended to facilitate a simple process that will address pollutant issues that this work may create. • The intent of this provision is not to require capital improvement, but to incorporate BMPs when municipalities are conducting routine rural road maintenance and construction works in rural infrastructures. 	
Oakley Moraga	23 23	C.2.h.i	Impacts to Creek	Why should we have to notify the Board, Fish and Game, and the Corps if we need to do road maintenance - this seems to imply the elements of a new permit program so we can work on our own roads? What defines near a creek?	Only activities that involve alteration of water bodies and/or wetlands require pre-construction notification and approval from regulatory agencies, including Water Board, Fish and Game, the Corps, and other state and local agencies.	. No changes made.
Contra Costa Clean Water Program	14	C.2.h.i & C.2.h.ii	Combine Provisions	<p>...The overly prescriptive language in provision C.2.h.i and C.2.h.ii requiring development and submittal of BMPs, training and technical assistance requirements, road maintenance priority criteria, etc... is unwarranted, in conflict with other agencies priorities and specifications, and will result in wasted effort and inefficient use of severely limited public funds for road maintenance with no additional water quality benefit...</p> <p>Combine Sections C.2.h.i & C.2.h.ii to read as follows: "Implement and require contractors to implement</p>	<p>The Permittees are required to develop and implement effective BMPs for erosion and sediment control measures during construction and maintenance of rural road and associated activities. The specific implementation levels of this provision will guide Permittees to develop the required minimum BMPs consistent with those in the CASQA Handbooks for on-site use by maintenance crews.</p> <p>Alameda and Santa Clara Counties</p>	The reporting requirements have been reduced in the TO.

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				appropriate BMPs to the maximum extent practicable (MEP) during construction and post-construction of rural road construction and maintenance activities, particularly in or adjacent to stream channels or wetlands. Permittees shall always notify Water Board, the California Department of Fish and Game and the U.S. Army Corps of Engineers, where applicable, and obtain appropriate agency permits for rural public works activities before work in or near creeks and wetlands occurs."	have developed Rural Road BMP guidance. We would expect San Mateo and Contra Costa Counties to build on these existing efforts, and include information from other available guidance, particularly related to work around and in salmonid stream habitat.	
SF Baykeeper, NRDC, & Clean Water Action Comment	5	C.2.h.ii	Vague	Places where the permit requires "appropriate" BMPs should be revised to include a BMP menu list of the minimum BMPs that must be implemented: C.2.h.ii.(2)(2). Rural Public Works Construction and Maintenance. "Permittees shall develop and annually evaluate appropriate management practices for the following activities, which minimize impacts on streams and wetlands."	Projects that involve impacts to streams, wetlands, and riparian corridors are subject to site specific permits, such as Section 401 water quality certification from the Water Board and other agencies permits. BMPs for these maintenance activities are more subjective depending on the nature and location of the infrastructure. Thus, it may not be appropriate to provide specific BMP menu that may limit the flexibility of using appropriate measures that fit the site condition.	No change made.
Berkeley ACCWP-Att1-Redline	7.6 7	C.2.h.ii	Redline/ Strikeout	Most, if not all, jurisdictions have significant road maintenance backlogs due to inadequate funding. Requiring Permittees to divert funding from more urgent road maintenance needs to rural roads simply due to the proximity of such roads to streams and riparian habitat is not feasible nor is it an effective use of limited resources. Modify TO language: Permittees shall implement ... with water quality standards <u>when rehabilitating or maintaining rural roads:</u> (a) Increase maintenance for Modify rural roads adjacent to streams and riparian habitat to reduce erosion, replace damaging shotgun culvert, re-grade roads to slope outward, and install water bars; and (b) Rehabilitate existing ands design new	Comment accepted, and the TO is revised to incorporate the comments.	The provision is modified in response to the comment.

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				culverts and bridge crossings with measures to reduce erosion, provide fish passage and maintain natural stream geomorphology in a stable manner		
Contra Costa County Supervisors	24	C.2.h.ii	Clarification Required	Some of the language of this provision is unclear and requires further clarification including the pre-rainy season inspection program for rural roads (C.2.h.ii(2)(f)), increased maintenance on rural roads adjacent to streams and riparian habitat (C.2.h.ii(3)(a)), and the requirement for rehabilitation of existing culverts and bridge crossings(C.2.h.ii(3)(b)).	The provision is revised to clarify the specific requirements. The pre-rainy season inspection is required to repair damaged culverts or bridge crossings that are adjacent to streams to minimize further erosion and sediment transport to those streams.	C.2.h.ii language revised.
Contra Costa Clean Water Program	16	C.2.h.ii & C.2.h.iii	Rural Roads	Provisions C.2.h.ii and C.2.h.iii require development and submittal of BMPs for construction and post construction on rural roads. The California Stormwater Quality Association's (CASQA's) BMP Handbooks (i.e., Construction Handbook and Municipal Handbook) already identify specify stormwater quality BMPs for road maintenance and construction activities.	The Permittees are required to develop and implement effective BMPs for erosion and sediment control measures during construction and maintenance of rural road and associated activities. The specific implementation levels of this provision will guide Permittees to develop the required minimum BMPs consistent with those in the CASQA Handbooks for on-site use by maintenance crews. Alameda and Santa Clara Counties have developed Rural Road BMP guidance. We would expect San Mateo and Contra Costa Counties to build on these existing efforts, and include information from other available guidance, particularly related to work around and in salmonid stream habitat.	No change made.
Oakley Moraga	24 & 25 24&25	C.2.h.ii(1) & C.2.h.ii(2)	BMP guidance	C.2.h.ii. (1) requires the development of BMP's for erosion control during and after construction of rural roads. Has the Board certified, or does the Board plan to certify any existing BMP's as complying with the requirement? Absent guidance, how will agencies know what is wrong with current practices, and when their efforts have been spent profitably creating management practice documents?	See response to Contra Costa Clean Water Program Comment 16 above.	No change made.
Oakley	26	C.2.h.ii(2	Prioritization	Municipalities must prioritize a list of roads for	In addition to the pavement quality	No change made.

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Moraga	26) (b)		repair based on the pavement condition index. If this is deviated from, the agency will lose its state roadway maintenance money for not complying with the legal requirements to receive that money.	index, Permittees shall also consider practices to minimize impacts on streams and wetlands. Including the criteria to prevent stream impacts should not preclude the receipt of State money.	
ACCWP-Att2-Questions AlamedaCo	10 & 11 3	C.2.h.ii(2) (b) & C.2.h.ii(2) (f)	Rural Roads	This requirement is unnecessary and counter productive, and should be removed. Municipalities have existing criteria in place for prioritizing road maintenance based on preserving infrastructure and protecting public safety.	In addition to the stated criteria, such as preserving infrastructure and protecting public safety, Permittees shall also consider practices to minimize impacts on streams and wetlands	No change made.
Oakley Oakley CCCEAC Contra Costa Co. Supervisors Contra Costa Clean Water Program Moraga	27 8 23 15 4 27	C.2.h.ii(3) (a)	Re-grading	C.2.h.ii (3) (a) requires the re-grading of the roadway section to "...slope outward..." The geometric design of roadways is dictated by the AASHTO "Policy on the Geometric Design of Highways and Streets". This sets forth the general roadway section recommendations for high point at the crown and 1.5 to 2% slope to the edge of pavement. It also calls for erosion control measures of a minimum of seeded topsoil. The cross section and the need for super-elevation in curves are further dictated by the Caltrans Highway Design Manual. These standards can not be varied from. Changing road slope only possible and safe if the road curved across the drainage resulting in a super-elevated road section, otherwise regrading the road to slope outward would result in a unsafe traffic condition. The following language should be added to the TO "where consistent with road engineering safety standards."	The TO is revised to add the suggested language.	Language revised in C.2.h.ii(e).
ACCWP-Att2-Questions	12	C.2.h.ii(3) (a)	Rural Roads	This requirement should be removed. What does "increase maintenance" mean? What is the baseline? How is this maintenance to be incorporated into existing road maintenance programs?	The phrase "need increased" is removed. However, Permittees have to identify and prioritize rural roads that need maintenance to minimize erosion and sediment transport during rainy season.	Phrase removed from C.2.h.ii.
CCCEAC	7	C.2.h.ii. (3)(b)	Rural Roads	Existing Site Conditions Limit Ability to Prevent Erosion and Improve Fish Passage During Maintenance Projects. ... Many roads have near vertical road cuts from when they were	Permittees are required not to create a migratory fish passage barrier, where migratory fish are present, or lead to stream instability when replacing old	No change made.

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				constructed many decades ago. It will be nearly impossible to control erosion and mudslides from these steep road cuts. Maintenance activities often include repairs to cross culverts. Adding a requirement to provide fish passage, erosion reduction and restoration of natural stream geomorphology will result in a much larger capital project rather than a simple maintenance project.	culverts or constructing new ones.	
San Jose Att A	11	C.2.h.iii(1)	Reporting	The City requests the reporting requirements be consistent with Attachment L.	Attachment L has been removed from the revised TO.	Attachment L has been removed from the revised TO
JamesRogerAttIII	2.1	C.2.h.iii(2)	Editorial	Provision C.2.h.iii.(2) – Clarify what is meant by “performance standards” or include the performance standards or delete since they have not been previously identified.	“Performance Standard” will be added to MRP’s glossary.	Glossary revised.
C.2.i –Corporation Yard BMP Implementation						
Brisbane SMCWPPPAtt3- Table SCVURPPP Att A	7.4 6.8 9	C.2.i	Corporate Yard	<ul style="list-style-type: none"> • Modify the TO to require that municipalities use appropriate BMPs to control potential pollutant sources at corporation yards they own or operate, but not to prepare Stormwater Pollution Prevention Plans for facilities not subject to the State’s General Industrial Activities Stormwater Permit. • The requirement for routine inspections should be allowed as part of City crews’ regular activities, as crew members are typically in and out of the corporation yard multiple times a day, so formal inspections are unnecessary. • The TO should prohibit discharge of vehicle washwater to the storm drain system, but not require discharge to sanitary sewer if municipalities can develop alternative wash rack facilities that flow to vegetated areas or other areas that do not impact MS4 water quality. Brisbane’s corporation yard does not have a sanitary sewer connection. • The TO should be revised to allow for an alternative for rural corporation yard facilities without accessible to sanitary sewers. The TO should allow wash waters to flow to vegetated areas or other areas that do not impact water quality. 	Permittees are required to implement BMPs to corporation yards within their jurisdiction. A SWPP Plan is an appropriate site specific tool and is not limited to General Industrial Stormwater Permitted facilities. Facilities without access to sanitary sewer must have other treatment alternatives and discharge to vegetated area may be appropriate if operated properly.	No changes made.

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
SF Baykeeper	37	C.2.i	Vague	Corporate yard BMP Implementation. Provision C.2.i should specify the minimum BMPs to be implemented.	The TO is revised to address the comment.	The additional TO language reads "...Each SWPPP shall <u>incorporate all applicable BMPs that are described in the Caltrans Storm Water Quality Handbook Maintenance Staff Guide, May 2003, and its addenda.</u> "
Contra Costa County Supervisors	25	C.2.i	Clarification Required	At the start of this section "The requirements in this provision shall apply only to facilities that are not already covered under the State Board's Statewide Industrial Stormwater NPDES General Permit." This language implies that the County's three Corporation Yards (in Martinez, Richmond and Brentwood) do not have to comply with the requirements of this section, since they are already covered under the General Industrial NPDES Permit (due to their Motor Freight and Transportation Warehousing NAIC code). If the above-noted inference is correct, than this provision is acceptable.	Yes, the interpretation in the comment is correct.	No changes.
Central San	5	C.2.i.	Diversion to Sanitary Sewer	... Additional text to defer to the sewer agencies' standards and/or approval authority should be included whenever the MRP instructs the permittees to divert discharges from the stormwater system to the sanitary sewer system.	All diversions from stormwater system to sanitary sewer must be approved by local authorities prior to discharge.	No changes made.
JamesRogerAttIII	2.11	C.2.i.i (2)	Editorial	Provision C.2.i.i.(2) – Include a list of those facilities not covered by the SWRCB's general permit or refer to a specific section in the general permit to allow easy identification of those already covered.	No need to have a list of the facilities not covered by the SWRCB's general permit. Permittees will provide list of those facilities with the annual report when documenting their compliance.	No changes.
JamesRogerAttIII	2.12	C.2.i.ii(2)	Editorial	12. Provision C.2.i.ii.(2) – Changes: a. "Routinely" to "Weekly". b. "before the start of the rainy season" to "24-hours prior to a rainfall event predicted to be > 0.25-inch depth".	The on-site storm drain inlets collect limited runoff, and there will be routine oversight due to their proximity to daily workers.	No changes made.
San Jose Att A	12	C.2.i.ii(5)	Outdoor storage	Permittees should be allowed to determine the best and most cost efficient way of preventing pollution of stormwater runoff or run-on to storm drain inlets for each individual outdoor storage area.	The proposed implementation levels do not prevent Permittees to develop their own effective BMPs. That is the reason why the Order requires development of site specific SWPPP.	No changes made.
ACCWP Attny	2	C.2.i.ii.(3)	Diversion to	...Provision C.2.i.ii.(3) requires all municipal	Diversion to sanitary sewer is required	Revised language indicating

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		, C.11.f., C.15.b.v. (c)	Sanitary Sewer	corporation yard vehicle and equipment wash areas to be plumbed to the sanitary sewer; Provision C.15.b.v.(c) requires new or remodeled swimming pools, hot tubs, spas and fountains to be connected to the sanitary sewer. The Tentative Order also contains many provisions that simply consider and encourage discharge to the sanitary sewers. The latter, however, which stops short of requiring discharges to POTWs, is more appropriate and would be within the legal control and authority of Permittees. The above-mentioned provisions that require Permittees to discharge urban stormwater flows to POTWs are beyond the control and authority of the Permittees. Most Permittees lack the legal authority to discharge these described flows to POTWs without the POTWs (separate legal entities) providing their consent. We request that provisions in the permit requiring stormwater flow be directed or diverted to the sanitary sewer be replaced with requirements to explore the feasibility of obtaining POTW cooperation and consent for such potential flow diversions.	only if feasible and approved by local sanitary sewer authorities. Specific revisions are made to the TO here and elsewhere in response to comments on diversion to sanitary sewer systems.	that diversion to sanitary sewer only were feasible and approved by local sewer agency.
JamesRogerAtIII	11	C.2.i.ii.(5)	Storage areas	Outdoor storage areas must be covered and bermed to contain spilled materials as pollutant source control.	Usually the word "shall" rather than "must" is commonly used in Water Board orders, and for consistency, no change is recommended.	No changes made.
JamesRogerAtIII	12	C.2.i.iii.	Spill Reporting	Reporting of spills of certain types of hazardous materials is required under state and federal law. This provision needs to reflect those requirements in addition to the annual reporting requirement. The submittal of reports of hazardous materials in an annual report does not provide any sense of urgency in addressing spills of hazardous materials.	Spill report and responses are addresses separately in Section C.5. The urgency of addressing hazardous spill and hazardous materials is also addressed by other Resource Agencies.	No changes made.
SMCWPPAtt3-Table	6	Page 1 of TO	Editorial	• C/CAG does not own or operate an MS4 and should not be listed as a discharger. SMCWPPP recommends that the permit delete C/CAG as a discharger and add language stating that the San Mateo Countywide Water Pollution Prevention Program is a program of the	After reviewing the records and consultation with our in-house counsel, we removed the City/County Association of Governments of San Mateo County (C/CAG) from listing it as a Permittee. All members of C/CAG	C/CAG is taken out of the Order as a discharger or responsible party.

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				City/County Association of Governments of San Mateo County.	are listed as Permittees in the Order, and C/CAG does not own or operate unregulated municipal facility.	
SCVURPPP Att A	92	Table C.2.i	Reporting Attachment L	<p>o Type of Operation - This column is not needed. Tracking inspection results from each specific corporation yard activity is burdensome since numerous activities are conducted. Tracking at this level of detail will increase: 1) the time needed to conduct an inspection; and 2) data collection and reporting requirements. The comments field will capture inspection result details and problematic locations.</p> <p>o Compliance Status- It is unclear why it is necessary to assign compliance status to describe inspection results. A better approach to indicate compliance is to report if any violations were noted. If so, provide a standardized description of the violation. The Program would prefer this approach because: 1) you have the ability to learn what</p>	In general, reporting Attachment L is removed as an attachment from the revised TO. However, Permittees are required to report the results of annual inspections and any follow-up actions at all corporation yards.	<p>The reporting requirement is revised to read as follows:</p> <p>"Permittees shall report the results of <u>annual inspections and any follow-up actions</u> at all corporation yards."</p>

Response to Comment on December 14, 2007 Tentative Order Provision C.3. – New Development and Redevelopment

File	Comment No.	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
Fremont - Cote, K	2	C.3.	Flexibility	With respect to flexibility, we agree with the comments on the C.3 enhanced requirements.	Comment noted.	None
GCRCD Att	15	C.3.a.	Performance Standard Implementation <i>MEP</i>	This Provision contains some very good requirements but who defines what adequate and the maximum extent practicable is?	WB staff determines compliance with the MRP based on our current understanding of what constitutes MEP.	None
CCCSD	6	C.3.a.i.(6)	Performance Standard Implementation <i>Site Design Measures (for all projects)</i>	The reference to “disconnecting roof downspouts” without identifying alternative management strategies for the water collected in the roof downspouts could create significant problems for CCCSD. This may serve as an incentive for some developers to connect roof leaders to the sanitary sewer system, a practice specifically prohibited by CCCSD and other sanitary sewer agencies.	We agree.	Provision C.3.a.i.(6) has been revised to require Permittees to encourage development projects to direct roof runoff to vegetated areas and not just to disconnect roof downspouts.
James, Roger Att II	13	C.3.a.i.(6)	Performance Standard Implementation <i>Site Design Measures (for all projects)</i>	<ul style="list-style-type: none"> • Requiring disconnection of downspouts for new and redevelopment projects and infiltration of stormwater into the highly expansive Group D soils that dominate much of the Bay Area does not recognize the potential for creating slides, serious structural problems, and litigation. These practices should not be undertaken unless a registered professional geotechnical engineer has reviewed and approved the overall site plan containing these measures. • It is inconsistent to allow roof runoff to planter boxes, swales and bioretention devices with underdrains that discharge to storm drains while insisting on disconnection of the roof leaders from storm drains. • The requirements for onsite infiltration should be delayed until site suitability criteria specific to the Bay Area’s soils are developed. 	Provision C.3.a.i.(6) does not require that all development projects disconnect roof downspouts. Rather, it encourages the inclusion of adequate site design measures that may include directing roof runoff to vegetated areas. It is implicit that these measures be taken only in suitable areas.	Provision c.3.a.i.(6) has been revised to clarify this intent.
Brisbane Menlo Park	8a 3b	C.3.a.i.(6)&(7)	Performance Standard	Add language to clarify that “all new development and redevelopment projects not	We agree.	Provisions C.3.a.i.(6)&(7) have been revised as

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Provision C.3. – New Development and Redevelopment**

File	Comment No.	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
SCVURPPP Att A SMCWPPP Att 3	10 7a		Implementation <i>Site Design & Source Control Measures (for all projects)</i>	regulated by C.3" means all projects that are subject to Co-Permittee development project review. Otherwise this is a new requirement that extends to a much larger group of projects and would be a significant burden on municipal staff resources, as well as impossible to implement by July 1, 2008. Language changes are also needed to clarify that site design and source control measures are "encouraged" at these sites and <u>not</u> required.		requested.
James, Roger Att II	14	C.3.a.i.(7) Fact Sheet Provision C.3	Performance Standard Implementation <i>Source Control Measures (for all projects)</i>	The use of "maximum extent practicable" in the third line is an incorrect application of the MEP performance standard. The Tentative Order applies it to the "inclusion of source control measures" rather than "reduction of pollutants." Change both this Provision and the Fact Sheet (pages 20-21) to apply a correct application of MEP.	We agree.	Provision C.3.a.i.(7) has been revised as requested.
CCCSD	7	C.3.a.i.(7)	Performance Standard Implementation <i>Source Control Measures (for all projects)</i>	<ul style="list-style-type: none"> • This provision identifies discharges that are to be directed to the sanitary sewer without consideration of whether they would be acceptable to the sanitary sewer agencies. • Some of the water generating sources may not be acceptable for discharge to the sanitary sewer (e.g. passive drains from swimming pools, direct connections to divert fire sprinkler test water). 	We agree.	Provision C.3.a.i.(7) has been revised to state that all source control measures that include connection to the sanitary sewer are subject to the local sanitary sewer agency's authority and standards.
Santa Clara Co	14	C.3.a.i.(7)	Performance Standard Implementation <i>Source Control Measures (for all projects)</i>	For sanitary sewer connections for swimming pools, does this include both public and private pools?	Yes, the reference to discharging swimming pool water to the sanitary sewer applies to both public and private pools.	None
Santa Clara Co	15	C.3.a.i.(7)	Performance Standard Implementation	What is intended by implementing source control measures for properly designed covers, drains and storage precautions for outdoor material storage areas, loading docks,	Source control measures for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling area should include providing proper cover	None

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File	Comment No.	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
			<i>Source Control Measures (for all projects)</i>	repair/maintenance bays and fueling areas?	from rain for these areas, proper storage precautions including secondary containment for spills, and proper drainage in these areas so that stormwater runoff is not drained directly to the storm sewer system but rather drained to the sanitary sewer, if allowed, or to a holding area and subsequent proper disposal.	
CCCWP	25	C.3.a.i.(8)	Performance Standard Implementation <i>General Plan Amendments</i>	The requirement to "revise, as necessary, General Plans to integrate water quality and watershed protection with water supply, flood control, habitat protection, groundwater recharge, and other sustainable development principles and practices" is both too sweeping and too vague.	The intent of Provision C.3.a.i.(8) is to require Permittees to review and revise as necessary their General Plans to reflect a more holistic approach to water quality and water supply as guided by Ahwahnee Water Principles for Efficient-Resource Land Use http://www.lgc.org/ahwahnee/h2o_principles.html .	None
Brisbane CCCWP	8a 25	C.3.a.i.(8)	Performance Standard Implementation <i>General Plan Amendments</i>	Under the current C.3. Provisions, General Plans were modified to integrate water quality and watershed protection principles. We recommend revision of this language to reflect the existing Provision C.3 requirement to ensure General Plans integrate water quality and watershed protection principles, but not specifically require implementation of Provision C.3.	We concur that the requirement to revise General Plans to implement Provision C.3. is redundant with Provision C.3.a.i.(1).	The requirement to revise General Plans to implement Provision C.3. has been deleted from Provision C.3.a.i.(8).
CCCEAC	26	C.3.a.i.(8) C.3.a.ii.	Performance Standard Implementation <i>Implementation Due Date</i>	Timetable for General Plan amendments is unrealistic. Change implementation (Provision C.3.a.ii.) to July 1, 2009.	We acknowledge that General Plan amendments may take more time.	As requested, the due date for General Plan revisions has been changed to allow an extra year.
James, Roger Att II	15, 16	C.3.a.i.(8) C.3.b.i	Performance Standard Implementation <i>General Plan</i>	Infiltration BMPs are prone to failure through clogging and there is growing concern and evidence that LID measures are not being maintained to sustain design infiltration capacities. A requirement for the maintenance	We concur that stormwater treatment systems should be maintained for the life of the project.	Provision C.3.h.iii. now requires all stormwater treatment systems and HM controls to be properly operated and

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Provision C.3. – New Development and Redevelopment**

File	Comment No.	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
			<i>Amendments</i>	of measures for the life of a project must be added to Provisions C.3.a.i.(8) and C.3.b.i. (Task Description).		maintained for the life of the project.
Brisbane Millbrae SMCWPPP Att 3	8a 7 7a	C.3.a.ii.	Performance Standard Implementation <i>Implementation Due Date</i>	Municipalities are required to begin implementing these performance standards by July 1, 2008. The Permit should allow an adequate period to phase in new requirements that are similar, but not identical to existing requirements. We recommend that the permit allow a two-year phase in period because of all of the other competing MRP requirements that municipalities need to meet.	With the exception of Provision C.3.a.i.(8), Provision C.3.a., as revised, specifies elements that should already be in place under the Permittees' current stormwater permits. As such, the "phase-in" period has already passed so the requirements should be effective as soon as the MRP is effective. We acknowledge that General Plan amendments may take more time.	None for Provision C.3.a.i.(1)-(7) but the due date for General Plan revisions (Provision C.3.a.i.(8)) has been changed to 1 year after the MRP effective date.
Friends of Five Creeks	1, 2	C.3.b. C.3.c. C.3.g.	Treatment Threshold & Hydromodification Management Threshold	<ul style="list-style-type: none"> • The TO assures that for the next five years – really seven – the Bay Area will not substantively deal with impacts of new development, redevelopment, and hydromodification. The too-high ceilings from the last permit essentially remain unchanged - 10,000 ft² triggers treatment requirements and one acre triggers hydromodification requirements. • There is no encouragement, positive or negative, of many of the alternative ways in which cities could reduce runoff pollution, such as programs to disconnect roof leaders or permeable-surface requirements. (A full list of these possibilities is part of the record of the committee that worked on Provision C.3.) • A few egregious loopholes are narrowed, and ceilings will be lowered for parking lots. But basically, BASMAA successfully stonewalled throughout the process of developing the MRP, refusing to consider changes and in the end, the staff gave in. • Send the TO back with instructions to significantly increase requirements to treat 	<ul style="list-style-type: none"> • The MRP lowers the threshold from 10,000 to 5,000 ft² for special land use categories that potentially contribute more pollutants to the stormwater runoff. • We concur that the MRP should contain more specific requirements for site design measures. 	Provision C.3.c.i.(2) has been revised to require all Regulated Projects to implement one or more LID site design measures that include disconnecting roof leaders and installing permeable surfaces.

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				runoff from new development, redevelopment, and hydromodification within this permit term.		
GCRCD Att	16	C.3.b.i.	Regulated Projects	Where is maximum extent practicable defined?	See Glossary.	None
Brisbane Burlingame Colma Menlo Park Pacifica San Mateo Co SMCWPPP Att 3 S San Francisco Sunnyvale Att A	8b 9, 10 3c, 7 3e 8 5c 7b 20c 6	C.3.b.i.(1)	Threshold <i>Reduction from 10,000 to 5000 ft² Special Land Use Categories only</i>	The Fact Sheet states that lowering the threshold to 5,000 ft ² for special land use categories is considered MEP because the LA Water Board's Stormwater Permit included these land uses. But the LA permit lacks the MRP's additional site design and source control requirements for small sites and does not demonstrate a connection between size threshold and significant water quality improvement. The stormwater from these smaller projects can be adequately handled through the use of good site design and LID practices.	The 5000 ft ² threshold for the identified special Land Use Categories in Provision C.3.b.i.(1) constitute MEP and are consistent with State Board guidance, court decisions, and other Water Boards' requirements. In the precedential decision contained in its WQ Order No. 2000-11, the State Board upheld the SUSMP (Standard Urban Stormwater Mitigation Plan) requirements issued by the Los Angeles Water Board's Executive Officer on March 8, 2000 and found that they constitute MEP for addressing pollutant discharges resulting from Priority Development Projects. The State Board re-affirmed that SUSMP requirements constitute MEP in their Order WQ 2001-15. Provision C.3.b.i.(1)'s requirement that development projects in the identified Special Land Use Categories that add and/or replace \geq 5000 ft ² of impervious surface shall install hydraulically sized stormwater treatment systems is consistent with the SUSMP provisions upheld by the State Board. Provision C.3.b.i.(1) is also consistent with Order Nos. R9-2002-1001 and 2001-01 issued by the San Diego Water Board, Order No. R4-2001-182 issued by the Los Angeles Water Board, and State Board's Order WQ 2003-0005 issued to Phase II MS4s. Under Order WQ 20003-0005, Phase II MS4s must apply the lower 5000 ft ² threshold for requiring stormwater	None
Clayton, - Hoffmeister, L Emeryville, - Schultz Allen, P Pacifica Saratoga	2 2 8 2		Treatment Threshold <i>Reduction from 10,000 to 5000 ft² Special Land Use Categories only</i>	This Provision lowers the threshold to 5,000 ft ² of impervious area in 3 years. This aggressive timetable does not allow Permittees enough time to adjust to the new enforcement and monitoring requirements and to gauge the effectiveness of the new requirements. The Board should wait until there is sufficient data on how effective the permit requirements are before requiring cities to impose them on smaller projects.		
Los Gatos	2	C.3.b.i.(1)		Lowering the threshold to 5,000 ft ² in 3 years will be too large an undertaking for our agency to track. We need additional time to increase our capacity to meet current permit requirements. The lower 5000 ft ² threshold should be considered for a future permit.		
ACCWP ACCWP - Scanlon, J ACFCD Zone 7 BASMAA	4b 98 1 77			Do not lower threshold for C.3 requirements from 10,000 to 5000 ft ² for certain land uses because: • There is no analytical data supporting the reduction, which will not capture additional significant pollutants;		

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- Bicknell, J Berkeley Berkeley Att Table Concord Mayor Concord Cupertino Dublin Fremont Hayward Menlo Park Monte Sereno Mountain View Newark Oakland Pleasanton, - Wilson, R Pleasanton San Jose San Ramon Santa Clara City SCVURPPP SCVURPPP Att A	8, 9, 10 8 3 12 2 3 4,5 11 3b 3 4 4b 4 52 6 7 4, 6 5 4a 11	C.3.b.i.(1)	Treatment Threshold <i>Reduction from 10,000 to 5000 ft² Special Land Use Categories only</i>	<ul style="list-style-type: none"> • It causes an excessive administrative burden to municipalities to process plans, execute operation and maintenance agreements, and provide ongoing inspections, all for nominal water quality improvement; • Additional treatment devices put an administrative burden on Mosquito Abatement Districts to conduct mosquito inspection/suppression - Alameda County Mosquito Abatement District estimates 7 inspections/year for each treatment site; • Board staff's study concluded that projects of < 10,000 ft² impervious surface accounted for < 1% of total land development; it is a waste of scarce public resources to expend this great effort to capture the last 1% of total development; • It makes some small private and public improvement projects too costly to do, so that in some cases, impervious surfaces are retained instead of diminished. 	treatment systems by April 2008. The MRP Tentative Order already allows three years from the MRP effective date for the Permittees to implement the lower 5000 ft ² threshold, essentially 4 years later than the Phase II MS4s.		
Colma Livermore Menlo Park Pacifica S San Francisco San Mateo Co	3b 4 3d 8 20b 5b					The lower threshold for the special land use categories will result in a minimal increase in impervious surface requiring stormwater treatment. Based on studies that Board staff conducted and discussed at its 11/15/06 workshop, current permit requirements are capturing about 97% of all of the new/replaced impervious surface area in the cities studied.	
Alameda City	7					There is no analytical support for lowering the threshold. The estimated increase in annual municipal staffing to implement this new threshold oversight is approximately 25% of a full-time staff person.	
ACCWP - Scanlon, J	4a					<ul style="list-style-type: none"> • In 2003, Board staff proposed the 5000 ft² threshold. After a great deal of debate, it was 	

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File	Comment No.	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
ACCWP ACFCD Zone 7 CCCEAC Colma Danville Fremont Menlo Park Newark Oakland S San Francisco San Mateo Co San Pablo - Samkian, K San Pablo San Ramon Walnut Creek	98 1 11 3a 6, 7 4 3c 4a 2, 3 20a 5a 36 8 6 4	C.3.b.i.(1)	Treatment Threshold <i>Reduction from 10,000 to 5000 ft² Special Land Use Categories only</i>	agreed that the lower threshold would not be implemented. Board staff is now again attempting to insert the same requirement rejected in 2003. <ul style="list-style-type: none"> The implementation of the current 10,000 ft² threshold for stormwater treatment and the HM requirements for flow are so recent that the full financial impact of these requirements on Permittees and the affects on water quality are still unknown, particularly since the number of installed treatment and HM systems and the corresponding operation and maintenance inspections required are expected to increase. The MRP should not expand upon these regulations until their efficacy is demonstrated. Any changes in the threshold should be deferred until the next five-year permit term. 		
Santa Clara City	5	C.3.b.i.(1)	Treatment Threshold <i>Reduction from 10,000 to 5000 ft² Special Land Use Categories only</i>	The 5000 ft ² threshold will push some single-family home developments under the status of Regulated Projects. These projects are much more difficult to monitor and steer toward compliance because single-family homeowners that are applying for permits do not have a proficient level of knowledge regarding stormwater regulations.	Provision C.3.b.i.(1) does not apply to single-family home projects as described in this comment.	None
Livermore	4	C.3.b.i.(1)	Treatment Threshold <i>Reduction from 10,000 to 5000 ft² Special Land Use Categories only</i>	Implementation of effective treatment controls becomes significantly more difficult on small sites. If this requirement is included in the permit, Permittees (including Livermore) will likely choose to implement token, manufactured controls on small projects simply to meet the permit requirement, without regard to the effectiveness of the controls.	Provision C.3.e. provides alternative compliance options for sites that have space limitations. With regard to effectiveness, Provision C.3. requires that Permittees review projects to ensure the proposed stormwater treatment system(s) meet the hydraulic sizing criteria of Provision C.3.d. and are effective.	None
Mountain View	3	C.3.b.i.(1)	Treatment Threshold <i>Question</i>	Is supporting data available showing that reducing the impervious threshold to 5000 ft ² for projects at special land use categories will improve water quality?	It is well documented that impervious surfaces contribute pollutants to stormwater runoff. Therefore, requiring treatment of impervious surfaces not	None

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					currently regulated will improve water quality, especially for those land use categories identified in Provision C.3.b.i.(1)(a), which are known to have a greater potential of contributing pollutants to stormwater runoff.	
GCRCDC Attach	16	C.3.b.i.(1)	Treatment Threshold <i>Reduction from 10,000 to 5000 ft² Special Land Use Categories only</i>	<ul style="list-style-type: none"> • While a 10,000 ft² or more impervious surface threshold is a controversially acceptable provision for invoking LID management techniques as a starting point, it should be reduced to 5000 ft² for all development or redevelopment within 5 years. • There should also be at least a goal to reduce it to 2500 ft² in 10 years for all development and redevelopment, including single-family homes. • How much flash runoff is produced by 10,000 ft² and 5000 ft² of impervious surface in various size/intensity rain events? 	<ul style="list-style-type: none"> • The MRP lowers the threshold to 5000 ft² in the third year of the permit for special land use categories that potentially contribute more pollutants to the stormwater runoff. • At the end of the MRP's permit term, we will be evaluating the adequacy of its impervious surface threshold. • We do not have enough information at this time to answer the question regarding flash runoff. 	None
NRDC	21	C.3.b.i.(1)	Treatment Threshold <i>Reduction from 10,000 to 5000 ft² Special Land Use Categories only</i>	<ul style="list-style-type: none"> • The MRP contains weaknesses compared to other California Phase I permits: <ul style="list-style-type: none"> ◦ San Diego's MS4 permit requires redevelopment projects, restaurants, hillside developments, parking lots, road projects, and retail gasoline outlets creating at least 5000 ft² to implement the required LID BMPs. ◦ The latest draft Ventura County MS4 permit also uses the 5000 ft² threshold. • The MRP TO however applies a 10,000 ft² threshold. If the San Diego Water Board has already set a lower threshold in an approved permit and if the LA Water Board is poised to do so in its Ventura County permit, the MRP TO's threshold does not constitute the MEP standard. • In some cases, even the 5000 ft² threshold is 	The MRP TO also establishes a 5000 ft ² threshold for essentially the same land use categories as the other Water Board permits referenced in the comments. With regard to ESA areas, we consider the 5000 ft ² threshold for certain land use categories, the 10,000 ft ² threshold for all other development projects, and the required site design measures for small projects to be sufficiently protective at this time. We are currently in the lengthy process of designating beneficial uses to numerous water bodies that either are not in the current Basin Plan or are in the Basin Plan but have no beneficial uses designated. As a result, we anticipate that there will be additional Rare and Endangered Species (RARE)	None

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				too large. The San Diego MS4 permit regulates projects in environmentally sensitive areas (ESAs) that either create 2500 ft ² of impervious surface or increase the total impervious area to more than 10% of its naturally occurring condition. The Ventura draft permit includes a similar provision. The MRP TO however does not include any such provision.	designations for water bodies all over the Bay area. In order to employ a lower regulatory threshold for ESAs, the catchment areas for each RARE water body would have to be mapped to determine specific areas where the 2500 ft ² threshold will be applicable in each municipality, a tremendous undertaking requiring a great deal of time and resources and that cannot be done until the RARE designations are completed.	
CCCWP Contra Costa Co Supervisors Moraga Moraga, - Kennedy, F Moraga, - Kennedy, F BASMAA, - Bicknell J Mountain View Oakley San Pablo	27, 30, 32 3 28 47 48 80 3 28 9	C.3.b.i.(1) & C.3.b.i.(5)	Grandfathering or Pipeline Language <i>Private Regulated Projects</i>	<p>Do not change when the new impervious surface threshold becomes applicable from the "application deemed complete" date to the project's "final discretionary approval" date because:</p> <ul style="list-style-type: none"> • The "deemed complete" date already reflects considerable design effort and public agency review to address applicable codes, policies, and standards; • Final discretionary approval is given by the legislative body, a point where the project is frequently at the 40-60% construction drawing stage. • Environmental review must begin within 30 days of receipt of an application and can take up to a year. The threshold applicability date change proposed makes it likely that a project will be changed after completion of environmental reviews. • The change requires Permittees to modify conditions of approval for projects already given final conditions but not granted final approval, change existing guidance materials and create unnecessary confusion in the development community. • The change may require some private projects to redesign existing projects at significant 	<p>The Permit Streamlining Act requires public agencies to determine whether a permit application is complete within 30 days after receipt; if the public agency does not make this determination, the application is automatically deemed complete after 30 days. Data we have collected from audits and file reviews as well as reported to us by Permittees confirm that in many cases, the development permit applications have indeed not been reviewed for compliance with Provision C.3. requirements and yet have automatically been deemed complete 30 days after the application submittal date. Therefore, we feel the "deemed complete" date is too early in the permitting process for projects to be grandfathered and essentially exempted from the lower 5000 ft² threshold. Projects should be further along in the permitting process before they are granted this exemption from complying with new requirements.</p>	<p>Provision C.3.b.i.(1) has been revised to specify a date in-between the "application deemed complete" and "final discretionary approval" date that better reflects the point where staff-level agency review has already taken place. This identical language has been added to Provision C.3.c.ii. because the LID requirements in Provision C.3.i. are new and have an implementation date 1 year after the MRP effective date. The grandfathering language found in Provision C.3.b.i.(5) has been removed because it is no longer applicable.</p>

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				<p>expense and substantial re-budgeting of municipalities' current capital improvement programs.</p> <ul style="list-style-type: none"> This may not be consistent with the Permit Streamlining Act. 		
CCCEAC CCCWP Concord Mayor Moraga, - Kennedy, F Moraga, - Kennedy, F Mountain View BASMAA, - Bicknell, J Contra Costa Co Supervisors Moraga Oakley	10 30, 32 3 47 48 3 80 28 29 29	C.3.b.i.(1) & C.3.b.i.(5)	Grandfathering or Pipeline Language <i>Public Regulated Projects</i>	<p>Do not change when the impervious threshold becomes applicable to public works projects to "when funding has been committed and construction is scheduled to begin by 7/1/2010" (effective date of 5000 ft² threshold for certain land uses) because:</p> <ul style="list-style-type: none"> Public works projects frequently require multiple funding sources, each of which has its own rules for funding allocation, beyond funding commitment, that includes no work beginning before the source agency's approval. Projects can be held for years before design can begin, well after local agency funding commitments have been made. Once design for a project commences, budgets have been set and committed to, so changes in requirements would be unreasonable and politically difficult to justify. The change will dramatically increase the cost of projects that are designed, funded and scheduled, but fall between these two distinctions. It may result in a reduction in road projects necessary for public safety, or cause severe delays and cost increases. 	<p>As for private projects, public projects should be far enough along in the design and approval process to warrant being grandfathered and essentially exempted from complying with the lower 5000 ft² threshold when it becomes effective. Grandfathering projects that only have funds committed by the new threshold's effective date as suggested in the comments is too early for the very reasons given in the comments; that is, projects can be held for years before design can begin, well after funding commitments have been made. However, we understand that Provision C.3.b.i.(1)'s application of the grandfathering exemption to projects that have construction scheduled to begin by the threshold effective date (or 2 years after the MRP effective date) may conversely be too late in the permitting process to implement new threshold requirements, particularly since this type of approval requires actions by city councils or boards of supervisors.</p>	<p>Provision C.3.b.i.(1) has been revised to allow the grandfathering exemption for projects that have construction set to begin within 1 year of the threshold effective date (or 3 years after the MRP effective date). This identical language has been added to Provision C.3.c.ii. because the LID requirements in Provision C.3.i. are new and have an implementation date 1 year after the MRP effective date. The grandfathering language found in Provision C.3.b.i.(5) has been removed because it is no longer applicable.</p>
Brisbane Colma Daly City Menlo Park Pacifica S San Francisco	8b 4 18 3f 8 20d	C.3.b.i.(1)(a)(iv)	Regulated Projects <i>Parking Lots</i>	<p>Parking lots that are covered (e.g., underground or a lower level in a parking structure) should not have to have stormwater treatment controls because there is no exposure. We request that covered parking lots be exempt from the requirements.</p>	<p>Provision C.3.b.i.(1)(a)(iv) was intended to apply only to uncovered parking lots and any uncovered levels of parking garages.</p>	<p>Provision C.3.b.i.(1)(a)(iv) has been revised to clarify this issue.</p>

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San Mateo Co SCVURPPP Att SMCWPPP Att 3 Sunnyvale Att A	6 12 7b 7					
James, Roger Att II	17	C.3.b.i.(1)(c),(d)	Redevelopment Projects 50% Rule	This Provision should be modified to clarify that the portion of the development that has impervious surface directly connected to a storm drainage facility must be considered and any impervious area that is not directly connected should receive special consideration if it is altered so that it is directly connected to a storm drainage facility.	This distinction is implicit in the requirements of this Provision.	None
ACCWP Att 2	13	C.3.b.i.(1)(c)-(d) C.3.b.i.(3)(a)-(b)	Redevelopment Projects 50% Rule	<ul style="list-style-type: none"> • The special land use categories relate only to the following types of development: auto service facilities, retail gasoline outlets, restaurants and certain parking lots. However, the 50% rule applies to redevelopment projects where the previously existing development was not subject to Provision C.3. The 10,000 ft² threshold initially applies to these projects. The 5,000 ft² threshold kicks in on 7/1/10 for these special land use projects. Sections (c) & (d) of Provision C.3.b.i.(1) only apply to the categories listed in Section (a), which specifically includes the 10,000 ft² threshold; therefore, Sections (a)-(d) must be read together in this way so as to make reasonable sense of the Provision. • For other redevelopment projects not in one of the special land use categories, the 10,000 ft² threshold applies throughout the term of the permit. There is no reference in this section to the 5,000 ft² threshold. The 50% rule also applies where the existing development was not subject to Provision C.3. • Please confirm this is the correct interpretation or provide clarification. 	Yes, this is the correct interpretation of these Provisions.	None

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ACCWP Att 2 San Pablo Contra Costa Co Supervisors	14 10 27	C.3.b.i.(1)(c)-(d) C.3.b.i.(3)(a)-(b)	Redevelopment Projects <i>50% Rule</i>	<ul style="list-style-type: none"> • Redevelopment projects are preferable to projects on previously undeveloped land because they encourage infill. The 50% rule conflicts with other regional policies aimed at reducing driving by encouraging redevelopment of Brownfields or vacant lots, which indirectly protects water quality by reducing airborne pollutants from entering waterways. • Instead of adding this burden to treat the not redeveloped parts of a site, the Water Board should provide incentives for redevelopment. • An exclusion from compliance with the 50% rule should be allowed for redevelopment projects where treatment of runoff from existing impervious surfaces is demonstrated to be infeasible. • Excluding such areas would have no effect on water quality. 	<p>The purpose of the 50% rule is to require stormwater treatment at projects where a substantial amount of impervious surface is being replaced. It is a means to address the pollutant loading from existing development and impervious surfaces when these sites are being redeveloped. The requirements of this Provision are consistent with the Permittees' current stormwater permits as well as stormwater permits statewide; therefore it is considered MEP.</p> <p>In situations where the site conditions render the treatment of existing impervious areas challenging or cost-prohibitive, Provision C.3.e. provides alternative means of compliance with Provision C.3.b.</p>	None
CCCWP	26	C.3.b.i.(1)(c)-(d) & C.3.b.i.(3)(a)-(b)	Redevelopment Projects <i>50% Rule</i>	Clarify that the "50% rule" described in these Provisions apply only to projects exceeding the thresholds in C.3.b.i.(1) and C.3.b.i.(3).	It is implicit that the "50% rule" which is tied to the portion of pre-project impervious surface that is altered only applies to redevelopment projects and therefore, only applies to Provisions C.3.b.i.(1) & (3) because Provisions C.3.bi.(2) &(4) only apply to new development and new roads.	None
San Jose Att A	13	C.3.b.i.(3)	Redevelopment Projects <i>Implementation Due Date</i>	We request that the date of July 1, 2008, be revised to "12 months after Permit adoption" to maintain consistency with Provision C.3.c.ii.	Unlike Provision C.3.c., the requirements of this Provision are consistent with what is required in the Permittees' current stormwater permits; therefore, a delayed implementation date is not warranted.	None
Santa Clara Co	8	C.3.b.i.(3)	Redevelopment Projects	Under the subdivision of other development projects we would like to express the concern on whether this provision would apply to parcel maps (subdivisions of 4 lots or less)? The County is concerned on how sections (2)	Yes, this provision applies to any development project where a parcel of land is divided into subdivisions, even one as small as dividing one lot into 2 lots, as long as 10,000 ft ² or more of impervious is	None

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				through (5) are to be interpreted with respect to single home development associated with larger lots.	added and/or replaced.	
Santa Clara Co	10	C.3.b.i.(4)	Bike Lanes	Class I bikeways (separate bike paths not located within roadways) should be exempt from the proposed regulations, given the difficulty with providing appropriate stormwater treatment.	We concur that additional bike lanes and sidewalks do not translate directly to greater vehicular traffic and its associated pollutants. However, as with all roofs, the additional impervious surface from bike lanes and sidewalks do increase stormwater pollutants because of aerial deposition. Given that, we do recognize the greater benefit that bike lanes and sidewalks provide by encouraging less use of automobiles. Therefore, Provision C.3.b.i.(4) has been revised to remove the sized treatment requirement for bike lanes added to existing roads. Bike lanes constructed as part of new road projects must still be included in the impervious surface calculation for appropriately sizing required stormwater treatment systems. Provision C.3.b.i.(4) has also been revised to remove the sized treatment requirement for sidewalks added to existing roads; however the added sidewalks must be constructed to drain to adjacent vegetated areas or constructed with permeable surfaces. Given the common practice of putting sidewalks next to vegetated areas, this site design requirement should be easily achievable and will provide some reduction in runoff pollutants and flow. However, sidewalks constructed as part of new road projects must still be included in the impervious surface calculation for appropriately sizing required stormwater treatment system.	Provision C.3.b.i.(4) has been revised to remove the sized treatment requirement for bike lanes added to existing roads.
CCCEAC	12			Widening an existing road to allow for bike lanes should be exempt because of the overall net benefit to the public and the environment. If C.3. requirements are triggered by adding a bike lane, a city will likely not be able to afford adding the lane. Only new roads, where right-of-way, utilities and other key factors can be coordinated, should be subject to such requirements.		
ACCWP - Scanlon, J ACCWP ACFCD Zone 7 CCCEAC Colma Danville Fremont Menlo Park Newark Oakland S San Francisco San Mateo Co San Pablo - Samkian, K San Pablo San Ramon ¹ Walnut Creek	4a 98 1 11 3a 6, 7 4 3c 4a 2, 3 20a 5a 36 8 6 4					
Alameda Co BASMAA, - Bicknell, J	4 78	C.3.b.i.(4)	Bike Lanes	Do not require stormwater treatment for sidewalk and bicycle lane projects because: • Of negative impact on pedestrians, bicyclists,		

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Brisbane Burlingame CCWP CCCWP Letter Concord Mayor Contra Costa Co Supervisors Danville Lars Thomsen Local Streets & Rds Working Grp Martinez Moraga Oakley Pittsburg San Jose Att A San Pablo San Ramon Santa Clara City Santa Clara Co SMCWPPP Att 3	8b 11 28, 31 30 6 29 8 1 3 1 2 30 2 14 12 5 4 10 7b	C.3.b.i.(4) C.3.b.i.(4)	Bike Lanes and Sidewalks Bike Lanes and Sidewalks	and motorists by forcing reduction of services addressing public safety. <ul style="list-style-type: none"> • These projects reduce vehicle use and their regulation does not support clean water efforts. • It will cause these projects to be unaffordable and forfeit potential benefit to the environment and community. • Of significant financial burden on local jurisdictions who undertake these projects for public safety. • Benefits of providing bike lanes and pedestrian ways promote the goals of the Water and Air Boards. • The Water Board needs to look at the overall net benefit to the public and the environment as across the country, greater emphasis is being placed on increasing bicycle and pedestrian accessibility, encouraging physical fitness and reducing road congestion and energy consumption to improve air quality. 		
Mountain View	4	C.3.b.i.(4)	Bike Lanes and Trails <i>Question</i>	Is supporting data available showing that requiring treatment BMPs on bike lane and trail projects will improve water quality?	It is well documented that impervious surfaces contribute pollutants to stormwater runoff. Therefore, requiring treatment of impervious surfaces not currently regulated will improve water quality.	None
Caltrans District 4	1	C.3.b.i.(4)	New Road Projects <i>Highways Definition</i>	The MRP TO includes references to "highways" or "highway projects." Define these terms to clarify that: <ul style="list-style-type: none"> • Caltrans is responsible for designing, constructing, managing, and maintaining the State highway system, including freeways, bridges, tunnels, Caltrans' facilities, and related properties. • Caltrans is regulated under NPDES Permit No. CAS000003 (ORDER NO. 99-06 – DWQ) for stormwater discharges from its highways, 	We agree.	All references to highways and highway projects, which are Caltrans projects, have been deleted. Provision C.3.b.i.(4) has also been revised to specify that this provision does not apply to Caltrans road projects.

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				properties, facilities, and activities. • All references to "highways" or "highway projects" do not include Caltrans highways, properties, and facilities within the Water Board's jurisdiction.		
Cupertino	3	C.3.b.i.(4)	New Road Projects	We find it problematic that the MRP sets the C.3. applicability threshold for road projects at 10,000 ft ² of newly created or replaced impervious surface.	The 10,000 ft ² threshold for new road projects is consistent with what is already required in the Permittees' current stormwater permit.	None
GCRCD Att	16	C.3.b.i.(4)	Trails	Where is top of bank defined? The top of bank must be the top of the floodplain bank, not the active channel bank, as trails should not be built on a floodplain.	We concur that the top of bank is defined to be the top of the floodplain bank	None
Santa Clara Co	12	C.3.b.i.(4)	Trails	Stormwater runoff regulation addresses non-point source pollution, including pollutants from motor vehicles, such as motor oil. Clarify whether horse manure is considered a potential pollutant covered under this provision regulating new paved trails that include dirt shoulders to accommodate equestrians and horses.	Horse manure is considered a potential pollutant.	None
San Jose San Jose Att A San Jose Attny	8 14 3	C.3.b.i.(4)	Trails	San Jose is developing a plan for adding an additional 60 miles of trails in the next 15 years. Most of these trails are planned to be impervious, 12-foot wide (to meet funding source design specifications and ADA requirements), and within 50 feet of the top of bank. Swales or plantings for stormwater treatment is not possible because the trail land is typically not owned by San Jose and most of the trails require all available space to meet the 12-foot wide requirement. Switching to pervious materials will substantially increase the cost to build the trails by an estimated \$60M. Requiring treatment works against the goal of providing non-vehicular commute options which are beneficial to water quality. Currently 40% of trail users in San Jose (Guadalupe River) use them to bicycle commute	We concur that impervious trails do not translate directly to greater vehicular traffic and its associated pollutants. However, as with all roofs, the additional impervious surface from impervious trails do increase stormwater pollutants because of aerial deposition. Given that, we do recognize the greater benefit that impervious trails provide by encouraging less use of automobiles. Therefore, Provision C.3.b.i.(4) has been revised to remove the sized treatment requirement for impervious trails > 10 ft wide or creekside; however the impervious trails must be constructed to drain to adjacent vegetated areas, or other non-erodible permeable areas, preferably away from	Provision C.3.b.i.(4) has been revised to remove the sized treatment requirement for impervious trails > 10 ft wide or creekside; however the impervious trails must be constructed to drain to adjacent vegetated areas, or other non-erodible permeable areas, preferably away from creeks and towards the outboard side of levees.

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				to and from work.	creeks and towards the outboard side of levees. Given that trails are commonly constructed in parks and open space areas with a great deal of vegetation, this site design requirement should be easily achievable and will provide some reduction in runoff pollutants and flow.	
Avanzino, Marylou	1					
BASMAA,	78					
- Bicknell, J						
Bay Area Ridge Trail Council	1					
Brisbane	8b					
Burlingame	11					
CCCWP Letter	10					
Chapman, Helen	1					
Guadalupe River Park & Gardens	1					
Heine, David	1					
Kangas, Chris	1					
Moraga	30					
Mountain View	4					
Mountain View, - Anderson, E	69					
San Jose Att A	14					
San Jose Attorney	3					
San Jose	2, 8					
San Pablo	12					
San Pablo, - Samkian, K	36, 38					
Santa Clara Co	11					
SCVURPPP	4c					
SCVURPPP Att A	13					
SF Bay Trail Project	1					
Silicon Valley Bike Coalition	1					
SMCWPPP Att 3	7b					
Smith, Bern	1					
van de Water, Cor	1					
Willow Glen Nghborhd Assoc	1					
Alameda City	27	C.3.b.i.(4)	Trails <i>Clarification of</i>	This Provision includes contiguous sidewalks, bicycle lanes, and creek-side impervious trails within the definition of New Road Projects	Lagoon-side and bayside trails should be treated the same as creekside trails	None

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			<i>Applicability</i>	subject to Provision C.3. Please clarify whether this definition also extends to lagoon-side and bayside trails.		
ACCWP - Scanlon, J	4a					
ACCWP	98					
ACFCD Zone 7	1					
CCCEAC	11					
CCCWP	29, 31					
Colma	3a					
Danville	6 - 8					
Fremont	4					
Menlo Park	3c	C.3.b.i.(5)	Road Expansion Projects	<ul style="list-style-type: none"> In 2003, Board staff proposed the regulation of road construction projects; Board staff is now again attempting to insert the same requirements rejected in 2003. Roadway widening or additional lanes are often required for safety, and funds are severely limited for these improvements. Application of stormwater treatment requirements to these projects would have a significant effect on municipalities' ability to execute these projects. It is typically not feasible to segregate drainage from new and old portions of the roadway, further complicating application of treatment controls to new portions. 	The 10,000 ft ² threshold for road expansion projects is consistent with what is already required in the Permittees' current stormwater permit which states that regulated projects include "any newly constructed paved surface used primarily for the transportation of automobiles, trucks, motorcycles, and other motorized vehicles." Any newly constructed paved surface includes new traffic lanes added during road widening projects. However, we have revised this provision to allow the widening of streets with sidewalks and bike lanes draining to adjacent landscaping and medians without triggering treatment requirements.	Provision C.3.b.i.(4) has been revised to exclude road widening projects that add sidewalks and bike lanes draining to adjacent landscaping, and medians. The language regarding road expansion projects has been deleted from Provision C.3.b.i.(5).
Newark	4a					
Oakland	2, 3					
S San Francisco	20a					
San Mateo Co	5a					
San Pablo	36					
- Samkian, K						
San Pablo	8					
San Ramon	6					
Walnut Creek	4					
CCCEAC	11					
Concord Mayor	5					
Local Streets & Rds Wrking Grp	2					
Palo Alto	8					
San Pablo	11					
			Road Rehabilitation Projects	<p>Existing pavement is often ground down to the gravel base to the select fill or native soil. C.3 language exempts routine re-paving but the scenario just described would trigger stormwater treatment requirements, negatively affecting the condition of city streets and under-funded road maintenance budgets.</p> <ul style="list-style-type: none"> Numerically sized stormwater treatment measures should be required only for projects replacing 50,000 ft² or more of an arterial road, rather than 10,000 ft². This higher threshold should be coupled with BMPs, such as installation of a hydrodynamic separator or bioswale to serve an area from one intersection to another during street 	Based on the numerous comments received, we acknowledge the logistical difficulties in retrofitting roads with stormwater treatment systems as well as the funding challenges facing municipalities in the Bay Area. Therefore, we have removed the requirements of Provision C.3.b.i.(5). But we are aware that some cities have or will have funding for "green streets" retrofit projects that will provide water quality benefits as well as meet broader community goals such as fostering unique and attractive streetscapes that protect and enhance neighborhood livability, serving to	We have replaced the road rehabilitation requirements of Provision C.3.b.i.(5) with a requirement for the completion of 10 pilot "green streets" projects by the Permittees within the first 4 years of the MRP. These projects must incorporate LID techniques pursuant to Provision C.3.c. and stormwater treatment
Saratoga	3					
Los Gatos	1					
		C.3.b.i.(5)				

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File	Comment No.	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
				<p>replacement work.</p> <ul style="list-style-type: none"> This threshold should not decrease in three years, as the threshold for other Regulated Projects will. 		
Alameda Co	5				<p>enhance pedestrian and bike access, and encouraging the planting of landscapes and vegetation that contributes to reductions in global warming. We have replaced the road rehabilitation requirements in Provision C.3.b.i.(5) with a requirement for the completion of 10 pilot "green streets" projects by the Permittees within the first 4 years of the MRP. These projects must incorporate LID techniques pursuant to Provision C.3.c. and stormwater treatment pursuant to Provision C.3.d. Because these are pilot projects, we have not specified a minimum or maximum size requirement. The only requirement is that the projects should be representative of the three different types of streets: arterial, collector, and local. The details of which cities will have these projects are to be determined by the Permittees.</p>	<p>pursuant to Provision C.3.d. Because these are pilot projects, we have not specified a minimum or maximum size requirement. The only requirement is that the projects should be representative of the three different types of streets: arterial, collector, and local. The details of which cities will have these projects are to be determined by the Permittees.</p>
ACCWP	5					
BASMAA	78					
- Bicknell, J						
Belmont	6					
Berkeley Att Table	9					
Berkeley	11, 12			Do not require stormwater treatment for road rehabilitation projects in the same footprint because:		
Brisbane	8b			<ul style="list-style-type: none"> Municipalities already lack sufficient funds to maintain roadway infrastructure; this will result in significant decreases in local road quality; Right-of-way limitations and existing utilities prevent installation of treatment measures; No flexibility or alternatives for these projects are provided in the MRP; New right-of-way acquisitions may trigger environmental review; Impervious surface is not increased so no additional pollution is generated; New requirements will hamper future efforts to add "free right turn lanes" and "acceleration and deceleration lanes" for improved traffic movement, relieving traffic gridlock (which causes additional air pollution); Typical street/traffic improvements will not be as feasible, increasing traffic delays causing increased stormwater pollutants from brake pad linings, fuel, oil and anti-freeze leaks, and from silt and broken pavement debris; This may require new storm drain systems where none currently exist. Re-grading the roads to divert water toward the medians instead of the storm drain could result in interference with other utilities. 		
CCCEAC	11					
CCCWP Letter	9					
CCCWP	29					
Colma	6, 7					
Concord	11					
Concord Mayor	5					
Cupertino	3					
Danville	8					
Daly City	19					
Dublin	4					
Fremont	5, 6					
Hayward	12		Road Rehabilitation Projects			
Livermore	6					
Local Streets &Rds Working Grp	2					
Martinez	1					
Menlo Park	3a					
Millbrae	8					
Monte Sereno	5					
Moraga	31	C.3.b.i.(5)				
Moraga Mayor	10					
Mountain View	5					
Mountain View, - Anderson, E	70					
Newark	5					
Oakland	5					

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File	Comment No.	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
Oakley Orinda Pacifica Pittsburg Pleasanton San Jose Att A San Jose Attorney San Jose San Leandro San Mateo Co San Pablo San Pablo, - Samkian, K San Ramon Santa Clara City SCVURPPP Att A SCVURPPP - Olivieri, A SMCWPPP Att 3 S. San Francisco Sunnyvale Att A Walnut Creek	31 2 8 3 7 15 3 2 1, 2 8 11 36, 37 5, 10 4 14 3 7b 20f 9 5					
Millbrae	8	C.3.b.i.(4)&(5)	New Road and Road Rehabilitation Projects	<ul style="list-style-type: none"> • Why are Caltrans new roadway projects exempted while municipalities must meet this requirement? • Caltrans roadway projects are typically much larger than our local roadway projects and create much more impervious surface. Exempting their projects is discriminating against local municipalities. 	Caltrans road projects are regulated under a separate state-wide permit.	None
Mountain View	5	C.3.b.i.(5)	Road Expansion and Rehabilitation Projects <i>Question</i>	Is supporting data available showing that requiring treatment BMPs on road expansion and rehabilitation projects will improve water quality?	It is well documented that impervious surfaces contribute pollutants to stormwater runoff. Therefore, requiring treatment of impervious surfaces not currently regulated will improve water quality.	None

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File	Comment No.	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
Santa Clara Co	9	C.3.b.i.(5)	Road Expansion or Rehabilitation Projects	The definitions for road expansion or rehabilitation projects should refer to industry approved definitions for road status. Road expansion needs to meet AASHTO standards.	This is not necessary because Provision C.3.b.i.(5) has been deleted.	Provision C.3.b.i.(5) has been deleted.
ACCWP Att 2 Contra Costa Co Supervisors Pittsburg San Leandro	15 30 3 4	C.3.b.i.(5)	Road Rehabilitation Projects <i>Typographical Error</i>	It is unclear whether the intent of this Provision is to reduce the threshold, for requiring post-construction treatment for road expansion and rehabilitation projects, from 10,000 to 5,000 ft ² of impervious surface.	The reference to a lower 5000 ft ² threshold was a typographical error.	The reference to a lower 5000 ft ² threshold has been removed from this Provision.
Contra Costa Co Supervisors	31	C.3.b.i.(5)(a)	Road Rehabilitation Projects	This language is not clear. It is assumed that "from the gravel base up" is inclusive of removal and replacement of the gravel base.	This clarification is not necessary because this portion of Provision C.3.b.i.(5) has been deleted.	This portion of Provision C.3.b.i.(5) has been deleted.
San Leandro	3	C.3.b.i.(5)(c)	Road Rehabilitation Projects <i>Duplicate Definitions</i>	This section appears to define Regulated Projects that are exclusively a sub-set of the Regulated Projects defined in Provision C.3.b.i.(5)(a). Duplicate definitions are extraneous and should be eliminated.	This is not necessary because this portion of Provision C.3.b.i.(5) has been deleted.	This portion of Provision C.3.b.i.(5) has been deleted.
Daly City	20	C.3.b.ii.	Regulated Projects <i>Database Development Implementation Due Date</i>	Clarify what the implementation date is, for the development of a database that will contain all the information listed under Reporting.	The database or equivalent tabular format required under Reporting (C.3.b.iv. in revised TO) shall be developed within 1 year of the Permit effective date.	Implementation date added to Provision C.3.b.iii. (in revised TO)
Burlingame Brisbane Cupertino SMCWPPP Att 3	13 8b 4 7b	C.3.b.iii.	Regulated Projects <i>Reporting</i>	The data collection and reporting requirements for Regulated Projects should be minimized to lessen the administrative burden.	The data collection and reporting requirements for Regulated Projects are consistent with what is already being reported by most Permittees under their current stormwater permits.	None
Moraga Oakley		C.3.b.iii.	Regulated Projects <i>Reporting</i>	This provision requires a number of data items that do not seem relevant or necessary and will require the restructuring of databases already in use. Items that do not seem to add anything to the report but volume and are contained in the final approved Stormwater Control Plan which are to be part of the permanent file are: <ul style="list-style-type: none"> • Developer's name 	<ul style="list-style-type: none"> • The Developer's name is important because we use the information and construction inspection data to identify exemplary as well as problem developers who may benefit from outreach or require enforcement. • As many subdivisions are built in phases over many years, the phase number distinguishes the phases as 	The requirement to report the reviewing entity has been deleted from Provision C.3.b.v.(1)(k).

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File	Comment No.	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
				<ul style="list-style-type: none"> Phase number Source control measures Site design measures Hydraulic Design criteria, Reviewing agency 	<ul style="list-style-type: none"> distinct separate projects. Source control, site design, and hydraulically sized treatment systems are required by Provisions C.3.c. and d. The reporting of this information for each project allows us to determine compliance with these Provisions. We agree that the reviewing agency is an element that need not be reported. 	
SCVURPPP Att A	93	C.3.b.iii. Attach L - Table C.3.b.	Regulated Projects <i>Reporting</i>	<ul style="list-style-type: none"> Name of Developer - The name of the developer is not needed for compliance with Provision C.3; however this field could be tracked and placed within Table C.3.b. if absolutely necessary; Project Watershed – The sample information included in this column is more detailed than the reporting requirements of C.3.b.iii. The MRP requires that the project watershed be provided, not the tributary or creek that urban runoff may flow to from the project. Status of Project - Tracking the application submittal and construction completion dates is inconsistent with Provision C.3.b.iii.. Provision C.3.b.iii. only requires the reporting of the application, deemed complete, and project approval dates. Planning Departments do not track construction, so this would be burdensome and difficult. HM Controls – Providing the reason why HM controls are not required is overly burdensome. 	<p>We concur with the comments regarding reporting of project watershed and status. However, we disagree with the comments asking to not report the Developers' names and the reasons HM Controls are not necessary:</p> <ul style="list-style-type: none"> The Developer's name is important because we use the information and construction inspection data to identify exemplary as well as problem developers who may benefit from outreach or require enforcement. HM controls are required by Provision C.3.g. and source control, site design, and hydraulically sized treatment systems are required by Provisions C.3.c. and d. The reporting of this information for each project allows us to determine compliance with these Provisions. 	Table C.3.b. has been revised to be consistent with the reporting requirements in Provision C.3.b.iv.
Santa Clara Co	13	C.3.b.iii.	Regulated Projects <i>Reporting</i>	Each agency is required to provide electronic reports for each regulated project in an Annual Reporting Table; however, it is unclear whether this procedural requirement would need to be included as part of an Initial Study and Mitigation Measures(s) for CEQA and NPDES permit compliance.	No, this is not the case.	None

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File	Comment No.	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
James, Roger Att II	19	C.3.b.iii.(13)	Regulated Projects <i>Reporting Requirements</i>	Add "for the life of the project" after "maintenance." It is important to emphasize that maintenance of the control measures is long-term and for the life of the project.	We concur that stormwater treatment systems should be maintained for the life of the project.	Provision C.3.h.iii. now requires all stormwater treatment systems and HM controls to be properly operated and maintained for the life of the project.
James, Roger Att II	18	C.3.b.iii.(5)	Regulated Projects <i>Reporting Requirements</i>	Add "and directly impervious surface area" to the end of this Provision. This will allow a determination of how much change in impervious surface area contributing to runoff has occurred from pre-project conditions.	We agree that for redevelopment projects, both pre- and post-project total impervious surface area should be reported in order to determine the net impervious surface change for each Regulated Project. Additionally, this data will also allow us to determine if Provision C.3.b. was applied correctly by the Permittees.	Provision C.3.b.iv. has been revised to require reporting of the post-project impervious surface area in addition to the pre- project impervious surface area.
US EPA Region 9	1	C.3.c.	LID	In April 2007, US EPA entered into an agreement with several national organizations to promote green infrastructure/LID to improve stormwater quality management for MS4s. In January 2008, EPA published an action strategy for the new initiative. The strategy encourages green infrastructure/LID requirements in MS4 permits. We are trying to ensure that MS4 permits in our Region include appropriate and adequate requirements to for green infrastructure/LID in new development and redevelopment projects, as the effectiveness of vegetation-based treatment for stormwater is clearly superior ¹ to conventional treatment (such as detention basins, drain inlet inserts); landscape-based treatment also has greater capacity to reduce the impact of spills. A wide range of other benefits of green	Comment noted.	None

¹ See for example the analysis prepared by Dr. Richard Horner entitled "Initial Investigation of the Feasibility and Benefits of Low-Impact Site Design Practices ("LID") for the San Francisco Bay Area" submitted to the San Francisco Bay Regional Board by NRDC. A similar analysis was also submitted to the Los Angeles Regional Board by NRDC attached to comments on the proposed Ventura County MS4 permit of December 2006.

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				<p>infrastructure/LID was identified in our action strategy.</p> <p>We have reviewed the green infrastructure/LID requirements in the proposed permit and except as noted below we believe they are appropriate for now. While the requirements for green infrastructure/LID in Part C.3.c are narrative, the issue is clearly emphasized in the permit. Further, the permit includes specific (and stringent) requirements on applicability in that they would apply to all new projects creating 10,000 ft² or more of impervious surface and (in the future) certain special categories of projects which create 5,000 ft² of impervious surface. As our green infrastructure/LID strategy is implemented we may have additional more specific recommendations concerning permit requirements and we would like to work with the Board concerning incorporation of such requirements in future permits or in existing permits via permit modifications.</p>		
NRDC	2	C.3.c.	LID	<p>The MRP TO does not translate the concepts of LID into objective performance measures or actual controls that meet the MEP standard or otherwise ensure compliance with water quality standards.</p> <p>Specifically, the following objective criteria represents the MEP standard and should be included in the MRP: A standard of 3% maximum allowable Effective Impervious Area (EIA) in all Regulated Projects, with a narrowly crafted alternative compliance provision for developments where severe site constraints, such as non-infiltrative soils, which render compliance with the 3% EIA limitation impossible.</p>	<p>We support the concepts of LID and acknowledge that the 3% EIA is a good goal to work towards. However, we are not convinced that it is an achievable standard for most of the Bay Area development projects because of the common occurrence of non-infiltrative soils.</p>	None
				<ul style="list-style-type: none"> • We have been implementing LID to meet the 	<p>Contrary to the statements made in these</p>	None

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File	Comment No.	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
CCCWP - Cloak, D CCCWP - Dalziel, T	1 2	C.3.c.	LID	<p>treatment and flow control requirements since August 2006. To implement LID in Contra Costa County, we define small areas of the site.</p> <ul style="list-style-type: none"> • NRDC's effective impervious area (EIA) concept does specify the ratio between the impervious area that's producing the runoff and the pervious area that's receiving it should be. We make that two to one. If the hydrograph modification management requirements apply, then it's one to one, so it's considerably better than NRDC's EIA proposal. • If there's not enough room to disperse runoff into pervious areas, we have these landscape-based treatment facilities. Runoff is treated very effectively by draining through 18 inches of a sandy soil before being collected in the bottom, which is necessary because of the clay soils. A similar arrangement can be put into a planter box, which can be located right next to buildings in dense urban areas. We now have probably 100 or so projects in progress. • MRP does not specify the source control measures required. But we have a system: if certain sources will be on the project site, then project must include certain source control BMPs. • So, the 19 Contra Costa Permittees are fully implementing LID now. Our criteria are better than what USEPA and NRDC propose. All this is being done under the current permit so you should keep the requirements the same. The MRP is troubling because it pretends to support LID but would make it very difficult for Contra Costa to do that. • We ask you to direct Board staff to encourage further progress with the approach that Contra Costa has been using. 	<p>comments, nothing in Provision C.3.c. precludes the Permittees in CCCWP from implementing their current program. If the Permittees implement CCCWP's program as described in these comments, they will meet the requirements of Provision C.3.c. Since the MRP is a regional permit, Provision C.3.c. is necessary to require LID implementation at Regulated Projects that are approved by other Permittees.</p>	

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HBA - Foley-Gannon, E	8	C.3.c.	LID	We ask to participate in the further discussions on LID that are planned with USEPA and NRDC. We support LID development when it's done in a smart way. There can be unintended consequences and we would like to be able to offer our voice in that conversation.	We have met with HBA to discuss the MRP TO and LID requirements.	Changes have been made to Provisions C.3.b., c. and e.
SCVURPPP Att A	15	C.3.c.i.(1)-(2)	LID Source Control & Site Design	Regulated projects should only be required to implement source control and site design measures that are appropriate to the site conditions and type of developments. The language in these sections should be changed to require these measures "where applicable" (the Fact Sheet uses this language in describing this provision).	We consider the source control and site design measures listed to be baseline measures that must be included for each Regulated Project. It is implicit in the language as written that certain specific measures listed are applicable only to certain types of Regulated Projects.	Provision C.3.c.i.(1) has been re-organized to better identify those measures that may be applicable to certain types of Regulated Projects.
Daly City	23	C.3.c.i.(1)-(3) Fact Sheet	LID Source Control <i>Incorrect Reference</i>	Revise numbering in MRP Fact Sheet to reflect accurately, the sections referenced in the TO. Provisions C.3.c.i.(1)(3) is described in the MRP Facts Sheet as Provisions C.3.c.(ii)-(iv).	We agree	Appropriate changes have been made to the Fact Sheet.
CCCWP	33	C.3.c.i.(1)(a)	LID Source Control	Add the phrase "and if discharge to onsite landscaping is not a feasible option" at the end of the following sentence: "Minimization of stormwater pollutants. . . where allowed by the local sanitary sewer agency." Residents should have the option to use swimming pool discharge and fire sprinkler test water for irrigation where appropriate. The language in this Provision should be consistent with Provision C.3.a., except that such measures are only encouraged for non-regulated projects.	We agree	Provisions C.3.a.i.(7) and C.3.c.i.(1) have been revised accordingly.
Daly City	21	C.3.c.i.(1)(a)	LID Source Control	Include qualifying language regarding sanitary sewer connections: "The project applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific	We agree	Provision C.3.c.i.(1)(a) has been revised accordingly.

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				connection and discharge requirements."		
James, Roger Att II	20	C.3.c.i.(1)(a)	LID Source Control <i>MEP</i>	Change "minimization" to "Reduce to the maximum practicable" to be consistent with the use of MEP in storm water permits.	Minimization of stormwater pollutants implies reducing to the MEP.	None
James, Roger Att II	21	C.3.c.i.(1)(d)-(e)	LID Source Control <i>Landscaping</i>	Combine these to read "Implement the Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations) and minimize the use of pesticides and fertilizers." This will allow support of a state program.	The intent of this Provision is to identify and require appropriate source control measures, not to require compliance with another state program.	None
Santa Clara Co	16	C.3.c.i.(1)(e)	LID Source Control <i>Requirements</i>	<ul style="list-style-type: none"> Who should be responsible for and how should efficient irrigation systems be achieved? How should landscaping that minimizes irrigation and runoff, promotes surface infiltration, and minimizes the use of pesticides and fertilizers be achieved and by who? 	Regulated Project proponents are responsible for any irrigation systems as well as landscaping that they install. There are many products currently available, especially in these times of drought, that are considered efficient irrigation systems.	None
Brisbane SMCWPPP Att 3	8c 7c	C.3.c.i.(2)	LID Site Design	<p>Some of the LID requirements are overly prescriptive:</p> <ul style="list-style-type: none"> There may be places, such as tidal areas or heavily urbanized areas where maintaining or replicating pre-development hydrologic regime is inappropriate. In some locations where there is existing infrastructure, it may be better to promote denser development with more impervious surface to lessen urban sprawl than minimizing the impervious footprint. These sections should be changed to require these types of measures "where applicable" (the fact sheet uses this language in describing this provision). 	This Provision does not require the pre-development hydrologic regime to be maintained or replicated. In the case of denser development which in many cases includes multi-levels, we consider the "building compactly and up" instead of "building sparsely and out" can be considered as a way to minimize the impervious footprint. Given the broad interpretation available for the measures required in this Provision, we don't agree that the "where applicable" qualifier is necessary.	None
NRDC	4a	C.3.c.i.(2)	LID Site Design	The site design provisions are vague and indefinite and as such, they do not constitute the control measures required by law, will not reduce stormwater to the MEP, and cannot ensure the attainment of water quality standards. The	Requirements such as conserving natural areas and minimizing impervious footprint are source control and site design measures consistent with LID principles. However, requiring a specific percentage	Provision C.3.c.i.(2) has been revised to require each Regulated Project to implement at least one site design measure from

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				<p>nebulous language includes:</p> <ul style="list-style-type: none"> • "Conserve natural areas, to the extent feasible" - Feasibility is an open-ended concept allowing for wide variation among Permittees and developers; • "Minimize impervious footprint" - Without any objective standard, Permittees have no way to determine what constitutes "minimization." • "Drain a portion of impervious areas . . . into pervious areas" - A portion means only that each Regulated Projects must filter some part of stormwater discharge (any number from 1-99%). • "Construct a portion of walkways, trails, . . . with permeable surfaces." - What qualifies as a portion? 	<p>of area to conserve or limiting the size of the footprint for each Regulated Project is beyond the purview of a stormwater permit. Therefore, these requirements have been left in narrative form.</p> <p>But we do concur that the site design requirements with regard to draining a portion of the impervious area into pervious areas and constructing walkways with permeable surfaces should be more specific.</p>	a list of six specific options.
NRDC	4c	C.3.c.i.(2)	LID Site Design	EPA strongly recommends in its Measurable Goals Guidance for Phase II Small MS4s that measurable goals include a "quantifiable target to measure progress toward achieving the activity or BMP." The MRP's site design requirements do not contain recommended or required activities, measurable goals, a means to assess BMP performance, progress, or achievement of purpose. The vaguely worded provision does not satisfy EPA regulations and guidance and are thus invalid under the Clean Water Act.	We concur that the site design requirements should be more specific.	Provision C.3.c.i.(2) has been revised to require each Regulated Project to implement at least one site design measure from a list of six specific options.
BASMAA - Bicknell, J	77	C.3.c.i.(2)	LID Site Design	We support the implementation of low impact development concepts, and in fact, our municipalities already require projects to include site design measures to protect water quality.	Comments Noted	None
Contra Costa Co Supervisors	32, 33	C.3.c.i.(2)	LID Site Design	<ul style="list-style-type: none"> • Add the following to the requirement to minimize impervious surface: "consistent with zoning and building regulations and good planning practices." We support "minimizing imperviousness" but the degree to which this 	It is implicit that the requirements for	None

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				<p>can be required varies.</p> <ul style="list-style-type: none"> • More pervious paving materials are sometimes inconsistent with fire district regulations. The following proviso should be added: "where consistent with fire district requirements." 		
Daly City	22	C.3.c.i.(2) Fact Sheet Finding C.3-2	LID Site Design	Clarify the threshold for minimization of the impervious footprint of a Regulated Project. Although Finding C.3-2 of the Fact Sheet states, "Neither Provision C.3. nor any of its requirements are intended to restrict or control local land use decision-making authority", these specific provisions are impractical for the majority of commercial and mixed-use zoned sites that allow for 100% lot coverage.	minimizing impervious surface and using pervious pavement material should be consistent with zoning, building, and fire district regulations. Therefore, the "qualifying" language is not necessary.	
NRDC	6	C.3.c.i.(2)	LID Site Design Requirements	The MRP's site design requirements are less specific than the South Orange County draft MS4 permit, which was recently rejected by the San Diego Water Board. Yet, that draft permit contained more detailed and specific site design BMPs than the MRP. US EPA Region 9's comments on the South Orange County draft permit recommended that the permit be revised to include LID provisions similar to those contained in the draft Ventura County permit, especially the Effective Impervious Area (EIA) limitation.	We concur that the site design and treatment requirements should be more specific and have made appropriate revisions. However, we have not included an EIA limitation similar to the draft Ventura County permit because it would be too restrictive. Given the variety of site conditions and constraints in the Bay Area and particularly the increased emphasis on urban redevelopment and compact building practices, we feel it necessary to preserve a certain amount of flexibility with regard to selection of treatment measures. Applying an aggressive EIA limitation would essentially force all development projects to install landscape-based treatment measures and in some cases, this is just not feasible because of right-of-way constraints or limited space. From our experience in reviewing development projects that apply for 401 certification, it seems most projects can readily include landscaped-based	Provision C.3.c.i.(2) has been revised to require each Regulated Project to implement at least one site design measure from a list of six specific options. Each Regulated Project must also consider and install treatment measures following a specified hierarchy so that as much stormwater runoff as possible is addressed through recycling and landscaped-based measures before vault-based measures can be considered. The revised TO requires any project proposing to install vault-based treatment for more than 50% of the total
US EPA Region 9	2	C.3.c.i.(2)(d) & (e)		The one concern we have with the LID requirements of the proposed permit is Part C.3.c.i.(2)(d) which requires "a portion" of impervious areas to be drained to a pervious area, and Part C.3.c.i.(2)(e) which similarly requires for walkways and trails, etc. that "a portion" of such areas be constructed with permeable surfaces. To ensure adequate enforceability and clarity of the permit, the permit needs to include a numeric value for the quantity of runoff which would be directed to pervious		

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				<p>areas. We suggest a requirement such as proposed in the August 2007 draft Ventura County MS4 permit which limits the EIA of new developments to 5% of the total area of a project. We are not wedded to any particular numeric value; this could be determined based on local considerations, but the requirements should be expressed quantitatively to ensure clarity and enforceability.</p>	<p>treatment measures for at least 50% of the total Provision C.3.d. specified runoff. Therefore, the revised TO includes specific notification requirements for any project that proposes to install vault-based treatment systems to provide primary treatment for 10-50% of the total Provision C.3.d. specified runoff and Water Board EO approval requirements for any project proposing to install vault-based treatment for more than 50% of the total Provision C.3.d. specified runoff.</p>	<p>Provision C.3.d. specified runoff to obtain the Water Board EO's approval. Also, Permittees must notify the Water Board Executive Officer of any projects that propose to install vault-based treatment systems to provide primary treatment for 10-50% of the total Provision C.3.d. prior to granting approval to the project.</p>
NRDC	10b, 11 12, 18	C.3.c.i.(2)-(3)	LID Site Design & Stormwater Treatment	<ul style="list-style-type: none"> • Even if the Water Board could lawfully omit a 3% EIA limitation, the wholesale omission of any articulated standard is unlawful and inconsistent with the MEP standard. The MRP follows an approach that has been criticized in a Dec 2007 publication by the State Water Board, which observes that language similar to that contained in the MRP does not specify a "level of compliance." EPA Region 9 has criticized both the South Orange County Permit's and the Monterey SWMP's failure to "target identified priorities or establish measurable goals." Thus, the MRP must be revised to contain specific, binding, measurable goals. • Requiring a 3% maximum EIA generates the most significant water quality benefits and meets the MEP standard. Studies by Dr. Horner show that the 3% maximum EIA approach is feasible, practicable, cost effective, and can result in as much as 100% runoff capture onsite. Even in low infiltrative capacity areas (D soils), total runoff can be reduced by 40-79% through LID. • Watershed studies show that impervious cover > 3% harms ecosystems. MEP means choosing the most effective BMPs, such as LID, which can be rejected only if the alternative BMPs will serve the same purpose 	<p>Water Board Executive Officer approval of projects will ensure that vault-based systems are installed only at sites with site constraints that make landscaped-based measures truly infeasible. The notification requirements will identify cities that we may need to work more closely with to ensure that LID practices are implemented appropriately and to the full extent practicable.</p>	

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				or if the rejected BMPs are technically infeasible or cost-prohibitive. The MRP Fact Sheet does not demonstrate technical infeasibility or cost-prohibitiveness.		
NRDC	13 - 16	C.3.c.i.(2)-(3)	LID Site Design & Stormwater Treatment	The MRP contains insufficient substance for the Water Board or the public to determine what requirements developers must meet. The elimination of the required Stormwater Management Plans (SWMPs), which implement specific BMPs and control measures, compounds this. Although the MRP purports to include sufficient detail so that SWMPs are no longer necessary, this level of detail has not been achieved. There is nothing to stop a Co-Permittee from "misunderstanding or misrepresenting its own stormwater situation and proposing a set of minimum measures for itself that would reduce discharges by far less than the MEP. For example, a Permittee could comply with C.3.c.i.(2)(d) by requiring that 2% of impervious surfaces drain to pervious areas, this would hardly constitute pollutant reduction to the MEP but it would satisfy the terms of the Permit.	The elimination of the requirement for SWMPs was a means to achieve consistency between the various Permittees' stormwater programs. By setting the standards that each Permittee must comply with in the MRP, we no longer require the exhaustive details of each that would be included in a SWMP. We have re-written and combined Provisions C.3.c.i.(2) and (3) so as to better direct Permittees to require Regulated Projects to implement LID measures for most of the stormwater runoff onsite.	Provision C.3.c.i.(2) has been revised to add notification and/or justification requirements for any Permittees approving vault-based stormwater treatment measures for 10-50% of the total Provision C.3.d. runoff. We are also requiring WB Executive Officer approval for any Regulated Project proposing vault based systems for > 50% of the total Provision C.3.d. runoff.
James, Roger Att II	22	C.3.c.i.(2)(d)(i)	LID Site Design	This is really a meaningless requirement because it fails to specify a specific amount of runoff that must be drained to a pervious area.	We agree	Provision C.3.c.i.(2) has been revised to require each Regulated Project to implement at least one site design measure from a list of six specific options.
James, Roger Att II	23	C.3.c.i.(2)(d)(ii)	LID Site Design	Substitute "slope stability and impact on structures for "other pertinent factors."	We agree	Provision C.3.c.i.(2)(d)(ii) has been revised accordingly.
Santa Clara Co	17	C.3.c.i.(2)(e)	LID Site Design	How is "low traffic area" defined? For example in <u>Start at the Source</u> not all parking lots are	"Low traffic areas" generically refers to areas where permeable road surfaces	None

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			<i>Requirements</i>	considered low traffic areas and pervious surfaces are not appropriate.	may be appropriate because of there is not the overriding concern about the ability of the surface to withstand constant use by motor vehicles.	
James, Roger Att II	24	C.3.c.i.(2)(e)	LID Site Design <i>Permeable Surfaces</i>	The use of permeable pavements will have limited applications in the Bay Area when the objective is to achieve treatment or flow control standards. The Bay Area's Group D soils will require installation of under drains with large gravel storage areas to achieve even marginal flow control. Applications will be also limited to flat areas or areas with minimal (<5%) slopes with 10-100 foot setbacks from structures. Permeable pavements require frequent, intense, and costly maintenance to effectively maintain porosity. Failures or clogging of permeable pavements require complete reconstruction. Water Board staff must require the development of siting and design criteria applicable to the Bay Areas soils and maintenance standards before endorsing the widespread implementation.	This Provision only lists permeable pavement as an option for site design measures. There are other options that the Regulated Projects can pick from.	Provision C.3.c.i.(2) has been revised to require each Regulated Project to implement at least one site design measure from a list of six specific options.
Contech - Lin, H	1 - 4	C.3.c.i.(3)	LID Stormwater Treatment	Do not impose the stormwater treatment system selection hierarchy because: <ul style="list-style-type: none"> • Many systems fit into multiple categories. • It will lead to administrative barriers and policies that accept "preferred systems" and disregard land use, expected pollutants, BMP effectiveness, site constraints, and maintenance requirements, resulting in selection of inappropriate systems. • It is not proven by scientific research and monitoring data, imposes a false distinction between public domain and proprietary systems, and infers that proprietary systems have inferior performance; • International BMP database provided data showing that media filters provided better 	Landscape-based treatment for stormwater runoff is generally superior to vault-based treatment because landscape-based treatment can remove a broader range of pollutants in a more robust and redundant manner. Additionally, landscape-based treatment provides multiple environmental and economic benefits in addition to reducing impacts to water quality from pollutants, such as enhancing water supplies, cleaner air, reduced urban temperatures, increased energy efficiency, and other community benefits such as aesthetics, recreation, and wildlife area.	None

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				<p>performance than biofilters (basically swales), in the analysis of many treatment systems for total suspended solids and total phosphorus.</p> <ul style="list-style-type: none"> • Proprietary systems are tested extensively in the lab and field and manufactured consistently, but most public domain systems are designed and constructed by people with varying experience resulting in inconsistent performance levels. • It provides no incentive for industry to develop novel systems and discourages thorough analyses of site conditions and comprehensive approaches to achieve the low impact goal. • As an example, subsurface proprietary BMPs can be designed to provide superior treatment and volume controls on sites where trash removal, pollutants sequestration, and spill control is required. And they may be more effective in protecting wildlife, public health, aesthetics, and other uses of the overlaying land because these pollutants are stored out of contact with humans and the natural environment. 		
James, Roger Att II	25	C.3.c.i.(3)	LID Stormwater Treatment	<p>This misguided guidance fails to consider the potential of projects to augment or replace already scarce water supplies. The first priority must be given to projects augmenting, replacing, or replenishing domestic water supplies. This provision must be rewritten to reflect a hierarchy recognizing the State's current and future water supply needs. The Water Board should not be promoting the use of BMPs that require irrigation unless reclaimed water is applied.</p>	We agree.	Provision C.3.c.i.(2) has been revised to place stormwater treatment systems that store for reuse and/or infiltrate at the top of the hierarchy.
Contech	2	C.3.c.i.(3)	LID Stormwater Treatment	<p>Storm Water Panel Recommendations to the State Board on the feasibility of numeric effluent limits articulated the following deficiencies in post-construction stormwater management: the</p>	<p>Landscape-based treatment for stormwater runoff is generally superior to vault-based treatment because landscape-based treatment can remove a</p>	None

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				<p>lack of long term accountability for BMP performance, improper BMP design and selection, and a tendency to maintain BMPs only for aesthetic purposes. The panel recommended that BMPs be designed/selected "more rigorously with respect to the physical, chemical, and/or biological processes that take place within them." A program for the selection, design and implementation of treatment systems should be developed with these observations in mind. It would be much more effective to replace the "order of preference" with an outline for a performance based and design process focused approach where BMPs are selected based on providing the highest level of performance with assured operational feasibility.</p>	<p>broader range of pollutants in a more robust and redundant manner. Additionally, landscape-based treatment provides multiple environmental and economic benefits in addition to reducing impacts to water quality from pollutants, such as enhancing water supplies, cleaner air, reduced urban temperatures, increased energy efficiency, and other community benefits such as aesthetics, recreation, and wildlife area. This view is in line with USEPA and State Water Board recommendations for LID.</p>	
CCCWP	34	C.3.c.i.(3)	LID Stormwater Treatment	<ul style="list-style-type: none"> • This Provision contains two widely overlapping categories: "Stormwater treatment systems that reduce runoff, store stormwater for beneficial reuse, and enhance infiltration to the extent that is practical and safe;" and "Multi-benefit natural feature stormwater systems, such as landscaped-based bioretention systems, vegetated swales, tree wells, planter boxes, and green roofs." These two categories should be combined into one category—bioretention, for example, meets the criteria in both categories. • Also, no current category describes conventional non-proprietary facilities, such as constructed wetlands, "dry" detention basins, and sand filters. 	<ul style="list-style-type: none"> • The two categories should remain separate because natural feature stormwater systems commonly installed in the Bay Area contain under drains which prevents infiltration of the treated stormwater. • We concur that we do not currently have a category for conventional treatment systems. 	Provision C.3.c.i.(2) has been revised to add conventional stormwater treatment systems to the hierarchy.
James, Roger Att II	29	C.3.c.i.(3)	LID Stormwater Treatment Requirements	Systems must not only be constructed to meet the requirements of C.3.d, but they must also be designed, operated and maintained to meet the requirements of C.3.d. These elements must be added to the provision.	It is implicit that if these systems are constructed to meet Provision C.3.d., they will be designed to meet Provision C.3.d. and will be operated and maintained so that they will continue to provide the C.3.d. required level of treatment.	None

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James, Roger Att II	26	C.3.c.i.(3)(a)	LID Stormwater Treatment	State precisely what is meant by "practical and safe." Otherwise this is a meaningless requirement. "Practical" should be changed to "meets design and siting criteria" and "safe" should be "compliance with water quality standards for protection of groundwater supplies".	We concur that these two terms as used in Provision C.3.i.(3)(a) are ambiguous.	Provision C.3.c.i.(2) has been revised to better define the specific tasks for selecting stormwater treatment systems so that LID measures are included in each Regulated Project.
James, Roger Att II	27	C.3.c.i.(3)(b)	LID Stormwater Treatment	The specification of tree wells in the MRP TO and vendor provided information on the Filterra system on the Water Board's website raises significant questions on whether the Water Board's staff is promoting a proprietary product. Significant questions have been raised on the reported pollutant removal rates of the Filterra system, given the high (100-inches/hour) infiltration rates. The technology is only accepted in Washington for short-term testing to verify performance claims. This fact and the lack of validation of vendor-supplied performance claims hardly warrant the endorsement given in the MRP TO notwithstanding the Water Code's Section 13360 prohibition against the Water Board specifying compliance measures.	The phrase "tree well" under the multi-benefit natural feature stormwater treatment systems category is intended as a generic descriptive name for this type of bioretention unit, not as an endorsement of Filterra.	None
Daly City	24	C.3.c.ii.	LID Implementation <i>Due Date</i>	An implementation date of July 1, 2009, represents a very aggressive schedule, so we must question whether such a date is reasonable.	The July 1, 2009, implementation date represents a one-year time frame, which is reasonable considering that WB staff has been directing Permittees for years to require Regulated Projects to use LID measures as much as practicable. The specific implementation date in the final MRP Permit will be adjusted accordingly to be one year after Permit adoption.	None
San Jose Att A	16	C.3.c.ii.	LID Implementation <i>Due Date</i>	We request that the date of July 1, 2009, be revised to "12 months after Permit adoption."		None
James, Roger Att II	28	C.3.c.ii. C.3.c.iii. C.3.c.iv. Fact Sheet	LID Site Design & Stormwater	The references in the Fact Sheet to the corresponding MRP TO Provisions are out of synch and make it impossible to review, analyze	The requirement for site design measures and a preference for landscaped-based measures are consistent with LID	The Fact Sheet has been revised to correctly reference the applicable

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		Pages 22-23		<p>and submit substantive comments.</p> <p>The discussions in these sections indicate that the Water Board is now requiring site design measures and specific treatment systems. This is a direct violation of Section 13360 of the Water Code. The discussion suggests that the required treatment systems address soluble pollutants; however, no data is presented to substantiate this or that the required systems address soluble pollutants or those soluble pollutants are pollutants of concern. The Water Board staff has demonstrated a most unusual bias against proprietary systems yet present no data or references to support their claims. The Water Board staff has during the period of implementing the storm water program recommended devices like catch basin inserts and then had to retract that endorsement once performance information was provided. Water Board staff has also used the water quality certification program to promote their favorite treatment systems such as swales. This must be avoided so that responsibility for meeting requirements lies with the Permittee and project applicant.</p>	<p>concepts and practices, which USEPA has identified as a permit requirement for MS4s.</p> <p>Landscape-based treatment for stormwater runoff is generally superior to vault-based treatment because landscape-based treatment can remove a broader range of pollutants in a more robust and redundant manner. Additionally, landscape-based treatment provides multiple environmental and economic benefits in addition to reducing impacts to water quality from pollutants, such as enhancing water supplies, cleaner air, reduced urban temperatures, increased energy efficiency, and other community benefits such as aesthetics, recreation, and wildlife area.</p>	Provision numbers.
James, Roger Att II	30	C.3.d.i.(2)(c)	<p>Numeric Sizing Criteria Flow Hydraulic Design Basis</p>	<p>Guidance is needed on the interpretation and application of the 0.2-inch per hour flow based criteria when sizing storm water treatment systems designed for small LID catchments where times of concentration are less than 5-minutes. It is not clear from the criteria if the intent is to design for storm events with an average storm intensity of 0.2 inch/hour or to design a system using a maximum uniform intensity of 0.2-inch/hour. The two are vastly different and produce BMPs that may be either slightly oversized or significantly undersized depending on which interpretation of</p>	<p>As the commenter states there is a safety factor of 2 added to the 85% percentile hourly annual rainfall data. This is a substantial storm intensity, and represents a optimization of the sizing of flow through stormwater treatment devices, but a fairly conservative optimization. This represents an inch of rain in a five hour period, which is a fairly infrequent rain event in this region. No requirement for size of LID or stormwater treatment catchment exists, but even if treatment is installed for small</p>	None

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				<p>the criteria is used. The 0.2 inch/hour criteria used by the Water Board is also contained in the CASQA BMP Handbooks and was developed in the San Diego Region which has significantly different rainfall depths, storm durations and number of annual events, but similar short-duration intensities to the Bay Area. It is based on 51-years of hourly rainfall data collected at the San Diego Airport rain gauge. They found that 85% of the storm events have an intensity that is less or equal to 0.1 inch/hour. That intensity was multiplied by two to provide a margin of safety to allow for the possibility that some rain which falls during an hour could have fallen in bursts of greater intensity than 0.1 inch/hour.</p> <p>Unfortunately many storm water BMP designs are now using these flawed criteria because it results in small land requirements. These BMPs are under designed by at least a factor of 4 and possibly as high as 10 when high infiltration rates are applied and will frequently bypass or scour accumulated solids. Apparently the RWQCB staff used the 0.2 inch/hour criteria simply because it was being used elsewhere and has not done any analysis on whether it is applicable to the Bay Area's different and wide variation in rainfall event characteristics.</p>	<p>catchments, this does not necessarily require design of treatment capacity for a smaller time of concentration sized to that catchment. The stormwater treatment measures are often designed with a small storage volume above the treatment area, which also serves to ameliorate the effects of short time frame variability in the intensity of rainfall. All in all, overflow of treatment systems designed to this rainfall flow standard will be acceptably infrequent in this region.</p>	
Moraga Oakley	33 33	C.3.d.iii.	Numeric Sizing Criteria <i>Reporting Question</i>	This Provision requires reporting using the Summary Tables required for C.3.b.iii. Is there anything intended to be reported beyond the hydraulic sizing criteria of C.3.b.iii?	No	None
SCVURPPP Att SCVWD	16 7	C.3.d.iv.	Numeric Sizing Criteria <i>Infiltration Devices</i>	Because of the concern for protection of groundwater quality in the Santa Clara Basin, the MRP should clearly define "infiltration devices" to distinguish them from other infiltration measures that are desirable site design and treatment features, and recognize	<ul style="list-style-type: none"> • We agree that a definition of "infiltration devices" is needed. • We think the 100 foot setback from water supply wells is adequate given that there is language in the Provision requiring greater setbacks if 	A definition of infiltration devices has been included in Provision C.3.d.iv. Provision C.3.d.iv. has also been revised to

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SCVWD	7			that specific infiltration devices, such as dry wells, may have greater potential impacts to groundwater quality than others.	<p>warranted.</p> <ul style="list-style-type: none"> • We concur that there should be setbacks specified for underground storage tanks as well as septic tanks. • We concur that there should be restrictions on the use of infiltration devices at sites with known groundwater contamination. 	include setback requirements for underground storage tanks and septic tanks.
				<p>Stormwater management actions that include recharge to groundwater should ensure adequate protection of groundwater. Address the following issues addressed:</p> <ul style="list-style-type: none"> • The MRP sets a uniform 100 foot setback from water supply wells for infiltration devices. Conditions may exist that require even further setbacks. • Consider setbacks from Underground Storage Tanks (USTs) and septic tanks to avoid the leaching of contaminants into groundwater from them. • Place restrictions on infiltration projects on or near sites with known soil or groundwater contamination. 		
ACFCD Zone 7	3-6	C.3.d.iv.	Numeric Sizing Criteria <i>Infiltration Devices</i>	<ul style="list-style-type: none"> • This Provision should be consistent with any standards established by the Water Board's Groundwater- Surface Water Interaction Committee. • Infiltration devices for groundwater management should be exempt from this Provision's requirements. • This Provision does not require monitoring or reporting of these infiltration devices. To ensure that they are not causing or contributing to the degradation of groundwater quality, monitoring requirements should be required. • A higher level of analysis should be considered before approval is given for the use of infiltration devices where background contamination exists and the percolation runoff could mobilize the contamination to a sensitive receptor or interfere with the natural 	<ul style="list-style-type: none"> • It is understood that infiltration devices within the context of this Provision refer to their use for stormwater runoff treatment only. • For clarity, we will include a definition for infiltration devices. • Additional restrictions for placement of infiltration devices have been added. 	Provision C.3.d.iv. has been revised include more restrictions on the use of infiltration devices.

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				attenuation processes of the contamination.		
Santa Clara Co	18	C.3.d.iv.	Numeric Sizing Criteria <i>Infiltration Devices</i>	How do you determine if infiltration devices will degrade groundwater quality? The County recommends that the Water Board create guidelines for installing stormwater treatment systems. What other methods can be used to treat stormwater prior to infiltration devices?	There are existing guidelines developed by the countywide programs. Other stormwater treatment systems can be installed in tandem with infiltration devices to provide prior treatment to the infiltration devices.	None
James, Roger Att II	31	C.3.d.iv.	Numeric Sizing Criteria <i>Infiltration Devices</i>	A Provision must be added implementing the requirements of the Safe Drinking Water Act UIC Program. This should include the following elements: <ul style="list-style-type: none"> • Define storm water BMPs that are deeper than wide as Class V injection wells and prohibit their use in wellhead protection designated sole source aquifer areas. • Prohibit the installation of Class V injection wells that receive auto motor vehicle waste. • Require owners of Class V Injection Well to register the well and file reports with USEPA Region 9. 	<ul style="list-style-type: none"> • For clarity, we will include a definition for infiltration devices. • Additional restrictions for placement of infiltration devices have been added. 	Provision C.3.d.iv. has been revised include more restrictions on the use of infiltration devices.
James, Roger Att II	32	C.3.d.iv.(2)	Numeric Sizing Criteria <i>Infiltration Devices</i>	This Provision is inadequate to assure protection of groundwater quality and does not implement the Shallow Drainage Well provisions of the Water Board's Basin Plan. Sections (a), (b) and (c) of this Provision need to be completely rewritten to provide a proactive program for protecting groundwater resources.	Additional restrictions for placement of infiltration devices have been added.	Provision C.3.d.iv. has been revised include more restrictions on the use of infiltration devices.
Moraga Oakley	34 33	C.3.d.iv.(2)(a)	Numeric Sizing Criteria <i>Infiltration Devices</i>	This Provision makes a change to the requirement for infiltration in that it now requires 2 feet of fine grained soil in the flow path. What is meant by fine grained soil, as soils that contain clays are fine grained but do not infiltrate well? It had been our understanding that the 10-foot separation was to create the necessary filtration bed. Does our standard of 18 inches of engineered soil and 5 in/hr infiltration rate still meet this requirement?	The two feet of fine grain soil serves to ensure adequate removal of pollutants. However, we agree that "fine grain soil" may describe clays, clearly not an appropriate soil type for infiltration devices. However, there is also a need to specify a maximum infiltration rate to ensure adequate removal of pollutants.	Provision C.3.d.iv.(2)(a) has been revised to specify "two feet of suitable soil to achieve a maximum 5 inches/hour infiltration rate for the infiltration system."

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Alameda City	20			This Provision requires “two feet of fine grain soil” in stormwater infiltration devices. This impractical specification may reduce the effectiveness of infiltration and create dysfunctional treatment structures.		
Silicon Valley Bike Coalition	1	C.3.e.	Alternative Compliance	The Section C.3.e. Alternative Compliance with Provision C.3.b. and d. appears not to apply to trails as written.	This section is intended for projects that may have difficulty with installing stormwater treatment systems because of site constraints, such as space limitations and underlying utilities. These site constraints are not applicable to trail projects.	None
HBA - Foley-Gannon, E	6, 7	C.3.e.	Alternative Compliance <i>Brownfields & Transit-oriented Development</i>	<p>We agree with the basic designation of special projects where sizing requirements may not be applicable.</p> <ul style="list-style-type: none"> • However, for brownfields, we don't understand why they have to have supplemental funds provided to qualify as a special project. • The same thing with the planned development projects; if you also include things for, not just existing development, but the existing transit-oriented development but also planned to encourage really smart regional planning. That's a concept that I think is somewhat missing. 	<ul style="list-style-type: none"> • The “special projects” category is restricted to Brownfields projects that receive subsidies to limit the number of projects. In urban areas, very large areas may potentially be classified as Brownfields. • This permit is not intended as a regional planning document. 	None
SCVWD	8	C.3.e.	Alternative Compliance <i>Regional Projects</i>	<ul style="list-style-type: none"> • The District appreciates the provisions that allow for regional solutions. • We encourage the Water Board to develop grant funding programs and to work collaboratively with the District and other co-Permittees on developing regional solutions to stormwater peak flow attenuation, such as in-stream restoration projects or off-stream treatment and detention basins that could be funded, at least in part, through developer contributions. • Regional solutions represent an improvement 	Comment noted.	None

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				over the proliferation of thousands of very small, individual onsite control systems that will ultimately lead to problems in the long term.		
NRDC	8	C.3.e.i.	Alternative Compliance	What qualifies as "alternative compliance," is vague and lacks performance standards. Infill projects < 1 acre and redevelopment projects could avoid installing onsite stormwater BMPs by providing "equivalent offsite treatment" or contributing "equivalent funds" to a "Regional Project." These options do not clearly state the required performance level. Alternative compliance projects may not be as effective at mitigating stormwater runoff and pollution since the Water Board does not maintain any oversight of project implementation and Regional Projects do not need to be completed until 3 years after construction of the exempted development and may pollute for 3 years without any mitigation. The Water Board and the public would have no means to judge whether the offsite mitigation projects performed adequately until 3 years after the development has been built. These loopholes do not constitute pollution reduction to the MEP.	Alternative compliance is a necessary option because there are projects where onsite treatment is just not feasible because of existing underground utilities, right-of-way constraints, and limited space. All offsite projects installed as alternative compliance are required to meet the same hydraulic sizing criteria (Provision C.3.d.) that onsite projects do. We have expanded operation and maintenance requirements to all offsite projects installed as alternative compliance. A longer timeframe for construction of Regional Projects is necessary because some beneficial projects require longer timeframes to plan, obtain funding from various sources, and construct.	Provision C.3.h. (Operation and Maintenance Requirements) has been revised to specifically apply to all offsite projects installed as alternative compliance.
Moraga Oakley	35 33	C.3.e.i.	Alternative Compliance Restrictions	C.3.e. limits alternative compliance to less than 1 acre as item (1). Item (4) seems to contradict item (1). What is intended?	The intention was to limit alternative compliance to infill development projects < 1 acre and redevelopment projects. However, this restriction has been lessened. See response for previous comment above.	Provision C.3.e.i. has been revised to incorporate HBA's definition of infill site and to allow alternative compliance for all infill sites.
HBA - Foley-Gannon, E SCVURPPP Att A CCCWP CCCWP Letter	5 18 35 11	C.3.e.i.(1)-(2)	Alternative Compliance Restrictions	The alternative compliance option should not be limited to new infill development projects < 1 acre and redevelopment projects only because: • Most projects will use onsite treatment because it is less expensive and the quickest	The alternative compliance option is intended primarily for redevelopment projects. In keeping with LID concepts, we expect new development projects to install mostly landscaped-based treatment	Provision C.3.e.i. has been revised to incorporate HBA's definition of infill site and to allow alternative

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Contra Costa Co Supervisor Daly City	34 25			<p>route to project approval.</p> <ul style="list-style-type: none"> • The limitation restricts the use of alternative compliance in rare instances where it is needed. • There may be some projects that don't meet the restrictions but for which it is necessary or preferable to use alternative compliance. 	<p>measures and to allocate the appropriate space for them because they do not have the site limitations of redevelopment. However, we acknowledge that new infill development in urban cores may have the same site constraints as redevelopment projects; therefore, we have removed the 1 acre cap on infill projects allowed alternative compliance and incorporated the definition of infill site proposed by HBA.</p>	<p>compliance for all infill sites.</p>
Moraga Oakley	35 33	C.3.e.i.		<p>C.3.e. limits alternative compliance to less than 1 acre as item (1). Item (4) seems to contradict item (1). What is intended?</p>	<p>The intention was to limit alternative compliance to infill development projects < 1 acre and redevelopment projects. However, this restriction has been lessened. See response for previous comment above.</p>	<p>Provision C.3.e.i. has been revised to incorporate HBA's definition of infill site and to allow alternative compliance for all infill sites.</p>
SMCWPPP Att 3	7d	C.3.e.i.(1)-(2)	Alternative Compliance Restrictions	<p>The Water Board should encourage new infill projects because of the multiple benefits compact development has on stormwater quality. The MRP should allow new infill projects greater than one acre to use site design treatment measures as a method of achieving alternative compliance.</p>	<p>The intent of alternative compliance is to provide treatment (in accordance with Provision C.3.d.) of an equivalent impervious area or pollutant loading at an offsite location or Regional Project. Using site design measures alone will not provide adequate treatment to satisfy this intent.</p>	<p>None</p>
Concord Mayor CCCEAC	7 13	C.3.e.i. C.11.e.i.	Alternative Compliance & Pilot Projects for Mercury and PCBs	<p>Provision C.3.e.i. allows alternative compliance for infill and redevelopment projects for stormwater treatment requirements. Provision C.11.e.i. (page 84) requires 10 onsite treatment systems for mercury reduction and Provision C.12.e.i. (page 89) also requires 10 onsite treatment systems for PCBs. Permittees should be allowed the flexibility to combine the utility of stormwater treatment facilities for both alternative compliance and treatment for pollutants of concern.</p>	<p>Alternative compliance projects mitigate for the lack of stormwater treatment onsite at Regulated Project sites. Having them also count as pilot projects for Provisions C.11. and C.12. would essentially be "double counting" and not meet the intent of the MRP requirements.</p>	<p>None</p>

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San Leandro	29	C.3.e.i. Attach A Flowchart	Alternative Compliance <i>Attachment A Flowchart</i>	The flowchart for provision C.3.e has two paths leaving the box marked "Regulated Project", but neither path is labeled so there is no way to determine (on the flowchart) which path to take. We suggest adding labels to each path indicating which conditions would result in choosing that path.	We agree	The C.3.e. flowchart has been revised to clarify the conditions for the different paths given.
James, Roger Att III	3a	C.3.e.i.(1)-(2)	Alternative Compliance <i>Infill Development</i>	Change "already largely developed" to a percent of the urbanized area that is developed. Suggest that a figure of 75% built out.	We agree	This definition of infill development has been replaced with a more precise definition of infill site tied to the amount of development surrounding the Regulated Project.
James, Roger Att II	33, 34	C.3.e.i.(3) Footnote 1	Alternative Compliance <i>Maximizing Site Design Treatment Controls</i>	If diversion of roof downspouts is feasible and doesn't create site instability then diversion should be acceptable. This Provision should contain a minimum requirement of diverting at least 50% of the impervious area to a pervious area that is at least twice as large as the area being diverted in order to obtain an exemption.	The diversion of 50% of the impervious areas to pervious areas may not be feasible because of site constraints, such as the potential to create site instability, as mentioned in the comment.	None
NRDC	9	C.3.e.i.(3)	Alternative Compliance <i>Brownfields Transit-Oriented Development & Low-income Housing</i>	This section allows brownfields, low-income and senior housing, and transit-oriented developments to avoid hydraulic sizing criteria by "maximizing site design treatment controls." This means that these projects would only have to implement at least one of four vaguely defined "site design and/or treatment measures" that are not required to meet any performance standards. As for the LID provisions, there is no way to ensure that any of these alternative compliance options would be effective at reducing stormwater runoff and pollution. By explicitly waiving hydraulic sizing criteria, this section is almost certain to result in less than the federally mandated MEP standard of pollutant reduction. Yet there is nothing in the record to indicate why	The allowance of subsidized Brownfields, low-income housing and transit-oriented developments to maximize site design measures in lieu of installing hydraulically-sized treatment systems was included as an incentive in recognition of other water quality as well as societal benefits from these projects. For example, high-density infill, transit-oriented development projects in a highly developed urban core can reduce overall runoff pollutants by reducing overall vehicular traffic and associated pollutants and by concentrating growth in urban areas to reduce sprawl in outlying areas. Traffic commutes can be shortened and	None

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				these particular projects should not have to comply with otherwise applicable federal law. Exemptions from BMP requirements should be granted only where compliance is truly infeasible and where alternative compliance can be proven effective.	pedestrian activity increased when more people live in close proximity to mass transit systems, thus reducing automotive exhaust pollutants in stormwater runoff.	
James, Roger Att II	36	C.3.e.i.(3) and (4) Footnote 3 & 4	Alternative Compliance	Since the Water Board is encouraging disconnection of impervious surfaces and diverting runoff to pervious surfaces then it should recognize that existing developments may have already maximized site design controls.	Even if there are existing site design controls, the Regulated Project must identify and implement one additional site design measure to qualify for essentially an exemption from Provision C.3.d. treatment requirements.	None
James, Roger Att II	35	C.3.e.i.(3)(a)	Alternative Compliance <i>Brownfields</i>	The Water Board should not be encouraging infiltration on Brownfield sites unless geotechnical studies document that there is no potential for offsite migration of the contaminants that led to the designation of the site as a Brownfield. At best, the design, construction, operation, and long-term maintenance of infiltration BMPs on Brownfield sites will be a major costly challenge and infiltration BMPs must be avoided and certainly not encouraged.	This provision does not require nor encourage Brownfields to infiltrate stormwater onsite. Not all the listed site design treatment controls in Footnote 1 are based on infiltration.	None
Contra Costa Co Supervisors	35	C.3.e.i.(3)(b)	Alternative Compliance <i>Low-income Housing</i>	The referenced Government Code Section (65589.5(h)(3)) states, "housing for very low, low-, or moderate income households" means that at least 20% of the total units shall be sold or rented to lower income households, or 100% of the units shall be sold or rented to moderate-income households." The County recommends that this low income housing definition coincide with the California Redevelopment Law requirement of 15%, as stated under Government Code Section 33413 subdivision (b)(2)(i), which is consistent with the County's 15% Inclusionary Housing Ordinance requirement (Section 822-4.402(a) of the County Ordinance Code). The current language	The allowance of low-income housing to forego the hydraulic sizing criteria is a regulatory incentive in recognition of societal benefits from these projects. As such, it must be limited to developments that provide the highest percentage of low-income units; that is why we used the definition under Government Code Section (65589.5(h)(3).	None

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				provides something of a disincentive to provide affordable housing in accordance with County regulations. Modifying the percentage to meet existing California Redevelopment Law (and the County's current Inclusionary Housing requirement) may provide an incentive for developers to build affordable units.		
San Jose Attorney SMCWPPP Att 3	3 7d	C.3.e.i.(3)(d)	Alternative Compliance <i>Transit-Oriented Development</i>	Placing restrictions on the transit-oriented development option for alternative compliance is overly prescriptive, unsupported by evidence of water quality benefit, and not required by the Clean Water Act.	We worked closely with the Metropolitan Transportation Commission (MTC) to develop the TOD definition. The allowance of TODs to forego the hydraulic sizing criteria is a regulatory incentive and as such, it must be limited to developments that are taking steps to reduce vehicular use in a significant way; therefore, a limitation of one parking space per residential unit is appropriate. We met with MTC to discuss the comments received and at their request, we have added visitor parking restrictions to the TOD definition as well as included a statement that handicapped parking spaces are not subject to the parking maximums.	Provision C.3.e.i.(1)(d) has been revised to include a maximum for visitor parking equal to 10% of the total number of residential parking spaces and a clarification that handicapped parking spaces are not subject to the parking maximums.
Daly City Mountain View San Jose San Jose Att A San Leandro	26 6 9 17 5			<ul style="list-style-type: none"> • The TOD definition does not correlate with the definition employed by municipalities • Delete the reference to one parking space per residential unit • Replace the one parking space per residential unit with 1.5 because there is very little market for residential units with only one parking space. 		
Contra Costa Co Supervisors	36	C.3.e.i.(3)(d)	Alternative Compliance <i>Transit-Oriented Development</i>	Land uses are subject to change after a project is established. This section should add language indicating that the parking ratios should be required for the designed occupancy. It will not be feasible to require that changes of lessees be required to maintain the same use (i.e. restaurant-occupied spaces be required to only be used as restaurants).	Since Provision C.3. is triggered only if impervious surface is created and/or replaced above the applicable threshold, it is implicit that the parking space ratio limits apply to the designed occupancy at the time the development is approved by the Permittee.	None
Daly City SCVURPPP Att A	27 19	C.3.e.i.(4)	Alternative Compliance <i>Offsite Projects Due Date</i>	Do not require offsite alternative compliance projects to be completed by the end of construction of the Regulated Projects: <ul style="list-style-type: none"> • It is difficult to control construction schedules and the offsite treatment facility may require a 	We agree that a longer timeframe may be required for construction of offsite projects and a maximum construction time of 3 years after the construction of the Regulated Project can be allowed.	Provision C.3.e.i.(2) has

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				<p>longer construction timeline than the Regulated Project.</p> <ul style="list-style-type: none"> • Provide flexibility to allow applicants to sign agreements that they will work toward completion and have final Certificate of Occupancy of the Regulated Project tied to completion of the offsite facility to demonstrate compliance. • Allow offsite projects to be completed within 2-3 years after construction of the Regulated Projects. 	<p>However, to offset the untreated stormwater runoff from the Regulated Project that occurs while construction of the offsite project is taking place, the offsite project must be sized to treat an additional 10% of runoff for each year that it is delayed.</p>	<p>been revised to allow the extra time for construction of the offsite project.</p>
<p>ACFCD Zone 7 CCCWP SMCWPPP Att 3</p>	<p>2 36 7d</p>	<p>C.3.e.i.(4)</p>	<p>Alternative Compliance <i>Regional Projects Due Date</i></p>	<p>The 3-year time requirement for constructing Regional Projects may prevent the implementation of some beneficial projects that require longer time horizons to plan, fund and construct.</p> <ul style="list-style-type: none"> • Zone 7 recommends that the MRP require that by the end of the 3rd year after construction of the Regulated Project, the project proponent should have funds encumbered and already applied for the appropriate regulatory permits necessary for the Regional Project or stream restoration project. This will demonstrate a project proponent's good faith effort toward implementing the regional project or stream restoration. • CCCWP recommends that the following be added to the last sentence in this section: "however, the timeline for a Regional Project may be extended with Regional Board approval if the project is consistent with a Discharger's adopted drainage master plan or similar plan." • SMCWPPP recommends that the MRP state that the 3-year period is encouraged, but longer time periods, up to 10 years, may be allowed. 	<p>We agree that a longer timeframe may be required for Regional Projects; however, we think a maximum construction time of 5 years is adequate.</p>	<p>Provision C.3.e.i.(2) has been revised to allow up to 5 years for the construction of Regional Projects, subject to Water Board Executive Officer approval.</p>

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BASMAA - Bicknell, J	77	C.3.e.i.(4)	Alternative Compliance <i>Offsite and Regional Projects</i>	We support flexible language for alternative compliance that allows developers to construct offsite or regional treatment measures that accomplish the same pollutant goals, pollutant load reduction goals or flow reduction goals as onsite measures.	Comment noted.	None
Contra Costa Co Supervisors	37	C.3.e.i.(4)(a) Footnote 3	Alternative Compliance <i>Equivalent Offsite Projects</i>	"Purchase and preservation, by deed instrument, of natural/pervious area" should be offered as an additional option for equivalent offsite treatment should be added, with an appropriate ratio of impervious area created to natural/pervious area preserved.	The intent of this Provision is to allow treatment of stormwater runoff from an equivalent area of impervious surface or the treatment of an equivalent pollutant loading or runoff volume at an offsite project. Preserving natural/pervious areas provides no treatment of stormwater runoff from impervious surfaces; therefore, it should not be included as an option	None
SCVURPPP SCVURPPP Att A Sunnyvale Att A	4 17 10	C.3.e.iii.(1)	Alternative Compliance <i>Existing Programs</i>	In implementing Santa Clara Program's 2001 NPDES stormwater permit, several Santa Clara County Permittees adopted Alternative Compliance programs after substantial dialogue with the Water Board Executive Officer and staff, and public noticing and hearing procedures before their respective city Councils. The MRP should be consistent with these already adopted programs and/or allow for their ongoing implementation under the MRP. No basis has been provided for invalidating established programs and this change provides no water quality benefit. We do not expect that alternative compliance will be a common technique but it is an important tool for some projects. We request that this provision allow existing alternative compliance programs to remain in effect.	The current Alternative Compliance Programs adopted by some of the Santa Clara municipalities are less stringent than what is proposed in the MRP. At the time they were approved by the Water Board's Executive Officer, it was understood that these programs would have to be revised to be in conformance with this Provision of the MRP. Alternative Compliance Programs should be consistent throughout the areas regulated by the MRP; otherwise, it would be unfair for Regulated Projects in one city to be exempted from treatment or allowed alternative compliance while identical Regulated Projects in a neighboring city are not. The existing programs must be rescinded or revised to be consistent with Provision C.3.e.	None
SMCWPPP Att 3	7d	C.3.e.iii.(1)	Alternative Compliance	There are no existing alternative compliance programs that SMCWPPP is aware of in San	Comment noted.	None

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			<i>Existing Programs</i>	Mateo County, so the proposed requirement to rescind or modify existing programs should not be an issue.		
Santa Clara Co	19	C.3.e.iv.	Alternative Compliance <i>Due Date for Ordinance/Legal Authority Changes</i>	The County is concerned there is not enough time to develop and submit the ordinance/legal authority and procedural changes needed to implement Provision C.3.e. by the 2008 Annual Report and proposes to have it implemented by 2009 instead.	This Provision does not require reporting by the 2008 Annual Report. It requires reporting, only for Permittees implementing Provision C.3.e., to be done in the Annual Report following the implementation date for the alternative compliance program.	None
Contra Costa Co Supervisors	55	C.3.f., C.3.g.	Alternative Certification of Stormwater Treatment Systems and Alternative Compliance	Since the activities that are precursors to implementation of Provisions C.6.e., C.3.f., and C.3.g. are not to be completed by November 30, 2008 (per Provisions C.6.a.ii.(3) and C.6.b.ii.(7) and are not to be reported until the October 2009 Annual Report (per Provisions C.6.a.iii. and C.6.b.iii.) implementation dates for Provisions C.6.e., C.3.f., and C.3.g., should not be required for at least one year after the precursor activities (recommended implementation date: July 1, 2010).	There seems to be an error in referencing Provisions C.3.f. and C.3.g. in this comment.	None
James, Roger Att II	37	C.3.f.i. C.3.g.	Alternative Certification <i>Licensing Requirements</i>	The certifications requirements should also apply to submittals under Provision C.3.g. Certification of the C.3.d. criteria and submittals under C.3.g. requires expertise in hydrologic analysis which is generally not taught to or an expertise architects and landscape architects. Water Board staff needs to determine whether the licensing requirements for these two professions require demonstration of expertise in hydraulic and hydrologic analysis and if it doesn't then they should be excluded from third party reviews.	The countywide programs have invested a great deal of resources into developing the methodology for designing HM controls and training the appropriate Permittee staff who will be reviewing the designs. An alternative certification program for the HM controls is not required at this time.	None
James, Roger Att II	38	C.3.f.ii.	Alternative Certification <i>Conflicts of Interest</i>	The Fact Sheet and provision only touch on the many conflicts that have developed from the implementation of the storm water program. Permittee's consultants that have developed storm water program requirements including	This Provision requires Permittees to make a reasonable effort to prevent any third party conflict of interest. It specifically calls out the conflict of interest situation described in the comment as an	None

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				recommended BMPs also serve as consultants to developers in designing projects to meet the Permittee's requirements while others promote ongoing studies rather than solutions. Rather than attempting to define all the potential conflicts of interest it will be better to allow individual professional integrity to prevail and when serious conflicts arise then the Department of Consumers Affairs should address the conflicts.	example. However, this Provision does not attempt to define all potential situations where there may be a conflict of interest.	
James, Roger Att III	3b	C.3.f.iii.	Alternative Certification Reporting	Require that the name, qualifications professional registrations of the third party reviewer be submitted.	We consider this level of reporting detail to be excessive.	None
Walnut Creek	3b	C.3.g.	Hydromodification Management	The proposed changes occur before the Contra Costa Clean Water Program has had the opportunity to monitor and empirically evaluate HM effectiveness as required under the current permit.	We assume the Commenter is referring to changes addressed by other Contra Costa Permittees. Please see the responses to comments from CCCWP on Provision C.3.g.	Revisions proposed in response to more specific comments.
Mountain View	7	C.3.g.	Hydromodification Management Phase Implementation	Phase in HM requirements, allowing agencies to (1) develop a method to refine areas needing further study (pink areas on HM map); (2) modify Development Review Process; (3) inform staff & developers. Requirements would impact project costs (design/construct HM controls, most likely on-site retention ponds). Retention ponds reduce amount of land available for development, which also increases property prices.	The Commenter's Permit has contained HM requirements since 2005; the MRP TO represents a phasing-in of these requirements to now cover more projects. Thus, we disagree that further phasing is needed. Comments regarding cost & size of HM controls were addressed in our Response to Comments on Amendment of Permit Provision on New Development Treatment Measures, NPDES Permit CAS00297818, Oct. 2001.	None
James, Roger Att I	3	C.3.g.	Hydromodification Management In-Stream Restoration	Review HM requirements & consider recent studies. Given that a high % of Bay Area watersheds are built out & many have far greater than 25% impervious cover, it's questionable whether these requirements are the most cost effective way to prevent further deterioration or	While we agree that existing impervious cover continues negatively impact creeks, the purpose of these HM requirements is to take the first step in dealing with impervious surfaces: prevent large new developments from adding to these	None

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				improve creek habitat. In-stream restoration projects & large scale groundwater recharge projects that serve new & existing development in watersheds with greater than 25% impervious cover should receive much higher emphasis. Flood control districts should have a leadership role in this effort.	impacts. The Tentative Order does offer in-stream restoration projects as alternative compliance for runoff treatment.	
James, Roger Att I	4	C.3.g.	Hydromodification Management <i>Regional Consistency</i>	The recent analysis of HMP approaches identified strengths, weaknesses & errors in BAHM & Contra Costa County approaches that need to be resolved. Combine best elements of both after addressing weakness in the Contra Costa program; include in this permit; & apply throughout Bay Area. This would implement Water Board's Finding 9, Order No. R2.-2006-0050 issued to Contra Costa Permittees.	The Tentative Order allows improvements to be made in HM methodologies. We encourage cooperation & expect the best elements of the 2 approaches will be shared as HM methodologies improve. It is premature to combine the elements as suggested, because we are still learning the advantages of each approach. Also, we do not specify method of compliance in NPDES permits.	None
GCRC D Att	17b	C.3.g.	Hydromodification Management <i>Methodology</i>	How will pre-project runoff estimates be made & validated? Why not require pre-project runoff to be measured?	Pre-project runoff is estimated using a continuous model with 35-50 years of actual precipitation data. This is more accurate than measuring runoff over 1 or 2 years, because of the variability of runoff from year to year.	None
James, Roger Att II	39	C.3.g.i.	Hydromodification Management <i>Methodology</i>	The Water Board has made a point that directly connected impervious surface should be minimized, & has encouraged that impervious surfaces be disconnected & that runoff from impervious areas be discharged to pervious surfaces. Directly connected impervious surface generates runoff which is the concern to be addressed in the HMP. The phrase "directly connected" should be added just prior to the three "impervious surface" phrases. To refine this further the relative impervious or coefficient of runoff should be considered for impervious surface when determining the differences between pre and post project runoff conditions.	We disagree. We believe evidence shows impervious surface (directly connected or not) increases runoff flows and durations in a watershed. Indeed, the Commenter makes the same point in another comment about studies showing that a very small amount of impervious surface in a watershed increases erosion of creek beds & banks. We do not agree the phrase "directly connected" is important or appropriate in the HM Standard.	None

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GCRCD Att	17a	C.3.g.i.	Hydromodification Management Threshold	Cumulative runoff from multiple 1-acre or even ¼ -acre plots will, in all likelihood, destabilize streams & cause excessive erosion & deposition problems. Flash runoff from even a ¼ -acre of impervious surface will cause severe negative impacts on very small streams. At a minimum, require HM control for impervious surfaces ≤ 1/4-acre in five years.	Because the HM requirements are fairly new for many Permittees, we disagree that it is appropriate to reduce the applicable project size in this Permit term; we will look at this again in the next Permit term.	None
GCRCD Att	17c	C.3.g.ii.	Hydromodification Management HM Standard	C.3.g.ii states: "Stormwater discharges from HM Projects shall not cause an increase in erosion potential of the receiving stream over the pre-project (existing) condition." The pre-project (existing) channel condition isn't addressed. If the channel is nearly/already unstable, any increase in discharge will cause excessive erosion & make C.3.g.ii unattainable.	While we agree in general with these comments, the purpose of these HM requirements is to take the first step in dealing with impervious surfaces: prevent large new developments from adding to these impacts. The HM requirements are fairly new to most Permittees, and it is not yet appropriate to "ratchet down" the requirements; Permittees need to gain experience at the current level. Beyond this, we are working on a Stream Protection Policy to help this problem, & future Permit reissuances may also move in this direction.	None
GCRCD Att	17d			Most streams in Santa Clara Basin's urban area are unstable now, due to discharge from current impervious surfaces, channel encroachment & ill-advised channel modifications. To meet MRP goals, there must be an effort to reduce current stormwater discharge & associated erosive forces from all present development.		
NRDC	3	C.3.g.ii.	Hydromodification Management HM Standard	To objectively represent the MEP standard, include an HM standard that post-development peak flowrates & volumes shall not exceed the modeled peak flow rates/volumes of pre-European-settlement native land cover for all storms from the channel-forming event to the 100-yr frequency stream flow.	We agree that these comments make valid points & suggest ways to strengthen the HM requirements that may be worthy of consideration. We wish to move in the suggested direction over the next 5 years, & will consider these improvements in the next Permit term. Because HM requirements are fairly new for many	None
NRDC	17			Requiring "[i]ncreases in runoff flow & volume be managed so that post-project runoff shall not exceed estimated pre-project rates & durations..." is acceptable for new development, but not for infill & redevelopment. Pre-project rates & durations for infill & redevelopment sites are measurements that we want to avoid.		

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NRDC	18			Require HM Projects not to exceed pre-development runoff rates & durations. This would result in measurable progress, rather than institutionalizing detrimental stormwater practices. Thus, matching pre-development flows & durations is required to meet the MEP standard.	Permittees, we disagree that it is appropriate to strengthen the HM Standard at this time.	
CCCWP	19	C.3.g.ii.	Hydromodification Management <i>HM Standard</i>	Delete "Stormwater discharges from HM Projects shall not cause an increase in the erosion potential of the receiving stream over the pre-project (existing) condition." This language is problematic because there are various competing definitions of "erosion potential" circulating. For example, some definitions of "erosion potential" consider coarse sediment supply & others do not.	The term "erosion potential" is used as plain English, to indicate what the HM Standard is intended to achieve; it is not intended to be a technical term. We disagree that this introductory sentence will lead to confusion, because the HM Standard is spelled out clearly in the subsections that follow.	None
CCCWP	20	C.3.g.ii.(1)	Hydromodification Management <i>Range of Flows to Control</i>	Omit Contra Costa from this flow range requirement, because: (a) design criteria assumptions for our bioretention areas, planters, etc. are conservative; (b) anticipated distribution & types of HM controls in sites & watersheds makes application of low-flow criteria to any one facility less important; (c) our approach means more projects will have HM controls; (d) we don't have maps showing exempt areas; (e) a distributed approach provides an additional buffer against impacts to streams; (f) assumptions used to calculate pre-project runoff & facility performance haven't been verified by empirical evidence & our HMP includes monitoring to verify facility performance & changing designs if warranted. C.3.g.ii.(1) would reverse Board's 2006 decision & apply new criteria to design of HM controls. No rationale is given, nor any schedule proposed for complying with the change. Note the requirement that HM controls designed for a specific site (Option #3) must meet the low-flow standard, so this	We disagree that it is necessary to omit the Contra Costa Permittees from this requirement, which is the basic approach used in all counties. As the Commenter states, Contra Costa uses this standard in its "Option c" for site-specific design. We realize that Contra Costa's "Option b" flow-through planters and swales are not designed to control the specified low flows; these designs will continue to be allowed. After Contra Costa gains experience and conducts the required monitoring, design modifications may be required.	In C.3.g.ii.(1), add a sentence stating that Contra Costa IMPs are not required to meet the low-flow criterion.

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				requirement need not be repeated in Provision C.3.g.ii.(1).		
Santa Clara Co	21	C.3.g.ii.(1)	Hydromodification Standard <i>Range of Flows to Control Methodology</i>	What happens if the flow duration curve deviates above the pre-project flow duration curve by more than 10 percent over more than 10 percent of the length of the curve corresponding to the range of flows to control?	Then the HM control measure must be redesigned until the criteria are met. This is generally an iterative design process; it is repeated until the criteria are met.	None
CCCWP	21	C.3.g.ii.(3)	Hydromodification Management <i>Precipitation Data</i>	Delete "For sizing a particular site's HM control, the nearest rainfall data shall be used." In Contra Costa's approach, applicants adjust the sizing & underdrain flow rate of (HM control) facilities based on differences in mean annual precipitation. Mean annual precipitation is determined by locating the site on an isohyetal diagram.	We reviewed C.3.g.ii.(3) and determined that the sentence in question is not necessary.	Delete the sentence: "For sizing a particular site's HM control, the nearest rainfall data shall be used."
CCCWP	22	C.3.g.ii.(4)	Hydromodification Management <i>Calculating Post-Project Runoff</i>	C.3.g.ii.(4). Calculating Post-Project Runoff: Delete "Retention & detention units shall be considered impervious surfaces for the purposes of calculating post-project runoff. Pre- & post-project runoff shall be calculated and compared for the entire site, without separating or excluding areas that may be considered self-retaining." The clause eliminating credit for self-retaining areas would disallow the practice of directing downspouts to concave-graded landscaped areas as a means of HM control. The clause requiring comparison for the entire site would disallow use of distributed (HM control) facilities & would disallow Contra Costa's sizing factors approach.	Contra Costa's "Option c" (site-specific design of HM Controls) must comply with both clauses, as do projects across the Bay Area. For Contra Costa's Option b" (pre-designed IMPs), no similar calculations are required, so this part of the HM Standard would not affect use of IMPs. We disagree that directing downspouts will not be allowed; indeed, such practices can be effective in reducing overall site runoff.	In C.3.g.ii.(4) change the word "unit" to "basin" to be more specific and clear.
Moraga	36	C.3.g.ii.(4)	Hydromodification Management <i>Calculating Post-Project Runoff Methodology</i>	When calculating post-construction runoff, retention & detention units are to be considered as impervious surfaces. We recognize that a saturated surface is the same as an impervious surface. However, this does not apply in this case because the water that falls in the retention/detention device will be retained as if it	100% of rain falling onto a unit/pond takes up "space" in the pond. If the pond were considered pervious surface, a lesser % of the rainfall would be accounted for (some would infiltrate or evapotranspire on its way to the pond). Because some re/detention ponds can be large, it is	None

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				had fallen on pervious soils. Why is this restriction being imposed?	standard practice to specify that ponds be considered impervious for purposes of calculating site runoff volume.	
James, Roger Att II	40, 89	C.3.g.ii.(4)	Hydromodification Management <i>Calculating Post-Project Runoff Methodology</i>	Virtually all HM Controls will have standing water or highly saturated soils during storm events when flow controls such as orifices are included. Treatment-BMPs like planter boxes, swales with flat grades or check dams, & bioretention systems will have standing water during periods when short-duration rainfall intensities exceed 0.2-in/hr or infiltration rates fall below design rates. Amend C.3.g.ii.(4) to indicate that all storm water treatment & flow control BMPs shall be considered impervious surfaces. Put this in the glossary as well.	This comment is likely correct (see response above) for many HM Controls & Treatment BMPs, but not necessarily for all. Further evaluation is needed before making a global definition that all HM Controls & Treatment BMPs must be considered impervious for purposes of calculating site runoff.	None
CCCWP	23	C.3.g.ii.(5)	Hydromodification Management <i>Existing HM Control Requirements</i>	Delete "Where existing requirements are less stringent than this Permit's Provision C.3.g., this Provision C.3.g. prevails." "Less stringent" is subject to interpretation & would create confusion. Contra Costa's HMP was crafted & negotiated to balance a number of issues related to HM management. This sentence undermines that balance & puts Contra Costa at a disadvantage. For example, Contra Costa did not seek to exclude geographic areas from HMP implementation, but rather sought broad applicability while developing a user-friendly, easy-to-implement approach that would encourage implementation. This change undermines advantages of Contra Costa's approach but does not provide the same exemptions provided to other counties.	The sentence in question is intended to establish a hierarchy in case such questions arise. It is not intended to "undermine" any Permittee. In response to this comment, we propose to restate the hierarchy in a way that emphasizes that Permittees' HMPs are the primary source of requirements.	In C.3.g.ii.(5), rephrase & clarify the paragraph containing "Where existing requirements are less stringent than this Permit's Provision C.3.g., this Provision C.3.g. prevails."
James, Roger Att I	41	C.3.g.iii.(2)	Hydromodification Management <i>Regional HM controls</i>	Requiring HM source controls at each project participating in a regional project doesn't make sense if the regional project achieves the required controls in a more cost effective manner. It's a disincentive for participation in a	It appears the Commenter is confusing "HM source controls" (maximizing infiltration) with HM Controls (structural units to retain runoff). HM source controls are inherently cost effective, in that they	None

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				more cost-effective regional project. Remove the wording in parenthesis.	are included in a site design where possible to reduce the size of needed HM Control(s).	
James, Roger Att III	3a	C.3.g.iii.(3)	Hydromodification Management <i>Typographical Error</i>	Delete reference to specific staff.	A reference to staff in an earlier draft is not in the 12-14-07 Tentative Order. The Commenter must have an earlier version.	None
James, Roger Att III	3b	C.3.g.iv.(2)	Hydromodification Management <i>Reporting</i>	Delete "or method used to meet the HM Standard." It's redundant with (1).	We disagree. C.3.g.iv.(1) asks for type of HM control installed. C.3.g.iv.(2) asks for the calculation method.	None
James, Roger Att I	42	C.3.g.v.(2)(a)	Hydromodification Management <i>In-stream Restoration</i>	C.3.g.v.(2)(a): The note following bulleted items implies that a project that has been constructed could be required to retrofit BMPs if a creek where restored. This would be a huge incentive to fight any creek restoration efforts. A simple plan to eventually do something must not be the basis for determining whether HMP requirements are implemented. It must be a program & time schedule that would include financing commitments.	We disagree. The note in no way requires retrofitting. It provides Permittees an avenue to "rezone" an area that did not require HM controls into an area where future projects must install HM controls in order to protect a restored creek.	None
Santa Clara Co	20	C.3.g.iv.(2)	Hydromodification Management <i>Reporting</i>	The County is concerned with the new database system for reporting of HM projects & the time & energy it will require implementing the new system. Especially when we already have a reporting procedure.	No database system is required for reporting HM projects.	None
CCCWP	24	C.3.g. Attachment C	Contra Costa HM Requirements <i>Ten Acre Limit</i>	Section 1b: Delete "up to 10 acres." This restriction undermines Contra Costa's ability to implement its HMP. There is no basis, & similar restriction not proposed for other counties.	We agree that the 10-acre limitation is not necessary at this time.	Delete the phrase "up to 10 acres."
Contra Costa Co Supervisors, San Pablo	38 13			No basis is provided for disallowing use, for projects above 10 acres, of design procedure in CCCWP's C.3 Guidebook. If exclusion is retained, an effective date is necessary (7-1-10 at earliest).		
SMCWPPP Att1	5	C.3.g. Attachment E	San Mateo HM Requirements	The San Mateo Permittees propose several modifications to their HM Applicability Areas map, adding 213.8 acres and removing 193.2	We agree that the proposed map revisions should increase protection of several natural creeks while simplifying	Replace the HM Applicability Areas map in the San Mateo

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			<i>HM Control Areas</i>	acres for a modest net gain in HM Applicability area. The justification for each revision is presented in a table, attached.	compliance for Permittees.	Permittees' HM requirements with the revised map.
CCCWP	37	C.3.h.i.	Operation and Maintenance <i>"Safe Harbor" Language</i>	Add the following language from the existing stormwater permits to protect the Permittees from regulatory liability in the event State or federal agencies effectively prohibit them from conducting maintenance on treatment facilities: "The Dischargers are expected to work diligently and in good faith with the appropriate state and federal agencies to obtain any approvals necessary to complete maintenance activities for stormwater treatment measures. If the Dischargers have done so, and maintenance approvals are not granted, where necessary, the Dischargers shall be deemed by the Regional Board to be in compliance with this Provision."	We agree.	Provision C.3.h.i. has been revised to add the "safe harbor" language.
James, Roger Att II	43	C.3.h.i. – ii.	Operation and Maintenance <i>Infiltration Treatment Systems</i>	Significantly strengthen this Provision for infiltration BMPs so they are sustainable over a project's life. This provision needs to address the remaining four factors: <ul style="list-style-type: none"> • Verification that the BMP has been constructed as designed including as built drawings and field infiltration rate test. • Verification that the operation and maintenance plan has been developed and is implemented. • Rehabilitation – Determine whether system has failed and whether it has been rehabilitated or replaced. The Water Board should seek funding to perform an independent evaluation of the systems that have been in place more than five years to determine methods that could increase the treatment systems' sustainability and/or reduce the types of failures observed, and to determine compliance with the permit.	The purpose of each O&M inspection that a Permittee conducts is to verify the items listed in this comment. Some countywide stormwater programs have developed guidance documents for conducting inspections of many different types of stormwater treatment systems, including infiltration systems. These guidance documents identify problem areas typical for each type of stormwater treatment system. We concur with the recommendation for the WB to conduct an evaluation of the treatment systems that have been installed and will consider completing this during the next permit term.	None

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James, Roger Att II	44	C.3.h.i. – ii.	Operation and Maintenance <i>Infiltration Treatment Systems</i>	<p>If the recommendations for strengthening Provision C.3.h. (see James, Roger Att II Comment #43 above) on the operation and maintenance of infiltration treatment systems) is not pursued then the following changes must be included in Provision C.3.b. – d:</p> <ul style="list-style-type: none"> • C.3.b.i. must include both construction and rehabilitation elements. • C.3.b.ii.(1)(a) through (d) must also include responsibility for rehabilitation or replacement of the treatment facilities. • C.3.b.ii.(4) must also include construction and rehabilitation of the treatment facilities. • C.3.b.ii.(5) must require an inventory of all treatment facilities and HM controls that have been installed since issuance of the initial NPDES permit. • C.3.b.ii.(5)(g) – Compliance status needs to be defined and for infiltration systems it should be the presence of standing water 2-hours after a rainfall event. • C.3.b.ii.(6)(a) must require preparation and certification of “as built plans” and conducting infiltration tests • C.3.b.iii.(1) Compliance status bullet – Proper installation would have been verified through “as built plans.” Infiltration testing can be used to partially verify the level of maintenance along with observations. • C.3.b.iii.(3) – It will be necessary to define compliance for each type of system installed. Systems that rely on Infiltration can use the presence of standing water at any time beyond two hours after a storm event as a basis for noncompliance. 	<p>The references to Provision C.3.b. – d. are incorrect. It seems the correct reference is to Provision C.3.h.i. & ii. This comment is similar to the previous comment, so the response is the same:</p> <p>The purpose of each O&M inspection that a Permittee conducts is to verify the items listed in this comment. Some countywide stormwater programs have developed guidance documents for conducting inspections of many different types of stormwater treatment systems, including infiltration systems. These guidance documents identify problem areas typical for each type of stormwater treatment system.</p> <p>We concur with the recommendation for the WB to conduct an evaluation of the treatment systems that have been installed and will consider completing this during the next permit term.</p>	None
James, Roger Att II	46	C.3.h.i.	Single-Family Homes	Siting ² (Attachment II-E) and design criteria ³	Based on information from purveyors that	None

² EPA, Storm Water Technology Fact Sheet, Porous Pavement, September 1999, EPA 832-F-99-023

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			<i>Permeable Pavements</i>	(Attachment II-F) for use of permeable pavements have restrictions that limit the use of permeable pavements including setbacks from structures, slopes >5% and infiltration rates of soils beneath the stone reservoir that are less than 0.5-inch/hour unless installed with underdrains. Most of the Bay Area soils are Group D with infiltration rates <0.05-inch/hour or less than 10% of the design criteria. Studies at North Carolina State University ⁴ ⁵ (Attachment II-G and H) and WERF ⁶ on the effectiveness of permeable pavements installations with underdrains is marginal in controlling flow volumes, but will affect the peak if the systems is designed to achieve storage. The Water Board must do a more thorough analysis on the appropriate application and feasibility of permeable pavements in the Bay Area before mandating its use. Frequent maintenance using very high efficiency vacuum sweepers is extremely important to prevent clogging. The City of Olympia has reported that the vacuums needed to meet this high efficiency are not readily available in the United States and cost \$1 million.	install these systems, there are appropriate operation and maintenance procedures that have been identified to ensure they continue to operate correctly and efficiently. We are also aware of the concerns identified in this comment. Therefore, permeable pavement is included only as an option for satisfying this Provision's requirements.	
Santa Clara Co	22	C.3.h.ii.(2)	Operation and Maintenance Coordination with Vector Control Agencies	What is the intent of coordination with appropriate mosquito and vector control agency with jurisdiction to establish a protocol for notification of installed stormwater treatment systems and HM controls? Who would you notify?	The mosquito and vector control agencies have concerns any time there is ponded water. This requirement was included in response to their concerns. Mosquito and vector control agencies are generally delineated by counties; however it is every Permittees' responsibility to determine the appropriate local mosquito	None

³ Puget Sound Action Team and Washington State University, Low Impact Development, technical Guidance Manual for Puget Sound. January 2005

⁴ Collins, Hunt and Hathaway, Evaluation of Various Types of Permeable Pavements with Respect to Water Quality Improvement and Flood Control, 2007

⁵ Bean and Hunt, NC State University Permeable Pavement Research: Water Quality, Water Quantity and Clogging, November 2005

⁶ Water Environment Research Foundation, Performance and Whole Life Costs of Best Management Practices and Sustainable Urban Drainage Systems, Final Report 2005

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					and vector agency to contact.	
BASMAA - Bicknell, J Brisbane SCVURPPP Att A SMCWPPP Att 3	81 8d 20 7e	C.3.h.ii.(6)	Operation and Maintenance <i>Inspection Frequency</i>	The current permit requires Permittees to “inspect a subset of prioritized treatment measures for appropriate O&M, on an annual basis.” What is the basis for significantly increasing the required level of effort, specifically that the number of inspections be a minimum of 20% of the total number (or all BMPs within 5 years)? As the number of installed BMPs increases over time, this will be an increasing burden to municipalities. In addition, what is the basis for a separate requirement for inspecting 20% of installed vault-based or proprietary systems? The process for prioritizing BMPs for inspection involves a consideration of many factors, including type of maintenance agreement, whether the owner is using a contractor to maintain the BMP, maintenance history, etc. The permit should continue to allow municipalities the flexibility on the types of BMPs inspected and the exact number of treatment controls inspected in a given year provided that the municipality has an effective program.	Requiring Permittees to inspect at least 20% of the installed stormwater treatment systems and HM controls ensures that they are inspected at least once every 5 years and all the inspections will not take place in the 5 th year. This requirement serves to prevent failed or improperly maintained systems from going undetected until the 5 th year. We have the additional requirement to inspect at least 20% of all installed vault-based systems because they require more frequent maintenance and problems arise when the appropriate maintenance schedules are not followed. Also, problems with vault systems may not be as readily identified by the projects’ regular maintenance crews. Neither of these inspection frequency requirements interferes with the Permittees’ current ability to prioritize their inspections based on the factors listed in the comments.	None
Sunnyvale Att A	11	C.3.h.ii.(6)(a)	Operation and Maintenance <i>Inspections of New Treatment Systems</i>	Requiring the inspection of all stormwater treatment devices within 45 days of their installation is arbitrary and does not reflect the reality of the way projects are constructed. Most stormwater BMPs do not become operational until after paving is complete at a site, which will impact the ability of the inspector to determine if there are potential problems with a BMP. The current one year after project completion timeframe should be maintained so that the entire project can be completed before the first post-construction inspection occurs, as often times there are other aspects of a project that will impact the stormwater treatment BMPs and their operation.	Requiring the inspection of stormwater treatment systems within 45 days of installation ensures that Permittees will verify that the correct systems have been installed. One year later is just too late to discover that a system has been incorrectly installed. Some Permittees currently have staff present during the entire installation process. Verification that these systems are operating properly will be addressed in follow-up inspections according to the schedule determined by individual Permittees and in accordance with	None

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					Provision C.3.h.ii.(6)(b)-(d).	
BASMAA - Bicknell, J Brisbane Daly City Santa Clara Co SCVURPPP Att A SMCWPPP Att 3	82 8d 28 24 21, 94 7e	C.3.h.iii. Attach L Table C.3.h.	Operation and Maintenance <i>Reporting</i>	<ul style="list-style-type: none"> • The reporting requirements for BMP O&M inspections are excessive. Submittal of a summary of the total number and types of BMPs inspected and categories of problems found should be sufficient to evaluate a Permittee's inspection program, and detailed records can be kept locally for review upon request. • <u>Facility/Site Inspected and Responsible Party for Maintenance</u>- The name of the responsible party is not needed to determine compliance or the effectiveness of an operation and maintenance verification program. It is mainly used to correspond with the responsible operator regarding inspection results. • <u>Compliance Status</u> - Reporting O&M inspection results is a better approach to indicate compliance because it shows if a treatment BMP is working as designed and maintained and municipalities have the ability to learn what inspection results are common to certain BMPs, determine the performance or effectiveness of a specific BMP, and measure a change in results over time. • <u>Page L-28 - Request for Compliance Rates</u>- Since any problem with a treatment BMP suggests non-compliance, providing compliance rates of the O&M verification program and specific stormwater treatment systems is not the best way to indicate BMP performance. A better approach to determine BMP performance and/or effectiveness is to report BMP O&M inspection results. 	<ul style="list-style-type: none"> • This Provision and the associated Reporting Table C.3.h. requires only standard information that should be collected on each operation and maintenance inspection. We require this type of information to evaluate a Permittee's inspection and enforcement program and to determine compliance with the Permit. Summary data alone without facility-specific inspection findings does not allow us to determine whether Permittees are doing timely follow-up inspections at problematic facilities and taking appropriate enforcement actions. • We concur with the comments regarding compliance status and rates and appropriate revisions have been made. 	Provision C.3.h.iv. has been revised and the references to compliance status have been changed to inspection findings or results. We have also removed the requirement for calculating compliance rates.
James, Roger Att II	45	C.3.i.i.	Detached Single-Family Homes	See Comment #13 regarding disconnecting downspouts. If this is required for all single-family homes even when an HMP is not	Provision C.3.i.i. does not require that all single-family home projects disconnect roof downspouts. Rather, it encourages	

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				required, then it will become a prime example of how far regulations have gone beyond reality and destroy whatever credibility the stormwater program has developed.	implementation of at least one site design measure that may include directing roof runoff to vegetated areas. It is implicit that these measures be taken only in suitable areas.	
CCCEAC Concord Mayor	14 9	C.3.i.i.	Detached Single-Family Homes	Do not create stormwater runoff requirements for detached single-family homes because stormwater treatment has always been a requirement of development and not tied to building permits for single-family homes	Single-family homes contribute stormwater runoff pollutants and volume, just like any other development with impervious surfaces. Single-family homes are not automatically exempted from stormwater regulations. This Provision requires simple site design measures to reduce the runoff pollutants and volume from these homes.	None
BASMAA - Bicknell, J	77	C.3.i.i.	Detached Single-Family Homes	We support reasonable site design measures for single-family homes as well.	Comment noted.	None
San Jose Att A	18	C.3.i.i. Fact Sheet	Detached Single-Family Homes	Please add "discretionary" before the word "approvals" in the last sentence, to this and all other references to the Permittees' planning, building, and other comparable authority to be consistent with the intent expressed in the Fact Sheet.	The word "approvals" as used in this Provision is broad enough to include "discretionary approvals."	None
Brisbane	8e	C.3.i.i.	Detached Single-Family Homes <i>Infeasibility</i>	This provision does not provide any flexibility to municipalities in cases where lot scale BMPs are not feasible due to site specific constraints. Exemption language should be included for projects where it is infeasible to incorporate these types of BMPs. Limited infiltration capacity in soils may make these proposed BMPs not feasible and may cause drainage issues. Limit this requirement to single family homes adding or replacing over 10,000 ft ² of impervious surface, as it is much more likely there will be adequate vegetated areas to direct runoff toward. For a 5,000 square foot lot that does complete build-out, there may be little to no vegetation, and often no driveways. Underdrain	Single-family homes in general have some sort of landscaping. This provision applies to projects that add and/or replace 5000 ft ² of impervious surface. For those rare cases where the paved surfaces occupy the entire lot, this provision's requirement would provide the impetus for the single-family home to include more vegetated areas and consider impervious pavement for walkways or driveways. These options, when constructed properly, are not limited by native site conditions such as low infiltrating soils. However, we have added more options to the Provision, such as collection of	Provision C.3.i.i. has been revised to expand the three choices to six.

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				systems can significantly add to the cost of drainage systems, and often will not function properly to get stormwater into a gutter.	rainwater in cisterns or rain barrels.	
Burlingame	12	C.3.i.i.	Detached Single-Family Homes <i>Flexibility</i>	Provision C.3.i requires detached single-family home projects that create and/or replace 5,000 ft ² or more of impervious surface to implement one or more stormwater lot-scale BMPs from a list of three (3) choices. The permit should provide more flexibility and allow this type of project to propose alternatives that are deemed appropriate to the site.	We concur	Provision C.3.i.i. has been revised to expand the three choices to six.
NRDC	21	C.3.i.i.	Detached Single-Family Homes <i>Threshold for Requirements</i>	The threshold of 5000 ft ² for requiring site design measures at single-family homes is too high because few homes qualify (to be regulated) under this provision. Therefore, the threshold is effectively meaningless, even though it would be feasible to implement LID at much smaller home sites.	We concur.	Provision C.3.i.i.'s threshold of applicability for single-family homes has been lowered from 5000 ft ² to 2500 ft ² .
Giberson	2	C.3.i.i.	Detached Single-Family Homes <i>Strengthen Requirements</i>	<ul style="list-style-type: none"> • Mandatory implementation of only one of the listed stormwater lot-scale BMPs leaves a great deal of potential runoff unregulated. Regulation should, at a minimum, require all listed BMPs. • Pervious concrete or pavers eventually become clogged, making this mitigation ineffective in the long term; • The MRP should give direction as to acceptable minimum distance(s) from the roof runoff or paved surface discharge point to the edge of the property, as a greater distance gives more protection from runoff. • Some cities are mostly single-family residential (e.g., Saratoga, Monte Sereno) with typically large residences of > 10,000 ft² being constructed. The exclusion in the MRP of these projects from treatment and HM requirements will result in large areas with 	<p>Site conditions may limit the number of site design measures that can be installed at a project so it would not be practicable to require implementation of all the listed BMPs.</p> <p>The purpose of the development of lot-scale measures by the Permittees is to provide guidelines to small projects and single-family homes for selecting and installing correctly the appropriate site design and treatment measures, including recommended design specifications.</p> <p>Requiring treatment and HM controls for detached single-family homes would impose additional requirements on municipalities with resource limitations already, particularly since homeowners will need more guidance from municipal staff. At this time, we consider requiring</p>	None

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				significant streams significantly impacted by flows from these large projects, which contain untreated contaminants.	site design measures that reduce both runoff pollutants and flow is adequate.	
Giberson	3	C.3.i.v.	Detached Single-Family Homes <i>Countywide or Regional Standards</i>	Allowing Permittees to cooperatively develop countywide or regional standard specifications for lot-scale BMPs ignores the problems that exist where multi-jurisdictional groups, such as the Santa Clara Valley Water Resources Protection Collaborative, have promulgated standards for dealing with development affecting local waters, but the Permittees have not adopted these standards as mandatory.	The purpose of the development of lot-scale measures by the Permittees is to provide guidelines to small projects and single-family homes for selecting and installing correctly the appropriate site design measures and/or treatment measures to satisfy the requirements of this Provision. We expect that any guidelines cooperatively developed by the Permittees will also be adopted by them for implementation.	None
James, Roger Att II	47	C.3.j.i.	Impervious Surface Data for Small Projects	The data collection effort must include both impervious surface and that portion that is directly connected to a storm drainage system. This will allow an assessment of the feasibility of diverting impervious surfaces to pervious surfaces in small projects.	In response to comments received, the MRP TO no longer has data collection requirements for small projects.	Provision C.3.j. and its data collection requirements have been deleted
ACCWP ACCWP Att 2 BASMAA, - Bicknell, J Berkeley Berkeley Att Table Brisbane CCCWP Letter CCCWP Colma Concord Contra Costa Co - Supervisors Danville Daly City Menlo Park Monte Sereno	6 16, 17 79 10 11 8f 12 38 5, 7 6 39, 40 9 29, 31 3g 6	C.3.j.i.	Impervious Surface Data for Small Projects	Do not require pilot study to collect impervious surface data for 1000 - 10,000 ft ² projects because: <ul style="list-style-type: none"> • Data collection will be labor intensive, create an additional tracking/reporting burden, and provide no water quality improvement benefit. • Board staff's analysis of the impervious surface data for those municipalities that collected it, concluded that projects with < 10,000 ft² of impervious surface accounted for less than 1% of the total land development. Do not waste limited public resources to capture the last 1% of total development. • The regulation of these small projects can be handled appropriately under the proposed 	Based on the limited data that was provided to us by the cities that collect this information already, small projects contribute from <1% to 73% of the total impervious surface area added or replaced. Because many of these projects were single-family home projects, the December Tentative Order included Provision C.3.i., which required appropriate site design measures for any single-family home project creating and/or replacing ≥ 5000 ft ² of impervious surface. In response to the Permittees' concerns about the administrative burden of	Provision C.3.j. has been deleted and Provision C.3.i. has been expanded to apply to all small projects creating and/or adding 2500 ft ² to < 10,000 ft ² of impervious surface and single-family homes creating or adding 2500 ft ² or more of impervious surface. Provision C.3.i. has also been revised such that the list of site

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Newark Pacific San Mateo Co SCVURPPP SCVURPPP Att A SMCWPPP Att 3 South San Francisco Sunnyvale, - McCumby-Hyland, K Sunnyvale Att A	6 8 7 4b, 4d 22 7f 20e 71 8			<p>permit's site design and source control requirements.</p> <ul style="list-style-type: none"> Board staff has not sufficiently explained how the data will be used to determine regulatory thresholds in the future. <p>Board staff should remove this requirement, and instead, provide grant funds for someone to study the costs of C.3. compliance for small sites to determine if in fact the current thresholds are practicable</p>		
ACCWP Att 2	17	C.3.j.i.	Impervious Surface Data for Small Projects Questions	<ul style="list-style-type: none"> What is the purpose of this study? What criteria will be used to revise the size threshold? Is 90% capture of all new/redevelopment in the Region an appropriate criterion? Will the Water Board evaluate the threshold based on the percent capture for the entire Region or municipality by municipality? If the percent capture criterion is to be applied by each municipality, will some municipalities be able to increase their size threshold above 10,000 ft² if they meet the percent capture criterion at a higher threshold? Why does the project watershed information need to be included in the pilot project? 	collecting impervious surface data for small projects and in line with the past data collected and our emphasis on LID techniques and goals, we feel it appropriate to extend the site design requirements of Provision C.3.i. to all small projects that create and/or replace 2500 ft ² to <10,000 ft ² and lower the applicability of this Provision to single-family homes adding and/or replacing ≥ 2500 ft ² of impervious surface area as well.	design measures contains more options for projects to choose from. For consistency, this same list is identical to the one contained in Provision C.3.c.i.(2) and C.3.e.(1) - Footnote #6.
Daly City	30, 31	C.3.j.ii.	Impervious Surface Data for Small Projects Due Date	Clarify who is going to coordinate and fund effort to pull together the pilot study submittal. Second, why craft a pilot study as an enforceable permit condition. Such a requirement begs an answer as it assumes such a study could in fact be crafted	In response to comments received, the MRP TO no longer has data collection requirements for small projects.	Provision C.3.j. and its data collection requirements have been deleted
SCVURPPP Att A	95	C.3.j.ii. Attach L Table C.3.j.	Impervious Data for Small Projects Reporting	<u>Name of Responsible Party; Project Type; and Description</u> – The name of the responsible party is not needed for compliance with Provision C.3. <u>Project Watershed</u> – The information provided within this column is inconsistent (e.g., overly detailed) with the MRP reporting requirement of		

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				<p>C.3.b.iii. The MRP requires that the project watershed be provided NOT the tributary or creek that urban runoff may flow to from the project.</p> <p><u>Application Date and Project Approval Date (if known)</u> - It is not necessary to provide the application submitted date. Tracking the application deemed complete date is the more useful way to track project approvals. The request to report/track the construction completed date is not necessary and inconsistent with the MRP reporting requirements of C.3.b.iii. In accordance with the MRP, the application date, application deemed complete date and project approval date are only required.</p>		

^a Refers to Provision Numbers contained in the Municipal Regional Stormwater Permit (MRP) Tentative Order dated December 14, 2007.

^b Provision Numbers referenced are found in the Municipal Regional Stormwater Permit (MRP) revised Tentative Order dated February 11, 2009.

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Hayward CCCWP CCCOSup CCEngr Advisory DalyCity-NSMSan Berkeley San Jose FairfieldSuis- SewerDist	10 7 41A 15 44 14B 11 5	C.4.b.i	Permittees Should Not Be Required to Inspect NOI Facilities	Section C4b.i requires Permittees to inspect "Industrial facilities, as defined at 40 CFR 122.26 (b)(14)". These are NOI facilities permitted by the State. The State receives a fee to inspect these and should continue to do the inspections. Municipal staff does not have the expertise or resources to inspect industrial facilities. The inspections required by C.4.b.i may be duplicative of inspections that numerous other agencies are already mandated to conduct regularly, including environmental inspections (Dept. of Toxic Substances Control, Regional Water Quality Control Boards, Air Quality Management Districts) and public safety inspections (Fire Districts, Health Department).	The Permittees have a regulatory responsibility to inspect and obtain compliance by industrial and commercial sites with local storm water and urban runoff ordinances, regardless of the sites status with regard to the General Statewide Industrial Stormwater Permit. Please see the Fact Sheet and 40 CFR 122.26 references. The Regional Board has the responsibility to inspect and obtain compliance by facilities discharging storm water associated with industrial activity covered under the statewide General Industrial Stormwater Permit. The regulations call for this redundancy or overlap of jurisdictions for industrial and commercial site stormwater inspection and control. The Regional Board staff has always worked with the Permittees in partnership to obtain compliance by these sites. With inspections conducted by Permittees, many can be inspected to determine if their site poses a threat to water quality. The Regional Board can assist with those sites that are not in compliance and resistant to escalated regulatory response by the Permittees, to ensure that water quality problems are addressed. Inspections conducted by other public agencies do not remove the permittees' responsibility to insure compliance with local ordinances and the municipal stormwater permit requirements. Opportunities for collaboration with other agencies, both local and State, for efficiency are currently being implemented by many Permittees currently.	No changes made.
CCCOSup DalyCity-NSMSan SCVURPPP ATT A SouthSF	41B 38 24B 6C	C.4.b.ii	Determining Coverage Under General Industrial Permit	Considerable judgment is needed to determine which facilities need coverage under the state's Industrial General Permit. The Water Board staff is in the best position to make decisions about which businesses require coverage under this permit. Municipalities have been willing to forward information about businesses that might need to obtain Industrial General Permit coverage when Water Board staff has	Ultimately, the Water Board will make the determination if coverage is needed under the State's General Industrial Stormwater Permit. This provision requires Permittees to notify business that they may need coverage under the permit and refer the names of non-filers to the Water Board.	No changes made.

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				requested this type of information.		
CCCWP	43	C.4.c.iii.(4)	Enforcement of State General Permit Not Responsibility of Permittees	Permittees identify and will continue to identify and report to Regional Board staff a list of potential "non-filers" (i.e., industrial facilities that are known or suspected to require coverage under the State's General Industrial Permit" but have not filed a "Notice of Intent" with the State Water Resources Control Board.) Follow-up and enforcement of the State's General Industrial Permit is the responsibility of the State and Regional Water Boards.	The MRP does not require permittees to enforce the State's General Industrial Stormwater Permit. Permittees must only enforce the requirements of local stormwater and urban runoff ordinances. It is the responsibility of the State to conduct enforcement and follow up of violations of the General Industrial Permit.	No changes made.
Berkeley ACCWP Newark Alameda Co	14B 7C 7C 6C	C.4	Should Not Be Required to Inspect all General Industrial Permit Facilities Every Year	It is not appropriate to require inspections of all General Industrial Permit facilities every year. Some of these facilities have a very low likelihood of contributing to stormwater pollution.	We agree with this comment. Inspections should be conducted on a frequency appropriate to the threat to water quality.	The Permit language has been revised. Permittees will now rank industrial and commercial sites commensurate with the threat to water quality to determine the inspection frequency
San Jose Attny	4B	C.4	Shift in Responsibility Not Tied to Water Quality	Similarly, the shift in responsibility to local agencies for businesses now regulated by the Regional Board is not tied to improving water quality, but simply to shifting the costs of regulation from the state to municipalities.	The Water Board is not shifting responsibility to the permittees. The permittees are required to inspect industrial /commercial facilities to prevent stormwater pollution to their MS4s under the CWA. The MRP does not expand responsibility beyond what is already required under Federal Law.	No changes made.
Martinez	3	C.4	Staff Not Qualified to Conduct State Inspections	Currently selected industrial facilities in Martinez require NPDES permits from the State. The proposed MRP requires cities to inspect the facilities for compliance with their NPDES Permits. The City of Martinez does not have the staff or expertise to perform these State inspections. Nor does the City does not have the revenue stream to hire consultants to conduct these States inspections. The City requests this burden not be shifted to cities. We recommend this inspection function remain the	The MRP does not require permittees to enforce the State's General Industrial Stormwater Permit. Permittees must only enforce the requirements of local stormwater and urban runoff ordinances. It is the responsibility of the State to conduct enforcement and follow up of violations of the General Industrial Permit.	No changes made.

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				responsibility of the State.		
CCCoSup	42	C.4.b.i	Permittees Can Not Cite Violations of State Permit	It is not entirely clear whether the intent of C.4.b.ii(3)(d), C.4.b.ii(4)(d) and C.4.c.iii(4) is to require local jurisdictions to cite NOI / State General Industrial Permit facilities that have been reported in violation". The County does not have the authority to cite violations of a State permit. We only inspect and enforce local stormwater regulations (the County Ordinance).	We agree. The County is not required to enforce the State's General Industrial Permit. Permittees are only required to enforce violations of local stormwater and urban runoff ordinances in compliance with the MRP. Permittees are also required to notify businesses that they may need coverage under the General Industrial Permit and refer those facilities to the Water Board.	No changes made.
Oakley	37A	C.4.b	Fees Collected by the State Should Be Directed to Permittees	C.4.b requires that Permittees inspect all commercial industrial facilities, including the "NOI" facilities covered by the State Industrial Permit. Some portion of the fee collected by the State must be diverted to local agencies or reimbursement established to compensate for performing these activities for the State.	The MRP does not require permittees to enforce the State's General Industrial Stormwater Permit. Permittees must only enforce the requirements of local stormwater and urban runoff ordinances in compliance with the MRP. Even though a commercial industrial facility has coverage under the State's General Industrial Permit, it does not absolve permittees from enforcing compliance with local ordinances and preventing polluted discharges to their MS4.	No changes made.
CCCoSup	10	C.4.b	Inspection of Facilities already Regulated by State Agencies	With this MRP in place, the County will be required to significantly increase its oversight of the business community even though multiple agencies are already mandated to perform regular environmental inspections (Department of Toxic Substances Control, Regional Water Quality Control Boards, Air Quality Management District's) and public safety inspections (Fire Districts, Health Department). Currently, the responsibility (and established fees) for inspection of businesses that are issued waste discharge requirements lies with the RWQCBs.	The County is only required to inspect facilities to determine compliance with local urban runoff and stormwater ordinances. The inspections conducted by other agencies are to enforce their respective regulations. The County is not required to enforce Water Board regulations.	No changes made.
Milpitas	11	C.4.b	Fact Sheet Does Not Support Municipalities Regulating Industrial Sources	Page 32 – The conclusion that USEPA supports municipalities regulating industrial sites and sources that are already covered by an NPDES permit is not demonstrated by the cited paragraphs from the Federal Register. The first paragraph only requires that the municipalities obtain a stormwater permit and that such permit contain controls for discharges from industrial	This interpretation is not correct. The MRP is not requiring permittees to enforce State General or Individual permits. It is only requiring permittees to prevent polluted runoff from commercial/industrial sources that drain to the MS4 to the MEP by enforcing local stormwater and urban runoff ordinances in accordance with the provisions of the MRP.	No changes made.

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				activity. Although passively voiced, the statement that general and individual permits will comply with the municipal permit controls makes it implicitly clear that only the State, as the general or individual permit issuer, has the ability and therefore the responsibility to make the industrial permittees comply with the municipal permit conditions. The second paragraph states only that municipalities have "an important role in source identification" for industrial dischargers with separate permits. "Important role" is clearly less than "responsible." The State is responsible for industrial sites that are, or should be, regulated by a general or individual permit. This is reasonable and fair because the State collects the permit fees for these sites and does not remit any of these fees to the municipalities.		
Oakley	37B	C.4.b	Will State provide training in General Industrial Permit?	Will the State provide training for local agencies in the enforcement of the State General Permit requirements?	Permittees will not be enforcing the requirements of the State's General Permit. No training is needed.	No changes made.
Oakley	37C	C.4.b	Which version of State General Permit to be used in enforcement?	The State website shows the 1997 Permit and an apparent draft 2003 version. Which version is to be used in enforcement?	Permittees will not be enforcing the requirements of the State's General Permit. The only permit that is currently valid is the 1997 permit. The 2003 permit is still in draft form and has not been adopted.	No changes made.
Oakley	37d	C.4.b	Will State Provide updated lists of NOIs?	Will the State provide updated lists of NOI's directly to the cities as they are covered under the Permit or will the cities have to search through State websites, as in the past, to find the information?	The Water Board will provide assistance, if necessary.	No changes made.
Central San	18	C.4.b.ii(1)(c)	Modify Language and Allow Regional Collaboration for Mobile Sources	Issue: A variety of mobile sources are identified that do have a potential to generate and discharge pollutants to the storm drain systems. However, under the structure of the MRP, these mobile sources are treated as independent operations that would require individual	The section on mobile businesses has been modified and moved to Section C.5 Illicit Discharge Control. Permittees are not required to inspect all mobile businesses within their jurisdiction. Under the revised requirements, permittees will develop a program to reduce	The provisions for mobile sources have been moved to C5. Permittees are no longer required to inspect all mobile

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				oversight by each permittee. These mobile sources could feasibly work in all jurisdictions of a county. In Contra Costa County with 19 cities and the unincorporated areas, an individual mobile service provider could be subject to 20 different inspections for each cycle (annually, every three years, every five years depending on the frequency that is established). In almost all cases, a mobile service provider can be engaged at the same frequency as a fixed facility source and so requiring all jurisdictions to treat mobile sources independently will result in significant duplication of effort. Recommendation: This requirement should enable regional coverage of regulating (both inspections and enforcement) this type of mobile service provider. Countywide coordination and information sharing would be needed to successfully implement this strategy.	discharges from mobile businesses to the MEP. The program will include development of BMPs for various types of mobile businesses, the development of enforcement strategy that targets the unique characteristics of mobile businesses, conduct outreach and education targeted to mobile businesses, and conduct inspections of mobile businesses as needed	sources under C.4. The new provision allows for regional collaboration in development of BMP requirements, enforcement action information, and education.
DalyCity-NSMSan Palo Alto Alameda SouthSF Sunnyvale Atta Mountain View San Jose Palo Alto – BobelP San Jose – TovarM	37 9 11 6D 12 8 10 1 62	C.4.b.ii.(1)c	Problems Inspecting Mobile Sources	Under the structure of the MRP, mobile sources are treated as independent operations that would require individual oversight by each permittee. Mobile business operations may not generate water quality impacts at their home base and often operate on a regional scale with activities occurring in multiple jurisdictions is also problematic and impractical to try to locate active operations of many mobile business types. Inspecting businesses both at a fixed commercial base and in the field is too time consuming and not realistic.	The section on mobile businesses has been modified and moved to Section C.5 Illicit Discharge Control. Permittees are not required to inspect all mobile businesses within their jurisdiction. Under the revised requirements, permittees will develop a program to reduce discharges from mobile businesses to the MEP. The program will include development of BMPs for various types of mobile businesses, the development of enforcement strategy that targets the unique characteristics of mobile businesses, conduct outreach and education targeted to mobile businesses, and conduct inspections of mobile businesses as needed.	The provisions for mobile sources have been moved to C5. Permittees are no longer required to inspect all mobile sources under C.4. The new requirements include development of BMPs, outreach and education targeted to mobile businesses, and inspections as needed.
CCCWP SCVURPPP AttA Alameda	41 24C 9	C.4.b.i	Move Mobile Sources to Illicit Discharge	The Tentative Order requires the inspection of mobile sources with both a fixed base and field activities in their jurisdictions. Mobile sources are very difficult to track, specifically if they are based out of another jurisdiction. Therefore, we request that the requirement to inspect mobile businesses be removed. Outreach to these	The section on mobile businesses has been modified and moved to Section C.5 Illicit Discharge Control. Under the revised requirements, permittees will develop a program to reduce discharges from mobile businesses to the MEP. The program will include development of BMPs for various types of mobile businesses,	The provisions for mobile sources have been moved to C5

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				business to provide best management practices, and enforcement response when illegal discharges are identified is the most efficient way to address these businesses.	the development of enforcement strategy that targets the unique characteristics of mobile businesses, conduct outreach and education targeted to mobile businesses, and conduct inspections of mobile businesses as needed	
Alameda	10	C.4.b.i	Deal with Mobile Businesses Regionally Using BASMAA Program	The City also recommends that the RWQCB work at the regional business level to require certification programs similar to the BASMAA mobile surface cleaners program for the types of mobile businesses of concern. The estimated increase in annual municipal staffing to implement this provision for inspections is approximately 5% of a full-time staff person.	Under the revised Tentative Order, permittees have the option of collaborating regionally to establish BMPs and conduct education and outreach to mobile businesses. The section on mobile businesses has been modified and moved to Section C.5 Illicit Discharge Control. Permittees are not required to inspect all mobile businesses within their jurisdiction. Under the revised requirements, permittees will develop a program to reduce discharges from mobile businesses to the MEP. The program will include development of BMPs for various types of mobile businesses, the development of enforcement strategy that targets the unique characteristics of mobile businesses, conduct outreach and education targeted to mobile businesses, and conduct inspections of mobile businesses as needed	The new provision allows for regional collaboration in development of BMP requirements, enforcement action information, and education
Alameda	8	C.4.b.i	Allow Permittees Flexibility to Allocate Resources for Mobile Sources	The specification that the fixed business bases of a set list of mobile business operation types are subject to industrial and commercial discharge control inspections may place unneeded burden on staff resources. Mobile business operations may not generate water quality impacts at their home base. Mandatory inspection efforts at business locations, not posing a stormwater quality threat, are a poor use of limited inspector staff time and will not provide practical benefit. Local agencies should have the discretion and flexibility to determine what business locations are priorities for stormwater inspection efforts.	The section on mobile businesses has been modified and moved to Section C.5 Illicit Discharge Control. Permittees are not required to inspect all mobile businesses within their jurisdiction. Under the revised requirements, permittees will develop a program to reduce discharges from mobile businesses to the MEP. The program will include development of BMPs for various types of mobile businesses, the development of enforcement strategy that targets the unique characteristics of mobile businesses, conduct outreach and education targeted to mobile businesses, and conduct inspections of mobile businesses as needed.	The new provision requires enforcement as needed. Inspections are no longer mandatory but development of BMP requirements, an enforcement strategy, and education are required.
San Leandro	6 6A	C.4.b.ii.(1)	Mandating Inspection	The required inspection frequency for particular categories of industrial and commercial facilities	Under the proposed requirements, permittees have the flexibility to classify industrial and	The permit language has been modified.

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SouthSF Berkeley Alameda Co Newark ACCWP	13 6A 7A 7A		Frequency on Business Type Too Prescriptive	is too prescriptive and is not appropriate. If inspection frequencies are arbitrarily set, inspection resources are unnecessarily directed to conduct fieldwork that does not contribute to protecting water quality. The MRP should not be used to establish minimum across the board inspection frequencies. Agencies must have flexibility to allocate resources and prioritize inspection frequencies based on the individual characteristics and operational parameters specific to each commercial or industrial business.	commercial facilities within their jurisdiction as high, medium, low priority, or no exposure based on their knowledge of the characteristics of the facilities and the MS4 system. The Permittees' classification of an industrial and commercial facility will determine the inspection frequency.	The inspection frequency will be determined by the permittees on the basis of the industrial or commercial site's potential for water quality impact.
Berkeley Alameda Co ACCWP Newark Alameda Co-SeeryS	15 6B 7B 7B 76	C.4.b.ii	Remove SARA Title III Facilities	Of particular concern is the requirement to inspect SARA Title III, Landfills and General Industrial Permit facilities every year. SARA Title III facilities include, those with inert compressed gas on site in quantities over reporting thresholds (i.e., 200 scf). This may include such benign facilities as a gift shop with a helium cylinder for filling party balloons, its only "industrial" activity. To require annual inspections based on the presence of a compressed gas cylinder, in this example, would be a waste of public resources and contrary to common sense.	Permittees are only required to inspect these facilities commensurate with the threat to water quality. The frequency of inspection will be established by the permittee based on the potential threat to water quality.	The specific requirements for inspection of SARA Title III facilities have been removed.
DalyCity-NSMSan	36	C.4.b.ii (1)(a)(ii)	Remove Close Landfills From Inspection Requirements	Request elimination of inspecting operating and closed landfills since the Water Board has an existing program for controlling those discharges	Permittees are only required to inspect these facilities commensurate with the threat to water quality. The frequency of inspection will be established by the permittee based on the potential threat to water quality.	The specific requirements for inspection of closed landfills have been removed.
DalyCity-NSMSan SouthSF	35A 6B	C.4.b.i	Clarify Facilities Required to Inspect	Businesses to be inspected should be limited to ones that discharge to a MS4 that is owned or operated by the municipality that has coverage under the permit similar to what is described in the fact sheet.	The permittee is responsible for inspecting all facilities with the potential for discharge to the MS4.	No changes made.
CCCWP	40	c.4.b.i	Modify List of Facilities Required to Inspect	Insert "may" in "Types of businesses to be inspected <u>may</u> include the following;" and/or eliminate the following from list of "types of business" Permittees would be required to	We agree. This section has been modified and the provision language now refers to businesses that have a reasonable likelihood to be a source of pollution.	The section has been modified and the provision language now refers to

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				<p>inspect: C.4.b.ii(1)(a)(i): Industrial facilities covered under the State Board's General Industrial Stormwater NPDES Permit C.4.b.ii.(1)(a)(ii): Operating and closed landfills C.4.b.ii(1)(a)(iii): Facilities subject to SARA Title III C.4.b.ii(1)(a)(iv): Hazardous-waste treatment, disposal, storage and recovery facilities C.4.b.ii(1)(c)(i through xi): Mobile Sources</p> <p><i>Rationale for deletions:</i> Items 1-4 above goes beyond the intent and appropriate scope of a municipal-level business inspection program. Municipal inspection programs and staff are not equipped or trained to evaluate and regulate the operations of these types of industries. Other State agencies (i.e., State and Regional Water Boards, Air Quality Management Districts, Department of Toxic Substance Control, Integrated Waste Management Board, etc...) have regulatory authority, expertise, and resources required to properly inspect these types of facilities. It is not appropriate to delegate this State responsibility on local government without adequate funding and resources</p>		<p>businesses that have a reasonable likelihood to be a source of pollution.</p>
Central San	20	C.4.c.iii	Can a Service Provider Maintain Inspection Records?	<p>Issue: The requirement for the permittees to maintain adequate records of inspections, follow-up work, and enforcement actions is reasonable. The MRP as drafted is not clear that a service provider such as CCCSD (other POTWs do provide inspections services in order to comply with the commercial/industrial inspection program) can maintain records on behalf of permittees under a Service Agreement. Recommendation: No change may be needed to the MRP language provided that the RWQCB allows other agencies providing inspection and enforcement services on behalf of the</p>	<p>If a service provider is contracted by a permittee to provide inspection services, they may keep the records for the permittee. The permittee will be responsible for retrieving these records and providing them to the Water Board in a timely manner as needed upon request.</p>	<p>No changes made.</p>

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				permittees to maintain records for the inspection and enforcement actions provided that the same public and agency access to these records is available.		
San Leandro San Jose San Jose Attny Sunnyvale Atta	10 12 4D 13	C.4.c(iii)	Reporting and Recordkeeping Overly Burdensome	Reporting for the annual report is being greatly expanded to include too much detail on enforcement actions and violation histories. Would result in the reporting of inspections for thousands of facilities, in detail, each year, for just this program element with no demonstrable water quality benefit. We request that the draft Annual Report Form in Attachment L be removed from the Tentative Order, and instead a reporting form should be developed after the permit is adopted to reflect what is actually included in the permit.	Reporting requirements have been significantly reduced in the proposed requirements. Permittees are required to maintain detailed inspection records and a tracking database, although the information will be reported in summary form in the annual report. The inspection records and tracking database shall be supplied to the Water Board upon request to verify compliance with the permit inspection requirements and the Permittees' Enforcement Response Plan.	The reporting requirements have been reduced to summary tables and statistics showing the results of the inspection activities and follow-up. Permittees will keep complete inspection records in a database for review by Water Board staff upon request.
SCVURPPP AttA	25B	C.4.c	Alternative Means to Comply With Recordkeeping Requirements	The requirements for electronic databases of inspections in various Tentative Order provisions should be consistent with each other and allow the flexibility of using alternative means of recordkeeping to document compliance with local municipal stormwater ordinances	We agree.	The permit language regarding databases for C4,C5,and C6 requires a database or equivalent tabular system.
DalyCity-NSMSan	32	C.4.a.i (1)(b)	Change Notification Requirements	odify the last sentence about notifying the Water oard. Does the Water Board want to get involved nd track every cleanup response? The Water oard staff should not be notified of extended batement time frames unless it requests this nformation. Recommend that to streamline the mplementation of the permit; this should be odified to read as follows: "the Permittee shall otify the Water Board when requested by the ater Board of extended time frame..."	We agree. This section has been modified and the requirements for notifying the Water Board have been removed. Permittees are expected to keep adequate and complete records justifying the rationale when the clean up does not occur before the next rain event or exceeds 10 business days.	The specific language referred to in the comment has been removed and replaced with a requirement for violations to be corrected before the next rain event or within 10 business days.
Livermore CCCWP SCVURPPP AttA DalyCity-NSMSan	7 39 25A 33	C.4.a	ERP Overly Prescriptive	The permit is overly restrictive in dictating the enforcement response that municipalities must take in response to violations. Agencies should be able to choose the appropriate enforcement	We agree. The ERP requirements have been modified and the prescriptive provisions have been replaced with a performance standard regarding the correction of violations before the	The prescriptive ERP requirements have been removed. Permittees must

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				response for their jurisdiction instead of being required to issue citations for given violations. The important factor should be the time in which the violation is corrected. Whether an agency chooses to gain compliance through education or punitive enforcement is no concern of Board staff. This requirement should be revised to specify a time-frame for compliance and leave the method up to individual agencies.	next rain event or within ten business days. The means and methods of achieving compliance may be determined by the permittee.	develop an ERP that leads to effective site management and has the ability to meet the performance standards for violation correction in the MRP.
CCCWP San Leandro DalyCity-NSMSan SouthSF SCVURPPP AttA	8 9 43 6F 25D	C.4.c(ii)	3 Year Window Too Prescriptive and Violates State Law	Maintaining a three year rolling window for repeat offenses is too prescriptive and inappropriate. There is no justifiable need to create this over burdensome and complicated system for tracking and reporting across this multiyear timeframe. These provisions also mandate prescriptive and inflexible enforcement procedures, which are in conflict with state law. For example, Water Board staff is requiring a 3-year rolling window for progressive enforcement. State law only allows such action for a period of one-year.	The requirement for 3 year rolling window for progressive enforcement has been removed from the permit.	The 3 year rolling window for progressive enforcement requirement has been removed.
San Leandro Dublin Pleasanton	7 5 8	C.4.c	ERP Overly Burdensome	<p>The proposed permit requires development of a formalized Emergency Response Plan (ERP) for use with business inspections, spill responses, other business processes and additional record keeping, and reporting. In addition, included in the more aggressive ERP are requirements to adopt by ordinance, escalating penalties for noncompliance.</p> <p>The City's current spill response and business inspection practices are effective, and adoption of additional formal measures would provide no incremental benefit to water quality. This additional requirement would only add to funding requirements for additional record keeping with no significant benefit for enhancing urban runoff water quality.</p>	The prescriptive requirements for ERP development have been removed. Permittees are still required to develop an ERP, although in many cases existing inspection plans, response protocols, and enforcement policies will meet the permit requirements.	The prescriptive ERP requirements have been removed. Permittees must develop an ERP that leads to effective site management and has the ability to meet the performance standards for violation correction in the MRP.
Central San	19	C.4.b.ii.(4)	Inspection	As written, the Tentative Order proposes a very	Under the proposed requirements, permittees	The inspection

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Hayward SCVURPPP AttA CCCWP	9 24A 6		Frequency Too Prescriptive	prescriptive business inspection program that does not allow for flexibility based on local agency experience. The language should allow Co-permittees to have flexibility in what types businesses are inspected and the frequency of inspections. Businesses to be inspected should be limited to ones that discharge to a MS4 that is owned or operated by the municipality that has coverage under the permit similar to what is described in the fact sheet.	have the flexibility to classify industrial and commercial facilities within their jurisdiction as high, medium, low priority, or no exposure based on their knowledge of the characteristics of the facilities and the MS4 system. The Permittees' classification of an industrial and commercial facility will determine the inspection frequency.	frequency requirements have been removed. Permittees will set the inspection frequency based on professional judgment and knowledge of the MS4 system
Belmont DalyCity-NSMSan FairfieldSuis- SewerDist	7 34 4	C.5	Extend Implementation Date	Section C.4, C.5 and C6 require implementation of new procedures, ordinances and development of Legal Authority. Timelines for implementation are too short. Completion of these tasks will require development and research of appropriate code language, coordination with other agencies, training of staff, and public outreach. Timelines for implementation need to be extended.	The timelines for implementation of new ordinances and legal authority have been removed from the permit. Permittees are expected to have the necessary authority to respond to discharges in compliance with the provisions of the MRP. If adequate legal authority is not available to control discharges as required in the MRP, permittees must update ordinances immediately and notify the Water Board regarding sites that they can not bring into compliance.	The specific timelines for legal authority and the development of the ERP have been removed.
SFBaykeeper ACCWP Attny	40 8	C.4.b	Facility Inspection Requirements Unclear	Provision C.4.b.ii. does not clearly state whether every business that falls into the listed categories must be inspected or whether only businesses in those categories that could reasonably cause or contribute to a violation of water quality standards should be inspected.	The language in the permit has been revised. Each permittee shall inspect all commercial and industrial facilities that reasonably contribute to the pollution of stormwater runoff. The frequency of inspection shall be determined at the permittees discretion.	Only businesses that could reasonably cause stormwater runoff pollution, illicit discharge or contribute to a violation of receiving water quality standards should be inspected. Permittees use best professional judgment to prioritize facilities as high, medium, and low potential threat.
Baykeeper	2	C.4.b	Require Specific BMP Implementation	As compared to previous MS4 permits issued by this Regional Board, this draft Permit makes progress towards eliminating vagueness and	We are using an approach based on outcomes. The permittees are required to develop an enforcement response plan which will detail	No changes made

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			at Industrial and Commercial Sites	limiting permittee discretion. Many sections, however, still need substantial improvements. Specifically, we strongly recommend the use of BMP menus as the Los Angeles Regional Water Quality Control Board ("LA Regional Board") has done in the draft Ventura permit. For example, the commercial and industrial inspection provisions of the draft Ventura permit require that inspections ensure implementation of at least seven specific BMPs at restaurants, ten BMPs at retail gasoline outlets, and ten BMPs at automotive service facilities.	appropriate responses and enforcement actions. Instead of specifying specific BMPs, we have included a performance standard for violation correction. All violations must be corrected in a timely manner with the goal of correcting them before the next rain event but no longer than 10 business days after the violations are discovered.	
Baykeeper	6	C.4.b	Vague Language Regarding BMP Implementation	Places where the permit requires "appropriate" BMPs should be revised to include a BMP menu list of the minimum BMPs that must be implemented: C.4.b. Industrial and Commercial Inspections. "Inspections shall include but not be limited to the following: (a) Prevention of stormwater runoff pollution or illicit discharge by implementing appropriate BMPs to the MEP."	We are using an approach based on outcomes. The permittees are required to develop an enforcement response plan which will detail appropriate responses and enforcement actions. Instead of specifying specific BMPs, we have included a performance standard for violation correction. All violations must be corrected in a timely manner with the goal of correcting them before the next rain event but no longer than 10 business days after the violations are discovered.	No changes made
San Leandro SCVURPPP AttA	8 25C	C.4.c.(i)(1)	Violation Categories Too Prescriptive	The requirements for an ongoing discharge may be overly restrictive if the discharge does not pose a significant threat to water quality. The SCVURPPP suggests that the language be modified to allow inspectors to use their judgment. The up-to-45-day response to threatened discharge should be made more flexible because some threats are more serious than others, and businesses should not be inspected if they do not pose at least some threat to discharge. The SCVURPPP suggests that the Tentative Order be changed	The specific violation categories have been removed. We are using an approach based on outcomes. All violations must be corrected in a timely manner with the goal of correcting them before the next rain event but no longer than 10 business days after the violations are discovered.	The specific violation categories have been removed and replaced with a performance standard regarding compliance.
SCVURPPP AttA SouthSF	23A 6E	C.4.a	Clarify Definition of A Discharger Under Permit	The SCVURPPP recommends that the proposed requirements in the Tentative Order regarding violation responses be clarified such	We agree. Permittees are only required to enforce local municipal stormwater and urban runoff ordinances.	No changes made.

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				that these are violations of local municipal stormwater ordinances. In addition, Tentative Order Footnote 9 should further clarify that to be a discharger for purposes of this permit, the discharge must flow to an MS4 owned or operated by a municipality covered by the permit.	The MRP refers to dischargers as industrial commercial sites which could reasonably be considered to cause or contribute to pollution of stormwater runoff. Permittees must determine if discharges threaten or impact the municipal conveyance and respond accordingly.	
San Mateo Co, Casey D	88	C.4	Increased Inspection Frequency Financial Burdensome	The proposed permit will significantly add to the list of facilities that are required to be inspected, such facilities such as the mobile washers, landscapers, pool cleaners, kennels, cemeteries, town gardens will all now be required to be inspected. Those are currently not on our inventory nor do I believe they're on anyone else's inventory. So for whoever gets tasked with doing these inspections will have to create a whole new database, have to go all the way out there for the first time to do these inspections. It will cost a lot more than the \$55 that environmental health charges. An example of how much we feel these costs could reach is your State Water Board charges the -- about \$700 a year for the more than 100 businesses in San Mateo that are covered under the industrial general permit for stormwater discharge. Now we could in clean conscience charge these mobile cleaners \$700 to do these types of inspections. Like I said, we wouldn't get inside the door and it would be counterproductive.	The language in the permit has been revised. Each permittee shall inspect all commercial and industrial facilities that reasonably contribute to the pollution of stormwater runoff. The frequency of inspection shall be determined at the permittees discretion.	Only businesses that could reasonably cause stormwater runoff pollution, illicit discharge or contribute to a violation of receiving water quality standards should be inspected. Permittees use best professional judgment to prioritize facilities as high, medium, and low potential threat.
DalyCity-NSMSan	42	C.4.c.i(6)	Change Language in Provision	The word "all" must be deleted to avoid permit double jeopardy. Section should simply read: The Permittee's ERP shall incorporate appropriate enforcement options, in a reasonable progression.	This section of the MRP has been revised and the language is no longer in the permit.	ERP requirements have been revised to provide more flexibility.
Alameda	28	C.4	Is Expanding Inspection Categories Justified?	The specification that additional business categories are subject to industrial and commercial discharge control inspections does not appear to be based on any evidence that	The language in the permit has been revised. Each permittee shall inspect all commercial and industrial facilities that reasonably contribute to the pollution of stormwater runoff. The frequency	Only businesses that could reasonably cause stormwater runoff pollution, illicit

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				existing inspection practices are inadequate or that inspecting additional business categories would result in measurable improvements to water quality. We understand the State currently receives funding to conduct a select subset of these assessments and suggest that an analysis of the water quality benefits and the costs associated with these state activities be analyzed to determine if expanding this activity is justified.	of inspection shall be determined at the permittees discretion.	discharge or contribute to a violation of receiving water quality standards should be inspected. Permittees use best professional judgment to prioritize facilities as high, medium, and low potential threat.
Alameda	29	C.4	Allow more time to complete ERPs	The prescriptive violation categorization specifications of the Enforcement Response Plan (ERP) described in C.4.c. and C.5.b., as well as C.6.b., will require the ACCWP member agencies to restructure and/or rewrite our facility inspection procedures, facility report forms, and inspection report database system. The implementation timeline described in these provisions to develop the ERP should be revised to no earlier than June 30, 2009.	The specific date for revising the ERP has been removed. We are using an approach based on outcomes. All violations must be corrected in a timely manner with the goal of correcting them before the next rain event but no longer than 10 business days after the violations are discovered.	The specific date for development of ERP has been removed.
San Leandro	11	C.4	Costly training, should be biennial	Increasing mandated staff training by two also doubles the cost and draws twice the resources away from field-based task implementation. After over 15 years of program implementation to have the MRP prescribe such basics is counterproductive and unnecessary. It also removes flexibility that has been used in the past to provide training or education to targeted audiences, such as the commercial property owners workshop hosted by the ACCWP a few years ago. Proposed Resolution: Remove the designated frequency of inspection by business type. Require that all businesses with a potential to contribute to stormwater pollution be inspected at least once during the five-year permit term. Allow the municipalities to develop their own list of high-priority facilities, with commensurate inspection frequencies, reflecting both risk and compliance histories, as they are currently	The permit language has been modified to provide flexibility in training requirements. The provisions require training in a minimum set of topics once during the permit term. Providing permittees the flexibility to determine the appropriate time frame and frequency of training.	Training requirements revised to require a minimum set of topics once during the 5 year permit term.

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				doing.		
CCCosups	40	C.4.a(i)(1)(b)	Requiring Permittee to Assume Clean Up Liability Unacceptable	The MRP requires permittees to develop numerous legal authorities. Some of them are stated explicitly, others are implied, and perhaps unintentional. It reads like a wish list. Some of these wishes, I think, need to be eliminated. One example of an explicit requirement is the requirement to develop the authority to conduct various types of cleanup activities and to bill the property owner, operation, or developer. It's completely unacceptable to require the permittee to assume the enormous liabilities associated with conducting these sorts of activities.	The specific legal authority requirement regarding conducting clean up of violations has been removed. Permittees shall use means at their discretion to achieve clean up in accordance with the performance standard that all violations must be corrected in a timely manner with the goal of correcting them before the next rain event but no longer than 10 business days after the violations are discovered.	The specific language regarding conducting clean up work and billing the responsible party has been removed.
DalyCity-NSMSan	39	C.4.c	Combine ERPs for C4,C5, and C6	The ERP is mentioned in several sections of the MRP (C.4.c, C.5.b and C.6.b). To avoid confusion, all the ERP requirements should be in only one section of the permit. Request the requirement to be combined.	The ERP requirements have been revised, although they are still in separate sections. It is necessary to separate them because they correspond to different program elements. Permittees have the flexibility to create one enforcement response plan that addresses the needs for C.4, C.5, and C.6.	No changes made.
Belmont	2		No Staff to Comply with Non-emergency Discharges on Weekends	The permit requires that jurisdictions report and abate spills or illegal discharges within 48 hours. As a small City with limited staffing, we do not have staff at work on weekends to respond to non emergency events.	The specific language regarding abatement within 48 hours has been removed. We are using an approach based on outcomes. All violations must be corrected in a timely manner with the goal of correcting them before the next rain event but no longer than 10 business days after the violations are discovered. Permittees shall use professional judgment to determine the necessary response and appropriate timeframe in accordance with the threat to water quality. All emergency events regarding water quality impacts should be referred to a department that has the capacity to respond outside of normal business hours.	Specific language regarding response and abatement within 48 hours has been removed and replaced with performance standard regarding clean up.
JamesRogerAttll	48	C.4.b.ii.(1)(b)	Include additional commercial sources	Recommend including flea markets, amusement parks and major sport complexes including Bay Area universities and that they be included specifically by name. Events at these facilities	These areas are not municipalities. It is not appropriate to include them in a permit for municipal agencies.	No changes made.

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				attract large crowds and have been identified as major sources of trash and litter.		
JamesRogerAtIII	50	C.4.b.ii.(5)	Must Include definitions of low, medium, and high potential sites	The Tentative Order must include definitions of high, medium and low potential. The facilities recommended in Comment 48 above must have a significantly higher inspection frequency that corresponds to major events, season of operation and days when the activity is operational. The permittees must be required to submit a schedule for these inspections subject to the approval of the Executive Officer.	We are using an approach based on outcomes. All violations must be corrected in a timely manner with the goal of correcting them before the next rain event but no longer than 10 business days after the violations are discovered. The specific requirements regarding high, medium, and low potential for stormwater pollution have been removed. Permittees are responsible for establishing a priority list based on the criteria in C.4.b.ii.(3). It is not necessary for permittees to submit the list for approval by the Executive Officer. The lists will be reported in the annual report and utilized to determine compliance with the permit provisions.	No changes made.
CCCoSup	43	C.4.b.ii(3)(b)	SIC codes out of date	It should also be noted that SIC codes (referenced in C.4.b.ii(3)(b)) are outdated and are not used by the County; this reference should be replaced with a more appropriate designator of use.	SIC Codes are still used in the implementation of the General Industrial Stormwater permit and should be utilized when determining if coverage is required for a facility. Permittees can use an equivalent or more up to date system to track facilities at their discretion; however it will still be necessary to reference SIC Codes when determining if coverage is needed under the General Industrial Permit.	No changes made.
CCCoSup	44	C.4.b.i	Cost recovery not acceptable	It is not acceptable for the County to be required to develop the authority to conduct cleanup activities, and to bill violators to recover costs (per C.4.a.i(1)(b) and C.4.c.i(5)). This may result in significant County exposure to liability associated with cleanup. These requirements should be removed from the MRP.	The specific requirement bill violators for clean up has been removed. Cost recovery has been successfully used by permittees and is an effective tool to achieve compliance when necessary. It is up to the permittee to determine if this is an appropriate enforcement strategy. Permittees shall use means at their discretion to achieve clean up in accordance with the performance standard that all violations must be corrected in a timely manner with the goal of correcting them before the next rain event but no longer than 10 business days after the violations are discovered.	The specific language regarding conducting clean up work and billing the responsible party has been removed.
CCCoSup	45	C.4.b.ii(5)(e)	Not feasible to	It is also not feasible for the County to track all	The specific requirements regarding tracking	The specific

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			track all changes of use	changes in commercial and industrial uses to review for changes in the potential to contribute to pollution and whether inspections (or increased frequency) are required (per C.4.b.ii(5)(e)). Not all types of changes to use are subject to review by the County, and it is not feasible for the County to inspect every facility every year.	changes of use have been removed from the permit, although the permit did not require the tracking of all changes of use. It required that permittees continue to track no exposure facilities for significant changes in use. It is important for permittees to be aware of changes in usage that may impact stormwater quality. The permittee has the discretion to determine the appropriate means and methods to determine if a change of use will change a facilities exposure to stormwater.	requirement has been removed.
CCFCWCD	10	C.4	No Applicable Sites on Flood Control Property	There are no industrial or commercial sites on FC District property.	We agree.	No changes made.
JamesRogerAttII	4	C.4.c.i	Editorial Comment	Change "employ" to "implement" to make consistent with a regulatory approach.	Implementing an enforcement response plan is also consistent with a regulatory approach.	No changes made
JamesRogerAttII	49	C.4.b.ii.(4)(b)	Editorial Comment	Recommend adding "presence of trash and litter" to things that are to be looked for and reported.	Trash and litter are considered stormwater pollutants. It is not necessary to specifically list all potential pollutants in the provision.	No changes made
Baykeeper	39	C.4	State Objective of Provision	The Permit should clearly state the objective of the provision (See Orange County's permit "[e]ach Copermittee must implement a commercial/industrial program that meets the requirements of this section, prevents illicit discharges into the MS4, reduces commercial/industrial discharges of pollutants from the MS4 to the MEP, and prevents commercial/industrial discharges from the MS4s from causing or contributing to a violation of water quality standards." ¹)	We agree.	The objective has been added to the beginning of C.4 Industrial and Commercial Site Controls section.
Baykeeper	41	C.4.b.ii(4)	Misapplies the MEP Standard	Provision C.4.b.ii.(4) still misapplies the MEP standard. Inspections should ensure that all facilities are preventing storm water discharges that are causing or contributing to a violation of water quality standards.	We agree.	This language has been removed from the provision.

¹ San Diego Permit at p. 55. See also Draft Orange County Permit at p. 35.

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Provision C.4. – Industrial and Commercial Site Controls**

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Oakley	38	C.4.c	What additional records should be maintained?	C.4.c. requires specific records be maintained of inspections and follow-ups. It also says additional records shall be made available to the Water Board. What are the other records that would be made available?	Any records that are necessary to determine compliance with the MRP, explain the circumstances of the violation, and document the follow up action that was taken. Examples include site photos, correspondence letters, site maps, diagrams, technical specifications of BMPs, testing results, etc.	No changes made.
Oakley	39A	C.4.d	Which permit for staff training?	Section C.4.d requires training in the State Industrial Permit. Which one is intended, the current 1997 version or the 2003 draft and will the State provide this training?	This section no longer requires training in the State's General Industrial Permit	Specific language removed.
Oakley	39B	C.4.d	How do we report attendance at staff trainings?	The Summary Table (forms) indicates the reporting of an attendance %age. This section indicates reporting the number counts. Which is desired?	The summary table is no longer being used. The provision now requires that the permittee reports the percentage of inspectors attending training.	No changes made.
ACCWPAtt2	18	C.4.c	Why develop ERP?	Enforcement Response Plan: If an agency already has an effective approach to enforcement, what is the rationale for requiring the development of an ERP?	The prescriptive requirements for ERP development have been removed. Permittees are still required to develop an ERP, although in many cases existing inspection plans, response protocols, and enforcement policies will meet the permit requirements.	The prescriptive ERP requirements have been removed. Permittees must develop an ERP that leads to effective site management and has the ability to meet the performance standards for violation correction in the MRP.
ACCWPAtt2	19	C.4.c.iii(4)	Not authority of Permittees to determine if coverage needed under the General Industrial Permit	C.4.c.iii.(4): It is not within the authority of the local agencies to determine if a facility is required to have coverage under the General Industrial Permit. This item should be deleted.	Ultimately, the Water Board will make the determination if coverage is needed under the State's General Industrial Stormwater Permit. This provision requires Permittees to notify business that they may need coverage under the permit and refer the names of non-filers to the Water Board.	No changes made.
Santa Clara Co	25	C.4	How to determine responsible party?	How will the responsible party be determined? There is potential for legal issues to arise that will be costly and time consuming.	Permittees should make a reasonable effort to determine the responsible party utilizing all appropriate means available to them. If it is not possible to determine the responsible party, efforts should be focused on preventing impacts	No changes made.

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					to water quality and cleaning up the problem discharge not extended investigations to determine the responsible entity.	
Santa Clara Co	26	C.4	When to issue warnings and citations?	When should warning and citations be given out?	It is the discretion of the inspector to decide when to issue warnings and citations. The Water Board is only concerned with achieving compliance not the means and methods that are used to get there.	No changes made.
Santa Clara Co	26	C.4	Tracking of repeat offenses after 3 year window	What happens to the tracking of repeat and escalating stormwater offenses after the 3-year rolling window is up?	Permittees should use the information to inform future inspections and to determine the frequency of inspection necessary to manage the site effectively.	The 3 year rolling window for progressive enforcement requirement has been removed.
Santa Clara Co	27	C.4	Clarification regarding staff training requirements	When should staff training start? Is there a minimum amount of trainings that inspectors should attend annually? Can it take all five years of the permit before inspectors are fully trained in all the desired topics?	It is the discretion of the permittee to determine when training should start based on staff experience and educational needs. There is no minimum number of trainings as long as inspectors adequately trained. Yes, it can take all five years to completely train inspectors in all of the topics.	No changes made

^a Refers to Provision Numbers contained in the Municipal Regional Stormwater Permit (MRP) Tentative Order dated December 14, 2007.

^b Provision Numbers referenced are found in the Municipal Regional Stormwater Permit (MRP) revised Tentative Order dated February 11, 2009

Response to Comments on December 14, 2007 Tentative Order Provision C.5. – Illicit Discharge Detection and Elimination

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ACCWP Milpitas SCVURPPP CCCosup Daly City-NSMSSan CCCWP San Jose AttA Brisbane SMCWPPP	20 16 26A 46 46 45 30 10A 9A	C.5.a.ii	Extend Time for Legal Authority Establishment	The County's ability to effectively combat illegal dumping is severely compromised by our limited legal authority under various State laws. It is extremely important to analyze what additional legal authorities, including changes to State law, the County would be required to develop in order to comply with various C.5 Provisions related to identifying parties responsible for illegal dumping and litter violations and either citing/fining them or recovering clean-up costs from them.	Under Federal NPDES regulations 40 CFR 122.26(d)(2)(i)(B) municipalities are required to have adequate enforcement authority to prohibit illicit discharges. Since at least 1999, San Francisco Bay Area counties have had prohibitions in their stormwater management plans to prevent and eliminate illicit discharges. Permittees should have the legal authority in place, or may be declaring that they are in non-compliance with this long standing regulatory requirement.	Date for implementation of legal authority has been removed from the permit.
SCVURPPP AttA SMCWPPP Brisbane	26B 9B 10B	C.5.a.ii	Legal Authority Only for Significant Trash and Litter Discharges that Affect the Water Quality in MS4	We recommend that any legal requirements in the Tentative Order for controlling "significant trash/litter generating activities" be limited to these activities that affect the quality of water in the MS4 system owned or operated by a municipality with coverage under the permit.	We agree, although permittees must also address sources of wind blown trash and direct dumping to the MS4 system. These sources have the potential to impact water quality.	No changes made.
SMCWPPP Brisbane	9G 10G	C.5.a.i(1)(a)	Only Responsible Parties Affecting Water Quality in MS4	Section C.5a.i.(1)(a) requires that permittees control certain activities by "responsible parties" within their jurisdiction; this requirement should be limited to controlling responsible parties' pollutant generating activities where these pollutants adversely affect water quality of the MS4 system that the municipality owns or operates.	We agree, although permittees must also address pollutant sources that have the potential to discharge or be mobilized in to the MS4 system. Protecting the water quality of the MS4 must address potential sources in addition to sources that directly impact water quality.	No changes made.

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Provision C.5. – Illicit Discharge Detection and Elimination**

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CCCoSup	49	C.5.a.i(2)(a)	Extend Implementation Date for Administrative Penalty	The County currently has the authority to issue criminal enforcement and penalties for illicit discharges as written in Chapter 1014-6 in the County Ordinance, upon conviction. However, an Ordinance change will be required to issue administrative penalties and fines (required in C.5.a.i(2)(a)). If the administrative penalty system must be employed, November 30, 2008 is not enough time to implement a change in the County Ordinance. An implementation date of July 1, 2009 is recommended.	The specific date for establishing legal authority to issue administrative penalties has been removed. We are using an approach based on outcomes. All violations must be corrected in a timely manner with the goal of correcting them before the next rain event but no longer than 10 business days after the violations are discovered. The means to achieve compliance with this performance standard may be determined by the permittee.	The specific date for implementation of administrative penalties has been removed.
SMCWPPP Brisbane	9C 10C	C.5.b	ERP Not required by CWA	We recommend that the ERP requirements be deleted from the permit because they are not required by the federal Clean Water Act.	An enforcement response plan is an important tool that will help permittees achieve effective and consistent enforcement. The specific requirements for development of an ERP have been removed to provide permittees with flexibility. Permittees have the ability to create an ERP specific to their needs in order to achieve compliance in accordance with the MRP provisions.	The prescriptive ERP requirements have been removed. Permittees must develop an ERP that leads to effective site management and has the ability to meet the performance standards for violation correction in the MRP.

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File	Comment No	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
San Leandro Pleasanton Dublin	12 8 5	C.5.b	Development of ERP Overly Burdensome and Not Necessary	Creating enforcement response plans is an overly burdensome task that will effectively draw resources away from program implementation and field-based activities to meeting prescriptive demands required by the MRP. Current spill response and business inspection practices are effective, and adoption of additional formal measures would provide no incremental benefit to water quality.	The prescriptive enforcement response plan requirements in the previous draft have been modified. The requirements are now based on the performance standards of achieving clean up before the next rain event or within 10 business days. Permittees have the flexibility to create an ERP specific to their needs to meet the goals of this performance standard.	The prescriptive enforcement response plan requirements have been modified and replaced with performance standards for achieving site clean up.
SCVURPPP AttA Daly City-NSMSSan CCCWP San Jose Attny Brisbane SMCWPPP	27A 51 46 33 10D 9D	C.5.b.ii	Extend Time for Development of ERP and Training to 12 Months after Adoption	The Tentative Order should require development of the Enforcement Response Plan (ERP) at least one year after adoption of the permit. The ERP needs to be supported by local ordinances that will require adequate time to draft, allow public review comment, and adopt. Additionally, the permit should allow one year to complete training on the ERP in order for the training to fit into an annual training workshop.	We agree.	Permittees will now develop an Enforcement Response Plan (ERP) designed to meet the specific needs of the municipality.
SCVURPPP AttA SMCWPPP Brisbane	27B 9G 10G	C.5.b.ii	ERP Needs Flexibility	The Tentative Order needs to allow flexibility in responding to discharges and threatened discharges. This comment is expressed above under the similar permit requirement for Industrial and Commercial Site Controls.	We agree.	Permittees will now develop an ERP designed to meet the specific needs of the municipality.
CCCO Sup	46B	C.5.b.ii	Difficult to Determine Responsible Party	It should also be noted that it is rarely possible to identify a "responsible party" for illegal dumping and litter cases. The burden of proof is significant, generally requiring confessions or eyewitnesses. Even finding someone's name in dumped materials is not adequate proof, per the District Attorney's Office.	Permittees should make a reasonable effort to determine the responsible party utilizing all appropriate means available to them. If it is not possible to determine the responsible party, efforts should be focused on preventing impacts to water quality and cleaning up the problem	No changes made.

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					discharge not extended investigations to determine the responsible entity.	
ACCWPAt2	18	C.5.b	Why require an ERP?	If an agency already has an effective approach to enforcement, what is the rationale for requiring the development of an ERP?	The prescriptive requirements for ERP development have been removed. Permittees are still required to develop an ERP, although in many cases existing inspection plans, response protocols, and enforcement policies will meet the permit requirements.	The prescriptive ERP requirements have been removed. Permittees must develop an ERP that leads to effective site management and has the ability to meet the performance standards for violation correction in the MRP.
Daly City-NSMSSan	52	C.5.c.ii	Extend Time for Development of Complaint Response and Training	Request the elimination of the specific date of November 30, 2008 and change to 12 months after permit adoption. More time is needed to develop a model and train staff.	Permittees should already have a complaint response system in place. If more time is needed permittees, may be declaring that they do not have an adequate system for reporting and responding to illicit discharges.	No changes made.
San Leandro	13	C.5.b.(i)(3)	Problems Classifying Discharges into Tiers	The attempt to classify an illicit discharge into some sort of tiered violation is going to draw a lot of staff time and resources away from field-based oversight and pollutant reduction efforts. An illicit discharge is an illicit discharge and they are all illegal. If it stayed on site or was stopped before it left the site, then on site clean-up and	We agree.	The Tiered system has been removed from the requirements.

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				abatement, along with implementing measures to preclude the spill from occurring again are required. If it left the site but was contained in the collection system and did not reach receiving waters then the responsible party (RP) must also clean and abate the collection system. If it did reach any receiving waters then the local agency is going to defer to county, state and federal agencies regarding corrective actions for mitigation & abatement outside the agency jurisdiction and still take enforcement individually or jointly with responding county, state and federal agencies as circumstances dictate.		
SCVURPPP AttA Central San Fairfield Suisun SD Oakley Daly City-NSMSSan San Jose AttA Brisbane SMCWPPP	27C 21 7 41 48, 49 32 10H 9H	C.5.b.i.3	Why is Notification Required For Tier I (Substantial) Violations that Don't Reach Municipal Conveyance	This condition requires permittees to notify the Water Board within 48 hours of "...a Tier One violation that <i>does not</i> (emphasis added) enter the municipal conveyance...". It is not clear why this type of notification of the Water Board is needed for a condition that does not reach the municipal conveyance system. It appears the notification is intended for Tier One violations that do reach the municipal conveyance.	We agree.	The Tiered violation system has been removed the requirements.
Mountain View SCVURPPP AttA Millbrae Milpitas Daly City	9 28B 9A 12C 53	C.5.d	Publicly Available MS4 Maps are a Potential Homeland Security Risk	The Regional Permit requires the City to make storm sewer maps available to the public either electronically or in hard copy. For homeland security reasons, the City is concerned about publishing detailed infrastructure maps. Has the Regional Water Board evaluated the requirement to make storm sewer maps publicly available for potential conflicts with Federal Homeland Security regulations? We request that the Water Board consult with Homeland Security	Storm drain maps were a regulatory requirement for the initial Phase I NPDES permit application per 40 CFR 122.26. We have not yet contacted the Department of Homeland Security on this issue. Citizens may need to know where drainage paths go if they observe or report a spill or other problem. There are already numerous published sources of storm drain maps available from municipal programs and the San Francisco	No changes made.

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				before requiring that this sensitive map information be made available to the public.	Estuary Institute. We are asking that each Permittee have a contact to provide this information. The contact could provide some judgment on the security risk associated with any particular inquiry, or add extra scrutiny steps around certain facilities that are sensitive.	
Brisbane SMCWPPP	10J 9K	C.5.d	Use Oakland Museum of CA maps instead of MS4 maps	The draft permit's requirement to make MS4 maps available to the public would require a substantial amount of work without any clear benefit to water quality. Due to security issues with infrastructure in a post-9/11 world, Brisbane does not believe it is appropriate or necessary to advertise the availability of utility maps. All of the municipalities' maps are public documents that are available upon request. SMCWPPP suggests that this requirement should be deleted and substituted with a requirement to use the Oakland Museum of California maps, where available, of creeks and storm drains. These maps have been completed with financial assistance from SMCWPPP. These maps provide information that would be useful to the public.	The availability of the maps would provide a direct benefit to water quality. It would help the public report illicit discharges, improve response times, and assist with the determination of potential impacts from a discharge. We are not asking permittees to make utility maps available. We are only requiring the availability of storm drain maps. These maps can be made available through a point of contact that can utilize discretion in disseminating the information. The Oakland Museum of CA maps may be appropriate in some situations; however, these maps do not provide a comprehensive representation of the areas covered by the MRP.	No changes made.
Milpitas	12A	C.5.d.i	How do MS4 maps assist with Illicit Discharge Investigation?	How will requiring public distribution of maps of the City's entire MS4 system attain the stated objective of investigating illicit discharges? Does the State expect the public to conduct these investigations?	We are not requiring that maps be distributed to the public. We are requiring that the maps be made available upon request through a single point of contact. The availability will aid in the reporting and investigation of illicit discharges. We do not expect the public to conduct preemptive inspections; however, when they discover or become aware	No changes made.

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					of a problem the maps will assist with the reporting and examination of discharges.	
Baykeeper	43	C.5.d.i	Map of MS4 system and checkpoints should be available in GIS	The map of the system and strategic checkpoints should require permittees to map illicit connections and discharges. The Permit should require that the map be in GIS format and be updated at least once every permit term.	We support the proposals suggested in these comments; however, we do not believe it is an appropriate requirement in this permit term considering the level of service necessary to comply with the permit provisions and reporting requirements. Permittees will be reporting illicit connections and discharges in their annual reports. It may be appropriate during the next reissuance to require mapping of illicit connections and the utilization of GIS based maps.	No changes made.
Milpitas	17A	C.5.d.ii	Why make MS4 maps available?	What is the purpose of making maps of the MS4 readily and conveniently available to the public? Why must they be available through a single point of contact?	Making MS4 maps readily available to the public will aid in the reporting and investigation of illicit discharges. It will help the public accurately report problems and determine if observed discharges have reached the MS4 system.	No changes made.
Milpitas	17B	C.5.d.ii	Why a single point of contact?	Why must MS4 maps be made available through a single point of contact?	They are to be made available through a single point of contact so it will be convenient and simple for the public to access the maps. The single point of contact also allows the permittees to assert discretion when making the maps available.	No changes made.
SCVURPPP Burlingame Milpitas Millbrae	28A 4 12B 9B	C.5.d.	Collection System Screening Frequency	The requirement appears to be well in excess of the federal regulation which only requires identification, rather than mapping, of the locations of major	The Federal Regulations required NPDES Municipal Phase I permit applicants to include much more comprehensive screening in their	No changes made.

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Fairfield Suisun SD Brisbane SMCCWPPP	6 10I 9J		Arbitrary and Excessive	outfalls and major structural controls. The fact sheet does not provide the technical basis for why municipalities need to survey strategic collection system check points at a density of one screening point per square mile. It is unnecessary to specify the minimum number of checkpoints if municipal staff is trained to check for illicit discharges while performing other routine maintenance activities. We recommend that the one check point per square mile requirement be deleted from the permit because it may unintentionally divert municipalities' efforts from effectively prohibiting non-stormwater discharges to the MS4.	initial NPDES Permit application than is contained in the Revised TO, (See Fact Sheet and 40 CFR 122. 26) including results of a field screening analysis for illicit connections that includes, at a minimum, a description of visual observations made at each designated field screening point. Field screening points are either all major outfalls or outfall points randomly located throughout the storm drain system and identified by overlaying the system with a 0.5 mile square grid system and selecting one field screening point for every 1/16 square mile cell. The Revised TO approach is much more efficient and easier to implement, and relies on a combination of focused inspections for illicit discharges based on the Permittees illicit discharge screening program and visual inspections during routine maintenance and other activities in the collection system to meet the screening frequency specified in the Federal Regulations.	
SMCWPPP	9L	C.5.d	Video Inspection of Collection System	It is unclear how video inspections of storm drains would count toward meeting the draft permit's requirements to do "above ground check points." This should be explained or the inclusion of video inspections deleted from the permit.	The use of video inspections in storm drains can be used to detect illicit connections to the MS4. This is the primary of the above ground check points. The above ground check points can provide important information regarding above ground points while video inspection may provide data about area not easily assessed by conventional means.	No changes made.

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Baykeeper	44	C.5.d.	Collection System Screening Inadequate	The field screening requirements for detection of illicit discharges fail to meet federal requirements. Applicants for a municipal separate storm sewer system NPDES permit must include in their application results of a field screening analysis for illicit connections that includes, at a minimum, a description of visual observations made at each designated field screening point. Field screening points are either all major outfalls or outfall points randomly located throughout the storm drain system and identified by overlaying the system with a 0.5 mile square grid system and selecting one field screening point for every 1/16 square mile cell. As far as we are aware, the Regional Board has not asked Permittees to submit the required field screening information or conduct the level of screening necessary to generate the information required by the regulations governing MS4 permit applications.	The permit relies on a combination of focused inspections for illicit discharges based on the Permittees illicit discharge screening program and visual inspections during routine maintenance and other activities in the collection system to meet the screening frequency specified in the Federal Regulations.	The TO was edited to include reference to the USEPA/Center for Watershed Protection publication, " <i>Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment.</i> " Permittees are required to use this guidance document when developing and implementing their illicit discharge screening program.
SMCWPPP	91	C.5.c	Preparation of Spill Response Flow Chart and Phone Tree	SMCWPPP recommends that the permit be modified to allow one year following permit adoption to prepare the spill response flow chart and phone tree and conduct training because SMCWPPP does not normally perform training during the period shown in the permit. In addition, as described above, it is uncertain when the permit will be adopted, so it does not make sense to put dates certain in the permit here or elsewhere.	We agree.	The deadline for developing the response flow chart and integrating into training and outreach is July 1, 2010. The information shall be submitted in the 2010 annual report.

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San Leandro San Jose San Jose Attny San Jose Atta Sunnyvale Burlingame	14 13 5 34 14A 5	C.5.e	Illicit Discharge Reporting Excessive	Provision C.5.e has excessive reporting requirements. The City maintains complete records that are available for review if Water Board staff request to see them. A summary of the data in annual reports should be sufficient to demonstrate this program's implementation and effectiveness.	The reporting requirements have been reduced. Permittees will still maintain a complaint and spill response database. The information will be reported in the annual report in summary form.	The reporting requirements have been modified to summary tables. Permittees are required to keep detailed records to demonstrate compliance and allow inspection by the Regional Board upon request.
Brisbane SMCCWPPP	10K 9M	c.5.e	Tracking and Reporting Limited to Significant or Discharges	Brisbane suggests that the tracking and reporting be limited to significant incidents or discharges that are confirmed to have entered the MS4 owned or operated by the municipality and found to be threatening water quality.	The permit requires that permittees report and track all spills and discharges that may impact water quality. It is necessary to track and report actions to insure consistent and appropriate follow up and compliance with the provisions of the MRP.	No changes made.
Brisbane SMCCWPPP	10L 9N	C.5.e.ii	Tracking and Reporting Overly Prescriptive	The draft permit's requirement to "create and maintain a water quality and dumping complaint tracking and follow-up database system" (C.5.e.ii) is overly prescriptive. Brisbane suggests that municipalities be allowed the flexibility of using a database or equivalent system of their choosing to track illicit discharges. In addition, it is unclear what "water quality" is being referred to in this permit requirement, and it should be deleted or clarified.	Permittees may use a database or equivalent system to track illicit discharge reporting and response. The reference to water quality has been edited to read "water quality spill and dumping complaint tracking and follow up database system. The system should track any reported spill or dumping that may impact water quality."	Language changed to include database or equivalent tabular system. Water quality has been modified with the language "water quality spill and dumping."
San Leandro	14	C.5.c.(ii)(3)(c)	Why Reporting discharges that do not reach municipal collection system?	This reporting requirement is confusing as Water Board staff had dropped reporting of every minor illicit discharge into the curb and gutter years ago. This provision would require an on site illicit discharge (one that did not enter a	We agree.	The detailed reporting requirements have been reduced and the

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				municipal collection system) to be reported as if it were an actual discharge with eminent threat. This data is currently being reported on the quarterly illicit discharge summary forms contained in the annual reports.		tiered system for classifying discharges has been removed from the requirements.
Sunnyvale AttB	14B	C.5	Develop Reporting after Adoption	The City requests that the draft Annual Report Form in Attachment L be removed from the Tentative Order, and instead a reporting form should be developed after the permit is adopted to reflect what is actually included in the permit.	We agree. The detailed Annual Report Form Attachment L has been removed from the permit. Development of the reporting format will happen in collaboration with permittees after the permit has been adopted.	Attachment L removed.
Baykeeper	42	C.5	Permit Should State Objective of Provision	The Permit should clearly state the objective of the provision (See the draft Ventura permit "[e]ach Permittee shall eliminate all illicit connections and illicit discharges to the storm drain system, and shall document, track and report all such cases." ¹).	We agree.	The objective has been added to the beginning of Illicit Discharge Detection and Elimination section.
Baykeeper	45	C.5	Require use of creek walk data in illicit discharge detection and elimination	Permittees should be required to use information gathered as part of the creek walk requirements in their illicit discharge detection and elimination programs.	Utilizing the data from creek walks is a logical progression that permittees will employ when conducting their programs. It is not necessary to make it a specific requirement.	No changes made.
San Leandro	15	C.5	Increasing training will increase costs and reduce current programs	Increasing training from biennially to annually is going to double costs and take resources away from current program tasks.	The specific training requirements have been removed from the permit. It is expected that permittees will conduct training to implement their ERP and spill and complaint tracking systems.	Specific training requirements for Illicit Discharge investigation and reporting removed.
Oakley	42	C.5.f	When is the first year for evaluating years' activities?	C.5.f requires annual reporting of the illicit discharge activities for the "next" year based on "last" year. It is unclear what would be the first year for the	This specific section has been removed from the permit. It is expected that permittees will conduct this type of review as problems arise	Section C.5.f removed from permit.

¹ Los Angeles Regional Water Quality Control Board, Revised Order No. 07-xxx, NPDES NO. CAS004002, p 80 (August 28, 2007). (hereinafter "Draft Ventura Permit").

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				activity to be reported as, except for the ERP requirement, the other tracking activity is already in place.	or during the compilation of the annual report data.	
Daly City-NSMSSan	55	C.5.f	Annual Plan for Illicit Discharge Tracking and Response	Staff resources would be better utilized preventing and eliminating illicit discharges rather than creating another plan. Request elimination of the requirement.	This specific section has been removed from the permit. It is expected that permittees will conduct this type of review as problems arise or during the compilation of the annual report data.	Section C.5.f removed from permit.
ACCCWPAtt2	21	C.5.c.i	Non-Emergency Response Only During Normal Business Hours	The checking the voicemail for the non-emergency response number should be limited to Monday-Friday. The purpose of using 911 is to have coverage during non-working hours.	We agree. The non-emergency number should only be checked during normal business hours.	C.5.c.i has been revised to specify only during normal business hours.
ACCCWPAtt2 Daly City-NSMSSan	22 54	C.5.e.ii	Change Date for Establishment of Tracking System	Request the elimination of the specific date of November 30, 2008 and change to 12 months after permit adoption.	We agree the deadline should be extended.	The deadline for establishing the tracking system is April 1, 2010. A summary of data collected shall be submitted in the 2010 annual report.
GCRCD Att	18	C.5.a	Should Establish Penalties for Lack of Enforcement	While there is no problem addressing authority issues, most all municipalities, counties and state agencies already have the legal and citation authority to enforce the plethora of existing anti pollution and dumping laws, ref Attachment I. The problem is that these laws are largely being ignored and are not being enforced. The MRP should establish strong punitive measures to force responsible authorities to strictly enforce current anti pollution laws.	If permittees enforcement activities are not consistent with the requirements of the MRP or are not effective at preventing illegal discharges that violate water quality standards, the Water Board will take enforcement measures. It is not appropriate to stipulate specific punitive measures on the MRP. The Water Board has a long established administrative process for conducting enforcement actions.	No changes made.
GCRCD Att	20	C.5.c	Established	In addition to a phone complaint system	A web based system for reporting and	No changes

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			Web Based Reporting and Tracking for Illicit Discharge	there should also be a web based system. The systems should be integrated and enable citizens to not only log complaints, it should allow them to track their complaints and to find out how and when the complaints were handled and resolved. The system should be able to track the number and type of complaints by specific location or waterway over time and allow the public to view this information. All reports of active illegal dumping should be referred to a quick response team for immediate investigation and action. If reports of active dumping or a real time water quality problem are received it does little good to investigate the problem days or even hours after the fact, as the polluters are likely to be long gone and any liquid spill pollution event dissipated.	tracking would be useful; however, considering the numerous other requirements of the permit it is not appropriate to make this a specific requirement of the permit at this time.	made.
Daly City-NSMSSan	45	C.5.a.i.(1)	Remove word effectuate	Strike the word: effectuate. It is meaningless in the context of an agency's ability to enforce. An agency's authority is limited to cease, abate and clean up.	We agree.	The word effectuate has been removed from the permit language.
JamesRogerAtt2	51A	C.5.a.i.(1)	Change effectuate to require	Recommend changing "effectuate" to "require" being more regulatory oriented.	This section has been revised and this comment does not directly apply to the current language. The word "effectuate" was removed from the permit language.	The word effectuate has been removed from the permit language.
JamesRogerAtt2	51B	C.5.a.i.(1)	Change significant to all	"Significant" should be eliminated and "all" added because permittees have demonstrated the tendency to significantly under report adverse conditions when given the opportunity.	This section has been revised and the word "significant" was removed from the permit language. The word "all" is too broad. We have added a list of typical illicit discharge pollutants.	Section C.5.a has been revised and the word significant was removed.
JamesRogerAtt2	52	C.5.b.i.(2)	Change language in	The first sentence is redundant and is not required because the second	The section has been revised and this comment does not apply to the	The language in C.5.b.i.(2) was

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			provision	sentence establishes the cleanup and abatement time schedule.	revised language.	removed from the permit.
Daly Clty-NSMSSan	50	C.5.b.i.(5)	Change language	Add to the list whether the discharge affected the quality of the receiving water. Last sentence should be amended as noted by Bold Text so it reads: The identification of the appropriate response shall ultimately be recognized as a function of the Permittee's best professional judgment.	The section has been revised and this comment does not apply to the revised language.	The language in C.5.b.i.(5) was removed from the permit.
CCCWP	44	C.5.a.i.(3)	Add Water Board to Language Regarding Referral	<i>Permittee shall be able to impose more substantial sanctions, including referral to a city or district attorney or Water Board, and maintain appropriate escalating response where repeat or escalating violations occur.</i> <i>Rationale for addition:</i> The State and Regional Board have significant enforcement capabilities under the State Water Code; certainly more than local governments. Water Board staff, in the past, has agreed to provide enforcement assistance when requested to deal with particularly difficult or egregious dischargers	The section has been revised and this comment does not apply to the revised language. The section on referrals was removed from the Legal authority provisions.	The language in C.5.a.i.(3) was removed from the permit.
Daly Clty-NSMSSan	47	C.5.b	Combine ERPs for C4, C5, C6	The ERP is mentioned in several sections of the MRP (C.4.c, C.5.b and C.6.b). To avoid confusion, all the ERP requirements should be in only one section of the permit. Request the requirement to be combined.	The ERP requirements have been revised, although they are still in separate sections. It is necessary to separate them because they correspond to different program elements. Permittees have the flexibility to create one enforcement response plan that addresses the needs for C.4, C.5, and C.6.	No changes made.
CCCcoSup	47	C.5.a.i.(2)(b)	Legal authority to recover costs limited to property owner	The County's legal authority to recover costs of abatement only applies to the property owner, as dictated by CA Government Code – Section 25845	The section has been revised and this comment does not apply to the revised language. The section on recovery of costs was removed from	The language in C.5.a.i.(2)(b) was removed from the permit.

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				(including notifications/process required, also prescribing time frames); the owner of the property is often not necessarily the "responsible party," so these regulations are ambiguous in how they may apply to mobile sources.	the Legal authority provisions.	
CCCoSup	48	C.5	Do Not Subject Permittees to Liability for Clean Up	It is also not acceptable to subject the County to the liabilities associated with conducting cleanup activities (per C.5.a.i(1)(b) , C.5.a.i(2)(b) and C.5.b.i(1)).	The section has been revised and this comment does not apply to the revised language. The section on conducting clean up activities and recovery of costs were removed from the Legal authority and ERP provisions.	The language in C.5.a.i(1)(b), C.5.a.i(2)(b), and C.5.b.i(1) was removed from the permit.
CCCFC	11	C.5	Screening Area For Illicit Discharges	The FC District has no enforcement authority outside its own property. Section C.5.d, "Collection System Screening" – The FC District is not a significant source of illicit discharges. The FC District will assist adjacent municipalities and the unincorporated county in their activities to identify end of pipe water quality. However, the FC District should not be responsible, in this or future permits, for the costs of such screening that exceed the proportion of the FC District's owned land area to the entire watershed area tributary to the point of interest.	We agree.	No changes made.
Santa Clara Co	28	C.5	How to Determine Responsible Party?	How do you determine who the responsible party is? There potential could be court time involved with determining who the responsible party is.	Permittees should make a reasonable effort to determine the responsible party utilizing all appropriate means available to them. If it is not possible to determine the responsible party, efforts should be focused on preventing impacts to water quality and cleaning up the problem discharge not extended investigations to determine the responsible entity.	No changes made.

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Santa Clara Co	29	C.5	What is Progressive Enforcement?	For the progressive enforcement policy what is considered a progressive response?	The specific language regarding progressive enforcement response policy has been removed from the provisions.	Progressive enforcement response policy has been removed from the provisions and replaced with a performance standard for clean up of violations.
Oakley	40A	C.5.b	Is specific ERP for each provision required?	C.5.b says an ERP is required. C.4 also requires an ERP. Are these the same document or is a specific ERP required for each provision where it is mentioned?	This is determined by the permittee. Permittees have the flexibility to create one enforcement response plan that addresses the needs for C.4, C.5, and C.6 or to create separate ERPs for each section.	No changes made.
Oakley	40B	C.5.b	What is a significant volume?	For Tier One violations, what would be considered a "significant" volume?	The specific language regarding Tiered Violations has been removed from the permit. This comment does not apply to the revised language.	Tiered system of illicit discharge violations has been removed

^a Refers to Provision Numbers contained in the Municipal Regional Stormwater Permit (MRP) Tentative Order dated December 14, 2007.

^b Provision Numbers referenced are found in the Municipal Regional Stormwater Permit (MRP) revised Tentative Order dated February 11, 2009.

Response to Comments on December 14, 2007 Tentative Order Provision C.6. – Construction Site Control

File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
San Jose Att A	40b	Attachment L (pg. L-44)	Excessive Tracking	Requirement to develop and implement a tracking system for <u>all</u> screening level inspections would not be practical.	To ensure consistency with the Permit requirements, the reporting template will be released after the adoption of the Permit.	Reporting template has been removed from the Permit.
Sunnyvale Att A	15c	C.6.	Attachment L	<i>Remove Attachment L from the TO. Reporting form should be developed after the permit is adopted to reflect what is actually included in the permit.</i>	We agree. To ensure consistency with the Permit requirements, the reporting template will be released after the adoption of the Permit.	Reporting template has been removed from the Permit.
SF Baykeeper	46	C.6.	Define	The Permit should clearly state the objective of the provision (<i>See Orange County's permit "[each Co-permittee shall implement a construction program that meets the requirements of this section, reduces construction site discharges of pollutants from the MS4 to the MEP, and prevents construction site discharges from the MS4s from causing or contributing to a violation of water quality standards.]</i>)	We agree.	Added goal for the Provision.
NRDC	20b	C.6.	Language Vagueness	In many instances, the Draft Permit essentially directs the Permittees to develop their own permit, which will not be subject to public review or Board oversight. Further, the lack of performance standards and compliance measures could render these provisions useless if and when the Regional Board or the public ever needs to enforce them. Without a clear understanding of exactly what these sections require of the Permittees, the Board cannot determine that they result in the reduction of pollutants to the maximum extent practicable.	The revised TO requires certain elements in Legal Authority and Enforcement Response Plan (ERP); and requires monthly inspections of sites disturbing one acre or more of soil with tracking of specific inspection data. The revised TO provides the flexibility to the Permittee to have the Legal Authority and Enforcement Response Plan that fits into their municipality's structure. However, the effectiveness of the individual Legal Authority and ERP to reduce pollutants to the maximum extent practicable will be reflected in the tabular tracking data of the monthly inspection data in some tabular form and in the summary of the tracked data annually. We believe that the specific tracking data will provide us the necessary information to determine compliance with C.6.	Revised C.6. to provide the Permittees with the necessary flexible but with accountability.
San Jose Attorney	6c	C.6.	Reporting Onerous	Excessive reporting not linked to improvement in water quality.	We consider the reporting requirements the minimum amount of information we need to	C.6.e.iii. streamlines and consolidates the reporting

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
					determine Permittee's compliance and to determine if the Permittees are taking the appropriate enforcement actions to bring sites into rapid compliance. If sites are not inspected and if rapid compliance is not happening, sediment and other construction pollutants are entering our waterbodies.	requirements for inspections.
San Jose San Jose Attorney	14b 6d	C.6.	Reporting Onerous	<i>Delete requirement to report inspection results at the transaction level.</i>	The revised TO contains the minimum summary data necessary for Water Board staff to gauge Permittee's compliance.	C.6.e.iii(1) in the revised TO states the specific summary data that must be reported in each Annual Report.
Sunnyvale Att A	15	C.6.	Reporting Onerous	Reporting requirements onerous.	We consider the reporting requirements the minimum amount of information we need to determine Permittee's compliance and to determine if the Permittees are taking the appropriate enforcement actions to bring sites into rapid compliance.	C.6.e.iii. in the revised TO streamlines and consolidates the reporting requirements for inspections.
San Jose Att A	40c	C.6.	Reporting Requirements Inconsistent	TO says that data is to be provided in summary form but Attachment L includes Table C.6 with transaction level reporting. <i>Remove Table C.6 to be consistent with TO.</i>	To ensure consistency with the Permit requirements, the reporting template will be released after the adoption of the Permit. Also, specific summary data is listed in the revised TO so that all Permittees will be reporting the same summary data. The revised TO contains the minimum summary data necessary for Water Board staff to gauge Permittee's compliance.	C.6.e.iii(1) states the specific summary data that must be reported in each Annual Report. Reporting template has been removed from the Permit.
Berkeley	17	C.6.	Too Many New Requirements	Increased efforts to inspect all construction sites, create new databases, and maintain new databases don't directly improve water quality.	Detailed inspections are not required at all construction sites. Sites disturbing less than one acre of soil and not required to implement effective erosion and sediment control measures can discharge significant volumes of polluted runoffs into the Permittee's stormdrain system and ultimately into waterbodies. These polluted discharges become illicit discharges that could have been prevented with a minimal level of oversight. The December 2007 TO does not require Permittee's to create and maintain new databases. We clarified the language in the revised TO. We consider the reporting requirements the minimum amount of information we need to determine Permittee's	Inspections are required at all construction sites disturbing one acre or more of soil and at high priority sites. The tracked data can be submitted electronically or in a tabular format.

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
					compliance and to determine if the Permittees are taking the appropriate enforcement actions to bring sites into rapid compliance. If sites are not inspected and if rapid compliance is not happening, sediment and other construction pollutants are entering our waterbodies.	
SCVURPPAttny	21b	C.6.	Too Much	Requires Permittees to inspect sites subject to the Construction General Permit.	There is no regulatory conflict, and indeed the Phase I requirements are redundant with the Construction General Permit in a manner similar to Industrial and Commercial Site Controls requirements. (See response to the first comment in the C.4 Summary Response). CWA 402(0)(3)(B)(ii) requires a prohibition in stormwater permits of non-stormwater discharges into storm sewers. 40 CFR 122.26(d)(2)(i) requires Permittees to carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the municipal separate storm sewer. As such, Permittees are required to inspect to ensure that non-stormwater discharges are not entering the storm drain and that sites within their jurisdiction are complying with the local stormwater ordinances.	
Daly City	56	C.6.a(i)	Limit the Universe of Construction Sites	<i>Revise "all construction sites."</i>	All construction sites drain into some stormdrain and/or collection system owned by a MS4; or into some waterbody. All construction sites must have appropriate and effective controls. What are appropriate controls for a site on a hill near a creek may be different for a flat site. Different types of soils can also factor into the type of BMPs necessary. All BMPs are site specific and we have therefore deleted C.6.c. - Minimum Required Management Practices.	
SMCWPPPA3-Table SMCWPPPA3-Table	10 10h	C.6.a(i)	Limit the Universe of Construction Sites	<i>Permit should limit its requirements to construction sites that are tributary to an MS4 owned</i>	This issue does not need to be addressed in each provision of the Tentative Order, but is a global definition issue of the types of activities	

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				<i>or operated by a municipality covered by the permit.</i>	that are regulated under the Tentative Order and under the Clean Water Act.	
Daly City	57	C.6.a(ii)(3)	Date Change	<i>Change November 30, 2008 to 12 months after permit adoption.</i>	We have rewritten C.6.a. - Legal Authority for Effective Site Management in response to comments on flexibility. Because the implementation level is now general, all Permittees should already have the required level of legal authority.	Certification that respective legal authorities meet the general Permit requirements for legal authority is due in the first Annual Report following Permit adoption.
Daly City	57b	C.6.a(ii)(3)	Date Change	<i>Fully train staff 24 months after permit adoption.</i>	C.6.a(ii)(3) in December 2007 TO does not require Permittees to fully train staff on Legal Authority.	None.
ACCWP-Att1-Redline	23	C.6.a.	Date Change	<i>Due date for establishing legal authority should be changed to June 30, 2009.</i>	We have rewritten C.6.a. - Legal Authority for Effective Site Management in response to comments on flexibility. Because the implementation level is now general, all Permittees should already have the required level of legal authority.	Certification that respective legal authorities meet the general Permit requirements for legal authority is due in the first Annual Report following Permit adoption.
Brisbane SCVURPP Att A SMCWPPPAtt3-Table	11 29b 10b	C.6.a.	Date Change	Legal authority establishment dates differ in different sections of the permit. <i>A minimum of one year is needed for all legal authority changes.</i>		
SCVURPP Att A	29b	C.6.a.	Date Change	<i>Five months is not enough time to change the legal authority structure.</i>		
SCVURPP Att A	29	C.6.a.	Legal Authority Flexibility	Permittees have been achieving compliance for years through existing legal authority that does not necessarily include all the requirements in the permit. <i>Provide flexibility as to whether the changes are necessary.</i>	We have rewritten C.6.a. - Legal Authority for Effective Site Management in response to comments on flexibility.	Removed the specific elements required in a legal authority and made it more general.
Contra Costa County Supervisors	50	C.6.a.i and C.6.b.ii(5)	Liability for Clean Up	Requirement to perform cleanup activities and seek reimbursement from the operator makes the County liable. <i>Don't require County to perform cleanup activities at construction sites.</i>		Removed the specific elements required for Legal Authority and Enforcement Response Plan and made them more general.
San Jose Att A	36b	C.6.a.ii(3)	Date Change	<i>Due date for establishing legal authority should be changed 18 months after permit implementation.</i>	We have rewritten C.6.a. - Legal Authority for Effective Site Management in response to comments on flexibility. Because the implementation level is now general, all Permittees should already have the required level of legal authority.	Certification that respective legal authorities meet the general Permit requirements for legal authority is due in the first Annual Report following Permit adoption.

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
San Jose Attorney	6	C.6.a.ii(3)	Overly Prescriptive Language	References to stop work orders and withholding inspections are overly prescriptive and lacks connection between water quality improvement. <i>Remove references to stop work orders and withholding inspections.</i>	A couple of cities in our Region have successfully used stop work orders to bring sites into quick compliance with effective stormwater pollutant controls. In response to comments on flexibility, we no longer specify the elements for legal authority but expect each municipality to have the ability to escalate progressively stricter enforcement to achieve expedient compliance and clean up.	Removed the specific elements required in a legal authority and made it more general.
San Jose San Jose Att A	14 36	C.6.a.ii(3)	Overly Prescriptive Language	References to stop work orders and withholding inspections are overly prescriptive and does not provide a necessary enforcement mechanism. <i>Remove references to stop work orders and withholding inspections.</i>		
Contra Costa County Supervisors	51	C.6.a.ii(3) and C.6.a.iii	Date Change	November 30, 2008 date not feasible. <i>Change to November 30, 2009.</i>	We have rewritten C.6.a. - Legal Authority for Effective Site Management in response to comments on flexibility. Because the implementation level is now general, all Permittees should already have the required level of legal authority.	Certification that respective legal authorities meet the general Permit requirements for legal authority is due in the first Annual Report following Permit adoption.
SF Baykeeper	48	C.6.a.ii.	Define	<i>Define "effective erosion control."</i>	Erosion control is well defined in the handbooks referenced in the revised TO.	C.6.c. - Best Management Practices Categories rewritten and now includes reference to BMP handbooks.
Brisbane SMCWPPAtt3-Table	11b 10c	C.6.a.ii.(3)	Overly Prescriptive Language	Imposing fines is overly prescriptive. <i>Allow municipalities flexibility to identify the tools to achieve compliance.</i>	The intent of the subprovision is for municipalities to escalate enforcement in order to achieve quick compliance and clean up. In response to comments on flexibility, we no longer specify the elements for legal authority but expect each municipality to have the ability to escalate progressively stricter enforcement to achieve expedient compliance and clean up.	Removed the specific elements required in a legal authority and made it more general.
ACCWP-Att1-Redline	14b	C.6.a-h	Reporting Onerous	Sites are inspected daily; therefore, reporting on every single inspection is not practical.	The TO does not require reporting for every single inspection.	None
SCVURPPAttny	21	C.6.a-h	Too Much	Requires more than the Phase II Rule.	The Phase II Rule is for small municipalities. The municipalities listed in the TO are large and medium municipalities or ones that were designaged due to their interrelationships to	

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
					the medium and large municipalities.	
ACCWP-Att2-Questions	24b	C.6.b.	Date Change	<i>Due date for implementing ERP should be changed to June 30, 2009.</i>	In response to comments on flexibility, we no longer specify specific elements for an enforcement response plan. Municipalities should already have some enforcement procedures as standard operating procedures that they are already implementing as part of their respective programs. This document provides guidance for consistent enforcement among inspectors. While the TO sets an implementation date of 180 days after Permit adoption for the ERP, Permittees should continue implementing their respective enforcement procedures regardless if there are going to be changes.	Specific elements of ERP deleted. ERP to be implemented 180 days after Permit adoption.
Brisbane SMCWPPPAtt3-Table	11f 10g	C.6.b.	Date Change	<i>Allow one year after permit adoption to develop ERP.</i>		
SCVURPP Att A	30b	C.6.b.	Date Change	<i>Need more than 5 months to change ERP.</i>		
SCVURPP Att A	29c	C.6.b.	Date Change	A minimum of 1 year to make changes in enforcement procedures.		
ACCWP-Att1-Redline Brisbane SCVURPPP ATT A SMCWPPPAtt3-Table	14 11d 30 10e	C.6.b.	ERP	Overly prescriptive with regards to development of ERP, escalation of penalties, and reporting. <i>Allow flexibility.</i>	In response to comments on flexibility, we no longer specify specific elements for an enforcement response plan.	Specific elements of ERP deleted.
ACCWP-Att2-Questions	24	C.6.b.	ERP	Objects to ERP	In response to comments on flexibility, we no longer specify specific elements for an enforcement response plan. Municipalities should already have some enforcement procedures as standard operating procedures that they are already implementing as part of their respective programs. This document provides guidance for consistent enforcement among inspectors. While the TO sets an implementation date of April 1, 2010 for the ERP, Permittees should continue implementing their respective enforcement procedures regardless if there are going to be changes.	Specific elements of ERP deleted.
Brisbane SMCWPPPAtt3-Table Daly City Oakley Moraga	58	C.6.b.	ERP	<i>There should not be three separate ERP requirements different from each other.</i>	The enforcement tools can be the same for C.4., C.5, and C.6. Timeframes for correction and field scenarios will be different for each provision.	
Brisbane	11c	C.6.b.	ERP	<i>Delete requirement for ERP.</i>	In response to comments on flexibility, we no	Specific elements of ERP

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
SMCWPPPA3-Table	10d				longer specify specific elements for an enforcement response plan. Municipalities should already have some enforcement procedures as standard operating procedures that they are already implementing as part of their respective programs. This document provides guidance for consistent enforcement among inspectors. While the TO sets an implementation date of April 1, 2010 for the ERP, Permittees should continue implementing their respective enforcement procedures regardless if there are going to be changes.	deleted.
SCVURPP Att A	30c	C.6.b.	ERP Implementation Ahead of Submittal	ERP is supposed to be implemented almost a year ahead of it being submitted.	Municipalities should already have some enforcement procedures as standard operating procedures that they are already implementing as part of their respective programs. This document provides guidance for consistent enforcement among inspectors. While the TO sets an implementation date of 180 days after Permit adoption for the ERP, Permittees should continue implementing their respective enforcement procedures regardless if there are going to be changes.	
Daly City	59	C.6.b.ii(6)	Date Change	<i>Eliminate November 30, 2008 and revise to 12 months from date permit is adopted.</i>	In response to comments on flexibility, we no longer specify specific elements for an enforcement response plan. Municipalities should already have some enforcement procedures as standard operating procedures that they are already implementing as part of their respective programs. This document provides guidance for consistent enforcement among inspectors. While the TO sets an implementation date of 180 days after Permit adoption for the ERP, Permittees should continue implementing their respective enforcement procedures regardless if there are going to be changes.	Specific elements of ERP deleted. ERP to be implemented 180 days after Permit adoption.
Daly City	60	C.6.b.ii(7)	Date Change	<i>Eliminate November 30, 2008 and revise to 12 months from date permit is adopted.</i>		
San Jose Att A	37	C.6.b.ii(7)	Date Change	<i>Implementation date for ERP should be changed 18 months after permit implementation.</i>		
Daly City	61	C.6.b.iii	Date Change	<i>Eliminate October 2009 and change to second annual report after permit adoption.</i>		Copy of Enforcement Response Plan due with the 2nd Annual Report after Permit adoption.

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Mountain View	11	C.6.c	Advanced Treatment	<i>Construction General Permit is the appropriate mechanism for requiring advanced treatment controls at construction sites.</i>	All BMPs are site specific and we have therefore deleted C.6.c. - Minimum Required Management Practices. Permittees have the flexibility to determine if the BMPs for each construction site are effective and appropriate and a BMP may include advance treatment control.	Deleted C.6.c. - Minimum Required Management Practices.
SCVURPP Att A	99b	C.6.c	Attachment L	Compliance status column unnecessary. <i>Eliminate column.</i>	We agree.	Reporting template has been removed from the Permit. An example of how the tracked information can be reported is included in the revised Fact Sheet. In this example, there is no "Compliance Status" column.
SCVURPP Att A	32	C.6.c(3)	Advanced Treatment	Requirements are similar to those in the draft Construction General Permit. Sites that are a significant threat to water quality will need coverage under the Construction General Permit so this is duplicative. Advanced treatment is not economically feasible for sites less than one acre of disturbed area. <i>Delete requirements.</i>	All BMPs are site specific. Therefore, we have therefore deleted C.6.c. - Minimum Required Management Practices. Permittees have the flexibility to determine if the BMPs for each construction site are effective and appropriate, and a BMP may include advance treatment control.	Deleted C.6.c. - Minimum Required Management Practices.
Brisbane SMCWPPAtt3-Table	11g 10i	C.6.c.	Advanced Treatment	<i>Requirements should be the same as those that will be prescribed in the next Construction General Permit.</i> <i>Delete advanced treatment requirements or state that they are interim until the adoption of the Construction General Permit.</i>	We agree that the BMP categories should be the same as in the next Construction General Permit. Instead of C.6.c. being Minimum Required Management Practices, which required advanced treatment, the revised TO deletes the entire subprovision and replaces it with the six BMP Categories (Erosion Control, Run-on and Runoff Control, Sediment Control, Active Treatment Systems (as necessary), Good Site Management, and Non Stormwater Management) that are exactly the same as those in the Draft Construction General Permit. BMPs are site specific. In the revised TO, Permittees have the flexibility to determine if the proposed BMPs for each construction site are appropriate and effective.	Deleted C.6.c. - Minimum Required Management Practices. Added BMP categories that are the same as those found in the Draft Construction General Permit.

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
SCVURPP Att A	99c	C.6.c.	Attachment L	<i>Instead of "Problems Observed" as a text field rather provide results as standardized categories to describe inspection results.</i>	We agree. We rewrote Provision C.6. to accommodate comments on flexibility. In doing so, we have standardized the BMP categories to line up with the six BMP categories in the Draft State Board's General NPDES Permit for Stormwater Discharges Associated with Construction Activities. The revised TO also specifically lists the information to be tracked for each inspection. The revised Fact Sheet has an example of how the tracked information can be presented. In this example, the "Problems Observed" column has the six standardized BMP categories.	"Problems Observed" is now standardized into the following six BMP categories: (1) Erosion Control, (2) Run-on and Runoff Control, (3) Sediment Control, (4) Active Treatment System (as necessary), (5) Good Site Management, and (6) Non Stormwater Management. Reporting template has been removed from the Permit.
SCVURPP Att A	99d	C.6.c.	Attachment L	<i>Rather report resolution as a standardized category. A text field allows extreme variation in responses</i>	We agree. Standardized categories allow the Permittees to better collect and summarize data for annual reporting.	"Resolution" is now standardized into the following three categories in the revised TO: (1) Problems fixed, (2) Need More Time, and (3) Escalate Enforcement. Reporting template has been removed from the Permit.
SCVURPP Att A	99e	C.6.c.	Attachment L	Don't need Comments column. <i>Information included in "Problems Observed" and "Resolution" columns.</i>	"Comments" is still included to give Permittees the needed space to discuss rationales for longer compliance time, escalation in enforcement, and any other information Permittees may want to record for that site inspection.	Requirements for "Comments" is listed in the Revised TO in C.6.ii.(3). Reporting template has been removed from the Permit.
EPA Region 9	3	C.6.c.	BMP	Supports detailed BMP requirements to make it more enforceable.	All construction sites must have appropriate and effective controls. What are appropriate controls for a site on a hill near a creek may be different for a flat site. Different types of soils can also factor into the type of BMPs necessary. All BMPs are site specific and we have therefore deleted C.6.c. - Minimum Required Management Practices. Permittees have the flexibility to determine if the BMPs for each construction site are effective and appropriate. The revised TO provides the flexibility to the municipality and the project proponent to make immediate decisions on appropriate,	C.6.c. - Minimum Required Management Practices deleted. C.6.e.ii.(3) - Tracking added to require tracking of specific data during inspections and tracking that data in some tabular form. C.6.e.iii. - Reporting added to require specific summaries of the tracked data annually.

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
					cutting-edge technology to prevent the discharge of construction pollutants into stormdrains, waterways, and right-of-ways. We however require accountability for thorough inspections, follow-up, and enforcement to bring sites into compliance in a timely manner through. This accountability will be done through tracking of specific data during inspections, tracking that data in some tabular form, and summarizing the tracked data for reporting annually.	
SCVURPPP ATT A	31	C.6.c.	Language Change	Most of the minimum required management practices are reasonable, accepted practices but they are not applicable to every site. Confusing that permittees are required to "identify a minimum set of BMPs ... for <u>all</u> construction sites that <u>shall include</u> " the whole list of BMPs. <i>Identify a minimum set of BMPs for each type of construction activity or site condition (i.e. potential for erosion), say as part of a checklist to be used by permittee staff.</i>	We agree that all BMPs are not applicable to every site. All BMPs are site specific and we have therefore deleted C.6.c. - Minimum Required Management Practices. Permittees have the flexibility to determine if the BMPs for each construction site are effective and appropriate.	Deleted C.6.c. - Minimum Required Management Practices.
Moraga Oakley	44 44	C.6.c.	Language Vagueness	Permittees are to designate a minimum set of BMP's for site operators and among the items to be implemented are SWPPP's.	All BMPs are site specific and we have therefore deleted C.6.c. - Minimum Required Management Practices. Permittees have the flexibility to determine if the BMPs for each construction site are effective and appropriate. Permittees no longer need to submit Minimum Required BMPs or revisions to Minimum Required BMPs.	C.6.c. - Minimum Required Management Practices deleted.
SF Baykeeper	47	C.6.c.	Language Vagueness	The permit should specify the minimum BMPs to be implemented (see the draft Ventura permit which lists specific BMPs for construction sites and references the CASQA and Caltrans Handbooks.)	The revised TO references the CASQA and Caltrans Handbooks, and our Field Manual.	C.6.c. - Minimum Required Management Practices deleted. New C.6.c.ii.(1) added to reference the CASQA and Caltrans Handbooks, and our Field Manual.

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
SF Baykeeper, NRDC & Clean Water Action	7	C.6.c.	Language Vagueness	Places where the permit requires "appropriate" BMPs should be revised to include a BMP menu list of the minimum BMPs that must be implemented. <i>Inspections shall confirm implementation by construction site operators/developers of erosion and other pollutant controls through appropriate BMPs.</i>	All construction sites must have appropriate and effective controls. What are appropriate controls for a site on a hill near a creek may be different for a flat site. Different types of soils can also factor into the type of BMPs necessary. Therefore, all BMPs are site specific and all sites disturbing one or more acre of soil must have a site specific Storm Water Pollution Prevention Plan (SWPPP) has site specific BMPs for the different stages of construction. Inspections confirm whether the BMPs in the SWPPP have been implemented and maintained.	None.
Mountain View	10c	C.6.c.	Limit the Universe of Construction Sites	<i>Eliminate the requirement that "all" projects require BMPs. Allow flexibility to determine which projects are subject to erosion and sediment controls.</i>	All construction sites drain into some stormdrain and/or collection system owned by a MS4; or into some waterbody. All construction sites must have appropriate and effective controls. What are appropriate controls for a site on a hill near a creek may be different for a flat site. Different types of soils can also factor into the type of BMPs necessary. All BMPs are site specific and we have therefore deleted C.6.c. - Minimum Required Management Practices. Permittees have the flexibility to determine if the proposed BMPs for each construction site are appropriate and effective.	Deleted C.6.c. - Minimum Required Management Practices.
SCVURPP Att A	99	C.6.c.	Reporting Requirements Inconsistent	Tracking weather conditions observed during an inspection is not needed for compliance with C.6.	Knowing the weather during the inspection gives the reader a better understanding of the severity of the violations, if any; and a gauge of the appropriateness and consistency of the enforcement, if any.	None
Moraga Oakley	45 45	C.6.c.	Slope Stabilization	Slope stabilization is required for areas that are not in production, or will not be in production for two weeks. As written, this would apply to all slopes any time of the year. <i>Limit this requirement to rainy season and slopes that are not in production.</i>	Unstabilized slopes during the rainy season can be ripe for failure. Besides, most construction sites do not tend to do work on slopes during the rainy season because they cannot get heavy equipment up in soggy soils. In addition, the BMP specifications listed in "California BMP Handbook", "Caltrans Stormwater Quality Handbooks, Construction Site Best Mangement Practices Manual", and "Erosion and Sediment Control Field Manual,	C.6.c. - Minimum Required Management Practices deleted.

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
					discourage work on slopes during the rainy season. However, since all BMPs are site specific, we have therefore deleted C.6.c. - Minimum Required Management Practices. Permittees have the flexibility to determine when they will require require slope stabilization. But if an unstabilized slope fails during a storm event and construction pollutants get discharged into waterways, stormdrains, and/or public right-of-ways, the Permittee would have demonstrated noncompliance with its Permit.	
Moraga Oakley	45c 45c	C.6.c.	Slope Stabilization	Will alternative methods be allowed such as silt basins or filtration devices?	All BMPs are site specific and we have therefore deleted C.6.c. - Minimum Required Management Practices. Permittees have the flexibility to determine if the BMPs for each construction site are effective and appropriate, and therefore may include silt basins or filtration devices.	C.6.c. - Minimum Required Management Practices deleted.
Mountain View	10	C.6.c.	Too Much to Inspect All	Inspection of all project will significantly increased the number of projects that are subject to this requirement.	C.6.c. - Minimum Required Management Practices in the December 2007 TO does not require inspections of all construction sites. Regardless of project size, it is still the Permittees responsibility to keep polluted runoff from entering their stormdrains and waterbodies. Polluted runoff from an unprotected project site disturbing less than an acre is considered an illicit discharge and can be detrimental to receiving waters.	Deleted C.6.c. - Minimum Required Management Practices.
Mountain View	10b	C.6.c.	Too Much to Inspect All	Required to inspect a large number of projects that would not pose a significant construction runoff threat.	C.6.c. - Minimum Required Management Practices in the December 2007 TO does not require inspections of all construction sites.	Deleted C.6.c. - Minimum Required Management Practices.
Daly City	62	C.6.c.ii(2)(b)	Flocculation	<i>Move flocculation treatment to Section (3) and limit it to large sites that pose an exceptional risk.</i>	All BMPs are site specific. Therefore, we have therefore deleted C.6.c. - Minimum Required Management Practices. Permittees have the flexibility to determine if the proposed BMPs for each construction site are appropriate and effective.	Deleted C.6.c. - Minimum Required Management Practices.
JamesRogerAtill	53	C.6.c.ii(3)	Fact Sheet	The Fact Sheet incorrectly indicates that MEP performance standard applies to construction	We agree.	Fact Sheet changed to reflect current regulation of sites disturbing one acre or more of

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				<p>sites. Construction sites >5 acres are regulated as industrial activities and strict compliance with water quality standards is required as explained on page 10 of the Fact Sheet.</p> <p><i>Page 41 of the Fact Sheet must be revised to reflect the CWA requirements.</i></p>		soil.
Contra Costa County Supervisors	52	C.6.c.ii(3)	Language Change	<p><i>In the first sentence, move "if necessary" to after "implementation" so that it is clear that it pertains to all of the advanced treatment measures listed.</i></p>		C.6.c. - Minimum Required Management Practices deleted.
Editorial - JamesRogerAtIII	5	C.6.c.ii(4)	Define	<p><i>Define dry season ie. April 15-September 30</i></p>		Wet season defined in the footnote for C.6.e.ii.(1)(a).
Moraga Oakley	45b 45b	C.6.c.ii.(2)©	Slope Stabilization	<p>Slope stabilization can be a significant effort and will generally take an area out of production for a significant period of time. What is the basis of the probability of rain that the Board will look to during the non-rainy season for this requirement?</p>		C.6.c. - Minimum Required Management Practices deleted.
Daly City	63	C.6.c.iii	Date Change	<p><i>Eliminate October 2009 and change to second annual report after permit adoption.</i></p>		Copy of Enforcement Response Plan due with the 2nd Annual Report after Permit adoption.
SCVURPPP ATT A	31c	C.6.c.iii and C.6.c.i	Language Change	<p>This requires submittal of the list of designated BMPs <u>for all sites greater than one acre disturbed area</u>, which appears to be in conflict with C.6.c.i ("all sites subject to a building or grading permit").</p> <p><i>BMPs are required <u>as appropriate</u> for the site and to clarify the reporting requirements.</i></p>	<p>All BMPs are site specific and we have therefore deleted C.6.c. - Minimum Required Management Practices. Permittees have the flexibility to determine if the BMPs for each construction site are effective and appropriate. Permittees no longer need to submit Minimum Required BMPs or revisions to Minimum Required BMPs.</p>	Deleted C.6.c. - Minimum Required Management Practices.
Moraga Oakley	46 46	C.6.c.iii.	Language Vagueness	<p>This expands local agency responsibilities into the area controlled by the State General</p>	<p>CWA 402(0)(3)(B)(ii) requires a prohibition in stormwater permits of non-stormwater discharges into storm sewers. 40 CFR</p>	C.6.c. - Minimum Required Management Practices deleted.

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				Construction Permit.	122.26(d)(2)(i) requires Permittees to carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the municipal separate storm sewer. As such, Permittees are responsible for ensuring that all sites, regardless of sites, are implementing and maintaining appropriate BMPs to prevent non-stormwater discharges from entering into the storm sewer.	
SF Baykeeper, NRDC & Clean Water Action	8 20	C.6.d.ii.(3)	Language Vagueness	Places where the permit requires "appropriate" BMPs should be revised to include a BMP menu list of the minimum BMPs that must be implemented. This includes the "as appropriate" educational materials given to site operators/developers, as appropriate.	All construction sites must have appropriate and effective controls. What are appropriate controls for a site on a hill near a creek may be different for a flat site. Different types of soils can also factor into the type of BMPs necessary. Therefore, all BMPs are site specific and all sites disturbing one or more acre of soil must have a site specific Storm Water Pollution Prevention Plan (SWPPP) has site specific BMPs for the different stages of construction. Inspections confirm whether the BMPs in the SWPPP have been implemented and maintained.	None.
Contra Costa County Supervisors	55	C.6.d.iii	Date Change	<i>Implementation date should be changed to July 1, 2010 since it's not submitted until October 2009.</i>	In response to comments on flexibility, we no longer specify specific elements for an enforcement response plan. Municipalities should already have some enforcement procedures as standard operating procedures that they are already implementing as part of their respective programs. This document provides guidance for consistent enforcement among inspectors. While the TO sets an implementation date of 180 days after Permit adoption for the ERP, Permittees should continue implementing their respective enforcement procedures regardless if there are going to be changes.	ERP to be implemented 180 days after Permit adoption. Copy of Enforcement Response Plan due with the 2nd Annual Report after Permit adoption.
Daly City	64	C.6.d.iii	Date Change	<i>Eliminate October 2009 and change to second annual report after permit adoption.</i>		Copy of Enforcement Response Plan due with the 2nd Annual Report after Permit adoption.

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Moraga Oakley	47 47	C.6.e.f, and h	Reporting Overlap	C.6.e, f, and h overlap in reporting. <i>Combine reporting requirements into one subprovision that discusses type, content, frequency, and tracking of inspections.</i>	We agree. C.6.e,f, and h have been consolidated into a new single subprovision, C.6.e. Inspections.	The requirements for reporting are in the new C.6.e.
Contra Costa Clean Water Program	49	C.6.e.	Attachment L	Don't track and report the number of Screening Level inspections. <i>Tracking and reporting the number of "Screening Level Inspections" not resulting in problem is not useful information and therefore burdensome.</i>	In response to comments on flexibility, Screening Level inspections are no longer required.	Screening Level inspection requirement removed.
Daly City	65	C.6.e.ii(1)	Define	<i>Suggest defining the scope of the inspection as being "consistent with a project's approved plans."</i>		Screening Level Inspections deleted.
Contra Costa County Supervisors	53	C.6.e.ii(1)	Language Change	The County will be able to more effectively (and less expensively) implement screening level inspections if the inspector, after observing an violation, were allowed to contact appropriate County staff to follow the ERP and document the violation. <i>Add to the end of the last sentence: "(or cause the ERP to be followed and the violation to be documented)".</i>		Screening Inspection Requirement deleted.
Contra Costa County Supervisors	47	C.6.e.ii(2)	Date Change	Provision intended to require site inspections just after the beginning of the rainy season (October 1st and October 15th) to ensure successful implementation of the minimum required management practices. <i>Delete "prior to the onset of the west season".</i>	It is the intent of the requirement to ensure that appropriate, effective Best Management Plans are in place before the start of the rainy season. Too often, construction sites are not buttoned up for the rainy season.	Initial Wet Season Inspection requirement removed. All sites disturbing one or more acre of land and all high priority sites shall be inspected monthly during the wet season.
Contra Costa County Supervisors	48	C.6.e.ii(2)	Date Change	Provision intended to require site inspections just after the beginning of the rainy season (October 1st and October 15th) to	It is the intent of the requirement to ensure that appropriate, effective Best Management Plans are in place before the start of the rainy season. Too often, construction sites are not	Initial Wet Season Inspection requirement removed. All sites disturbing one or more acre of land and all high

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				ensure successful implementation of the minimum required management practices. <i>Add "initial" before "wet season".</i>	buttoned up for the rainy season.	priority sites shall be inspected monthly during the wet season.
San Jose Att A	38	C.6.e.ii(2)	Language Change	<i>Revise to read "Inspections shall determine whether adequate preparations for wet season erosion control have been implemented consistent with minimum required management practices."</i>	Revised TO does not specifically require Initial Wet Season Inspections. However, we strongly encourage Initial Wet Season Inspections because they help ensure that appropriate, effective Best Management Plans are in place before the start of the rainy season. Too often, construction sites are not buttoned up for the rainy season.	C.6.e.ii.(2) - Initial Wet Season Inspection deleted.
Brisbane SMCWPPAtt3	11h 10j	C.6.e.iii.	Excessive Tracking	Too much tracking. <i>Only maintain a record of each wet season, stormwater specific inspection and each screening inspection that found a significant violation of a municipal stormwater ordinance.</i>	Wet season and screening level inspections are no longer required, although both have benefits to waterbodies. In response to comments about flexibility, we took away the specific requirements for legal authority, enforcement response plan, and minimum BMPs. Instead, we focus C.6.'s effectiveness in preventing discharge of construction related pollutants to stormdrains and water bodies on inspections. To ensure that controls are maintained and appropriate controls are being implemented for changing conditions C.6.e. in the revised TO contains the minimum summary data necessary for Water Board staff to gauge Permittee's minimum compliance. The specific tracking information required in C.6.e.(3), leaves a trail to verify that Permittee's complied with the Permit for inspections, enforcement, and follow-up. Tracking just inspections that found a significant violation does not provide adequate information to verify that Permittee's have complied with the Permit for inspections, enforcement, and follow-up.	Wet season stormwater specific inspection removed. Screening Level inspection requirement removed. Monthly inspections and tracking for sites disturbing 1 acre or more of land and for high priority sites.
Contra Costa County Supervisors San Jose Att A Sunnyvale Att A	54 40 15b	C.6.e.iii. and Attachment L	Reporting Requirements Inconsistent	Information required in the reporting template is inconsistent with the TO. <i>Screening level is only required by the TO be tracked when a violation is discovered during an</i>	We agree. To ensure consistency with the Permit requirements, the reporting template will be released after the adoption of the Permit.	Reporting template has been removed from the Permit.

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				<i>inspection.</i>		
Berkeley	16	C.6.f.	Inspection Frequency	Increased efforts to inspect all construction sites, create new databases, and maintain new databases, in addition to the other items in the permit. <i>Allow the City to establish the appropriate inspection frequency for the location of the work and potential for pollutant discharge.</i>	Detailed inspections at sites disturbing one acre or more of soil and high priority sites once a month during the rainy season is reasonable to ensure that controls are maintained and appropriate controls are being implemented for changing conditions.	Screening Level inspection requirement removed. High priority sites inspection requirement reduced to monthly.
Brisbane SMCWPPPA3-Table	11i 10k	C.6.f.	Inspection Frequency	Municipalities need to allocate inspection time based on circumstances. <i>Don't have an explicit inspection frequency for high priority construction sites.</i>	Frequency of inspections at high priority construction sites have been reduced to monthly.	High priority sites inspection requirement reduced to monthly.
SCVURPP Att A	33	C.6.f.	Inspection Frequency	Scheduling of inspections, follow-up/enforcement, and response to complaints during the wet season can be very complicated and it may be difficult to meet specific frequency requirements. <i>State inspection frequencies as goals and not requirements.</i>	While we do understand the complexity of scheduling inspections, follow-up/enforcement, and response to complaints, inspection frequencies as goals does not allow us to establish Permit compliance.	None.
Brisbane SCVURPP Att A SMCWPPPA3-Table	11j 33c 10l	C.6.f.	Pre-Wet Season	Pre-wet season notification ... very burdensome for large municipalities. <i>Allow pre-season notification to include emails, faxes, or telephoned messages.</i>	We agree that other methods of pre-wet season notification provide the Permittee's the needed flexible.	Method of notification not specified.
SCVURPP Att A	33b	C.6.f.	Pre-Wet Season	Pre-wet season ... inspection very burdensome for large municipalities. <i>Set inspection of all active sites greater than one acre as a goal.</i>	While we removed the specific requirement for pre-wet season inspections, we still strongly believe that pre-wet season inspection are important. These types of inspections help ensure that sites have effective BMPs implemented for the wet season. If effective BMPs are implemented, (1) exposed soils will not erode and make there way into the storm drains and waterbodies and (2) other construction related pollutants will not be exposed to rain causing contaminated run off into the storm drains and waterbodies.	Initial Wet Season Inspection requirement removed.
San Jose Att A	39	C.6.f.ii(1)	Language Change	<i>Add phrase "as needed" after the</i>		Screening Inspection

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				<i>phrase screening inspections.</i>		Requirement deleted.
Daly City	66	C.6.f.ii(1)(b)(vii)	Language Change	Need language to help define scope and authority within a public agency. <i>Revise to read "Any other relevant factors as determined by the local agency."</i>	C.6.f.ii(1)(b)(vii) is now C.6.e.ii.(2)(vii). We also added the Water Board in the sentence since the Permittee and the Water Board can determine if a site is a significant threat to water quality.	C.6.e.ii(2)(vii) now reads "Any other relevant factors as determined by the local agency or the Water Board."
SF Baykeeper	49	C.6.f.ii.(1)	Define	Explain the basis for selecting the 50-acre threshold for high priority construction sites.		C.6.f. - Frequency of Inspections deleted. C.6.e. - Inspections requires monthly inspections for all sites disturbing one acre of more of soil.
Daly City	67	C.6.f.iii	Excessive Tracking	Requirement to implement program for controlling, tracking, and reporting on construction management practices expensive for built out cities. <i>Modify language to require implementation and recording on an as needed basis or in districts where more than one site of 1-acre of disturbed land per year is likely to occur.</i>	All Permittees should already have standard operating procedures for inspection of construction sites, which should include inspection protocols and some method of tracking so that the inspectors can document violations and their compliance directives for the site. Tracking and reporting only need to be done for the years that Permittees have sites disturbing one acre or more of land (new development and redevelopment). The revised Fact Sheet includes an example of how the tracked information can be presented. Each Permittees can determine if it will use the electronic version or a handwritten tabular version.	None
Brisbane	11k	C.6.g.	Training	Too prescriptive. <i>Municipalities should determine the frequency and contents of training requirements for their inspectors.</i> <i>Municipalities should have the flexibility to train in any manner or location.</i>	Permittees need to bring inspectors up to speed on items such as changes to standard operating procedures, revisions to ordinances, new ERP, inspection tracking and recording, and new technologies. New employees will need training to do their job. Trainings allow the inspectors to do their jobs effectively to comply with the Permit. Training a minimum of twice during the Permit term is reasonable. Permittees are free to decide where and how it will provide training to its inspectors.	None.
SF Baykeeper	50	C.6.g.	Training	<i>Should require training on the State's General Construction</i>	While knowledge about the contents of the State's General Construction Permit can be	None.

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				<i>Permit.</i>	valuable to inspectors, it is not the Permittees' responsibility to enforce it.	
Millbrae	10	C.6.h.	Flexible Reporting	Don't object to having to track and report inspections. <i>Don't restrict to electronic reporting.</i> <i>If electronic reporting is required, the Water Board should create a web-based reporting site such as the SSO reporting website.</i>	December 2007 TO does not restrict to electronic reporting. We clarified the language in the revised TO.	The tracked data can be submitted electronically or in a tabular format.
Contra Costa Clean Water Program	50	C.6.h.	Reporting Overlap	Remove entire subprovision. <i>Section is duplicative of the reporting requirements already stated in previous sections of C.6.</i>	We agree. C.6. has been rewritten to address comments on allowing more flexibility so C.6.h. no longer exists. The rewritten provision streamlines reporting while emphasizing accountability.	The requirements for reporting are in the new C.6.e.
Moraga Oakley	48 48	C.6.h.ii(1)	Define	<i>Define "numeric" tracking of all violations.</i>	C.6. has been rewritten to address comments on allowing more flexibility so C.6.h. no longer exists. The rewritten provision streamlines reporting while emphasizing accountability. The revised TO in C.6.ii.(3) lists specifically the information that must be tracked for each inspection, and C.6.iii.(3) lists specifically the information that must be reported annually.	C.6.h. - Tracking and Reporting deleted.
Brisbane SCVURPP ATT A SMCWPPAtt3-Table	111 34 10m	C.6.h.ii.(2)	Excessive Tracking	Don't require tracking of stormwater specific inspections that identify a threatened discharge. <i>Limit tracking to significant violations of municipal stormwater ordinance.</i>	Tracking just inspections that found a significant violation does not provide adequate information to verify that Permittee's have complied with the Permit for inspections, enforcement, and follow-up.	None
Contra Costa Co Supervisors	55	C.6.a.ii.(3) C.6.b.ii.(7)	Change Due Dates	Since the activities that are precursors to implementation of Provisions C.6.e., C.3.f., and C.3.g. are not to be completed by November 30, 2008 (per Provisions C.6.a.ii.(3) and C.6.b.ii.(7) and are not to be reported until the October 2009 Annual Report (per Provisions C.6.a.iii. and C.6.b.iii.) implementation dates for Provisions C.6.e., C.3.f., and	All previous stormwater permits required legal authority, site inspections, and staff training. As a result, all municipalities should already (1) have the legal authority to regulate, inspect, and conduct enforcement at construction sites; (2) inspect construction sites; and (3) provide staff training. All municipalities should already have some Enforcement Response Plan/Guidance Document, which they should continue to implement until the Enforcement Response Plan is revise to comply with C.6.b.	The "due dates" for the certification of the legal authority and the implementation of the Enforcement Response Plan have been modified to reflect the anticipated adoption date of the Revised TO.

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Provision C.6. – Construction Site Control**

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				C.3.g., should not be required for at least one year after the precursor activities (recommended implementation date: July 1, 2010).		

Response to Comments on December 14, 2007 Tentative Order Provision C.7. – Public Information and Outreach

File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Dublin	7	C.7.	Measuring Effectiveness Costly	Questions the practicality of measuring items such as “awareness” or “behavioral changes” when the City has increased permit requirements.	Stormwater Programs are required to conduct outreach to raise awareness and change behavior. If 4-6 events per year, do not achieve an increase in awareness or a change in behavior, it’s time to rethink how money and time is being spent. No program should continuously fund and grow programs that are in theory good but not effecting changes.	
Dublin	7b	C.7.	Reporting Burdensome	Added cost for public outreach requirements --> \$8,000/year; added major new requirements for trash and other pollutants of concern. <i>Not the time to add public outreach work, record keeping, and reporting requirements.</i>	C.7.i. and C.7.l. have been removed from the revised TO. The remaining subprovisions exist in all stormwater programs at some level. In response to comments on flexibility, the revised TO (1) eliminates the cap on individual credits for events sponsored by the respective County-wide Program and BASMAA and (2) allows Permittees to claim public outreach and citizen involvement credits if the event contains significant elements of both. Some level of record keeping is necessary to document implementation of Permit requirements. We consider the reporting requirements the minimum amount of information we need to determine Permittee’s compliance.	C.7.i. (General Outreach Materials) and C.7.l. (Research Surveys, Studies, Focus Groups) have been removed from the revised TO. Reporting template has been removed from the revised TO. Reporting requirements have been streamlined and clearly written into the revised TO. C.7.e.ii. and C.7g.ii. in the revised TO allow Permittees to claim (1) individual credits for all Public Outreach Events are sponsored or hosted by their Countywide Program or BASMAA as long as the events are publicized to reach the Permittee’s jurisdiction and (2) credit for both Public Outreach and Citizen Involvement Events if the event contains significant elements of both.
General – SF Baykeeper	51	C.7.	Specific Comments	<i>The Permit should clearly state the objective of the provision.</i>	We agree.	Objectives have been written for all the Provisions.
Pleasanton	9	C.7.	Measuring Effectiveness Costly	Too costly to measure effectiveness. <i>Postpone to the next round</i>	Stormwater Programs exist to reduce pollutants and to protect water quality. Therefore, it is	

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Provision C.7. – Public Information and Outreach**

File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				<i>of MRP permits</i>	<p>imperative to assess BMPs and programs to determine effectiveness. Measuring effectiveness of BMPs and programs is necessary to access the impacts that are happening as a result of BMPs and programs. If minimal or no changes are resulting from BMPs and programs, then it is time to stop spending resources and rethink next steps. No program should continuously fund BMPs and programs that are in theory good but not effecting changes. All BMPs and programs can be accessed but assessment requires planning. There are different levels of assessment and some do require more resources. Every Permittee needs to utilize a mix of assessment tools that go beyond just BMP or program implementation. CASQA has produced a manual entitled "Effectiveness Assessment Guide", which discusses this topic in detail.</p>	
Milpitas	13	C.7. Fact Sheet	School Outreach	Teachers don't have time in their schedules to make use of materials not related to standardized tests.	<p>Many Permittees around the Bay Area have had great success (and fun) implementing school outreach programs. Some have done the program themselves and others have partnered with other programs and/or agencies. And almost all programs align themselves with grade appropriate California Education Standards. In Milpitas, school outreach programs already exist because</p>	None

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					the San Jose/Santa Clara Wastewater Treatment Plant (City of San Jose) sponsors them. Children are our next generation to make consumer decisions. And they are our best advocates for good practices for a cleaner Bay among their families and friends.	
SCVURPP ATT A SCVURPP ATT A	100 100b	C.7. Att. L	Reporting Burdensome	Table L-51 and T-54: Suggestion to review coordinator timesheets to determine the level of effort is overly burdensome and unreasonable since many individuals contribute to outreach efforts. <i>Track the total number and/or hours of training and/or performances given.</i>	Suggestions are not permit requirements.	Reporting template has been removed from the Permit. Reporting requirements have been streamlined and clearly written into the revised TO.
SCVURPP ATT A	100c	C.7. Att. L	Surveys	Onerous and expensive task. Large amounts of data needed to be collected to determine message effectiveness. <i>Do once during the permit cycle and reported the year after it is conducted.</i>	We consider two surveys necessary to identify and quantify the audiences' knowledge, trends, and attitudes and/or practices; and to measure the overall population awareness of the messages and behavior changes. One survey does not allow for effectiveness assessment. In addition, BASMAA already conducts regional survey for its Advertising Campaign.	
Berkeley	18	C.7.a.	Private Inlet Marking	City cannot be responsible for maintaining private inlets or markings. <i>Clarify that City is responsible for inlet markings on its facilities only, not privately owned facilities.</i>	TO only requires Permittees to maintain markings of municipally-maintained inlets. C.7.a.ii. in the TO requires Permittees to "inspect and maintain markings...of municipally-maintained inlets..." C.7.a.iii. in the TO requires Permittees to report only on	

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
					municipally-maintained inlets.	
GCRCDAtt	21	C.7.a.	Specific Comments	<i>Require all outfalls to be labeled with unique identification numbers.</i>	All municipalities have storm sewer maps identifying all the outfalls. However, it is not practicable to require labeling of all outfalls because many of them are not accessible.	
San Jose Att A	45	C.7.a.	Attachment L	<i>Modify the benchmark of storm drain inlet labeling in Attachment L to be consistent with the Order.</i>		Attachment L deleted.
San Jose Att A	41	C.7.a.	Inconsistent Language	<i>At least 90 percent, <u>except where noted below in C.7.a.ii.</u> of municipally-maintained storm drain inlets...</i>		Requirement changed to 80% for all municipalities.
SCVURPPAttny	22	C.7.a.	Inlet Marking	Go beyond and more prescriptive than the Federal Permit Inspections are a significant new program component	The comparison of stormwater permit requirements for the Saipan to the TO is not germane to the TO. Saipan is a Phase 2 Program and all the Permittees are under the Phase 1 Program. The TO is based on over 15 years of progress in stormwater programs verses the Saipan Permit which is for a first year stormwater program. In 1987, Section 402 was added to the Clean Water Act (CWA) and it provided the framework for regulating municipal stormwater discharges under the NPDES Program, Phase 1 Program. All the Permittees fall under the Phase 1 Program and the TO is written for the Phase 1 municipalities. Saipan, however, is a Phase 2 municipality because is falls under one of the categories (It is operated by a municipality in an	

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					urbanized area as defined by the Census Bureau based on the 1990 or 2000 census. An urbanized area is basically a core city and urban fringe with a population of 50,000 or more.) EPA promulgated regulations for the Phase 2 Program in 1999.	
SCVURPPP ATT A	35	C.7.a.	Inlet Marking	Too hard to inspect and maintain 90% of the storm drain inlet markings within the permit term. <i>Reduce to 75% or use 90% as a goal.</i>		Reduced to 80%.
SMCWPPPAAtt3-Table	11	C.7.a.	Inlet Marking	Too hard to inspect and maintain 90% of inlet markings with all the new maintenance requirements. <i>Use 90% as a goal.</i>		Reduced to 80%
Burlingame	6	C.7.a.i	Private Inlet Marking	Retroactive storm drain inlet marking time-extensive undertaking. <i>City will continue to provide storm drain stenciling outreach program and lend storm drain stencils to private property owners on a voluntary basis.</i>	See proposed revisions. These issues are best addressed at the time private gated communities and other private developments are first permitted by the Permittees, but there is no retrofit requirement in the Revised TO.	Requirement for Permittees to seek out respective private entities responsible for street maintenance to mark inlets and maintain them on privately maintained streets that were not marked upon construction has been removed in the revised TO.
ACCWP-Att1-Redline	15	C.7.a.i.	Private Inlet Marking	Jurisdictions do not have the authority to mark private streets. <i>Delete language.</i>		
Alameda City	30	C.7.a.i.	Private Inlet Marking	Private roads are outside Permittees' jurisdiction. <i>Change MRP requirement to encourage retroactive inlet marking on private streets.</i>		
Belmont	1	C.7.a.i.	Private Inlet Marking	What if the property owner says no?		
Berkeley	19	C.7.a.i.	Private Inlet Marking	Existing facilities and improvements have grandfathered rights which		

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Provision C.7. – Public Information and Outreach**

File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				prevent the City from enforcing retroactive inlet marking. <i>Remove from C.7 and add to C.3 where permit requirements can be imposed as properties are improved or redeveloped.</i>		
Oakley	49	C.7.a.i.	Private Inlet Marking	No legal entity to hold responsible for the retrofit work on private property; local agency does not have the authority to enter and perform this type of work on private property. <i>Grant exemptions.</i>		
SMCWPPPA3-Table	11b	C.7.a.i.	Private Inlet Marking	Fact Sheet does not explain the technical basis for requirement. Unclear how big of a job it will be for cities Unclear what will be the benefit <i>Develop work plan and implementation schedule for doing pilot study of retrofitting private streets that have unmarked storm drain inlets where these inlets are tributary to the MS4.</i>		
Daly City	68	C.7.a.i. and C.7.a.ii	Private Inlet Marking	No authority to enter private property to inspect and verify continued maintenance of the inlet markings for new facilities or facilities not marked at the time of construction; cannot be held responsible for private property where they might be denied access.		
San Jose Att A	44	C.7.a.ii.	Specific Comments	<i>Revise Provision C.2.f.ii.2.c.iii so that it is</i>	Provision C.2.f., Catch Basin or Storm Drain Inlet Inspection and	Provision C.2.f. deleted.

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				<i>consistent with Provision C.7.a.ii which requires inspection of storm drain stencil legibility once per permit cycle.</i>	Cleaning has been deleted in the Revised TO.	
Oakley	50	C.7.a.iii.	Specific Comments	Does "report the municipally maintained inlet marking" mean those in the public right of the way?	Yes.	
Alameda City	22	C.7.b.	Advertising Campaign	Two advertising campaigns, media advertisements, and pre- and post-campaign surveys in an effort to target trash/litter reduction and pesticide use minimization is prescriptive and potentially costly.	BASMAA already implements a Regional Advertising Campaign on behalf of its members. Provisions C.9. and C.10. in the TO address pesticides and trash respectively. Also, the public can readily do something about these two pollutants once they are aware of the issues. Therefore, it makes sense to focus advertising campaigns on these two pollutants.	
Alameda City	22b	C.7.b.	Adversting Campaign	Water Board should do it	The Permittees have done advertising campaigns as part of their public outreach for several permit cycles, therefore this requirement is well within MEP.	None
Brisbane SMCWPPPA3- Table	12b 11d	C.7.b.	Advertising Campaign	Advertising campaigns are expensive. Higher priority uses for public education funds. <i>Require only one advertising campaign and assessment survey.</i>	Surveys may be done regionally or county-wide and are necessary to identify and quantify the audiences' knowledge, trends, and attitudes and/or practices; and to measure the overall population awareness of the messages and behavior changes. One survey does not allow for effectiveness assessment. In addition, BASMAA already conducts an Advertising Campaign for its members.	
Brisbane SMCWPPPA3- Table	12 11c	C.7.b.	Advertising Campaign	Targeting trash/litter and pesticides in advertising campaigns diffuses the	Provisions C.9 .and C.10. in the TO address pesticides and trash respectively. The public can	

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				message. <i>Municipalities should focus entirely on trash/litter since the State regulates the use, sale, and transportation of pesticides.</i>	readily do something about these two pollutants once they are aware of the issues. Therefore, it makes sense to focus advertising campaigns on these two pollutants.	
Brisbane SMCWPPAtt3- Table	12f 11j	C.7.b.	Surveys	Level of effort required for compliance is unclear. Do not have the resources to be funding research. <i>Only one advertising campaign.</i>	The Implementation Level and the Reporting requirement have been revised to clearly communicate the level of effort necessary for compliance. Surveys may be done regionally or county-wide and are necessary to identify and quantify the audiences' knowledge, trends, and attitudes and/or practices; and to measure the overall population awareness of the messages and behavior changes.	Provision C.7.b. in the revised TO describes the Implementation Level and the Reporting requirement.
GCRCDAtt	22	C.7.b.	Advertising Campaign	Advertising campaign will not have impact on major Santa Clara Basin waterways unless it is tied to some incentive or rewards program. Pollution along the urban segments of Santa Clara Basin waterways is caused by illegal dumping and/or littering, mostly by vagrant encampments. These people don't care about the environment, our waterways, awareness campaigns, or programs. <i>Need strong program to prevent waterside encampments and a strong enforcement program to penalize polluters.</i>	We agree that homeless encampments are a major source of trash, but public awareness to prevent littering will also have an impact on our waterways.	
Millbrae	11	C.7.b.	Beyond Permittees' Ability	Water Board should work with appropriate State agencies to regulate the use	Permittees can assist the WaterBoard in these efforts of persuading the pesticide	None

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				of pesticides.	regulatory agencies. This is an MEP requirement, well within the Permittees ability.	
Millbrae	11c	C.7.b.	Unfunded Mandate	Pre and post surveys unfunded mandates.	These requirements fall well within the MEP regulatory standard and are not unfunded mandates.	None
SCVURPPAttny	23	C.7.b.	Advertising Campaign	More prescriptive than the Federal Permit and deprives the Permittees of discretion.	<p>The comparison of stormwater permit requirements for the Saipan to the TO is not germane to the TO.</p> <p>Saipan is a Phase 2 Program and all the Permittees are under the Phase 1 Program.</p> <p>The TO is based on over 15 years of progress in stormwater programs verses the Saipan Permit which is for a first year stormwater program.</p> <p>In 1987, Section 402 was added to the Clean Water Act (CWA) and it provided the framework for regulating municipal stormwater discharges under the NPDES Program, Phase 1 Program. All the Permittees fall under the Phase 1 Program and the TO is written for the Phase 1 municipalities.</p> <p>Saipan, however, is a Phase 2 municipality because is falls under one of the categories (It is operated by a municipality in an urbanized area as defined by the Census Bureau based on the 1990 or 2000 census. An urbanized area is basically a core city and urban fringe with a population of 50,000 or more.) EPA promulgated regulations for the Phase 2 Program in 1999.</p> <p>In addition, BASMAA already</p>	

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					conducts an Advertising Campaign for its members.	
SF Baykeeper	52	C.7.b.	Advertising Campaign	<i>Explain basis for requiring that advertising campaigns target trash/litter and pesticides versus other pollutants of concern.</i>	Provisions C.9 .and C.10. in the TO address pesticides and trash respectively. The public can readily do something about these two pollutants once they are aware of the issues. Therefore, it makes sense to focus advertising campaigns on these two pollutants.	
JamesRogerAttll	54	C.7.b.ii.	Advertising Campaign	Questions the need for additional trash/litter campaigns until there has been a thorough evaluation of the effectiveness of the Caltran's Trash Campaign.	Evaluation of tasks is critical to a program's success. We certainly do encourage partnership with CalTrans. However, based on the trash evidences we see in creeks, waterways, and streets, trash continues to be a primary pollutant of concern. The pre-campaign survey is intended to quantify the publics' knowledge, trends, attitudes, and practices; and the determine how to most effectively target them.	
JamesRogerAttll	54b	C.7.b.ii.	Advertising Campaign	<i>Money could be better spent installing treatment systems to remove trash.</i>	Both trash removal and outreach should receive resources. Provision C.7. addresses trash reduction outreach and Provision C.10. addresses trash removal.	
SCVURPP Attny	24	C.7.c.	Unfunded Mandate	Media Relations requirement is more prescriptive than the Federal Permit.	The comparison of stormwater permit requirements for the Saipan to the TO is not germane to the TO. Saipan is a Phase 2 Program and all the Permittees are under the Phase 1 Program. The TO is based on over 15 years of progress in stormwater programs verses the Saipan Permit which is for a first year stormwater program. In 1987, Section 402 was added	No changes.

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					to the Clean Water Act (CWA) and it provided the framework for regulating municipal stormwater discharges under the NPDES Program, Phase 1 Program. All the Permittees fall under the Phase 1 Program and the TO is written for the Phase 1 municipalities. Saipan, however, is a Phase 2 municipality because it falls under one of the categories (It is operated by a municipality in an urbanized area as defined by the Census Bureau based on the 1990 or 2000 census. An urbanized area is basically a core city and urban fringe with a population of 50,000 or more.) EPA promulgated regulations for the Phase 2 Program in 1999. In addition, municipalities already utilize free media to maximize outreach potential.	
ACCWP-Att2-Questions	25	C.7.c.ii.	Media Relations	<i>Allow implementation of Media Relations at local level.</i>		The underlined language has been added to C.7.c. in the 3 rd TO: “Conduct a minimum of six pitches (e.g., press releases, public service announcements, and/or other means) per year at the county-wide program, regional, and/or <u>local levels.</u> ”
Berkeley Daly City	20 69	C.7.d.	Specific Comments	<i>Define watershed characteristics.</i>	Watershed characteristics of major import of public outreach are well understood.	
Daly City	70	C.7.e.	Public Outreach Events’ and Citizen Involvement Events’ Credit Limits	Significant increase from the current performance standard of 5, which combines and considers all outreach efforts as an event. <i>Reduce the number to 2 outreach events annually or</i>	The number of events according to population for Public Outreach Events (C.7.e.ii.) was determined by the PIP Workgroup for the MRP. However, in response to comments on flexibility, the	C.7.e.ii. and C.7g.ii. in the revised TO allow Permittees to claim (1) individual credits for all Public Outreach Events are sponsored or hosted by their Countywide Program or BASMAA as long as the events are publicized to reach

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				<i>change language to require a progressive increase in events annually reaching the desired amount in the final permit year.</i>	revised TO (1) eliminates the cap on individual credits for events sponsored by the respective County-wide Program and BASMAA and (2) allows Permittees to claim public outreach and citizen involvement credits if the event contains significant elements of both.	the Permittee's jurisdiction and (2) credit for both Public Outreach and Citizen Involvement Events if the event contains significant elements of both.
San Jose San Jose Att A San Jose Attorney	15 42 7	C.7.e. C.7.g.	Public Outreach Events' and Citizen Involvement Events' Credit Limits	Collaborative efforts reduce redundant work and increase the effectiveness of specific messages. <i>Remove language limiting collaboration.</i> <i>Don't limit municipality's ability to take full credit for inter-agency collaboration.</i>	See proposed revision.	C.7.e.ii. and C.7.g.ii. in the revised TO allow Permittees to claim individual credits for all Public Outreach Events and Citizen Involvement Events that are sponsored or hosted by their Countywide Program or BASMAA as long as the events are publicized to reach the Permittee's jurisdiction.
SCVURPP Attny	25 26	C.7.e. C.7.g.	Public Outreach/ Citizen Involvement Events	More prescriptive than the Federal Permit.	The comparison of stormwater permit requirements for the Saipan to the TO is not germane to the TO. Saipan is a Phase 2 Program and all the Permittees are under the Phase 1 Program. The TO is based on over 15 years of progress in stormwater programs verses the Saipan Permit which is for a first year stormwater program. In 1987, Section 402 was added to the Clean Water Act (CWA) and it provided the framework for regulating municipal stormwater discharges under the NPDES Program, Phase 1 Program. All the Permittees fall under the Phase 1 Program and the TO is written for the Phase 1 municipalities. Saipan, however, is a Phase 2 municipality because is falls	

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					<p>under one of the categories (It is operated by a municipality in an urbanized area as defined by the Census Bureau based on the 1990 or 2000 census. An urbanized area is basically a core city and urban fringe with a population of 50,000 or more.) EPA promulgated regulations for the Phase 2 Program in 1999. All stormwater already implement Public Outreach and Citizen Involvement Events. The number of events according to population for Public Outreach Events (C.7.e.ii.) was determined by the PIP Workgroup for the MRP based on existing performance standards.</p>	
SMCWPPPAAtt3-Table	11e	C.7.e.	Public Outreach Events' and Citizen Involvement Events' Credit Limits	Specified number of events is too high. Unclear what is the technical basis for the number of events required since that is not discussed in the Fact Sheet.	<p>The number of events according to population for Public Outreach Events (C.7.e.ii.) was determined by the PIP Workgroup for the MRP based on existing performance standards. Existing performance standards are as follow:</p> <p><u>Alameda County</u> Over 100,000 – 8 50,000 to 100,000 – 6 Less than 50,000 – 4</p> <p><u>Contra Costa County</u> Over 100,000 – 4 50,000 to 100,000 – 3 Less than 50,000 – 3</p> <p><u>San Mateo County</u> Over 50,000 – 5 5,000 to 50,000 – 4 Less than 5,000 – 3</p> <p><u>Santa Clara County</u> 8-10</p> <p>However, in response to</p>	C.7.e.ii. and C.7g.ii. in the revised TO allow Permittees to claim (1) individual credits for all Public Outreach Events are sponsored or hosted by their Countywide Program or BASMAA as long as the events are publicized to reach the Permittee's jurisdiction and (2) credit for both Public Outreach and Citizen Involvement Events if the event contains significant elements of both.

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					comments on flexibility, the revised TO (1) eliminates the cap on individual credits for events sponsored by the respective County-wide Program and BASMAA and (2) allows Permittees to claim public outreach and citizen involvement credits if the event contains significant elements of both. Specified number of events remains the same.	
Sunnyvale Att A	16	C.7.e. C.7.g.	Public Outreach Events' and Citizen Involvement Events' Credit Limits	Prescriptiveness limits the flexibility to implement an effective and cost efficient outreach program.	In response to comments on flexibility, the revised TO allows Permittees to claim public outreach and citizen involvement credits if the event contains significant elements of both.	C.7g.ii. in the revised TO allows Permittees to claim (1) individual credits for all Community Outreach Events that are sponsored or hosted by their Countywide Program or BASMAA as long as the events are publicized to reach the Permittee's jurisdiction and (2) credit for both Public Outreach and Citizen Involvement Events if the event contains significant elements of both.
Daly City Daly City	70b 72b	C.7.e. and C.7.g.	Public Outreach Events' and Citizen Involvement Events' Credit Limits	<i>Combine public outreach events and citizen involvement events into a single requirement.</i>	We feel that citizen involvement events are important because it allows the community opportunities to actively practice being good stewards of our environment. But in response to comments on flexibility, the revised TO allows Permittees to claim public outreach and citizen involvement credits if the event contains significant elements of both.	C.7.e.ii. and C.7g.ii. in the revised TO allow Permittees to claim (1) individual credits for all Public Outreach Events are sponsored or hosted by their Countywide Program or BASMAA as long as the events are publicized to reach the Permittee's jurisdiction and (2) credit for both Public Outreach and Citizen Involvement Events if the event contains significant elements of both.
Oakley	51	C.7.e. and C.7.g.	Public Outreach Events' and Citizen Involvement Events'	Currently outreach and involvement are combined. The TO breaks them out and the requirements significantly exceeds the current combined requirement. Only	In response to comments on flexibility, the revised TO allows Permittees to claim public outreach and citizen involvement credits if the event contains significant elements of both.	C.7.e.ii. and C.7g.ii. in the revised TO allow Permittees to claim (1) individual credits for all Public Outreach Events are sponsored or hosted by their Countywide Program or BASMAA as long as

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			Credit Limits	limited number of community-wide events. Smaller communities have less resources and opportunities to do their own.		the events are publicized to reach the Permittee's jurisdiction and (2) credit for both Public Outreach and Citizen Involvement Events if the event contains significant elements of both.
Brisbane SMCWPPPA3- Table	12e 11h	C.7.e.ii. and C.7.g.iii.	Public Outreach Events' and Citizen Involvement Events' Credit Limits	Countywide events draw volunteers from other municipalities. <i>Allow permittees to claim credit for all citizen involvement events that occur anywhere in the county that the municipality helps fund or participates in.</i>	See proposed revision.	Provision C.7.g.ii. in the revised TO allows Permittees to claim individual credits for all Citizen Involvement Events that are sponsored or hosted by their Countywide Program or BASMAA as long as the events are publicized to reach the Permittee's jurisdiction.
Santa Clara Brisbane SCVURPPP ATT A SMCWPPPA3- Table	7 12c 36 11f	C.7.e.ii. and C.7.g.iii.	Public Outreach Events' and Citizen Involvement Events' Credit Limits	TO discourages individual co-permittees from participating in regional training and education events since they only receive partial credit for regional events. <i>Continue encouraging the broad-based watershed approach.</i>		
SCVURPPP ATT A	37	C.7.e.ii. and C.7.g.iii.	Public Outreach Events' and Citizen Involvement Events' Credit Limits	Watersheds and creeks do not follow jurisdictional boundaries, and citizens that want to participate in an event may do so outside of the city in which they live. Countywide events draw volunteers from other municipalities. <i>Revise Footnote 12 to allow permittees to claim credit for all Program-sponsored citizen involvement events in the Program area.</i>		
Daly City	71	C.7.f.iii.	Watershed Stewardship Collaborative	More time needed to coordinate efforts for Watershed Stewardship	Daly City, through its county-wide program, already sponsors the Community Action Grant	

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				Collab. <i>Change date from October 2009 to 24 months after permit adoption.</i>	Program.	
Brisbane SMCWPPPA3- Table	12d 11g	C.7.g.	Public Outreach Events' and Citizen Involvement Events' Credit Limits	<i>Permit should specify that each citizen monitoring event, watershed field activity, and workshop/conference/meeting will count as one citizen involvement event.</i>	See proposed revision	Provision C.7.g.iii. in the revised TO clarifies how the Citizen Involvement Events are to be reported. By listing the name of the event, event location, and event date, each activity counts as one event.
Daly City	72	C.7.g.	Public Outreach Events' and Citizen Involvement Events' Credit Limits	Significant increase from the current performance standard of 5, which combines and considers all outreach efforts as an event. <i>Reduce the number to 1 citizen involvement event annually or change language to require a progressive increase in events annually reaching the desired amount in the final permit year.</i>	In response to comments on flexibility, the revised TO (1) eliminates the cap on individual credits for events sponsored by the respective County-wide Program and BASMAA and (2) allows Permittees to claim public outreach and citizen involvement credits if the event contains significant elements of both	C.7g.ii. in the revised TO allows Permittees to claim (1) individual credits for all Community Outreach Events that are sponsored or hosted by their Countywide Program or BASMAA as long as the events are publicized to reach the Permittee's jurisdiction and (2) credit for both Public Outreach and Citizen Involvement Events if the event contains significant elements of both.
Millbrae	12b	C.7.g.	Reporting Burdensome	No staff resource to comply with reporting requirements.	We consider the reporting requirements the minimum amount of information we need to determine Permittee's compliance.	Reporting template has been removed from the Permit. Reporting requirements have been streamlined and clearly written into the revised TO.
Millbrae SMCWPPPA3- Table	12 11i	C.7.g. C.7.	School Outreach	<i>C.7.h. should be included in C.7.e.</i>	Children are our next generation. And they are our best advocates for good practices for a cleaner Bay among their families and friends. Because of the children's important role, the PIP Workgroup for the MRP separated school outreach (C.7.h.) out from Public Outreach (C.7.e).	None
San Jose Att A	43	C.7.g.	Public Outreach Events' and Citizen	Requiring that Permittees only receive credit for regional citizen involvement events that occur in their	In response to comments on flexibility, the revised TO allows Permittees to claim public outreach and citizen involvement	Provision C.7.g.ii. in the revised TO allows Permittees to claim individual credits for all Citizen Involvement Events that are

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			Involvement Events' Credit Limits	jurisdiction will likely reduce the number and effectiveness of regional-level collaboration. More efficient to do county and regional-level collaboration in many cases. <i>Remove language restricting credit based on event location.</i>	credits if the event contains significant elements of both.	sponsored or hosted by their Countywide Program or BASMAA as long as the events are publicized to reach the Permittee's jurisdiction.
JamesRogerAttll	55	C.7.g.ii.	Involvement Level	<i>Vallejo and Fairfield should be required to have the same number of events as other cities of comparable size.</i>	We agree. All cities and counties will implement Citizen Involvement Events (C.7.g.) based on individual population.	Provision C.7.g.ii. in the revised TO removes Vallejo and Fairfield-Suisun from the list of Non-population-based permittees.
SCVURPPAttny	27	C.7.h.	School Outreach	State Permit is much more prescriptive and requires a higher level of service.	The comparison of stormwater permit requirements for the Saipan to the TO is not germane to the TO. Saipan is a Phase 2 Program and all the Permittees are under the Phase 1 Program. The TO is based on over 15 years of progress in stormwater programs verses the Saipan Permit which is for a first year stormwater program. In 1987, Section 402 was added to the Clean Water Act (CWA) and it provided the framework for regulating municipal stormwater discharges under the NPDES Program, Phase 1 Program. All the Permittees fall under the Phase 1 Program and the TO is written for the Phase 1 municipalities. Saipan, however, is a Phase 2 municipality because is falls under one of the categories (It is operated by a municipality in an urbanized area as defined by the Census Bureau based on the	

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					1990 or 2000 census. An urbanized area is basically a core city and urban fringe with a population of 50,000 or more.) EPA promulgated regulations for the Phase 2 Program in 1999. In addition, many Permittees around the Bay Area have had great success (and fun) implementing school outreach programs. Children are our next generation to make consumer decisions. And they are our best advocates for good practices for a cleaner Bay among their families and friends.	
JamesRogerAttl Daly City	56 73	C.7.h.i.	School Outreach	<i>Delete reference to causing a behavior change since it is extremely difficult and expensive to determine.</i>	We strongly encourage Permittees to evaluate its School Outreach Program's effectiveness. This allows Permittees to best utilize its resources to convey its messages. Simply things such as pre and post presentation surveys for the students and teacher evaluations of the presentation are inexpensive and can provide valuable information for the Permittees to tailor their programs.	"cause behavioral change" deleted from C.7.h.i.
Daly City	74	C.7.h.iii.	School Outreach	More time needed to coordinate efforts. <i>Change date from October 2009 to 24 months after permit adoption.</i>	Many Permittees around the Bay Area have had great success (and fun) implementing school outreach programs. Some have done the program themselves and others have partnered with other programs and/or agencies. And almost all programs align themselves with grade appropriate California Education Standards. Alameda County, Contra Costa	

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					County, San Francisco County, and Santa Clara County all have robust school outreach program. Children are our next generation to make consumer decisions. And they are our best advocates for good practices for a cleaner Bay among their families and friends.	
Daly City	75	C.7.j.iii.	Commercial/ Industrial/ Illicit Discharge- Related Outreach	Evaluation of at least 1 year of data is needed to determine what activities to target and to develop outreach. <i>Change date from October 2009 to 24 months after permit adoption.</i>		C.7.j. deleted
SCVURPP Attny	28	C.7.k.	Unfunded Mandate	Requirement to outreach to municipal officers is more prescriptive than the Federal Permit.	It is important for municipal officers to know about the stormwater program, including its requirements, successes, and needs. Most municipalities already provide an annual presentation to their respective elected officials.	No changes.
Millbrae	13	C.7.i.	Surveys	Water Board should do surveys and studies.	The requirements are appropriate, and have been required in previous permit cycles.	
San Jose Att A	46	C.7.i.	Surveys	<i>Indicate on the reporting form that reporting is necessary only after a survey, study, or focus group is implemented.</i>		C.7.i. deleted
SCVURPPAttny	29	C.7.i.	Surveys	Expensive and not required by the Federal Permit	The comparison of stormwater permit requirements for the Saipan to the TO is not germane to the TO. Saipan is a Phase 2 Program and all the Permittees are under the Phase 1 Program. The TO is based on over 15	

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
					<p>years of progress in stormwater programs verses the Saipan Permit which is for a first year stormwater program.</p> <p>In 1987, Section 402 was added to the Clean Water Act (CWA) and it provided the framework for regulating municipal stormwater discharges under the NPDES Program, Phase 1 Program. All the Permittees fall under the Phase 1 Program and the TO is written for the Phase 1 municipalities.</p> <p>Saipan, however, is a Phase 2 municipality because is falls under one of the categories (It is operated by a municipality in an urbanized area as defined by the Census Bureau based on the 1990 or 2000 census. An urbanized area is basically a core city and urban fringe with a population of 50,000 or more.) EPA promulgated regulations for the Phase 2 Program in 1999. In addition, BASMAA already conducts regional survey for its Advertising Campaign.</p>	
Brisbane SMCWPPPAAtt3- Table	12g 11k	C.7.I.ii.	Surveys	<i>Delete "undertake research to identify and quantify audiences, knowledge, attitudes, practices, and trends..." (Provision 7.I.ii) because municipalities can rely on existing information to plan advertising campaign.</i>	See proposed revision	Provision C.7.I. deleted in the revised TO.
Daly City	76	C.7.I.iii.	Specific Comments	<i>Eliminate the requirement to measure behavior change.</i>		C.7.I. deleted
Daly City	76b	C.7.I.iii.	Specific Comments	<i>Eliminate entire paragraph. Too much to do in 5-years.</i>		C.7.I. deleted

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San Jose Att A	54	Att G	Table G-1 methods	The heading on page G-2, and referenced in Table 8.1, refers to water column toxicity, but Table G-1 only refers to sediment quality issues. Handle water column toxicity in an analogous way to sediment, using multiple lines of evidence to trigger follow-up actions.	Agreed. Commenter is correct in pointing out this error.	Correct the heading above Table G-1 and add proper follow up actions for water column toxicity.
SF BayKeeper	57	Att G	Table G-1 methods	Clarify in Table G-1 & Table 8.1 that the same general location must be used for the collection of the benthic community, the sediment chemistry and for the sediment toxicity samples.	Agreed, although Table G-1 is applicable after sampling is complete. Thus, the notation is useful only in Table 8.1.	State in Table 8.1 that the same general location must be used to collect benthic community, sediment chemistry & sediment toxicity samples.
SF BayKeeper	58	Att G	Table G-1 methods	For Table G-1, clarify what constitutes "indications of alterations." The footnote, "Alterations are exhibited if metrics indicate substantially degraded community," is also vague.	A more specific value cannot be determined, due to the nature of this parameter. Permittees will need to look at the relative change.	None
SMCWPPPA3-Table	20	Att H	Content	Contents are more for waste-water effluent than stormwater; insert "effluent" throughout to distinguish.	We agree that some references in Attachment H are more appropriate for wastewater treatment plants than stormwater, and the Attachment should be modified appropriately.	Modify or delete any references in Attachment H that are suitable only to wastewater treatment.
Daly City JamesRogerAttIII	17 13	Att H	Content	This appears written for POTWs & industrial facilities; many elements do not apply to storm water discharges. It needs revision to apply only to storm water discharges to avoid misinterpretation and erroneous reporting.		
Contra Costa Flood Control	14	C.8.	Allocation of Costs	The FC District should not be responsible for monitoring costs that exceed the proportion of the FC District's owned land area to the entire watershed area tributary to the point of interest.	Permittees rightly bear the responsibility of allocating costs when they form collaborative groups for Permit compliance at the county or regional level. The Tentative Order contains no requirements associated with this issue.	None
FSSD	8a1	C.8.	Allocation of Costs	Monitoring requirements are aggressive & burdensome for a program of our size. Monitoring & reporting requirements will take roughly all Programs' discretionary resources.	We agree to further reduce the monitoring requirements for Fairfield-Suisun and Vallejo Permittees.	Decrease Fairfield-Suisun & Vallejo Status sampling requirements.
BASMAA	2	C.8.	Cost	Annual monitoring costs beginning in 2nd yr are \$5 million for all municipalities.	In response to the Permittees' concerns about cost, Board staff scrutinized each monitoring requirement and pared back many of them. Every remaining monitoring requirement is cost-	In response to Permittees' concerns about cost, several monitoring requirements are pared back:
Alameda City	13	C.8.	Cost	Estimated annual monitoring increase: \$300,000 for ACCWP, \$20,000 for Alameda. No funding mechanism is identified. Analysis water quality benefits and the costs.		

Response to Comments on December 14, 2007 Tentative Order Provision C.8. – Water Quality Monitoring

File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
San Leandro	16	C.8.	Cost	ACCWP monitoring cost increase: \$400,000-\$600,000 /yr & could exceed \$2 million /5 yrs. Future funding source is unclear.	effective and necessary. See the Fact Sheet for a full explanation of the need for each monitoring requirement.	<ul style="list-style-type: none"> • Eliminated pump station monitoring • Reduced bioassessment sampling • Reduced nutrient sampling • Reduced temperature sampling • Reduced and modified trash assessments
Dublin	2b	C.8.	Cost	City's added cost estimated exceed \$9,000 /yr.		
Burlingame	14	C.8.	Cost	Monitoring would take 2/3 of FY08-09 budget. In FY09-10 monitoring costs double, triple in mercury control and quadruple in PCBs controls. Scale back or reprioritize monitoring funding until is identified.	In addition, Board staff estimated the costs of the proposed monitoring and found them to be comparable to or less than the Stormwater Programs current monitoring budgets. We estimated the annual cost for region-wide required monitoring is \$1,286,500. This is just 60% of the \$2,138,600 budgeted by the four largest Programs combined for Fiscal Year 2007-08.	
Walnut Creek	3a	C.8.	Cost	Estimated countywide monitoring costs: \$4,600,000-\$13,950,000 for 5-yrs; this is a 300% increase.		
Danville	3a	C.8.	Cost	CCCWP monitoring cost is now \$420,000, and estimated to increase up to 400%.	Our estimates are based on analytical costs under our laboratory contract and labor costs of \$100, including travel time. They do not include time for data evaluation, report writing, or contingencies.	
Contra Costa County Supervisors WQM	7	C.8.	Cost	Technicians & service for continuous sampling equipment for general water quality parameters (2 sites/yr for 2 weeks) & temperature (6 sites/yr for 8 months) are added costs, plus potential vandalism. Trash assessments (8 sites/yr) & stream surveys (6 stream miles/yr) also add costs.		
Mountain View	12a	C.8.	Cost	Monitoring is overly prescriptive & may significantly increase costs, especially later in permit cycle.	This region-wide cost estimate of \$1,286,500/year compares favorably to monitoring costs incurred by other NPDES permittees, as obtained through annual reports or personal conversation:	
ACFCD Zone 7 SCVURPPP	9 3a	C.8.	Cost	Increased monitoring will be very costly. Due to Prop 218, Permittees will have a difficult time meeting the requirements.		
San Pablo	21	C.8.	Cost	To reduce costs, prioritize among the 9 Monitoring Projects.	<ul style="list-style-type: none"> • Los Angeles County FY0708 monitoring cost: \$2,042,000 • Central Contra Costa Sanitary District annual monitoring cost estimate: \$1,000,000 • Conoco Refinery annual monitoring cost estimate: \$500,000 	
Palo Alto SCVURPPP Daly City	4 2 77	C.8.	Cost	Focus on limited, cost-effective monitoring linked to relevant management questions.		
Santa Clara	6a	C.8.	Cost	Monitoring requirements are onerous & expensive.		
Contra Costa County Supervisors	2, 8b	C.8.	Cost	Required studies go beyond County's core mission & staff expertise, including Source Control Evaluation Study, PCB Sampling & Analysis Plan, Fate & Transport Studies, Brake Pad/Desktop Study, Copper Toxicity Study, PBDE Legacy Pesticides & Selenium Regional Study. Many of these studies appear		

Response to Comments on December 14, 2007 Tentative Order Provision C.8. – Water Quality Monitoring

File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				to be precursors to TMDL development, which have historically & appropriately been RWQCB functions.		
ACCWP–Hearing–Feng, A.	1	C.8.	Cost	It's a large increase in monitoring; we estimate over \$5 million a year, roughly double existing monitoring budgets, which agrees with Dale's estimates. This is disproportionate compared to the Regional Monitoring Program, which collects \$2.9 million annually from all Bay Area dischargers, about one-quarter of that coming from stormwater programs.		
Fairfield City Suisun SMCWPPP FSSD FairfieldSuisunURP – CullenK	6 1b 2a 75	C.8.	Duplicative	Overlapping, duplicative sections miss opportunities for efficiency. Example: Status & Trends monitoring should meet needs for Long-Term Trends & Pollutants of Concern Monitoring.	We disagree that Status & Trends can be combined with Long-Term Monitoring. Status & Trends Monitoring is done once per waterbody, rotating through all the Permittees' major waterbodies over time, in order to determine the "status" of each major waterbody vis-à-vis urban runoff discharges.	None
FSSD	8b	C.8.	Duplicative	To reduce costs, combine Status & Trends Monitoring Stations with Long-Term Monitoring Stations.		
Sunnyvale Att A San Jose Att A ACCWP–Hearing– Feng, A.	17b 48a 4	C.8.	Duplicative	Many sections are duplicative. Example: where monitoring under Status & Trends could meet the needs for Long-Term Monitoring & Pollutants of Concern monitoring.	Long-Term Monitoring does not rotate, but instead is conducted at fixed stations in order to see changes in water quality over time.	
SCVURPPPATTA	54	C.8.	Duplicative	Long-Term monitoring overlaps & is confusing; rewrite & include: 1) incorporate "long-term trends" into C.8.c by requiring that a portion of the sites sampled under status monitoring be considered long-term trend sites where routine sampling occurs; and, 2) incorporate storm event sampling into C.8.f.	We evaluated combining Long-Term and Pollutants of Concern Monitoring, but determined that the two have very different purposes, which cannot be achieved if the two are combined. However, Permittees may use the same locations for both types of monitoring if they choose.	
CCCWP	12	C.8.	Duplicative	C.8.d. / Table 8.3 is duplicative of C.8.f.		
San Leandro CCCWP	25 20	C.8.f.	Duplicative	There appears to be duplication among C.8.f, and the POC provisions.		
SF Baykeeper, NRDC, & Clean Water Action Comment	15a	C.8.	End-of-Pipe Monitoring	MRP should require enough "end-of pipe" monitoring to compare Municipal Action Levels to actual discharge concentrations.	We disagree. EPA states [Fed.Reg. 61:166, 43761 & 61:216, 57425-29] that storm water permits should include a monitoring program to gather	None

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
					necessary information to determine the extent of attainment of applicable water quality standards, which may include ambient, receiving water, discharge (as needed), or a combination of such monitoring. The Tentative Order contains such a combination of monitoring; it does not contain Municipal Action Levels as does the Ventura County Tentative Order. The Tentative Order requires Permittees to monitor water bodies that receive urban runoff, and take actions when appropriate "triggers" are exceeded.	
SF Baykeeper, NRDC, & Clean Water Action Comment	15b	C.8.	End-of-Pipe Monitoring	MRP contains robust monitoring requirements, but they focused on receiving water monitoring, not discharge, or end-of-pipe, monitoring. Discharge monitoring is required by federal regulations & is standard in many MS4 permits.	We disagree that the Clean Water Act requires on-going end-of-pipe monitoring within an MS4 permit. In requiring Permittees to monitor the water bodies (both water column & sediment) that receive urban runoff, and to take actions when "trigger" values are exceeded, we believe the Permit achieves the same or possibly better level of protection than would be achieved by end-of-pipe monitoring, and achieves this in a more cost-effective manner.	None
SF Baykeeper, NRDC, & Clean Water Action Comment	15c	C.8.	End-of-Pipe Monitoring	Discharge monitoring is needed to determine mass loading from storm water and its impacts on creeks. MRP is deficient, in that mass loading monitoring is done only at creeks. In some places, industries discharge only to the Bay, not to a creek. Failure to monitor these discharges, will underestimate storm water loading.	We disagree. POC mass loadings to the Bay are investigated through the Regional Monitoring Program, in which Permittees participate. Also, many facilities are subject to the Statewide General Industrial Stormwater Permit, which requires runoff monitoring. As in response to Commenters' comment 15b, we	None

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
					disagree that end-of-pipe monitoring would improve the protectiveness of the Tentative Order.	
San Pablo	20	C.8.	Existing Data	How will added Status Monitoring parameters provide more information than we collect now- or protect water quality? Current bioassessment data provide information needed to determine creek health. We now have several years of data: adding more parameters will take resources from the current program, & years of data will be meaningless.	We disagree that continued monitoring will decrease the value of existing monitoring data; instead we continue to learn from additional data. Many procedures and parameters are continuations of the Permittees' current monitoring programs, including bioassessments.	None
Danville	3c	C.8.c.	Existing Data	Toxicity tests are costly & frequently inconclusive. Don't abandon ~ 7 yrs of data by changing procedures (away from bioassessments), rendering existing data incomparable & of little use.	We have carefully proposed a monitoring program that is built around both past monitoring and existing State-sponsored monitoring.	
Dublin	2a	C.8.	Existing Data	SFEI conducts an ongoing Regional Monitoring Program (RMP) for SF Bay; its 2007 report provides insight on watershed-specific sources & trends of pollutants in the bay. Given this, will additional data influence pollution reduction efforts required by the permit? Eliminating or reducing new monitoring wouldn't impact pollution reduction efforts & would free resources for water quality improvement efforts.	The Regional Monitoring Program focuses on SF Bay rather than creeks, which are the receiving waters for urban runoff. Monitoring requirements in the Tentative Order are intended to determine whether further/additional pollution prevention efforts are needed in order to achieve water quality standards or protect beneficial uses in receiving waters.	None
ACFCD Zone 7	10	C.8.	Existing Data	Consider using existing data to develop strategies & plans that improve water quality.	The Tentative Order proposes a monitoring program that builds on both past monitoring and existing State-sponsored monitoring.	None
SCVURPPP	39	C.8.	Existing Data	MRP doesn't give credit for previous monitoring; it should allow reduced monitoring requirements where a Permittee certifies it has completed a substantially similar body of monitoring work under previous permits.	The monitoring efforts Commenters want credit for or reduced is not clear. Status Monitoring rotates around watersheds, so repetition after a period of years is built in.	None
San Jose Att A	51c, 52	C.8.	Existing Data	How is data collected per previous permits used to align and optimize MRP Provisions?	Likewise, repetition is build into	

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				Clarify that previous monitoring can be credited toward compliance with the MRP. The significant monitoring previously conducted should be accounted for.	Long-Term Monitoring, which monitors fixed stations annually. Previous monitoring results will inform Permittees' selections of waterbody(s) to sample each year; sample locations; and analysis of analytical results, at a minimum. The proposed monitoring program is similar in many ways to the Commenter's current monitoring program, & is expected to build upon previous efforts.	
San Pablo	18	C.8.	Existing Data	SWAMP is testing for pathogens; why are permittees duplicating the work?	Where SWAMP collects required data, Permittees should not duplicate the work. We're pleased that SWAMP will sample several Bay Area locations, reducing costs for Permittees. However, SWAMP will not collect all the data required in the Tentative Order.	None
CCCWP	3	C.8.	Existing Data	Explicitly state where requirements can be fulfilled by programs such as RMP, SWAMP, or grant-funded projects. This will reduce uncertainty in cost estimates.	We cannot be certain of future grant or RMP projects, but agree that the recently-finalized list of SWAMP sampling locations would be helpful.	Attach information stating SWAMP monitoring stations, parameters, and approximate dates/seasons.
CCCWP	5	C.8.	Existing Data	Specify where requirements could be met through participation in the RMP. This is boilerplate language in NPDES municipal & industrial wastewater permits.	It is unclear what "boilerplate language" is referred to. The comment's intent is also unclear. If the Tentative Order specified which requirements the RMP could satisfy, & the RMP subsequently added other monitoring that would have fulfilled additional requirements, Permittees would be precluded from benefitting from additional RMP monitoring.	None
Berkeley	24	C.8.	Flexibility Needed	The Fact Sheet acknowledges contributions of the Program's monitoring & collaboration with other initiatives (RMP, SWAMP), but ignores	We agree that the Tentative Order should be more flexible in some areas, specifically, in	Change Status & Trends Monitoring to provide more flexibility in selecting waterbody reaches and the number of

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				the adaptive nature of these efforts, where study results inform subsequent data collection.	establishing sampling locations without adequate information on site conditions. Modifying this to allow more flexibility will allow more cost-effective and practical monitoring.	
Mountain View	12b	C.8.	Flexibility Needed	Revise to allow Permittees flexibility to develop & implement monitoring based on analytical results.		
Berkeley ACCWP Newark	23 9 9	C.8.	Flexibility Needed	Excess specificity is inappropriate & in some cases will obstruct cost-effective solutions to monitoring implementation.		
SCVURPPP Walnut Creek, ACCWP–Hearing– Feng, A.	3c 4	C.8.	Flexibility Needed	Many requirements are too prescriptive for allow for adaptive monitoring.	The Tentative Order strives to balance adaptive monitoring with clear expectations for Permittees & the public regarding monitoring. In the short-term, Permittees will not be free to select monitoring projects to the extent they have been. However, the monitoring requirements are based largely on the monitoring strategy developed by the Permittees (through BASMAA) in 1998, as well as the monitoring currently conducted by Permittees. In addition, the Tentative Order encourages collaboration amongst all Permittees, which we believe will lead back to more adaptive monitoring in the next permit term.	samples per reach.
JamesRogerAtIII	57	C.8.	Format	C.8 is extremely difficult to follow. Reformat so the introduction starts with the 3 basic elements – SF Estuary Monitoring, Urban Creeks & Receiving Water Monitoring, & Special Investigations. Each element should list the subcomponent & objectives listed on page 48 of Fact Sheet. The current Provision C.8.a. should be just prior to provision C.8h, Reporting, rather than at the beginning.	We reviewed the format of Provision C.8 for clarity & disagree that a large-scale reformatting has merit. We have attempted to streamline the Tentative Order by keeping explanatory information in the Fact Sheet, & requirements in the T.O. Given the Permittees' comments regarding the length of the T.O., it does not seem warranted to make it longer.	None
JamesRogerAtIII	68	C.8.e.v.	Format	This is confusing, seems misplaced because it refers to C.8.c. Urban Creeks monitoring. C.8 organization is confusing. Restructure with a logical flow & a separate & distinct reporting	We agree that C.8.e.v. could be moved into the Reporting section of this Provision, so that all monitoring report requirements	Move C.8.e.v. into C.8.g. "Reporting."

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				requirement for each element.	are in one subsection.	
San Jose Att A	50	C.8.	Format	Include a table or otherwise show linkages & overlaps between Provisions, esp. with Pollutants of Concern Provisions (C.9 – C.14).	We believe that format changes and clarifications in the Tentative Order make this unnecessary.	Delete trash monitoring from C.8; it is in C.10. Delete pump station project; it is in C.2 or C.11/12.
GCRCDAtt	23	C.8.	Format	Why are monitoring objectives no longer stated in the beginning of the section?	Monitoring objectives are still at the beginning of each monitoring section; however, the more lengthy discussion of objectives was moved to the Fact Sheet or Findings in order to streamline the Permit and keep it more focused on requirements.	None
Oakley	4	C.8, C.11, C.12	Format	When requirements repeat, are they intended to be for the same site, or different sites? For instance: • Pilot project to evaluate on-site treatment for mercury Oct '09; • Pilot project to evaluate on-site treatment for PCB's Oct '09; • PDBE's, legacy pesticides, selenium Oct '12; • Diversion of dry weather and first flush flow Oct '10	For the sake of cost-effectiveness, we expect Permittees will select the same sites for pilot projects where it makes sense to do so.	None
ACCWP–ScanlinJ	99	C.8.	General Appropriate-ness	We're okay with most of the monitoring. A few requirements will cost a lot & aren't that useful; I think we can work out those details.	Comment noted.	None
Fremont Berkeley	10-11 25a	C.8.	General Appropriate-ness	Some methods & approaches are inconsistent with good monitoring design & are poorly linked to specific monitoring objectives.	We reviewed all monitoring methods in light of these comments, and determined that some methods could be better-described, and some requirements could be eliminated or revised.	Revise/clarify bioassessment methods; allow more latitude on Status Monitoring sampling site selection; clarify when SWAMP methods are not applicable.
SCVURPPP	3b, 3d	C.8.	General Appropriate-ness	Many monitoring requirements aren't based on sound science or are not necessary.		
SCVURPPP ATT A	64	C.8.	General Appropriate-ness	Some parameters do not have SWAMP comparable methods/protocols. Data quality objectives may exceed those in the SWAMP QAPP. Revise to state that "Monitoring data shall be SWAMP comparable where applicable..."	We agree.	Revise C.8.i. "Monitoring Protocols & Data Quality" to say "where applicable" rather than "all" data must be SWAMP comparable.
ACCWP–Hearing– Feng, A.	2	C.8.	General Appropriate-ness	MRP contains open-ended requirements for which costs are uncertain. Example: SWAMP protocols that are not final & in some cases not yet published.	We reviewed C.8. and determined that some protocols could be better described.	Clarify the bioassessment protocols and references in footnotes to Table 8.1.
San Jose Att A	51a	C.8.	General Appropriate-ness	Allocating sampling efforts in this unscientific, arbitrary way ignores previous work & directs	Although we disagree that the Tentative Order allocates	Revise Status Monitoring to allow Permittees to select amongst all their

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				sampling to watersheds that may not be high priority. The number & location of sampling sites and projects are based on sub-regional population, not actual monitoring needs.	sampling efforts in an unscientific, arbitrary way, we agree that Permittees should have more flexibility to establish priorities & selecting waterbodies and reaches to monitor.	major water bodies and remove specifications on the reaches to monitor.
Contra Costa County Supervisors WQM	3	C.8.	Implementation Timeframe	Need time to organize & develop sampling plans. Set implementation date of July 1, 2009 for both regional & Permittee monitoring efforts.	It is our experience that Permittees, some of whom worked with Board staff during early development of these monitoring requirements, have begun planning for their implementation. We agree that time is needed to develop a collaborative structure, and to adjust to final permit requirements, & have allowed lead-in time accordingly.	None
Danville	3d	C.8.	Implementation Timeframe	Not realistic to implement within 1 yr. Allow 3 yrs to develop a prioritized, appropriate & meaningful monitoring program to get results within a defined cost.		
Moraga	2	C.2, C.8	Implementation Dates	Compliance dates aren't coordinated. Items to be evaluated for implementation in one provision are already mandated in another provision with an earlier implementation date, e.g.: <ul style="list-style-type: none"> • High efficiency sweepers • Parking restrictions • Diversion of dry weather & first flush flows 	We agree that some requirements were not coordinated.	Keep requirements in a single section of the Permit, so as to avoid conflicts between sections.
Sunnyvale Att A San Jose Att A SMCWPPP	17d 47b 23c	C.8.	New Plan	Some monitoring is better suited to USEPA or State Board. Totally rewrite with only monitoring requirements reasonable for municipalities to implement.	The Commenters don't specify which monitoring is unsuitable to Permittees. We disagree & refer to the Fact Sheet, which provides the rationale behind the monitoring requirements.	None
SMCWPPP	2c1	C.8.	New Plan	Rewrite: reduce monitoring to what would be reasonable for municipalities. Delete some monitoring tasks; reduce & simplify others.	The Commenter doesn't specify what is deemed reasonable or what should be deleted. We disagree and refer to the Fact Sheet, which provides the rationale behind the monitoring requirements.	None
JamesRogerAttII	58	C.8.	New Plan	Rewrite: establish SFEI as the regional monitoring collaborative organization. SFEI would review & approve the monitoring	NPDES regulations preclude specifying the means of compliance in a permit. Thus, the	None

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				program; data collection & analysis would meet SFEI's QA/QC standards. Permittees could meet monitoring obligations and reporting requirements by providing their fair share of the collaborative program.	monitoring provision describes the monitoring Permittees must do, but does not tell Permittees how to go about doing it.	
Fairfield City Suisun SMCWPPP Sunnyvale ATTA San Jose San Jose ATTA	8 1c 2c4 17e 17 49	C.8.	New Plan	Rewrite: require Permittees to develop a monitoring plan, which could be available for public & peer review, & modification, then accepted by the Executive Officer.	We disagree that Permittees, working separately or through a collaborative structure, should create the monitoring plan after Permit issuance. NPDES permits must provide a level of specificity so that Permittees & the public are clear about what actions are required. In addition, the time needed to reach consensus on a plan; obtain peer, public & Executive Officer review; amend the plan; & obtain approval could take several years. In future permit reissuances, we expect a regional collaborative would & should influence strongly the monitoring requirements.	None
SCVURPPP	42b	C.8.	New Plan	The Permittees' regional collaborative should develop a monitoring plan that answers core monitoring questions in Prov. C.8.c-f (excluding Pump Stations-C.8.e.iii). This monitoring plan would replace MRP provisions but would require a very similar level of effort when each program's past monitoring efforts are accounted for (existing data could be used to fulfill monitoring requirements).		
CCCWP	10	C.8.	New Plan	Rewrite: develop a work plan through the regional collaborative. It may take more than 18 months.		
Fremont Berkeley ACCWP Newark	9-10 22 8 8	C.8.	Not Related to Urban Runoff	Increased monitoring & studies are not all directly related to urban runoff. These studies may be worthwhile for informing comprehensive land use & watershed management efforts; they are not appropriate in NPDES permit.	The Commenters don't specify which monitoring is not related to urban runoff. We disagree & refer to the Fact Sheet, which provides the rationale behind the monitoring requirements.	None
SCVURPPP Walnut Creek	3e 3b	C.8.	Prioritize	Many monitoring requirements aren't prioritized.	Provision C.8 contains several types of monitoring, including ambient, receiving water, & discharge (at pump stations), as recommended by EPA [Fed.Reg. 61:166, 43761 & 61:216, 57425-29], in order to gather necessary information to determine the extent of attainment of applicable water quality standards. The monitoring requirements all have value in determining water quality impacts of urban runoff; they are	None
SMCWPPP	2c2	C.8.	Prioritize	Reprioritize current monitoring to accomplish the most important monitoring objectives in draft permit.		

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
					not intended to be prioritized or ranked.	
Contra Costa County Supervisors Pittsburg	8 8a	C.8.	Water Quality Benefit	New studies in C.8 - C.14 are beyond City's capability & staff resources & are prescriptive, won't benefit water quality, should be limited, eliminated or more flexible.	We disagree that the monitoring requirements have little/no nexus to water quality. Municipal storm water permits generally do not contain effluent limits, due to the nature of storm water discharges & lack of information on which to base numeric effluent limits. Instead, permits include monitoring programs to gather necessary information to determine the extent to which the permit provides for attainment of applicable water quality standards & to determine the appropriate conditions or limitations for subsequent permits. [Fed.Reg. 61:166, 43761 & 61:216, 57425-29] That said, we do propose added flexibility & reduction of some monitoring requirements. We address costs of monitoring below.	Reduce required number of samples; reduce bioassessment requirements; reduce number of temperature probes required; allow use of existing stream surveys up to four years old; allow options in addition to Toxicity Identification Evaluations; reduce number of analytes for pump station monitoring.
FSSD Suisun Sunnyvale San Jose	8a2 1a 17a 16a	C.8.	Water Quality Benefit	The permit contains a lengthy 18-page description of the proposed monitoring requirements. As drafted, the monitoring requirements comprise a complete wish list of overly-burdensome requirements that do not benefit the environment.		
ACFCD Zone 7	7	C.8.	Water Quality Benefit	C.8 is onerous & has little to no nexus with improving water quality.		
SMCWPPP	2b	C.8.	Water Quality Benefit	Reduce monitoring to be commensurate with benefits.		
Concord	10	C.8 - C.14	Water Quality Benefit	A huge increase in water assessment & monitoring is required without discussion of how it is supposed to improve water quality.		
Contra Costa County Supervisors WQM	1	C.8.a.	Collaborative Effort	If regional cooperation is allowed, memoranda of agreement may be needed. This approach would streamline efforts and produce a more consistent data set, but may require development of an oversight organization	The first sentence of the monitoring section states that regional cooperation is, indeed, allowed. An additional year is provided to develop an organizational structure.	None
SCVURPPP	42a	C.8.a.	Collaborative Effort	We plan to continue implementing this program through a regional monitoring collaborative (RMC). Therefore, we appreciate the option for developing an RMC as described in C.8.a(i).	Comment noted.	None
SCVURPPP	42c	C.8.a.	Collaborative Effort	To fully allow regional collaboration, the last sentence of C.8.a(i) must be revised to allow for science-based deviations in types & quantities listed in the Provision C.8, based on agreement of RMC participants and/or	As with comments that the collaborative group should design the monitoring program, we think this suggestion leaves monitoring requirements open to wide-	None

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				scientific panels/reviewers.	ranging modifications & possibly reductions. In allowing a year for the collaborative to start up, & 4 remaining years to monitor collaboratively, we intend for the collaborative to be ready to strongly influence monitoring requirements in the next permit reissuance.	
CCCWP	2	C.8.a.	Collaborative Effort	Efforts to organize a Regional Collaboration are underway but will take longer to plan and implement. Revise to state "Monitoring conducted through a regional monitoring collaborative shall commence data collection within 18 months of permit adoption. All other Permittee monitoring efforts shall commence data collection within 6 months of permit adoption."	Agreed.	Revise C.8.a.ii. to allow a regional monitoring collaborative to begin data collection within 18 months of permit adoption.
Berkeley ACCWP	21 & MP-1 MP-1	C.8.a.	Collaborative Effort	Indicating that some requirements can be satisfied by collaborative efforts is not consistent: insert language similar to C.8.a.i. in C.8.f.v.	The language in C.8.a.i. applies to all of Provision C.8, & we agree to strengthen this by adding "C.8" after "Provision."	Add "C.8" after "Provision" in C.8.a.i.
CCCWP	1	C.10, C.11, C.12, C.13, C.14	Collaborative Effort	Repeat C.8's 1st paragraph (Regional Collaboration) at the beginning of C.10, C.11 etc. for which it is intended to apply. As written, it can seem to apply only to C.8.	Agreed.	Repeat C.8's 1st paragraph (Regional Collaboration) at the beginning of C.10, C.11, C.12, C.13, and C.14.
SMCWPPPA3-Table	2	C.8.b.	Fair Share	We are concerned about this provision.	The comment does not specify the concern. This continues the ongoing Stormwater Programs' contributions to the Regional Monitoring Program in SF Bay. It is not a new initiative.	None
GCRCDAtt	24	C.8.c.	Monitoring Objectives	How will monitoring rotating watersheds answer: Are water quality objectives being met? Are waters likely to support beneficial uses? The best way to determine if many BUs are supported is to observe the use. Table 8.1 provides more a measure of "level of quality" for given BU. Example: cold water fish can survive in warm water for a time; recreation takes place in polluted water; degraded	The objective includes "or likely to be supportive of beneficial uses." Data collected will give indications of whether chemical, physical, and biological conditions in the monitored creeks are supportive of beneficial uses.	None

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				waterways can support rare & endangered species to a degree.		
JamesRogerAtIII	59a	C.8.c.	Monitoring Objectives	The objective of determining compliance with water quality stds & discharge prohibitions cannot be achieved by annual rotating waterbodies. Instead, establish 2 waterbodies per county. Sensitive watersheds (with domestic water supply reservoirs with urban development) must be included as a special category for monitoring.	The Tentative Order contains both rotating watershed (Status) & fixed station (Long-Term) monitoring elements. This comment appears to advocate fixed station monitoring, which is already covered.	None
Concord	7	C.8.c.	Status Reporting	Section C.8.c requires a status & trends database. What is the benefit of creating all these electronic databases? Do not create new databases without a really good reason.	C.8.c. does not require Permittees to create or maintain a database. It requires that data be submitted in a format that can be uploaded to a State data base already in existence.	None
Danville	3b, 3d	C.8.c.	Status Methods	Biological Assessments effectively determine long term stream health & identify where pollutant sources may exist. MRP requires 9 additional parameters be tested. Continue BioAssessments to target where additional testing & enforcement should be concentrated to produce better, more cost-effective results.	We agree bioassessment is effective & have included this parameter in Status Monitoring. We disagree that other parameters need not be tested, because municipal stormwater discharges can contain a variety of contaminants & have a variety of impacts to receiving waters.	None
San Mateo–Brandt Grotte	3	C.8.c.	Status Methods	Many methods are inappropriate. Fresh water is generally phosphorus limited. Salt water is nitrogen limited. San Mateo streams don't have algal blooms; phosphorus is not the issue. Nitrogen is not limiting in the Bay to my knowledge. For toxicity testing, the species is inappropriate for our environment. And testing is to be done at 20 degrees Celsius when 15 degrees is the actual environment.	It appears this comment is limited to the requirement to monitor nutrients. We disagree that the methods are inappropriate. The Water Boards use these methods in SWAMP monitoring and have found elevated nutrient concentrations in most creeks in the Region.	None
GCRCDAtt	26	C.8.c.	Table 8.1	Why were (1) Geomorphic, (2) Substrate Characterization and (3) Stream Flow monitoring requirements removed from the table?	While it is established that urban development increases flows to creeks, leading to geomorphic problems, we were not certain the utility of this information is worth the cost at this time. That said, information will be obtained on geomorphic conditions through	None

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					the Stream Survey; on stream flow during Long-Term Monitoring; and on substrate during Bioassessments. Further, a geomorphic study is a required Monitoring Project.	
SCVURPPP ATT A	44	C.8.c.	Table 8.1	“Dry” & “spring” sampling are synonymous; chose one term (prefer dry).	We disagree. Spring refers to the period of falling hydrograph (April-June), and dry refers to the consistently low hydrograph (July-Sept).	Define spring and dry sampling periods in the Status Monitoring section.
ACFCD Zone 7	8	C.8.c.	Table 8.1	Some parameters require 25 sample sites; others require 15-min. interval sampling over for 1-2 weeks. This is confusing & could lead to missed monitoring.	We considered several ways to format Table 8.1, and determined that grouping by parameter, rather than time of year or method, worked best. In practice, Permittees will likely reformat the requirements in a way that suits them best.	None
SCVURPPP ATT A Berkeley ACCWP	51 MP-2e MP-2e	C.8.c.	Table 8.1 Bedded Sediments	In Footnote 25, remove “all” from 2nd sentence; some contaminants reported in MacDonald may not be high priority in Bay Area.	We disagree that the list in MacDonald is overly long. The contaminants in MacDonald are not intended to be “priorities;” they are a set of possible causes of toxicity.	None
SCVURPPP ATT A	45a	C.8.c.	Table 8.1 Bioassess	The Footnote 18 SWAMP procedure requires 2 samples collected, likely doubling the cost per site. The benefit of this effort is questionable. Clarify the footnote to state that “based on the aquatic habitat available during the time of sampling, either the RW or richest targeted habitat field method may be used”.	The Commenter misinterprets Footnote 18. Only the MH sampling method is required for SWAMP comparable sampling.	None
Berkeley, ACCWP	MP-2d MP-2d	C.8.c.	Table 8.1 Bioassess	Revise Footnote 18 to allow coordination with RB2 SWAMP on deviations from SWAMP protocols described in Ode (2007).	Agreed.	Revise Footnote 18 to allow coordination with RB2 SWAMP on deviations from SWAMP protocols described in Ode (2007).
SCVURPPP ATT A Berkeley ACCWP	45b MP-2d MP-2d	C.8.c.	Table 8.1 Bioassess	SWAMP has not published a protocol/procedure for periphyton biological assessment. Until such protocol is developed, exclude periphyton bioassessments.	We disagree. SWAMP has established such protocol using the 1999 US EPA method contained in "Rapid Bioassessment Protocols for Use in Wadable Streams and Rivers."	Add reference for the periphyton method to the references for Table 8.1.
Berkeley, ACCWP	MP-2d MP-2d	C.8.c.	Table 8.1 Bioassess	Delete bioassessment requirements that aren't in the SWAMP basic level protocol.		

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CCCWP	9f, 11	C.8.c.	Table 8.1 Bioassess	Remove periphyton, pebble count, CPOM, & cobble embededness so as not to preclude using volunteer samplers.	<p>These parameters are part of the bioassessment protocol used state-wide, & are necessary for interpretation of bioassessment results. Other monitoring parameters are likely well-suited to the volunteer monitoring program in Contra Costa County.</p> <p>These parameters are not difficult to measure or sample and don't preclude the use of volunteers.</p>	None
SCVURPPP ATT A	46	C.8.c.	Table 8.1 Chlorine	Remove monitoring parameters associated with non-stormwater stressors (e.g., riparian and aquatic habitat degradation). Chlorine is associated with potable water discharges (water line breaks) rather than stormwater.	We disagree that riparian conditions, aquatic habitat, & chlorine are not associated with storm water. Stormwater quantity & quality can affect riparian & aquatic conditions. Water line breaks can result in illicit discharges.	None
SMCWPPPAAtt3-Table	3	C.8.c.	Table 8.1 Chlorine etc.	Remove chlorine, nutrients, temp, diazinon & water toxicity (move to POC section) & trash assessments at BMI stations (should only be downstream of enhanced controls)	If chlorine, nutrients, temp, diazinon & water toxicity were moved to the POC section, there would be no such monitoring of receiving waters other than where fixed stations are located. We agree that trash assessments at BMI locations is not necessary, given other trash monitoring to be conducted.	Remove the requirement to conduct trash assessments at BMI sampling locations.
SCVURPPP ATT A	48	C.8.c.	Table 8.1 General Water	Remove Gen.Water Quality at 15-Minute Intervals. Programs must purchase, operate & maintain monitoring equipment for parameters that aren't directly related to stormwater impacts. And, continuous monitoring of temperature, dissolved oxygen, pH & conductivity will yield results with limited potential for spatial extrapolation.	The parameters in question are important indicators of water quality, and are monitored in lieu of more expensive monitoring of a larger suite of chemicals and compounds in the stream or at stormwater outfalls.	None
Berkeley, ACCWP	MP-2 MP-2	C.8.c.	Table 8.1 Nutrients	Delete Nutrients - storm events & dry weather grabs; redundant with Table 8.5 & excessive.	We disagree. Nutrients are being detected at significant concentrations in Bay Area creeks and may be controllable	None
San Jose Att A	56	C.8.c.	Table 8.1 Nutrients	Remove storm event-based sampling (nutrients), a costly effort with little/no water		

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				quality benefit. Local creeks & Bay don't display eutrophy due to algal blooms; the benefit of measuring nutrients in this way is marginal. Storm-based sampling is costly because staff must be "on call" to immediately respond to storm events at any hour.	contaminants in urban runoff. Storm event sampling is required in Municipal NPDES permits throughout the State & country. It is valuable in detecting urban runoff pollutants, necessary for developing loading estimates, and deemed less expensive than end-of-pipe monitoring of stormwater outfalls.	
SCVURPPP ATT A	47	C.8.c.	Table 8.1 Nutrients	Since 2002, dry weather excess algae is rarely seen & there is little/no eutrophication of local creeks. Delete "storm event" monitoring as it's redundant with requirements in Table 8.5.	In addition, data indicate that suspended sediment concentrations are declining in the Bay, increasing light penetration. In the past, although the Bay has had concentrations of nutrients similar to east coast estuaries, light has been the factor limiting large algal blooms. If light ceases to be limiting, nutrient concentrations could be sufficient to cause eutrophication.	
CCCWP	9c	C.8.c.	Table 8.1 Pollutants in Fine Grained Sediments	State the method to be used to determine grain size. Is it analysis of bulk concentration of pollutants, augmented with particle size distributions? Analysis of pollutant concentration in specific size fractions? What are the appropriate size fraction cutoffs? If defensible answers aren't readily available, develop a regional work plan over a longer than 18 month period.	Plumb, R. H., 1981. Procedure for Handling and Chemical Analysis of Sediment & Water Samples. Technical Report EPA/CE 81-1, prepared for Great Lakes Laboratory, State University College at Buffalo, NY, for the U.S. EPA/CoE Technical Committee on Criteria for Dredged and Fill Material. U.S. Army Engineers Waterways Experiment Station, CE, Vicksburg.	Include this Table 8.1 references.
CCCWP	9d	C.8.c.	Table 8.1 Pollutants in Fine Grained Sediments	State the method for analyzing PCBs in sediments. EPA method 608, 8082 or 1668? If using 8082 or 1668, which congeners should be reported? If defensible answers aren't readily available, develop a regional work plan	Most Permittees preferred that methods not be overly specified, to provide flexibility as methods change and as the monitoring program evolves.	None

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				over a longer than 18 month period.		
CCCWP	9e	C.8.c.	Table 8.1 Pollutants in Fine Grained Sediments	State which pyrethroid compounds should be determined, the methods, and expected detection limits. If defensible answers to those questions are not readily available, If defensible answers aren't readily available, develop a regional work plan over a longer than 18 month period.	The pyrethroid compounds should be selected based on ongoing work in the California (e.g., DPR, SWAMP). Analytical methods and detection limits are not prescribed.	None
CCCWP	9a	C.8.c.	Table 8.1 Stressors	How will numeric nutrient measurements, chlorophyll & periphyton measurements, dissolved oxygen (DO) concentrations, and BMI data be used to determine whether or not a stressor ID study is necessary?	The results that trigger a stressor/source identification project are described in the final column of Table 8.1.	None
San Jose Att A	55	C.8.c.	Stressor ID Triggers	Require a Toxicity Reduction Evaluation (TRE)-like process before a full TIE. Additional lines of evidence, e.g. chemical analysis, should be collected similar to the process in Table G.1. Compare results to water quality criteria or to Species Mean Acute Values (SMAV) for the species tested, and to the toxicity test results, to determine if they are related. If there is sufficient exceedance of water quality criteria (or SMAV for the species tested) to explain the observed toxicity in the stream, there is no need to perform a TIE.	We agree that the TRE approach, as outlined in EPA/833B-99/002, is a good option for Permittees' as they determine the stressor or source of a water quality problem.	Revise C.8.e.i. to allow the use of a Toxicity Reduction Evaluation.
SMCWPPPAtt3-Table	MP-3	C.8.c.	Table 8.1 Stressors	Object to triggers based on single lines of evidence.	We agree that the follow-up to exceedances should be more flexible, allowing options prior to TIEs. In addition, the Tentative Order does cap the number of follow-up actions to be taken during the Permit term, thereby providing a financial cap by default.	In the final column of Table 8.1, add a second step for follow-up to Toxicity & Diazinon & Chlorpyrifos-Water Column. Allow for the use of analytical chemistry techniques to identify the cause of toxicity before proceeding further (if the source is still not identified). Also, revise C.8.e.i. to allow the use of a Toxicity Reduction Evaluation.
ACCWP–Hearing– Feng, A.	2	C.8.c.	Table 8.1 Stressors	MRP requires stressor ID & TIE procedures, on the basis of weak trigger criteria; premature initiation of such projects can lead to ineffective, inconclusive resource use.		
SCVURPPPATTA San Jose Att A	41 51b	C.8.c.	Stressor ID Triggers	Monitoring & stressor ID should follow a stepwise progression from screening through source ID ... If a toxicity test indicates survival of less than 50% a "Toxicity Identification Evaluation (TIE)" is required. TIEs are extremely expensive and rarely identify causes of toxicity. An alternative approach would be to evaluate additional lines of evidence, such as chemical analyses of		

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				exceedance(s) of water quality standards to explain the observed toxicity. If so, a TIE would likely be unnecessary. Replace the trigger column in Tables 8.1 and 8.3 with monitoring projects designed/implemented according to Provision C.1. A financial cap is needed for such monitoring projects.		
San Jose, San Jose Att 1	16b, 53b	C.8.c.	Stressor ID Triggers	Toxicity Identification Evaluations (TIE) are costly, not planned activities, but dependent upon monitoring results. Triggers should be deleted or preceded by additional efforts to confirm water quality results and to determine appropriate next steps.		
SF Bay-keeper	56	C.8.c.	Stressor ID Triggers	Table 8.1 triggers for stressor ID project are vague. Define "repeatedly exceeds" (across sites, within waterbody, sampling events).	Agreed.	In Table 8.1, replace "repeatedly exceeds" with "20% of results."
Berkeley ACCWP	MP-4a MP-4a	C.8.c.	Stressor ID Triggers	<p>Delete last column in Table 8.1; add footnote referring to new C.8.c.iii; state that Stressor ID follow-up is only required for data in Attachment G.</p> <p>Include reference for Table G-1, adapted from Southern CA Stormwater Monitoring Coalition;</p> <p>Give rationale for Footnote 78, which is generic rather than Bay-specific.</p>	<p>We disagree that the final column should be deleted, but agree to modify it. Att.G covers sediments only; it does not describe actions to take when pollutants in the water column exceed standards.</p> <p>The concept for Att.G is from S. CA SMC, but the content was developed in-house; no footnote needed. Footnote 78 references consensus-based freshwater sediment quality guidelines; no Bay-specific guidelines are available or necessary.</p>	Remove the references to doing a TIE in Tables 8.1 and 8.4 (Long-Term Monitoring Elements). Replace with "proceed to C.8.e.i." so that all the options for follow-up are in the Monitoring Projects section, and not in Status or Long-Term Monitoring sections.
Berkeley ACCWP	MP-4b MP-4b	C.8.c.	Stressor ID Triggers	Add new C.8.c.iii: "Trigger" results can lead to: 1) review of causes & follow-up in next annual report; 2) referral to local agency for mgmt; 3) countywide or regional Stressor ID project; OR 4) other reporting as described in C.1.	The Commenter's suggested menu would allow "no action" other than reporting, or referral to others with no other follow-up. We disagree that such options are appropriate. We	In final column of Table 8.1, add a second step for follow-up to Toxicity & Diazinon & Chlorpyrifos-Water Column. Allow use of analytical chemistry techniques to identify the cause of toxicity. Also allow

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					agree that more options should be given.	use of TREs.
SCVURPPP ATT A	49	C.8.c.	Table 8.1 Temp	Remove Temperature at 15-Minute Intervals. Temp. changes typically aren't related to stormwater runoff. Note that temperature is measured during grab water sampling & bioassessments.	While 3 commenters ask not to monitor water temperature, there was very strong citizen support during the Permit development process for temperature monitoring.	None
Berkeley ACCWP	MP-2 MP-2	C.8.c.	Table 8.1 Temp	Consider deleting temp requirement; redundant & dependant on riparian cover.	Temperature is one of the most important parameters to measure when evaluating impacts on salmonids. Grab samples are not useful to evaluate maximum temperature exposures or to calculate MWATs.	
CCCWP San Pablo	9b 19	C.8.c.	Table 8.1 Temp	Change to "15 minute intervals (unless equipment limited) May-September." State whether probes merely must be deployed, or serviced regularly to assure they aren't damaged or stolen, and are working - which increases labor costs. For probes to be left in the field, add safe harbor language for when probes are stolen or vandalized.	We agree that temperature collection should cease in Sept., rather than November. Most Permittees likely prefer the Tentative Order to NOT require specific equipment maintenance. Probe vandalization will be considered on a case-by-case basis.	Change the duration of temperature sampling to end in September.
SCVURPPP ATT A Berkeley SMCWPPAtt3- Table ACCWP	50 MP-2 3 MP-2	C.8.c.	Table 8.1 Toxicity	Move Toxicity, Diazinon & Chlorpyrifos during "storm events" to C.8.f (POC Monitoring); conduct at a frequency commensurate with current understanding of associated impacts. Sampling frequency should be minimal-same frequency as "Category 2" pollutants.	We disagree that all storm event sampling must be at fixed stations (as in POC Monitoring). It is important to determine whether urban discharges cause or contribute to toxicity in receiving waters.	None
Berkeley ACCWP	MP-2 MP-2	C.8.c.	Table 8.1 Trash	Delete trash; it's disassociated from management areas.	We agree to delete trash monitoring from Provision C.8.	Delete trash monitoring from Provision C.8.

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San Jose Att A	57	C.8.c.	Table 8.1 Trash	Why require trash assessments immediately downstream of enhanced trash management control catchments? C.10 directs placement of these control measures toward the lower watershed. In a stream setting, assessments integrate inputs from all catchments above the site in question, confounding the ability to assess the contribution of a single catchment. See City comments on C.10.	We agree to delete trash monitoring from Provision C.8. and keep all requirements pertaining to trash in Provision C.10.	Delete trash monitoring from Provision C.8.
SCVURPPP ATT A	52c	C.8.c.	Table 8.1 Trash	What is the scientific basis for 2/yr, every year for trash assessments? Based on numerous trash assessments, this frequency could be drastically reduced (e.g., every year of the permit term) & still achieve the objectives stated [in Comment 52a]. Reduce trash assessments to once in 1st year of the permit to establish baseline conditions & every 2 yrs thereafter.	We agree to delete trash monitoring from Provision C.8. and keep all requirements pertaining to trash in Provision C.10.	Delete trash monitoring from Provision C.8.
SCVURPPP ATT A	52a	C.8.c.	Table 8.1 Trash	The objectives of conducting trash assessments likely include 1) assess current status of specific sites in creeks, 2) detect changes over time as a result of factors such as BMP implementation, in concert with other approaches (e.g., loads reduced calculations) & 3) identify sources of trash to the assessment site. Based on these objectives, trash assessments would be best conducted at trash accumulation sites in creeks sites, & if appropriate, directly downstream of where BMPs will be implemented.	We agree to delete trash monitoring from Provision C.8. and keep all requirements pertaining to trash in Provision C.10.	Delete trash monitoring from Provision C.8.
SCVURPPP ATT A	52b	C.8.c.	Table 8.1 Trash	There is no basis to assume that trash accumulates where toxicity & pollutants in bedded sediment are sampled; remove the text "...and	We agree to delete trash monitoring from Provision C.8. and keep all requirements pertaining to	Delete trash monitoring from Provision C.8.

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				additionally at the toxicity & pollutants in bedded sediment (6/4/1) sites".	trash in Provision C.10.	
GCRCDAtt	27	C.8.c.	Table 8.1 Trash	Require identification & monitoring of trash dumping hot spots. The sources of most trash dumped into major waterways and along banks must be identified, monitored & abated in order to achieve MRP's goals.	While trash monitoring requirements are to be removed from Prov. C.8, Prov. C.10 requires Permittees to identify and abate trash hot spots.	None
JamesRogerAttII	59c	C.8.c.i	Monitoring Frequency	Sampling frequency in Table 8.1 must be based on the number of samples required to statistically determine compliance with a specific water quality standard or discharge prohibition.	Neither the Clean Water Act, nor its implementing regulations & guidance documents, require a strictly statistically-based monitoring program for Stormwater Permittees. We believe the data collected under the proposed monitoring program will provide valuable information toward determining if water quality objectives are being met in local receiving waters.	None
Fairfield City Suisun Sunnyvale Att A San Jose Att A	7 1c 17c 48b	C.8.	Monitoring Frequency	Reduce monitoring frequency to what is needed to track long-term trends. Example: annual monitoring is unnecessary for pollutants expected to change slowly over decades.	Annual monitoring moves to new waterbodies each year; no water body is monitored annually.	None
SMCWPPP	2b	C.8.	Monitoring Frequency	Reduce monitoring frequency to match what is needed to track long-term trends. Example: scale back long-term trends monitoring from every other yr (Table 8-3) to every 10 yrs for pollutants expected to change over decades.	We disagree that monitoring only once every ten years would provide effectively usable information. Other Permittees, such as Sacramento County, conduct Long-Term Monitoring annually; we have scaled back to biennially to reduce costs.	None
SF	55	C.8.c.ii	Status Sampling Locations	Include guidance for selecting reference sites, in order to interpret results, particularly for	Both the statewide and regional SWAMP are evaluating reference	None

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				bioassessments. Without a set of data that creates the baseline for normal or healthy receiving waters, it will be difficult to know whether beneficial uses are impaired.	conditions for bioassessment.	
JamesRogerAttIII	59d	C.8.c.ii	Status Sampling Locations	Do not allow Permittees to select stations because of the experience with Santa Clara program's trash assessment reporting.	After considering all the comments on sampling locations, we determined the optimal approach is to describe what must be sampled (stream reaches that receive urban runoff, rotating across all the major streams) and state the parameters, then allow Permittees to select exact sample locations based on their experience and knowledge of their creeks.	Change Status Monitoring so that Permittees select water body reaches.
SMCWPPPAAtt3-Table	3	C.8.c.ii	Status Sampling Locations	Allow Permittees to decide which waterbodies to monitor.		
SCVURPPP ATT A	53c	C.8.c.ii	Status Sampling Locations	There is no legal requirement to specify monitoring locations. Revise to state that "Sampling locations shall be selected to produce data that meet the objectives of the monitoring program."		
CCCWP	6b	C.8.c.ii	Status Sampling Locations	Set guidelines and require Permittees to propose a schedule of rotating watersheds & locations in 1st year of permit term.		
Contra Costa County Supervisors WQM	6	C.8.c.ii	Status Sampling Locations	The large number of sampling sites (15) at lower reaches of watershed will result in redundant data sets & wasted sampling/analysis costs. Change to a % of sample sites per mile of creek reach.	We agree that the qualifiers to creek sampling locations were generally unworkable in the field.	Change Status Monitoring so that Permittees select water body reaches, as long as the reaches receive urban runoff.
CCCWP	6a	C.8.c.ii	Status Sampling Locations	Remove qualifiers to creek sampling locations. For example, simply indicate "Kirker Creek" instead of "Kirker Creek (at Pittsburg or below)".		
Oakley CCCWP	53, 8	C.8.c.ii	Status Sampling Locations	C.8.c refers to Walnut Creek (below confluence of Lafayette Creek). The creeks in that area are Las Trampas, Tice and San Ramon. Is the confluence of Las Trampas & San Ramon what was intended?		
JamesRoger AttIII	6a	C.8.c.ii	Status Sampling Locations	Monitor Walnut Creek as far downstream as possible with its confluence with Concord Creek; ideally downstream of Grayson Creek		

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				in Pacheco Slough		
GCRCD-Att	25	C.8.c.ii	Status Sampling Locations	Why isn't Stevens Creek listed for Santa Clara County?	Thank you for pointing out this oversight.	Add Stevens Creek to list of water bodies in Santa Clara County.
Daly City	78	C.8.c.ii	Status Sampling Locations	Daly City is the only agency specified in this section. All other locations are either creeks or lakes. We request that the agency specific reference, Daly City, be removed, as it is not a waterbody.	We disagree that there are no creeks in Daly City. Channels, tunnels, and culverts are engineered creeks, and they convey waters of the State and of the United States.	None
SMCWPPPA3-Table	3	C.8.c.ii	Status Sampling Locations	Remove "Waterbodies draining Daly City" because there are no creeks, just channels, tunnels, & culverts. The major drainage is Vista Grande canal that discharges to a tunnel before discharging to the ocean.		
SCVURPPP ATT A	53a	C.8.c.ii	Status Sampling Locations	The criteria for selecting the water bodies are unclear & appear to not be based on previously collected monitoring data.	The objective is to monitor all major receiving waters over time. In general, Permittees should select new waterbodies to monitor before revisiting waterbodies for a second round of sampling; thus, previous monitoring data will be considered by Permittees when selecting which water body(s) to monitor in a given year.	None
San Jose Att A	58	C.8.c.ii	Status Sampling Locations - 60% urban	Remove 60% or more urban or suburban land use criteria. Replace with: "Samples shall be collected in reaches chosen scientifically to determine the character of the water quality in the main receiving water for each major watershed." The optimal sampling point may, or may not, be downstream of an area with at least 60 percent urban/suburban land use.	We agree that this requirement is generally unworkable as currently written.	Rewrite to focus sampling efforts on reaches that receive urban stormwater runoff, without specifying that the catchment area must have 60% urban land use.
CCCWP Berkeley ACCWP	7 MP-3 MP-3	C.8.c.ii	Status Sampling Locations -	The requirement to collect samples in reaches 60% or more urban or suburban may not always be		

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			60% urban	attainable. Restore the criterion that "surrounding land uses are predominantly urban or suburban".		
SCVURPPP ATT A	53b	C.8.c.ii	Status Sampling Locations -60% Urban	The criterion of 60% urban or suburban land use" is too prescriptive and will likely eliminate many sites of interest.		
JamesRoger AttII	61	C.8.d.	Monitoring Triggers C.1	Add to C.8.c & C.8.d. that results from implementing these provisions trigger the C.1 requirements to identify and implement additional BMPs.	We agree.	Add a statement that ties Provision C.1. requirements to monitoring results.
JamesRoger AttII	62	C.8.d.i	Long Term Mon. Location	Walnut Creek downstream of its confluence with Concord Creek or downstream from its confluence with Grayson Creek in Pacheco Slough would better represent the land use and channel types of Contra Costa County. Design sampling to overcome the tidal influence.	We agree that Walnut Creek could provide a good location for Long-Term Monitoring.	Add Walnut Creek as a possible Long-Term Monitoring location in Table 8.3.
Berkeley ACCWP	MP-5 MP-5	C.8.d.i	Long Term Mon. Location	Revise: "each countywide program shall select 1 site, among Status watersheds chosen according to C.8.c., for Long Term monitoring in Years 2 & 4 and consulting with SWAMP.	We have discussed Long-Term Monitoring locations with Permittee representatives, and it is our understanding that the updated list of waterbodies to sample is acceptable. In addition, we suggest	Revise Table 8.3 by adding several optional waterbodies and suggesting, rather than prescribing sample locations.
SMCWPPPAAtt3-Table	4	C.8.d.i	Long Term Mon. Location	Inclusion of site selection criteria will not allow coordination with SWAMP. Do not prescribe sites.	sample locations that are near the bottom of the waterbody and that are also sampled by the SWAMP. If they choose to use these selected locations, Permittees may use some of SWAMP sampling & analyses to fulfill Permit requirements.	
San Jose Att A	59	C.8.d.i	Long Term Mon. Location	Do not require locations where surrounding land uses are primarily industrial, commercial and urban. Surrounding land uses are often not major contributors to water quality problems. Results must be interpreted in the context of the entire watershed at, above, and sometimes below the sampling point. Example: Guadalupe River where most of the contributing watershed is not urban and significant non-urban sources of mercury are well known.		
Oakley	54	C.8.d.i	Define flow	Please define flow-weighted	This is defined in	None

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
		i.	weighted	composite.	referenced methods.	
San Jose Att A	60	C.8.d.i i.	Format Table 8.3	Correct table format. The Trigger column lists three freshwater species used to test water column toxicity. The species used in sediment testing, <i>Hyalella azteca</i> , is not included.	Agreed. The incorrect formatting of this table caused confusion.	Correct Table 8.3 (the new Table 8.4) format
CCCWP	13	C.8.d.i i.	Table 8.3 methods	Suspended solids concentrations (SSC) and Total Suspended Solids (TSS) are called for in different provisions, but aren't the same. SSC is not a readily available method from all labs.	SSC and TSS are required in different provisions for different reasons. SSC is necessary for long-term monitoring, and we have not encountered problems with laboratory analyses.	None
CCCWP	14	C.8.d.i i.	Table 8.3 methods	One would not collect bedded sediments in a storm event (format problem?).	This is indeed a formatting error.	Correct Table 8.3 (the new Table 8.4) format
Berkeley ACCWP	MP-6a MP-6a	C.8.d.i i.	Table 8.3 methods	Delete wet weather sampling. Move dissolved & total metals to Category 2 in Table 8.5.	We disagree. One purpose of Long-Term Trends Monitoring is to evaluate mass emissions from MS4s, which requires wet weather sampling and analyzing for metals.	None
Contra Costa County Supervisors WQM	4	C.8.e.	Monitoring Projects- Prioritize	The 9 required monitoring projects are burdensome. Prioritize and phase implementation to ensure quality of data.	We disagree that further prioritization or phasing is warranted. As written, monitoring projects are phased, in that Stressor Identification is done after Status or Trends monitoring results trigger and action, and, if done collaboratively, such monitoring results are not expected until 2-3 years into the permit cycle.	None
SCVURPPP ATT A	55b	C.8.e.i .	Monitoring Projects- Reduce #	Where monitoring results trigger a new program, State funding should be provided first; the regional cap should be reduced from 10 to 5 projects, with each countywide program required to initiate no more than 1 project.	We disagree and point to our response to comments regarding costs.	None

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
CCCWP	15	C.8.e.i	Clarify cap	Clarify that TIE triggers will satisfy the stressor ID monitoring projects called for in C.8.e.i. & are capped at 3 such projects for the permit cycle.	Agreed	Clarify that TIE triggers will satisfy the stressor ID monitoring projects in C.8.e.i. & set cap of 3 TIEs per permit cycle.
SCVURPPP ATT A	55a	C.8.e.i	Clarify cap	To avoid duplication of effort (such as a TMDL), the "cap" in C.8.e.1.(3) should integrate the language in the last paragraph of C.1 that states Permittees "do not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitation."	Agreed	State that Permittees do not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitation in C.8.e.1.iii.
SF	60	C.8.e.i	Clarify cap	Clarify how Permittees will cap the number of stressor ID projects. What criteria will be used to prioritize?	Agreed	Clarify how Permittees should select stressor ID projects in C.8.e.1.iii.
CCCWP	16	C.8.e.i	Clarify cap	Please clarify that BMP evaluation project does not trigger Stressor ID projects.	Agreed	In C.8.e.1.ii, state that this project cannot trigger a Stressor ID project.
Berkeley SMCWPPPAAtt3-Table, ACCWP	MP-8 5 MP-8	C.8.e.i	Stressor ID Triggers	Stressor ID should be one or several tiered options: see comment MP-4.	Agreed	In final column of Table 8.4, add a second step for follow-up to Toxicity & Diazinon & Chlorpyrifos-Water Column. Allow use of analytical chemistry techniques to identify the cause of toxicity before proceeding. Allow use of TRE.
JamesRoger AttII	64b	C.8.e.i i.	BMP effectiveness evaluation	Suggest evaluation of permeable pavements.	While we think these are good suggestions, it is most appropriate for the Permittees, who will finance the evaluations, to determine which BMPs to evaluate.	None
JamesRoger AttII	64c	C.8.e.i i.	BMP effectiveness evaluation	Require research, development and evaluation of BMPs that address pollutants of concern and that will be required as Provision C.1 is implemented. Begin this now so there is no delay once the monitoring shows noncompliance.		
SCVURPPP ATT A	56	C.8.e.i i.	BMP effectiveness evaluation	How is this related to BMP investigations required in C.10-12? Given the high priority of TMDL / POC-related studies in C.10-12, this requirement should be removed.	A single BMP could be used to fulfill requirements of C.8.e.ii, C.11 & C.12, as long as a full range of pollutants is evaluated.	None

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Contech	3	C.8.e.i i.	BMP effectiveness evaluation - method	C.8.i. requires all data be SWAMP comparable; not appropriate for BMP effectiveness projects. WA Depart. of Ecology established Technology Assess Protocol (TAPE) for evaluating emerging & public domain BMPs (i.e. biofilters). Such a protocol should be used for evaluating BMP effectiveness.	We agree that SWAMP-comparability doesn't apply to these data & that the WDOE TAPE could be a useful model, depending on which BMP is selected for evaluation. We encourage, but don't require, Permittees to refer to this Protocol.	In C.8.e.ii, state that data need not be SWAMP-comparable.
JamesRoger Attil	64a	C.8.e.i i.	BMP effectiveness evaluation - method	Include more detail on what is expected. Require protocols equivalent to those used by WA Department of Ecology. Require typical BMP conditions where clogging has occurred, so that maintenance is considered.	Because this is the first time a BMP Effectiveness Evaluation is required in the MS4 Permit, and due to the wide variety of BMPs with different physical mechanisms, the requirement is not detailed. If necessary, requirements will be more detailed in future Permits.	None
Livermore	8	C.8.e.i ii	Pump Station - Capacity Issue	Diverting dry weather or first flush flows to sanitary sewer is infeasible for most wastewater treatment plants due to capacity restrictions. This requirement should be removed.	After considering all comments, we determined pump station requirements should be in Provision C.2.	Delete Dry Weather Discharges & First Flush Investigations monitoring project.
Oakley	55	C.8.e.i ii	Pump Station - Clarify	The 10 worst pump stations must be further investigated. This infers that this is a regional collaborative effort. Is that what is intended?	After considering all comments, we determined pump station requirements should be in Provision C.2.	Delete Dry Weather Discharges & First Flush Investigations monitoring project.
Alameda City	12	C.8.e.i ii	Pump Station - Cost	Expensive: estimated increase in one-time staffing for monitoring, sampling, & analytical coordination is about 5% of full-time staff person. The estimated fiscal impact is approximately \$5,000.	After considering all comments, we determined pump station requirements should be in Provision C.2.	Delete Dry Weather Discharges & First Flush Investigations monitoring project.
San Leandro	17b	C.8.e.i ii	Pump Station - Cost	The Ettie Street pilot project has estimated data, from the CEP report, of \$33,000 per gram per year (Hg) and \$11,500 per gram per year (PCB), which is not feasible or defensible.	After considering all comments, we determined pump station requirements should be in Provision C.2.	Delete Dry Weather Discharges & First Flush Investigations monitoring project.

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
JamesRoger Attil	65a	C.8.e.i ii	Pump Station - Criteria	There are no pump stations listed in Contra Costa County and they should be listed if there are any.	After considering all comments, we determined pump station requirements should be in Provision C.2.	Delete Dry Weather Discharges & First Flush Investigations monitoring project.
Milpitas	18a	C.8.e.i ii	Pump Station - Criteria	Why are so many of the pump stations (more than 10%) in Milpitas?		
ACCWP Newark Berkeley	10 10 25a	C.8.e.i ii	Pump Station - Duplicative	Provisions overlap or aren't coordinated: particularly pump station monitoring requirements in Provisions C.8.e.iii, C11 and C12 which share similar titles & stated objectives but very little in approach or activities.	After considering all comments, we determined pump station requirements should be in Provision C.2.	Delete Dry Weather Discharges & First Flush Investigations monitoring project.
CCCWP	18	C.8.e.i ii	Pump Station - Duplicative	This duplicates requirements in C.11-12. Add: " <i>The requirements of this provision can be met by implementing projects under C.11.e, C.11.f, C.12.e, and C.12.f.</i> "		
Mountain View	17	C.8.e.i ii	Pump Station - General	Allow Permittees & sanitary sewer agencies to evaluate potential benefits, impacts & cost implications of diversions to POTWs in an organized, controlled & fiscally responsible manner.	After considering all comments, we determined pump station requirements should be in Provision C.2.	Delete Dry Weather Discharges & First Flush Investigations monitoring project.
Alameda City San Leandro	18 17a	C.8.e.i ii	Pump Station - General	Cities don't control EBMUD's discharge allocation to the City, so this requirement is impractical. Requirements for flow-diversions to POTW's should start with agencies that own their POTW facilities.	After considering all comments, we determined pump station requirements should be in Provision C.2.	Delete Dry Weather Discharges & First Flush Investigations monitoring project.
BASMAA PUMP	1	C.8.e.i ii	Pump Station - General	This should focus on identified receiving water quality problems, & be practical, understandable, within the control and jurisdiction of stormwater agencies, and allow for flexibility to cost-effectively solve water quality problems.	After considering all comments, we determined pump station requirements should be in Provision C.2.	Delete Dry Weather Discharges & First Flush Investigations monitoring project.
BASMAA PUMP Fairfield City SCVURPPP FSSD San Mateo County Pacifica SouthSF	5-6 11 8 12 9 6 1	C.8.e.i ii	Pump Station - General	Replace C.8, 11, & 12 pump station requirements with one requirement for permittees to work with BACWA and the sanitary sewer agencies to assess existing information & develop a work plan & time schedule to characterize possible stormwater pollutant	After considering all comments, we determined pump station requirements should be in Provision C.2.	Delete Dry Weather Discharges & First Flush Investigations monitoring project.

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Alameda City Suisun Berkeley ACCWP	18 3 MP-9 MP-9			problems with pump station discharges that identifies possible and recommended solutions depending on the types of problems identified.		
Fairfield City	10	C.8.e.i ii	Pump Station - General	This is focused on diverting pump station dry weather & first-flush flows to sanitary sewer without an understanding of the problems, if any, posed by pump station discharges.	After considering all comments, we determined pump station requirements should be in Provision C.2.	Delete Dry Weather Discharges & First Flush Investigations monitoring project.
Milpitas	10	C.8.e.i ii	Pump Station - General	How does observation of black-colored water discharges from the Alvarado pump station (Fact Sheet pg. 18) confirm that low dissolved oxygen in the slough was caused by urban runoff?	After considering all comments, we determined pump station requirements should be in Provision C.2.	Delete Dry Weather Discharges & First Flush Investigations monitoring project.
SCVURPPP - Olivieri, A	6	C.8.e.i ii	Pump Station - General	Permittees could characterize, but not get into solving the problem, in this term.	After considering all comments, we determined pump station requirements should be in Provision C.2.	Delete Dry Weather Discharges & First Flush Investigations monitoring project.
SMCWPPPAtt3- Table	MP-5	C.8.e.i ii	Pump Station - General	Object to pump station investigations as described in MRP.		
Alameda Co	11	C.8.e.i ii	Pump Station - Method	It makes sense to start with a qualitative survey or visual inspection, to determine if dry weather discharge is occurring.	After considering all comments, we determined pump station requirements should be in Provision C.2.	Delete Dry Weather Discharges & First Flush Investigations monitoring project.
Contech	4	C.8.e.i ii	Pump Station - Method	Review & consider the Low Flow Diversion structure used in municipal projects from other CA cities while investigating the dry weather discharges.		
JamesRoger Attll	65b	C.8.e.i ii	Pump Station - Method	Initial screening reports should include drainage area, land uses, estimated pump station capacity, & nearest sanitary sewer connectable by gravity or pumping (for early implementation). These factors should be considered in prioritizing the 10 worst stations for investigation.		
Livermore	10	C.8.e.i ii	Pump Station - Method	Use of a simple ranking with no evaluative criteria is arbitrary. If all sample results met drinking water standards, the "lowest" ranked sites would still require additional sampling.	After considering all comments, we determined pump station requirements should be in Provision C.2.	Delete Dry Weather Discharges & First Flush Investigations monitoring project.

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				Some criteria should be added to evaluate the data, or preferably, this requirement should be eliminated.		
Milpitas	15	C.8.e.i ii	Pump Station - Method	Replace “within 24 hours of significant storm event” with “within the next business day after a significant storm event” to avoid payment of double or triple overtime for on-call field crews.		
Milpitas	18b	C.8.e.i ii	Pump Station - Method	Why collect 5 daily samples for one week in summer and again in early fall? Is it reasonable to expect trends in water quality parameters that relate to the day of the week, or is this driven by desire to have replicate sample results? It's less costly to collect duplicate grab samples during a single visit. If concerned that stations operate intermittently, we'll provide pump run charts to document operation.	After considering all comments, we determined pump station requirements should be in Provision C.2.	Delete Dry Weather Discharges & First Flush Investigations monitoring project.
San Jose Att A	61	C.8.e.i ii	Pump Station Criteria	What criteria or process of selection or parameters of interest were used to determine the designated pump stations in Table 8.4?	After considering all comments, we determined pump station requirements should be in Provision C.2.	Delete Dry Weather Discharges & First Flush Investigations monitoring project.
Alameda City	31	C.8.e.i ii	Pump Station Timing	Timing is inconsistent: in C.8.e.iii.(1), grab samples are collected in “early summer” (after June 20th) & “early fall” (after September 20th) 2009. The ranking, based on analysis of all regional results, is by July 1, 2009, before the first set, let alone the second set, of samples is reasonably required for collection. A similar timing conflict exists in C.8.e.iii.(2). Required timelines for next-stage study planning are unreasonable, such as Dec. 31, 2009, & Dec. 31, 2010, for C.8.e.iii.(1), & C.8.e.iii.(2), respectively. Subsequent deadlines should be adjusted accordingly.	After considering all comments, we determined pump station requirements should be in Provision C.2.	Delete Dry Weather Discharges & First Flush Investigations monitoring project.
CCCWP	17	C.8.e.i ii	Pump Station Timing	The 2009 date in 1st sentence appears incorrect. If permit becomes		

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				effective July 1, 2008, it will be extremely difficult to commence sampling in early summer. Other dates called out in (2) and (3) are also confusing.		
GCRCD-Att	28	C.8.e.i ii.	Pump Operator	Why isn't the Operation Agency listed for many of the pump stations?	After considering all comments, we determined pump station requirements should be in Provision C.2.	Delete Dry Weather Discharges & First Flush Investigations monitoring project.
SMCWPPPAtt3-Table	5	C.8.e.i v	Geomorphic project	Have concerns about geomorphic project.	This project is intended to obtain information on how or where could creeks be restored in order to reduce pollutant impacts of urban runoff, including flow rates & durations. It is not a "research project."	None
JamesRoger Attll	67	C.8.e.i v	Geomorphic project method	Is this information required to implement Hydromodification Management Standards, or is this a research project that could lead to new regulatory requirements? If the latter then either delete or fund by the Water Board as a research project conducted by a university.		
Friends of Five Creeks	3	C.8.e.i v.	Efficacy of geomorphic project	Given the 10,000 sq.ft. trigger in C.3 for treatment & one acre trigger for hydromodification control, do you think this requirement will help creeks? I think not. Other sections of C.8.e.iv. should be required, not optional, in order to monitor how storm flows affect incision, erosion, and the like.	We agree with the concept that runoff from urban development modifies creeks, but disagree that Permittees should be required to conduct additional geomorphic projects at this time, given the balance of the workload.	None
GCRCD-Att	29	C.8.e.i v.	Geomorphic project method	Why was Geomorphic Monitoring moved from the Monitoring Work Group's Table 8.1? Why was requirement for 3 geomorphic assessments/yr deleted? Now Permittees have the choice of performing more time-consuming, detailed, geomorphic field measurements or an easier stormwater retention location inventory: it is not difficult to guess which will be selected.	Geomorphic projects were moved from Status Monitoring so Permittees could more logically select project locations & to offer more types of projects. The number of Geomorphic Projects was reduced out of consideration of total monitoring costs.	None
GCRCD-Att	30	C.8.e.i	Geomorphic	Why were Substrate Characterization	We agree that stream flow	None

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
		v.	project method	& Stream Flow monitoring requirements deleted from drafts of Table 8.1? Stream flow monitoring is essential to improving water quality & stream function. Flow on all moderately sized and major waterways must be monitored, i.e., by a functional USGS gage station. The small size & low cost of computer controlled, battery powered flow monitors make installation easy & inexpensive. Require flow gages on all moderate & major waterways within some specified time frame.	is very useful data, and are obtaining flow data through the State's SWAMP; however, given the difficulty linking average flows to urban discharges, we removed flow monitoring to reduce overall monitoring costs.	
JamesRoger Attll	66b	C.8.e.i v.	Geomorphic project method	Focusing on decentralized landscaped-based retention systems will not likely be successful, & is costly. There are so many other opportunities to improve the overall health of an impacted water body. Amend this requirement or have it funded by the Water Board as a research project conducted by a university.	This provision is not intended or written to focus on retention systems. Instead, it does consider the many other opportunities to improve the overall health of a water body, so that storm water impacts may be reduced.	None
JamesRoger Attll	66a	C.8.e.i v.	Geomorphic project method	Encourage many actions: instream recharge, increasing shading, runoff detention and storm drain flow attenuation, regional projects that can be located where groundwater recharge is optimal, stream setbacks, removal of fish migration obstacles, installation of full capture devices to control the discharge of trash and gross pollutants, stream channel meandering or obstructions to slow erosive flows and removal of invasive vegetation.	We believe the geomorphic projects can and should encourage the types of projects described in this comment.	None
Oakley	56	C.8.e.i v.	Geomorphic project not appropriate	This should be a regional project.	As with everything in Provision C.8, geomorphic projects may be done regionally.	None
SCVURPPP ATT	58,	C.8.e.i	Geomorphic	This is beyond the scope of NPDES	We disagree. Geomorphic	None

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
A, ACCWP– Hearing–Feng, A.	4	v.	project not appropriate	permits. This Water Board & State Board are developing regulatory policy on this issue; inclusion is premature.	projects complement hydro-modification management requirements of C.3.g. & support efforts to reduce the impacts of storm water runoff on receiving waters.	
GCRCD-Att	9 thru 14	C.8.e.i v.	Known Geomorphic influences	Six existing sources of hydromodification along the Guadalupe River are described.	Thank you for this information.	None
CCCWP	19	C.8.e. v.	Monitoring Project Reports	Delete stand-alone monitoring project report requirement; require only status reports in each Annual Monitoring Report.	A brief status report is to be included with the Annual Monitoring Reports. A stand-alone project report is needed following project completion, so that interested parties are not forced to piece together a series of status updates.	None
Oakley	57	C.8.e. v.	Monitoring Project Reports	Are BOTH required: status results in the annual report and a separate report within 6 months of completion?	Yes. A brief status report is to be included with the Annual Monitoring Reports. A stand-alone project report is needed following project completion, so that interested parties are not forced to piece together a series of status updates.	None
SCVURPPP ATT A	59	C.8.e. v.	Report Timing	Monitoring Project Reports - The numerous required dates for submittals throughout the Tentative Order make reporting schedules overly cumbersome and confusing. We request that monitoring project reports are included either in the Annual Urban Creeks Monitoring Report or in the Annual Report.	Many Permittees commented that Annual Reporting is already burdensome; asking them to track & include monitoring reports would add to, rather than streamline, this process. Also, monitoring reports are commonly reviewed separately from Annual Reports, so it's most effective when monitoring reports stand alone.	None
Santa Clara	6b	C.8.f.	POC is Beyond	Pollutants of Concern monitoring	This comment pertains to	None

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			City Authority	requirements are beyond our ability to regulate. Air deposition of pollutants, mercury from brake pads, & application of pesticides by State certified contractors are a short list.	the adoption of TMDLs themselves, rather than this Tentative Order. Pollutants of Concern monitoring is vital to evaluation of TMDL implementation actions.	
JamesRoger Attil	70	C.8.f.	POC Category 3	Add a Category 3 with all other pollutants covered by Basin Plan including CTR parameters. Analyze for these at least once during permit term & during the initial major runoff event. The data can be used to determine monitoring needs in next permit term.	We disagree that this level of monitoring is warranted or connected to urban discharges.	None
CCCWP	21	C.8.f.	POC monitoring goal	Since it will not measure progress towards WLAs, what is the water quality benefit of this provision?	While the POC monitoring is not sufficient to <u>determine</u> progress toward achieving TMDL load allocations, it will assess inputs of POCs to the Bay, <u>assess</u> progress toward achieving WLAs, and help resolve uncertainties associated with loading estimates.	None
SF Bay-keeper	54	C.8.f.	POC monitoring goal	The goal of assessing progress toward achieving WLAs for TMDLs, contradicts footnote 32, which says monitoring frequency and type is not sufficient to determine load allocations for the TMDL.		
CCCWP	22	C.8.f.	POC general	Regional Board should work with BASMAA to develop a regional pollutant of concern monitoring plan, combining C.8.d, within 2 years & implementation in 3 rd year.	While we disagree with the letter of this comment, we agree with the concept: that Permittees, working through a collaborative structure, may modify the design (not content) of the required monitoring.	Add a statement in C.8.a (Compliance Options) allowing a regional monitoring collaborative to alter the design (but not the types or quantities) of required monitoring.
CCCWP	27	C.8.f.ii	POC general	Eliminate this section; it is not well thought out.	We disagree that this section should be eliminated, as it is vital to evaluation of TMDL implementation actions. Some aspects of the section will be clarified.	Move the reporting requirements to Provision C.8.h. Eliminate reference to USEPA methods & SWAMP protocols. Streamline method description.
SCVURPPP ATT A	60a	C.8.f.	POC timing	Allow time to "phase-in" POC	After consideration of this	None

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				monitoring stations, e.g., one for each countywide program could go “on-line” in year 2 & the other in year 4. This would allow programs to learn from monitoring conducted at a single site before adding an additional site. Considering that POC monitoring is likely to continue beyond the 5-year permit term to assess TMDL progress, a 1-2 year phasing process wouldn’t significantly impact the intent of this monitoring requirement.	comment, we determined that monitoring requirements are adequately phased in, and no further phasing is warranted.	
SMCWPPPAtt3-Table	6	C.8.f.	POC timing	Begin sampling all stations for POCs in Year 2.	Monitoring conducted through a regional collaborative, as we expect POC monitoring will be, is required to begin in Year 2.	None
Berkeley, ACCWP	MP-6a, MP-6a	C.8.f.	Table 8.5	Move dissolved & total metals to Table 8.5 from Table 8.2. Clarify what if any “organics” should be added to Category 1 or 2.	We disagree. Table 8.2 (Status & Trends) is done once per waterbody, rotating through all the Permittees’ major waterbodies over time, in order to determine the “status” of each major waterbody vis-à-vis urban runoff discharges. Table 8.5 is fixed-station monitoring.	None
JamesRoger Attll	71	C.8.f.	Table 8.5	Characterize pollutants across particle sizes, to provide information for designing enhanced stormwater treatment systems for complying with water quality standards. Techniques for this type of monitoring are challenging & costly, so require technique development & validation before implementation.	Permittees may choose to do this as part of or in support of their BMP Effectiveness Evaluation project. We disagree that it should be required.	None
Brown and Caldwell/CCCWP -AbusabaK	11	C.8.f.	Table 8.5	For total PCBs in water analysis, specify Method 608 or 1668. Only Method 608 is promulgated, but the detection limits are high; thus data provide limited information. Method	Most Permittees preferred that methods not be overly specified, to provide flexibility as methods change and as the	None

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				1668 has lower detection limits but it can also detect PCBs in rainwater, arctic snow, ultrapure reagent blanks of laboratory water.		
CCCWP	25	C.8.f.ii	POC methods	Specify a method for PCBs in water. Method 608 is the only method promulgated for compliance monitoring. More sensitive Methods, such as 1668A, can detect PCBs in ultrapure water blanks. Should method 1668A be specified, a method detection limit should be developed based on a series of measured procedural blanks, consistent with the trace metal methodologies of the RMP. Such a detection limit study is a considerable undertaking.	monitoring program evolves.	
Brown and Caldwell/CCCWP – AbusabaK	11	C.8.f.	Table 8.5	Measuring methyl mercury in a 24-hour composite doesn't get you anything: samples must be collected & frozen immediately. The bacteria may be creating & destroying methyl mercury over that 24-hour period.		
CCCWP	24	C.8.f.ii	POC methods	How does measurement of methylmercury in a 24-hour flow weighted composite provide useful information? Methylation and demethylation can occur in bottles over a 24 hour period; what would that tell you about the waterbody sampled?	Agreed.	Change to collection of a grab sample.
JamesRoger Attil	69	C.8.f.i.	POC locations	Designate specific monitoring locations for Guadalupe River, Walnut Creek & San Mateo Creek. Guadalupe River station should be at SFEI's recent monitoring site; Walnut Creek downstream of confluence with Grayson Creek in Pacheco Slough; and San Mateo Creek at Gateway Park.	These may be excellent locations for POC monitoring, and Permittees are free to select them. After considering all the comments on sampling locations, we determined these exact locations need not be specified; rather Permittees should have flexibility.	None

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
CCCWP	23	C.8.f.i.	POC locations	Rheem Creek at Giant Road is privately owned & there are railroad safety issues. Better: Rheem Creek at Wanless Park or Wildcat Creek at 3rd ST.	While the locations remains unchanged, alternate locations are allowed.	Allow alternate locations to be selected.
SMCWPPPAAtt3-Table	6	C.8.f.ii	POC methods	We have concerns about storm event monitoring conducted as described in MRP.	We realize storm event is not popular, because it requires sampling labor at any hour. However, wet weather sampling is necessary to evaluate mass emissions from MS4s and is required of MS4s across the country.	None
CCCWP	26	C.8.f.ii	POC methods	Methods for category 2 pollutants are not specified. For example, to ensure consistent selenium results, collision cell ICP-MS should be employed. Promulgated methods for organochlorine pesticides may not have detection limits low enough to provide useful results.	Most Permittees preferred that methods not be overly specified, to provide flexibility as methods change and as the monitoring program evolves.	None
SCVURPPP ATT A	60b	C.8.f.iii	POC methods	USEPA protocols cited are 16 years old, much has been learned. Revise this section to allow for alternate stations where POC monitoring will occur, and for science-based deviations in the POC monitoring design, including sampling frequency and interval listed in Table 8.5, based on the agreement of participants in the RMC and/or scientific panels/reviewers.	We agree that the USEPA protocols were cited in error. We agree that science-based deviations from the POC monitoring design should be allowed.	Remove reference to USEPA protocols. Add a statement in C.8.a (Compliance Options) allowing a regional monitoring collaborative to alter the design (but not the types or quantities) of required monitoring.
Oakley	58	C.8.f.v	Sediment Delivery Budget	Define what is meant by a “robust sediment delivery estimate/sediment budget”.	A scientifically-based estimate of the sediment inputs and outputs of an aquatic system.	None
JamesRoger AttII	72	C.8.f.v	Sediment Delivery Budget	Defer the sediment delivery study until results are available from Pollutants of Concern Monitoring or RMP tributary study. Use this time to consult with USGS experts (Art	We do not consider this to be a redundant requirement because Permittees may fulfill any requirement of Provision C.8 using data	In C.8.a.iv. change “this Provision” to “Provision C.8” for added clarity.

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				Horowitz) to determine a scope, cost & benefits of such a study.	collected by third-party organization(s).	
SCVURPPP ATT A	61	C.8.f.v	Sediment Delivery Budget	RMP is conducting a study to develop preliminary estimates of sediment delivery to the Bay from creeks. Revise this section to state that this RMP study will satisfy this requirement, or delete this redundant requirement.		
SF Bay-keeper	53	C.8.f.v ii.	Emerging Pollutants	The workplan for emerging pollutants needs more detail. Five years is too long because by then we should be controlling these constituents.	We disagree that it is appropriate to begin sampling for emerging pollutants before the background work and workplan are completed. Given overall monitoring requirements, we do not think it is appropriate to speed up this work.	None
CCCWP	4	C.8.g.	Volunteers	The main benefit of volunteer monitoring is involving the community in watershed management, not a cost-saving mechanism. The most appropriate roles for volunteer monitors are benthic macroinvertebrate indices (BMI), rapid trash assessment (RTA), and stream surveys. Sampling for chemical & toxicological analysis is more appropriate for trained professionals. If the Regional Board wishes to see citizen volunteers involved in more complex sample collection tasks, safe harbor language is needed.	We agree and intend that volunteer monitoring be promoted in order to allow & encourage community involvement in watershed issues, and not as a cost saving mechanism per se. We do not intend for citizen monitors to do more complex types of sampling. The bioassessment parameters are not difficult to measure or sample and don't preclude the use of volunteers.	None
CCCWP	28	C.8.g.	Volunteers	Some new biological assessments parameters (periphyton, CPOM, pebble counts & cobble embeddedness) are beyond the capabilities of volunteers. We request these parameters be removed so volunteers can continue to collect	While we encourage volunteer involvement, we cannot promote the collection of data that are inconsistent with data collected throughout the State and in our Region by	None

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				these data.		
Moraga Mayor	6	C.8.g.	Volunteers	C.8 methods are too prescriptive for volunteer monitors, who are very effective for achieving compliance.	SWAMP, especially when we need consistent data to develop Indices for bioassessment data.	
Oakley	60	C.8.h.	Data Format	For reports required in SWAMP format, can 1 format be used for all data submittals or will individual formats/files be created for each dataset required (C.8.h.i, C.8.i, C.10.b.ii, etc.)?	SWAMP data formats are generally organized by parameter. The bioassessment parameters are not difficult to measure or sample and don't preclude the use of volunteers.	None
Oakley	59	C.8.h.	SWAMP protocol	C.8.h requires data be in SWAMP format. The web link reveals a detailed data outline. Provide the electronic form so that Permittees will have compatible data formats.	We intend to see that Permittees have the proper forms as needed. We will not include the form in the Tentative Order, because it's possible the form will change over time.	None
SCVURPPP ATTA CCCWP Berkeley	62 29 26	C.8.h.i .	Report Timing	Move the due date for Annual Urban Creeks Monitoring Report to at least 6 months after Electronic Data Reports are due (currently Nov. 30th).	Originally we proposed such a timeline, but Permittees strongly requested that the 2 reports be due at the same time.	None
Contra Costa County Supervisors WQM	5	C.8.h.	Report Timing	Change the timeline for reporting on monitoring projects from 6 months, to 1 yr following data collection or in the next annual report.	We disagree that additional time is needed for such reports.	None
SMCWPPPA3- Table	8	C.8.h.i .	Report Timing	Have concerns about Nov. 30 due date for Electronic Report & Urban Creeks Mon. Report.		
ACCWP Newark Berkeley	11 11 27	C.8.h.	Report Timing	The Nov. 30 due date for both reports has detrimental effects (lab rush charges, force local agencies to request reporting schedule adjustments for any regional collaboratives, reduce opportunities for stakeholder input to Urban Creeks Monitoring Reports). Resolve by clarifying who (Permittee or Regional Collaborative) is responsible for each requirement.	The Nov. 30 due date was selected by Permittees, and we consider it a long time-frame, especially for receiving raw data that was collected as long as 16 months previously, at the beginning of the fiscal year that the report covers.	None

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JamesRogerAttII	6b	C.8.h.i i.3.	Definition	Define a water quality problem as exceedance of a water quality standard/objective or prohibition.	Several parameters do not have water quality standards, which is why the more generic term "problem" is used.	None
JamesRogerAttII	73	C.8.h.i i.5.	Report Content	Make the report required by C.1. a stand alone requirement under C.8.h.ii.(5). The report should require all the elements in Provision C.1.a. Also require written notification of the exceedances within 30-days. Require 60, 90 & 120-day reporting on the status & schedule for identification of additional or enhanced BMPs. The exceedance of a water quality standard or discharge prohibition must also trigger an accelerated monitoring program to confirm the magnitude & level of the exceedance.	We agree with the concept that link between monitoring results and the Water Quality Standards Exceedences Provision (C.1) should be clear, and that the dates should be clear.	Rewrite Provision C.1 to clarify reporting dates. Add a paragraph to the C.8 reporting provision linking C.1 requirements to monitoring results.
SCVURPPP ATT A	63	C.8.h.i ii.	Report Content	Remove the requirement to include a "budget summary for each monitoring requirement"; not clear why it is needed.	Cost of monitoring requirements is often an issue (see above). In order to determine current costs, and relative merit of future monitoring requirements, the Water Board must have a good picture of costs incurred.	None
Oakley	62	C.8.h.i v.	Report Content	The report is to include "Exhibition of pollutant load..." What does this mean?	It generally means to tabulate or similarly show the pollutant load.	None
Oakley	136	C.8.	Report Content	The Permit and Summary Table list requirements for C.8. Nothing is listed for submittal. What is required?	All C.8 submittal requirements are stated in C.8 & not in Attachment L. We agree this should be clarified in Attachment L.	Clarify in Attachment L that all monitoring reporting is described within Provision C.8.
Oakley	187	C.8.	Report Content	Attach L, Section III doesn't list submittal for C.8. This section says see C.8.h.iv, however C.8.e.v cites C.8.h.ii for reporting requirements. What is required?		
JamesRogerAttII	74	C.8.h.i v.	Report Content	Add bullets requiring reporting of: Sampling management or analytical procedures that would limit the quality	We believe these are covered under the 2 nd & 3 rd bullets of C.8.h.iv.	None

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				of the data; Sample mngt procedures including methods used for subsampling.		
Oakley	61	C.8.h.	Report Content	C.8.h.iii discusses an integrated report. C.8.h.iv discusses content, but C.8.h.ii has a required report and its content differs from h.iv. Clarify what is required.	C.8.h.iv. lists the items that any type of monitoring report would contain.	None
Oakley	52	C.8.h.	Report Content	Sections of C.8 do not have reporting requirements until Section C.8.e, "Monitoring Projects". C.8.e & C.8.f refer to C.8.h. We presume all the reporting requirements then embodied in C.8.h.	That is correct.	None
Pittsburg	7	C.8.h.	Reporting	Remove the "Urban Creeks Monitoring Report" requirement; it's time consuming & will yield little/no water quality benefits. It's unrealistic, or impossible, to perform the extensive mapping, compile data, generate tables & figures, develop hypotheses, & evaluate annually.	Permittees are currently doing annual reporting of their monitoring efforts; this simply continues the annual reporting. It may be difficult if each Permittee were to compile its own report, but to date monitoring has been done on a county-wide basis, and it may be done on region-wide basis under the Tentative Order.	None

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CCCWP	1	C.10, C.11, C.12, C.13, C.14	Collaborative Effort	<i>Repeat C.8's 1st paragraph (Regional Collaboration) at the beginning of C.10, C.11 etc. for which it is intended to apply. As written, it can seem to apply only to C.8.</i>	We agree.	Repeat C.8's 1st paragraph (Regional Collaboration) at the beginning of C.10, C.11, C.12, C.13, and C.14.
SCVWD	5	C.11	address Guadalupe River, not stormwater	<i>Requests that the Regional Board staff work with us to develop an alternative that allows the storm water program to direct its resources toward (monitoring and load reduction) activities that address the larger sources of mercury in the Guadalupe River rather than on activities that result in very small reductions or none at all, as is the case with additional monitoring requirements.</i>	The Guadalupe River TMDL will result in other actions targeting the mercury load from the Guadalupe River. However, the provisions of this permit are unlikely to be burdensome for the Water District because the monitoring and pilot projects are not likely to take resources away from efforts focused on Guadalupe River.	
Oakley Moraga	75	C.11	Clarify meaning	<i>How does one estimate the amount of mercury in a device?</i>	Permittees may use widely available published data for the amount of mercury contained in various devices and multiply this by the weight or number of devices collected. BASMAA may provide assistance in this estimate.	
Sunnyvale	26	C.11	Diversion to POTW	<i>Very concerned about the required storm water pump station studies, the Monitoring Projects provision (C.8.e.iii), and the approach the Tentative Order takes toward focusing on the diversion of dry weather flows and first flush flows from stormwater pump stations to sanitary sewer lines.</i>	The focus of the diversion provisions on dry weather flows and first flush flows from pump stations are intended to address known water quality problems. The commenter did not suggest the nature of the concern in this comment so a more detailed response is not possible.	
SMCWPPP	15	C.11	methyl mercury monitoring, streamline	<i>This requirement should be deleted from this section of the permit because it is already listed under Provision C.8.</i>	Provision C.11.b clearly refers to Provision C.8.f to provide more detail. There is no confusion and no need to duplicate this provision.	
SMCWPPP	15	C.11	Need more time	<i>Proposes that the drainage areas with elevated mercury be identified within one year of the permit's adoption.</i>	Pilot studies for mercury are to be closely coordinated to PCBs-related provisions and sited based on PCBs concentrations. The schedule for accomplishing the C.11 and C.12 Provisions is appropriate as is.	
SMCWPPP	15	C.11	recycling limited to threats	<i>Requirement should be limited to the mercury containing devices and equipment that pose a threat to contaminate MS4 runoff. SMCWPPP</i>	The provision, as currently stated, provides an opportunity for permittees to receive credit toward	

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				<i>is unaware of any studies that demonstrate that MS4 water quality is threatened by the use of mercury-containing thermostats and switches.</i>	meeting load reduction requirements by quantifying the amount of mercury contained in recycled devices. With the large load reductions required of permittees, it is unwise for a permittee to request that such opportunities be limited to only that amount of mercury which has been demonstrated to threaten runoff. It simply does not make sense to limit the flexibility of permittees by constraining load reduction opportunities.	
ACCWP	43	C.11	Tie POC actions to PCBs	<i>The T.O. specifies levels of implementation that go beyond the previous discussions between WB staff and BASMAA and other stakeholders, or what we can confidently say is cost-effective with current knowledge. Provisions C.11.d-f should be chosen primarily on the basis of the potential for reducing PCB loads, but consideration will be given to mercury removal in the final design and implementation of the studies".</i>	The tentative order is very faithful to the discussions between Water Board staff and BASMAA and other stakeholders. The large majority of provisions for PCBs and mercury are implemented at the pilot scale. All of these provisions have already been selected on the basis of their potential for reducing PCBs loads. These are the final choices from a larger list of candidate actions that were chosen through discussions between the Water Board, BASMAA and other stakeholders.	
Moraga Mayor	4	C.11 - C.14	Focus	<i>The draft MRP requires many new studies, plans, surveys, and detailed reports. Permittees not only do not currently have the needed expertise on staff, but do not have the staffing capacity or funding to conduct or contract for all the required studies. The Regional Board must either eliminate some of the studies or prioritize their implementation.</i>	The C.11 through C.14 provisions have been identified as priority areas for implementation. Provisions for mercury, pesticides, and PCBs come directly from adopted or nearly-adopted TMDLs. Further, the provisions have already been prioritized and many provisions for PCBs and mercury are to be implemented at a pilot level of implementation in order to determine effectiveness prior to wide-scale implementation. Based on the TMDL implementation schedule, permittees must begin a variety of	

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					efforts this permit term if they wish to attain the load reductions required in the TMDLs on which these provisions are based.	
Moraga Mayor	5	C.11 - C.14	Municipalities not responsible for TMDL development	<i>It is not the local agency's role to develop TMDLs. The draft MRP not only requires studies to determine current pollutant loadings, but also directs the permittees to essentially develop the TMDLs. This requires local agencies to address regional problems and coordinate with other State agencies to do so.</i>	The permittees are not being required to develop TMDLs, but they do have a responsibility to implement management measures stemming from TMDLs, and they also have a responsibility to assess their cause and contribution to the violation of water quality standards.	
Mountain View	14	C.11, C.12	abatement, too expensive,	<i>The Regional Permit requires municipalities to investigate and abate land sources of mercury and PCBs. The investigation and abatement requirements in the Regional Permit would require significant staff and budget, and most likely would need to be conducted by professionals with specialized training investigating these sites.</i>	Significant resources will likely be necessary to implement C.11 and C.12. This should not have come as a surprise to permittees given that these requirements are derived from the TMDLs for PCBs and mercury. The load reductions required for these two pollutants from urban runoff are substantial.	
Moraga	6	C.11, C.12	BMPs	<i>When inspecting industries for "proper" BMP's, what are the "proper" BMP's? Who decides? Permittees aren't expert in industrial equipment and processes such as:</i> <ul style="list-style-type: none"> • PCB containing equipment • Copper related to plating and metal finishing. 	Permittees do have expertise in identifying BMPs that will minimize or eliminate the discharge of pollutants from industrial facilities to stormwater. You do not have to be expert in the industrial process, but you do have or should have experience and expertise in BMPs to protect stormwater.	
BASMAA	3	C.11, C.12	cost	<i>Based on the requirements presented in Provision C.12 (PCBs) and C.11 of the MRP Tentative Order, average annual costs to all countywide stormwater programs are in excess of \$1 million. Additionally, average annual costs for complying with Provision C.11 (mercury) are roughly \$375,000. Total costs to countywide stormwater programs for mercury and PCBs together during the entire 5 year permit term are roughly \$5.3 million. These costs do not include capital costs of retrofitting pump stations, diverting stormwater</i>	See response to Mountain View's comment number 14.	

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				<i>to POTWs, or abating properties or public right-of-ways, which are likely to be 1-2 orders of magnitude higher than these estimates.</i>		
SF Baykeeper, NRDC, & Clean Water Action	30	C.11, C.12	criteria for pilot tests	<i>The Permit should identify the basis/criteria on which the pilot project locations will be selected other than just being evenly distributed.</i>	Other criteria are suggested in the Provision. Namely, locations of elevated PCBs or mercury concentrations, , and technical and economic feasibility. There were additional considerations given in revised TO.	
SMCWPPP	15, 16	C.11, C.12	diversion to POTW, proposal	<i>Permittees should work with BACWA to develop a plan for a feasibility study. In addition, SMCWPP recommends that the permit be modified to state that the municipalities will assist the regulatory oversight agencies to identify funding and/or potential responsible parties to implement diversions of stormwater pump stations flows, if any diversions are found to be appropriate, and/or implement other potential BMPs.</i>	Permittees are free to work with BACWA and sanitary sewer agencies as they comply with diversion-related provisions, but the specific proposal to simply develop a plan for diversions by the end of the permit term is not acceptable.	
Hayward	6	C.11, C.12	diversion to POTWs	<i>Requiring sanitary sewer diversion projects before the data from current diversion projects has been evaluated is premature.</i>	The diversion-related provisions are reasonable and already include a data-gathering, feasibility assessment component to guide selection of the actual diversion projects.	
Hayward	7	C.11, C.12	diversion to POTWs	<i>Requirements assume that local POTWs have the hydraulic and treatment capacity to handle stormwater discharges and the infrastructure in place to carry stormwater to the sanitary sewer, which is far from the case for many local jurisdictions.</i>	No diversion project will be implemented or required for POTWs that can demonstrate that such diversion would result in exceedance of NPDES effluent limitations or that does not have the hydraulic or treatment capacity to handle the diverted water during the target period of diversion. There may be jurisdictions that do not have such capacity, but some certainly do have such capacity. Capacity and effluent limit considerations should be addressed during feasibility assessment component of these provisions.	

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Hayward	8	C.11, C.12	diversion to POTWs	<i>Wastewater treatment plants are designed to treat biological waste and not the pollutants that the MRP is trying to address with the required diversion pilot projects (mercury and PCBs). Diverting such pollutants to the POTW could affect treatment processes and result in NPDES effluent limitation violations.</i>	No diversion project will be implemented or required for POTWs that can demonstrate that such diversion would result in exceedance of NPDES effluent limitations or that does not have the hydraulic or treatment capacity to handle the diverted water during the target period of diversion. There may be jurisdictions that do not have such capacity, but some certainly do have such capacity. Capacity and effluent limit considerations should be addressed during feasibility assessment component of these provisions.	
Santa Clara	2	C.11, C.12	diversion to POTWs	<i>No analysis has been conducted to determine the effects that these requirements will have on the POTW's. The POTW's may not be adequately sized to accommodate these increased flows. Additional funding not currently available, would be necessary to expand POTW treatment capacity.</i>	No diversion project will be implemented or required for POTWs that can demonstrate that such diversion would result in exceedance of NPDES effluent limitations or that does not have the hydraulic or treatment capacity to handle the diverted water during the target period of diversion. There may be jurisdictions that do not have such capacity, but some certainly do have such capacity. Capacity and effluent limit considerations should be addressed during feasibility assessment component of these provisions. There is no requirement for POTWs to expand their capacity. The intent is to use existing spare capacity where it exists.	
San Jose	23, 75, attorney 10	C.11, C.12	diversions, legal constraints	<i>Provisions do not take into account possible technical and legal restrictions on the use of POTW infrastructure and capacity for stormwater. Technical and legal constraints should be explicitly mentioned as criteria for evaluating feasibility. Consideration of such diversions should be predicated on a</i>	There is little point to state all the criteria that may come into play for a feasibility assessment. The current wording does not preclude consideration of technical or legal constraints so it is not necessary to explicitly include such constraints.	

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				<i>collaborative feasibility study with wastewater agencies before being required as a permit provision.</i>	The provision already mentions a feasibility assessment. We cannot accept the proposal to conduct the feasibility study before establishing diversion-related requirements in the permit.	
San Jose	24, 76, attorney 10	C.11, C.12	diversions, permit inconsistent with TMDL	<i>San José is also concerned that Provision C.11 is inconsistent with the PCB TMDL and BPA. The PCB TMDL only states that opportunities for targeted diversions should be investigated, pilot tested, and implemented where feasible. The TMDL further states under Regulatory Analysis (page 93): "No specific project to route stormwater to a wastewater treatment plant is currently required."</i>	The permit is consistent with the TMDLs. The permit is precisely requiring the investigation, pilot testing, and implementation of such projects where feasible. At the time of the TMDL and as of right now, there is NO SPECIFIC project required. However, after the feasibility assessment, there will be required projects in locations suggested by the assessment.	
SCVURPPP	8	C.11, C.12	diversions, pump stations, inconsistent	<i>The diversion requirements are strongly focused on first flush and dry weather flows from pump stations to the sanitary system without sufficient information about possible mercury and PCBs problems related to those pump stations or whether diversion to sanitary is the best approach to addressing potential problems. The Monitoring Provision (C.8) requires that the final five pump stations selected be tested for mercury and PCBs in the third and fourth years, while the PCB and Mercury Provisions (C.11 and C.12) require five pump stations be selected for pilot diversion studies one to two years earlier. Requirements should be rewritten to address potential problems in a stepwise fashion and that discussion of flow diversion should be considered only as one of many possible solutions, assuming the results of investigations of pump station water quality justify such actions.</i>	The diversion provisions throughout the permit will be re-written somewhat for clarification of the various objectives for such work. However, we do expect that 5 pilot projects will be selected for the pollutants of concern component of diversion work.	
Sunnyvale	27, 28	C.11, C.12	diversions, pump stations, inconsistent	<i>The diversion requirements are strongly focused on first flush and dry weather flows from pump stations to the sanitary system without sufficient information about possible</i>	See response to SCVURPPP comment 8.	

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				<i>mercury and PCBs problems related to those pump stations or whether diversion to sanitary is the best approach to addressing potential problems. The Monitoring Provision (C.8) requires that the final five pump stations selected be tested for mercury and PCBs in the third and fourth years, while the PCB and Mercury Provisions (C.11 and C.12) require five pump stations be selected for pilot diversion studies one to two years earlier. Requirements should be rewritten to address potential problems in a stepwise fashion and that discussion of flow diversion should be considered only as one of many possible solutions, assuming the results of investigations of pump station water quality justify such actions.</i>		
San Jose	11, 22, 74	C.11, C.12	diversions, pump stations, inconsistent	<i>The diversion requirements are strongly focused on first flush and dry weather flows from pump stations to the sanitary system without sufficient information about possible mercury and PCBs problems related to those pump stations or whether diversion to sanitary is the best approach to addressing potential problems. The Monitoring Provision (C.8) requires that the final five pump stations selected be tested for mercury and PCBs in the third and fourth years, while the PCB and Mercury Provisions (C.11 and C.12) require five pump stations be selected for pilot diversion studies one to two years earlier. Requirements should be rewritten to address potential problems in a stepwise fashion and that discussion of flow diversion should be considered only as one of many possible solutions, assuming the results of investigations of pump station water quality justify such actions.</i>	See response to SCVURPPP comment 8.	
SF Baykeeper, NRDC, & Clean Water Action	31	C.11, C.12	LID as pollutant load reduction strategy	<i>These provisions should recommend that Permittees meet part of their load reductions through the implementation of LID strategies. Stream restoration activities identified in</i>	The provisions that have been identified in section C.11 and C.12 were those deemed most likely to result in significant load reductions of	

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				<i>Provision C.9 (monitoring), should also be specifically mentioned as an abatement activity in this section.</i>	mercury and PCBs. However, permittees are not precluded from demonstrating load reductions resulting from the implementation of LID strategies.	
SMCWPPP	15, 16	C.11, C.12	Loads monitoring	<i>This requirement should be deleted from this section of the permit because it is already listed under Provision C.8.</i>	Only the methyl mercury component of monitoring is duplicative. The other loads monitoring information in this section is relevant to provide information on how to show progress toward meeting load allocations.	
San Pablo	27, 29	C.11, C.12	no further study needed	<i>The County Program has already studied the levels of mercury in street sweeping and catch basins. Why should this be further studied?</i>	These provisions call for implementation, not just study, of projects to reduce mercury in runoff. Permittees are free to use past studies to guide such implementation.	
SCVURPPP	6	C.11, C.12	pilot tests too onerous	<i>Pilot testing of controls is required in an excessive number of locations and as a result may not be cost-effective. Scope of the pilot study work cannot reasonably be accomplished during the five year permit term, and pilot testing the diversion of stormwater runoff flows to POTWs is premature. The permit provisions should be scaled back and timelines extended in keeping with the TMDL's implementation plan.</i>	The TMDLs implementation plan requires that substantial load reductions be accomplished within 20 years. Therefore, significant effort must take place during this permit term to pilot test a wide range of control strategies so that information may be obtained on the optimum suite of control measures that will be necessary to achieve the allocations. See also the response to Santa Clara's comment number 2.	
Sunnyvale	29	C.11, C.12	pump station alternative proposal	<i>Diversion requirements should be replaced with a single requirement for the permittees to work with the sanitary sewer agencies to assess existing information and develop a work plan to characterize the possible stormwater pollutant related problems. proposed approach is: 1) develop (Bay Area wide) an inventory of municipally owned stormwater pump stations, 2) characterize operations, 3) collect general water quality data sufficient to characterize potential water quality issues, and 4) identify criteria to evaluate potential solutions and to develop</i>	Permittees are free to work with BACWA and sanitary sewer agencies as they comply with diversion-related provisions, but the specific proposal to simply develop a plan for diversions by the end of the permit term is not acceptable.	

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				<i>recommended guidance to prioritize and implement appropriate solutions.</i>		
South SF	1	C.11, C.12	pump station alternative proposal	<i>Diversion requirements should be replaced with a single requirement for the permittees to work with the sanitary sewer agencies to assess existing information and develop a work plan to characterize the possible stormwater pollutant related problems. proposed approach is: 1) develop (Bay Area wide) an inventory of municipally owned stormwater pump stations, 2) characterize operations, 3) collect general water quality data sufficient to characterize potential water quality issues, and 4) identify criteria to evaluate potential solutions and to develop recommended guidance to prioritize and implement appropriate solutions.</i>	See response to Sunnyvale comment 29.	
BASMAA	5	C.11, C.12	pump station alternative proposal	<i>Diversion requirements should be replaced with a single requirement for the permittees to work with the sanitary sewer agencies to assess existing information and develop a work plan to characterize the possible stormwater pollutant related problems. proposed approach is: 1) develop (Bay Area wide) an inventory of municipally owned stormwater pump stations, 2) characterize operations, 3) collect general water quality data sufficient to characterize potential water quality issues, and 4) identify criteria to evaluate potential solutions and to develop recommended guidance to prioritize and implement appropriate solutions.</i>	See response to Sunnyvale comment 29.	
Burlingame	16	C.11, C.12	pump station alternative proposal	<i>Diversion requirements should be replaced with a single requirement for the permittees to work with the sanitary sewer agencies to assess existing information and develop a work plan to characterize the possible stormwater pollutant related problems. proposed approach is: 1) develop (Bay Area wide) an inventory of municipally owned stormwater pump stations, 2) characterize</i>	See response to Sunnyvale comment 29.	

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				<i>operations, 3) collect general water quality data sufficient to characterize potential water quality issues, and 4) identify criteria to evaluate potential solutions and to develop recommended guidance to prioritize and implement appropriate solutions.</i>		
San Mateo Co.	10	C.11, C.12	pump station alternative proposal	<i>Diversion requirements should be replaced with a single requirement for the permittees to work with the sanitary sewer agencies to assess existing information and develop a work plan to characterize the possible stormwater pollutant related problems. proposed approach is: 1) develop (Bay Area wide) an inventory of municipally owned stormwater pump stations, 2) characterize operations, 3) collect general water quality data sufficient to characterize potential water quality issues, and 4) identify criteria to evaluate potential solutions and to develop recommended guidance to prioritize and implement appropriate solutions.</i>	See response to Sunnyvale comment 29.	
SCVURPPP	8	C.11, C.12	pump station alternative proposal	<i>Diversion requirements should be replaced with a single requirement for the permittees to work with the sanitary sewer agencies to assess existing information and develop a work plan to characterize the possible stormwater pollutant related problems. proposed approach is: 1) develop (Bay Area wide) an inventory of municipally owned stormwater pump stations, 2) characterize operations, 3) collect general water quality data sufficient to characterize potential water quality issues, and 4) identify criteria to evaluate potential solutions and to develop recommended guidance to prioritize and implement appropriate solutions.</i>	See response to Sunnyvale comment 29.	
Palo Alto	11	C.11, C.12	pump stations, do pilot studies first	<i>Permit requires diversion of dry weather and first flush flow to (POTW) from a specified number of storm water pump stations without consideration of the results of the prescribed pilot studies that will test the feasibility of such a diversion. The permit should be modified to</i>	The permit only requires pilot studies for 5 pump stations for this permit term. These 5 pilot projects will be selected on the basis of feasibility assessments conducted during this permit term. The language in C.11	

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				<i>predicate the follow-up requirements on the results of the pilot studies.</i>	and C.12 will be modified to make this clearer.	
Contra Costa Clean Water Program	2	C.11, C.12	Regional Collaboration	<i>Many elements of provisions C.11 – C.12 (mercury and PCB control measures) can be implemented through regional collaborations with other BASMAA members.</i>	We agree, and you are encouraged to do so.	
San Pablo	28, 30	C.11, C.12	too many pilot studies	<i>There are too many pilot projects (7). The Water Board already established the mercury TMDL so the permittees should be allowed some flexibility to decide what studies and abatement actions to take to meet the TMDL.</i>	There is flexibility built in regarding the particular selection of pilot projects based on feasibility and land use considerations. However, the pilot projects required in C.11 and C.12 provisions are those that have been identified as being strong candidates for pollutant removal and so must be implemented in some locations throughout the region. There is also flexibility to allow working with other permittees to implement the projects in a distributed fashion.	
Berkeley	34, 35, 37	C.11, C.12, C.13	collaboration clarification	<i>The TO is not clear on which requirements can be fulfilled by individual or regional collaborative efforts. Please add text to clarify that the requirements can be fulfilled by individual permittee efforts, by regional collaborative efforts, or by both.</i>	We will add language.	We added language regarding collaboration for every pollutant of concern Provision.
Central San	25, 30	C.11, C.12, C.13	Diversion to POTW	<i>Many of the proposed diversions to the sanitary sewer system put at risk sanitary agencies, such as Central San, for violating our NPDES permit, or more importantly, for causing sanitary sewer overflows. Diversion of these traditional flows to the sanitary sewer needs to be in a manner that defers to a sanitary sewer agency's authority to either deny or condition the acceptance of that water.</i>	See response to Santa Clara comment 2.	
Central San	26	C.11, C.12, C.13	Diversion to POTW	<i>Some of the diversions make a whole lot of sense as far as protecting water quality. Although acceptance of these types of sources do create challenges for us, we're prepared to meet those challenges, but the Regional Board staff needs to the sort of</i>	The Water Board does appreciate the challenges involved in accepting diverted stormwater. See also response to Santa Clara comment 2.	

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				<i>challenge we're trying to address.</i>		
Central San	27	C.11, C.12, C.13	Diversion to POTW	<i>Diversion to sanitary sewers should be done carefully so as not to allow diversions of stormwater flows to the sanitary sewer that don't belong there.</i>	See response to Santa Clara comment 2.	
Central San	29	C.11, C.12, C.13	Diversion to POTW	<i>Walnut Creek fisheries enhancement could conflict with promoting diversion of flows.</i>	Any location in Walnut Creek where diversion of water from a pump station during the dry season to a POTW that conflicts with fisheries enhancement may therefore not be a suitable candidate for a pilot diversion project.	
Central San	31	C.11, C.12, C.13	Diversion to POTW	<i>You should fully evaluate the cross-media issues associated with any proposed diversion before requiring any resources to be used towards either enabling them or even studying their feasibility, and also consider and authorize if possible the permit modifications for the NPDES permits issued to sanitary sewer agencies to allow for offsets to be provided should agencies accept these flows.</i>	See the response to Santa Clara comment 2. It is not clear what the commenter means by "cross-media" issues so we cannot respond in detail to this comment. A range of technical issues can be studied by permittees in the feasibility evaluation.	
Central San	32	C.11, C.12, C.13	Diversion to POTW	<i>Focus on source control rather than just diverting flows to sanitary sewer</i>	There are numerous provisions focused on source control of pollutants of concern.	
ACCWP	91	C.11, C.12, C.13	Diversion to POTW	<i>Requiring stormwater diversions to sanitary sewers are beyond the control and authority of some of the permittees. Municipalities simply do not have that legal authority. The sanitary sewer agencies must make some critical decisions to decide whether that waste can be accepted.</i>	Sanitary sewer agencies retain the ability to make decisions regarding the acceptability of routed stormwater.	
Oakley	142	C.11.	Reporting	<i>The items for C.11 are not in order. Please re-arrange to have them in alphabetic order.</i>	As stated in Provision C.16 of the revised tentative order, All annual reporting shall be in the format set forth in the Annual Report Form that will be developed in collaboration with the Permittees for the acceptance by the Executive Officer, by April 1, 2010.	
Oakley	147	C.11.	Reporting	<i>C.11.h & i have reporting requirements in the Permit & Summary Table but there is no submittal requirement. What is required?</i>	See response to Oakley comment 142.	

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Oakley	143	C.11.a.	Reporting	<i>Permit text for C.11.a requires reporting recycling amounts & estimates of mercury. This is also reflected in the Summary Table but there is no submittal requirement. What's required?</i>	See response to Oakley comment 142.	
Oakley	195	C.11.a.	collaboration clarification	<i>C.11.a mentions a collaborative effort that is not stated in the Permit text. We presume such collaboration is allowed.</i>	Collaboration is allowed.	
SCVURPPP attorney	34, 35	C.11.a-i, C.12.a-i	Diversion to POTW, not in federal permit	<i>Additionally, requiring flows to be diverted to the sanitary sewer is a new program not contemplated in the Federal Permit, could be infeasible, costly, and inconsistent with the TMDL and Basin Amendment Plan, and could have a deleterious effect on water quality.</i>	The concept of diversion to sanitary sewer is mentioned explicitly in the TMDL staff report for both the mercury and PCBs TMDL. There are many specific control measures that may not be contemplated in the Federal permit.	
SCVURPPP attorney	34, 35	C.11.a-i, C.12.a-i	Prescriptive and costly	<i>State Permit conditions requiring Permittees to conduct studies and pilot projects to evaluate different abatement measures are highly prescriptive, limit discretion, exceed the federal requirements, and could be very costly.</i>	All of the permit provisions referenced by the commenter are directly tied to pursuing reduction of pollutants of concern. A great deal of flexibility has been provided, and permittees retain a large measure of discretion in the selection of pilot opportunities. However, the fact remains that TMDLs must be implemented that call for large load reductions. Without strong efforts beginning this permit term, these load reductions cannot be achieved in the required timeframe. For this reason, pilot scale implementation of load reduction strategies must be accomplished immediately.	
Contra Costa Clean Water Program	97	C.11.b	methyl mercury monitoring	<i>This provision is duplicative of the methylmercury fate and transport requirement of provision C.11.h</i>	C.11.h requirements are distinct from C.11.b. There is no duplication.	
Contra Costa Clean Water Program	96	C.11.b	methyl mercury monitoring	<i>This provision, along with provision C.8.f, as written, won't yield any useful information about factors leading to methylmercury production and bioaccumulation. Is the management endpoint the Bay or the creeks? If the Bay, then the RMP mercury strategy should be the appropriate mechanism for</i>	The resolution remanding the SF Bay Mercury TMDL to the Water Board requires methyl mercury monitoring in all NPDES permits. Gaining an understanding of methyl mercury concentrations discharged to the Bay and in creeks is valuable	

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				<i>investigating this.</i>	for assessing the contributions of runoff to the Bay. There is currently little or no information on this parameter.	
Oakley, Moraga	76	C.11.b	Reporting	<i>What is the report format contemplated for the C.11.b reporting?</i>	See response to Oakley comment 142.	
Oakley	146	C.11.b.	Reporting	<i>The C.11.b submittal requirement is for 2010, not 2009 as listed.</i>	See response to Oakley comment 142.	
Oakley	196	C.11.b.	Reporting	<i>From C.11.b it appears that the reporting requirement is attachment C.11.b. If that is true what is to be reported in the Table?</i>	See response to Oakley comment 142.	
Contra Costa Clean Water Program	109	C.11.c	provision edit	<i>Change "2012" to "2013" at the end of the last sentence.</i>	The Provision is correct as written.	
San Jose	21, 72, attorney 10	C.11.c, C.12.c	abatement on private land	<i>The State is responsible for regulating discharges to land that may impact water. Local jurisdictions should not be responsible for abatement on private property but should reasonably limit their responsibility to advocating cleanup and prohibiting exposure of the storm sewer system to pollutants from the site. Request that the language be revised to clarify that municipalities are not responsible for cleanup and abatement activities on private properties.</i>	Clarifying language will be added.	Added language to these provisions clarifying municipal role in implementing provision for private vs. public lands.
Burlingame	15	C.11.c, C.12.c	abatement on private land	<i>The State is responsible for regulating discharges to land that may impact water. Local jurisdictions should not be responsible for abatement on private property but should reasonably limit their responsibility to advocating cleanup and prohibiting exposure of the storm sewer system to pollutants from the site. Request that the language be revised to clarify that municipalities are not responsible for cleanup and abatement activities on private properties.</i>	See response to San Jose attorney comment 10 on this issue.	
SMCWPPP	15	C.11.c, C.12.c	abatement on private land	<i>The State is responsible for regulating discharges to land that may impact water. Local jurisdictions should not be responsible for abatement on private property but should reasonably limit their responsibility to advocating cleanup and prohibiting exposure</i>	See response to San Jose attorney comment 10 on this issue.	

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				<i>of the storm sewer system to pollutants from the site. Request that the language be revised to clarify that municipalities are not responsible for cleanup and abatement activities on private properties.</i>		
Sunnyvale	31	C.11.c, C.12.c	abatement on private land	<i>The State is responsible for regulating discharges to land that may impact water. Local jurisdictions should not be responsible for abatement on private property but should reasonably limit their responsibility to advocating cleanup and prohibiting exposure of the storm sewer system to pollutants from the site. Request that the language be revised to clarify that municipalities are not responsible for cleanup and abatement activities on private properties.</i>	See response to San Jose attorney comment 10 on this issue.	
Dublin	12	C.11.c, C.12.c	abatement on private land	<i>The State is responsible for regulating discharges to land that may impact water. Local jurisdictions should not be responsible for abatement on private property but should reasonably limit their responsibility to advocating cleanup and prohibiting exposure of the storm sewer system to pollutants from the site. Request that the language be revised to clarify that municipalities are not responsible for cleanup and abatement activities on private properties.</i>	See response to San Jose attorney comment 10 on this issue.	
Daly City	96	C.11.c, C.12.c	abatement on private land	<i>The State is responsible for regulating discharges to land that may impact water. Local jurisdictions should not be responsible for abatement on private property but should reasonably limit their responsibility to advocating cleanup and prohibiting exposure of the storm sewer system to pollutants from the site. Request that the language be revised to clarify that municipalities are not responsible for cleanup and abatement activities on private properties.</i>	See response to San Jose attorney comment 10 on this issue.	
SCVURPPP	7	C.11.c, C.12.c	abatement on private land	<i>The State is responsible for regulating discharges to land that may impact water. Local jurisdictions should not be responsible for abatement on private property but should</i>	See response to San Jose attorney comment 10 on this issue.	

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				<i>reasonably limit their responsibility to advocating cleanup and prohibiting exposure of the storm sewer system to pollutants from the site. Request that the language be revised to clarify that municipalities are not responsible for cleanup and abatement activities on private properties.</i>		
Mountain View	14	C.11.c, C.12.c	abatement on private land	<i>The State is responsible for regulating discharges to land that may impact water. Local jurisdictions should not be responsible for abatement on private property but should reasonably limit their responsibility to advocating cleanup and prohibiting exposure of the storm sewer system to pollutants from the site. Request that the language be revised to clarify that municipalities are not responsible for cleanup and abatement activities on private properties.</i>	See response to San Jose attorney comment 10 on this issue.	
Milpitas	19	C.11.c, C.12.c	abatement on private land	<i>The State is responsible for regulating discharges to land that may impact water. Local jurisdictions should not be responsible for abatement on private property but should reasonably limit their responsibility to advocating cleanup and prohibiting exposure of the storm sewer system to pollutants from the site. Request that the language be revised to clarify that municipalities are not responsible for cleanup and abatement activities on private properties.</i>	See response to San Jose attorney comment 10 on this issue.	
SCVURPPP	71	C.11.c,d,e	language change suggestions	<i>Provisions are revised to state clearly that mercury is ancillary and that PCBs will be the main consideration during design and implementation of these pilot studies.</i>	Clarifying language will be added to show that PCBs will be main consideration for the pilot studies.	Add language explaining that PCBs will be main consideration for the pilot studies, but mercury will be a secondary driver.
Oakley	197	C.11.c.	Reporting	<i>We presume that the attachment for C.11.c and the entries required for C.11.c are the full report. Also, the text talks about 2012 as well as 2011, what is required?</i>	See response to Oakley comment 142.	
Contra Costa Clean Water Program	98, 108	C.11.c., C.12.c	Combine Provisions	<i>Combine all provisions relating to both Hg and PCBs to improve the clarity of what's being required as well as to remove inconsistencies between the two.</i>	At this point, combining mercury and PCB provisions would lead to more confusion and is not necessary. The Water Board disagrees with the contention that existing work	

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				<i>Existing work, such as the data collected under the "Joint Stormwater Agency Projects to Study Urban Sources of Mercury and PCBs" performed by KLI in 2001 and 2002, PCBs investigations case studies, and the Prop 13/Urban Stormwater BMP Project currently being carried out by SFEI constitute reasonable progress on this provision. The Program suggests that as a next step, BASMAA members would work together to develop regional guidance to provide a consistent, peer-reviewed approach to conducting source investigations and pilot removal and abatement projects.</i>	constitutes reasonable progress toward these provisions. The Water Board also rejects the commenter's proposal for the next step to pursue such source investigations. This is not nearly enough progress for this next permit term in view of the load reductions that must be accomplished to implement TMDLs.	
Contra Costa Clean Water Program	99	C.11.d	mine remediation, not sediment management	<i>The completion of the design phase of a mine remediation at the Mt. Diablo project should be considered satisfactory for meeting the requirement of this provision.</i>	The Water Board cannot accept this proposal. Completing a design phase of a mine remediation project has nothing to do with municipal sediment management practices.	
Contra Costa Clean Water Program	111	C.11.d	order of provisions	<i>C.12.c is written to be carried out concurrently with C.12.d and C.12.e and C.12.f but really C.12.d, C.12.e and C.12.f are a menu of items that respond to what happens in C.12.c. They shouldn't happen until after C.12.c is completed because we need the results of C.12.c to guide the actions of the others.</i>	Respond that timing of provisions is appropriate. The Water Board expects there to be concurrent efforts on the Provisions cited by the commenter.	
Oakley, Moraga	77	C.11.d	Provide detail	<i>What sort of retrofits will control mercury?</i>	The provision refers to retrofits that facilitate capture and removal of mercury contaminated sediment to prevent its subsequent discharge to surface waters.	
Contra Costa Clean Water Program	110	C.11.d	street sweepers	<i>What is the purpose of evaluating the cost-effectiveness of high-efficiency sweepers when the permit already requires permittees to replace 75% of their existing sweepers with high-efficiency models regardless of the outcome of that cost-effectiveness evaluation? It makes their cost efficiency a moot point and a waste of time to evaluate unless the results of that evaluation will play into the decision of how many should be replaced and the type of sweeper to be used.</i>	This provision does not say anything about evaluating the cost-effectiveness of high-efficiency street sweepers.	

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Roger James	78, 83	C.11.d, C.12.d	Limit evaluation of control measures	<i>Few benefits result from enhancing municipal maintenance practices. Pump station cleaning or diversions and street flushing are the only additional control measures that require evaluation. The practice of street flushing will raise questions about the waste and unreasonable use of water and will require a significant public education program to overcome citizen concerns. The Water Board staff should consult with water conservation staff at water supply agencies to determine how they would view this type of use of water and whether it could impact their water conservation efforts.</i>	The commenter has expressed an opinion about the value of municipal maintenance practices. They are only some of the menu of choices to be explored through this permit term and should still be considered. The consequences and limitations of street flushing or other practices can be considered when pilot sites are identified and should not be ruled out at this stage.	
SCVURPPP	77	C.11.d, C.12.d	pilot studies, scale back, only if grant funds pay for them	<i>Municipalities should do a feasibility study and cost analysis of enhanced sediment management practices. If grant funds are made available, up to two drainage areas should be selected for pilot testing of appropriate enhanced sediment management practices based on the feasibility study. Implementation actions to begin on July 1, 2011 should be eliminated from the permit because mercury-related activities during the five-year permit term should be limited to cost-effective pilot studies that are funded by state grants. Clarify that not all management measures may be feasible in pilot watersheds.</i>	The Water Board cannot accept the proposal that these requirements should be contingent on availability of grant funds. The TMDLs for mercury and PCBs require large reductions from urban runoff, and the pilot tests required by this permit are an appropriate and reasonable first step toward achieving these reductions. Limiting action to a feasibility study and cost analysis and pilot testing contingent on grant funds is simply not consistent with the efforts needed to address these pollutants of concern.	
ACCWP	47	C.11.d, C.12.d	pilot studies, scale back, only if grant funds pay for them	<i>Municipalities should do a feasibility study and cost analysis of enhanced sediment management practices. If grant funds are made available, up to two drainage areas should be selected for pilot testing of appropriate enhanced sediment management practices based on the feasibility study. Implementation actions to begin on July 1, 2011 should be eliminated from the permit because mercury-related activities during the five-year permit term should be limited to cost-effective pilot studies that are funded by state grants. Clarify that not all management</i>	See response to SCVURPPP comment 77.	

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				<i>measures may be feasible in pilot watersheds.</i>		
Berkeley	39	C.11.d, C.12.d	pilot studies, scale back, only if grant funds pay for them	<i>Municipalities should do a feasibility study and cost analysis of enhanced sediment management practices. If grant funds are made available, up to two drainage areas should be selected for pilot testing of appropriate enhanced sediment management practices based on the feasibility study. Implementation actions to begin on July 1, 2011 should be eliminated from the permit because mercury-related activities during the five-year permit term should be limited to cost-effective pilot studies that are funded by state grants. Clarify that not all management measures may be feasible in pilot watersheds.</i>	See response to SCVURPPP comment 77.	
SMCWPPP	15, 16	C.11.d, C.12.d	pilot studies, scale back, only if grant funds pay for them	<i>Municipalities should do a feasibility study and cost analysis of enhanced sediment management practices. If grant funds are made available, up to two drainage areas should be selected for pilot testing of appropriate enhanced sediment management practices based on the feasibility study. Implementation actions to begin on July 1, 2011 should be eliminated from the permit because mercury-related activities during the five-year permit term should be limited to cost-effective pilot studies that are funded by state grants. Clarify that not all management measures may be feasible in pilot watersheds.</i>	See response to SCVURPPP comment 77.	
Oakley	198	C.11.d.	Reporting	<i>We presume that the entries required for C.11.d are the full report.</i>	See response to Oakley comment 142.	
Berkeley	39	C.11.d-f	Prioritize based on PCBs	<i>Clarify that any prioritization or selection of pilot sites for C.11.d-f will be made on the basis of potential PCB reductions.</i>	We will clarify as suggested.	Clarify selection criteria for pilot sites in terms of PCBs.
Oakley, Moraga	78	C.11.e	Need more time	<i>The timeframe for this provision is an unrealistically short period of time given the research and development nature of this activity and the public process necessary to make it happen.</i>	The timeline of the Provision is reasonable.	
Contra Costa Clean Water Program	101	C.11.e	retrofits expensive and will take time	<i>The capital costs for stormwater retrofits are on the order of millions of dollars; this will need to be carefully planned as a regionally</i>	There will be costs associated with implementing this Provision, but the timeframe provided in the permit is	

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				<i>coordinated effort to ensure consistency and measurable benefits. The time frame to implement this is unreasonable. Performing the engineering analysis, following CEQA, and obtaining the necessary permits takes time. CCCWP requests that the goal of the provision be set to have plans and designs in place by the end of the permit cycle (2013).</i>	reasonable.	
Contra Costa Clean Water Program	100, 113	C.11.e, C.12.e	location of retrofit projects	<i>Please confirm that the siting of retrofit projects should generally be based on targeting PCB sources, with assessment of the ancillary benefit to mercury load reductions.</i>	See response to comment 71 from SCVURPPP.	
SCVURPPP	78	C.11.e, C.12.e	retrofits, only if grant funds available	<i>Remove "evenly distributed" criterion from this provision. Retrofit pilot testing should only be done if there are grant monies available and only at up to three sites. Pilot testing needs to be limited to be cost-effective, and the permit needs to allow flexibility in case the five pilot drainages in C.11.c. (no. 3) are found to be inappropriate locations for this testing.</i>	We will clarify selection criteria for the pilots. The Water Board rejects the request of the commenter regarding making this requirement contingent on grant funds. The requirement to select only 5 drainages throughout the entire Bay Area is achievable.	We will clarify selection criteria for pilot sites in terms of spatial distribution.
ACCWP	48	C.11.e, C.12.e	retrofits, only if grant funds available	<i>Remove "evenly distributed" criterion from this provision. Retrofit pilot testing should only be done if there are grant monies available and only at up to three sites. Pilot testing needs to be limited to be cost-effective, and the permit needs to allow flexibility in case the five pilot drainages in C.11.c. (no. 3) are found to be inappropriate locations for this testing.</i>	See response to SCVURPPP comment 78.	
Berkeley	39	C.11.e, C.12.e	retrofits, only if grant funds available	<i>Remove "evenly distributed" criterion from this provision. Retrofit pilot testing should only be done if there are grant monies available and only at up to three sites. Pilot testing needs to be limited to be cost-effective, and the permit needs to allow flexibility in case the five pilot drainages in C.11.c. (no. 3) are found to be inappropriate locations for this testing.</i>	See response to SCVURPPP comment 78.	
SMCWPPP	15, 16	C.11.e, C.12.e	retrofits, only if grant funds available	<i>Remove "evenly distributed" criterion from this provision. Retrofit pilot testing should only be done if there are grant monies available and only at up to three sites. Pilot testing needs to be limited to be cost-effective, and the permit</i>	See response to SCVURPPP comment 78.	

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				<i>needs to allow flexibility in case the five pilot drainages in C.11.c. (no. 3) are found to be inappropriate locations for this testing.</i>		
Oakley	199	C.11.e.	Reporting	<i>Considering the C.11.e attachment, what is to be put into the table?</i>	See response to Oakley comment 142.	
Roger James	79	C.11.e.i	on-site treatment, make it broader	<i>Onsite treatment in retrofit situations will likely occur in urban areas with significant space constraints and huge land values. The specification of detention basins, bioretention units, infiltration basins and treatment wetlands all but guarantee that the pilot project will be found infeasible because of the large footprint required by these system. The specific listing of these systems must be deleted allowing permittees to look at a broad array of control measures.</i>	We disagree that all pilot projects will be found infeasible. There will be pilot projects performed in this permit term as the permit suggests.	
San Jose	73	C.11.e.i, C.12.b.iii & C.12.e.i	abatement, selecting pilot locations	<i>Superior approach for selecting locations would be to have the location and number of sample sites be based on more objective, science-based considerations of variability, costs, and certainty needs.</i>	The intent is not to have all the pilot projects occur in one county or municipality. Permittees have the flexibility to employ additional criteria for selecting the actual project locations.	Some clarifying language has been added for pilot selection criteria.
Daly City	97, 101	C.11.e.i, C.12.e.i	pilot tests should be contingent upon grant funds	<i>We object to inference that water quality treatment is a part of a municipal stormwater permit. If requirement remains in the permit, we request language that states these pilot programs should be conditioned upon the availability of grant funds.</i>	We cannot accept the proposal to make these permit requirements contingent upon the availability of grant funds.	
San Mateo Co.	10	C.11.f	diversion to POTW, problems	<i>Joint use of the sanitary sewer pipelines could cause or increase sewer system overflows. Treatment of the diverted flows will certainly increase the operating costs of local POTWs. These costs will be passed on to the individual collection systems and their customers. The ability of the collection systems to increase sewer service charges to pay for these costs is often constrained by Proposition 218 requirements. POTWs are designed to treat sanitary sewage and may not be effective in removing pollutants that could be delivered to the POTW by storm water pump stations. Additionally, the POTW's sewage treatment</i>	See response to Santa Clara comment 2.	

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				<i>process utilizes biological and chemical activities that may be adversely affected by the addition of pollutants from the pump stations, which could affect the quality of treatment attained for the sanitary sewage delivered to the POTW and released to the Bay, Ocean, or receiving waters.</i>		
BACWA	1	C.11.f	diversion to POTWs	<i>BACWA is concerned that the requirement and language of the MRP assumes all POTWs can legally accept stormwater, dry weather urban runoff flow, and other traditionally storm drain conveyed waters. The MRP further assumes that acceptance of said flows will not create unintended compliance problems including permit violations and hydraulic capacity overload. The MRP does not adequately distinguish between dry weather diversions, and stormwater diversions during wet weather periods when many POTWs are challenged by capacity constraints and periodically have sanitary sewer overflows (SSOs) associated with those wet weather conditions. Before implementing this provision, these challenges must be taken into consideration.</i>	See response to Santa Clara comment 2.	
BACWA	2	C.11.f	diversion to POTWs	<i>The MRP must consider the many legal and financial issues of diversions prior to implementing a long-term diversion project. The review of legal issues should also include incidental taking of species of concern that may occur as a result of diversion of dry weather flows to the sanitary sewer system.</i>	See response to Santa Clara comment 2 and San Jose comments 23 and 24.	
BACWA	3	C.11.f	diversion to POTWs	<i>How will violation of pollutant specific numeric effluent limits attributable to accepting these flows be addressed?</i>	See response to Hayward comment 8.	
BACWA	4	C.11.f	diversion to POTWs	<i>Non-equipment or blockage-related SSOs occur when the collection system and/or treatment facilities exceed their hydraulic capacity. Capacity in collection systems and at POTWs to accept dry weather urban runoff should be analyzed before diversion. BACWA would not recommend that any first flush or</i>	See response to Hayward comment 7.	

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				<i>wet weather stormwater runoff be accepted in collection systems or at POTWs without the wastewater facility having the opportunity to review their systems' capacities.</i>		
BACWA	7	C.11.f	diversion to POTWs	<i>We want to be sure that the Regional Water Board's expectations for how quickly diversions can occur are realistic given the inter-governmental jurisdiction, legal, and financing issues.</i>	There is adequate time for these issues to be resolved.	
BACWA	5	C.11.f	diversion to POTWs	<i>How can acceptance of these flows allow BACWA members to gain credit for pollutant mass load reductions? Will loads be transferred from stormwater allocations to POTW allocations?</i>	This regulatory issue will be addressed after the pilot phase monitoring of stormwater diversions to POTWs. At that time we will better understand whether pollutant concentrations in effluent are even effected by these diversions.	
Oakley Moraga	79	C.11.f	diversion to POTWs	<i>C.11.f talks about working with the POTW on a county, watershed, or regional basis. Does this mean that all programs can work together to select the 20% or is it within each Program area? What is to happen in the event of POTW capacity problems?</i>	This issue has been clarified in the revised TO. Permittees work collectively. See response to Hayward comment 7 regarding capacity issues.	
BASMAA	3	C.11.f, C.12.f	diversion to POTW	<i>the permit appears to require diversions to sanitary sewers be implemented in five pilot projects irrespective of the results of required feasibility studies that demonstrate that such diversions are feasible.</i>	The permit assumes that five projects are feasible somewhere in the region.	
Union San	1	C.11.f, C.12.f	Diversion to POTW	<i>Union San WWTP is not designed to treat unregulated increases in heavy metals, PCBs, and solids loading. Doing so could result in non-compliance, plant upset, and increased costs.</i>	See responses to Hayward's comments 7 and 8.	
Oakley	91	C.11.f, C.12.f	Diversion to POTW, Ensure Consistency	<i>C.12.f calls for the selection of 20% of the existing pump stations. This wording is virtually word for word C.11.f.i. The reporting date is different, and it is unclear what is intended. What is the requirement that is to be implemented?</i>	The provisions for pump stations have been revised to improve clarity.	
Daly City	98, 102	C.11.f, C.12.f	diversion to POTW, problems	<i>There is no evidence diversion would have a water quality benefit. There should be a survey of wastewater treatment plants determine the suitability of treatment</i>	We will not remove the diversion requirements from the permit. Please see response to Hayward's comments 7 and 8.	

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				<p><i>envisioned by this permit section. This provision requires a public policy discussion prior to inclusion in permit. Remove this from permit.</i></p> <p><i>Direct diversion has potential impacts on costs, ability to meet NPDES permit requirements and exposure to third party lawsuits. It would increase the plants dry weather flows that may require amendments to the POTW's NPDES permit.</i></p>		
ACCWP	42	C.11.f, C.12.f	diversion, pump stations	<p><i>The scope of these provisions is too extensive to be cost-effective. Replace these provisions with a single integrated provision that requires stormwater programs to work with BACWA first to use existing data to develop a plan for and perform a feasibility/cost-benefit study followed by a workplan for characterization of potential stormwater pollution problems at pump stations and identifying potential and recommended solutions.</i></p>	see response to SMCWPPP comment 13.	
Contra Costa Clean Water Program	102, 114	C.11.f, C.12.f	diversions to sanitary sewer	<p><i>This provision assumes the characterization ongoing in C.8.e.iii will warrant diversions; that outcome has yet to be determined. Stormwater programs cannot require POTWs to accept discharges. Has the Regional Board thought through the substantive or perceived degradation of biosolids quality that would result from deliberate introduction of stormwater from highly contaminated areas?</i></p>	This issue can be addressed in the selection of the pilot study locations.	
Oakley	200	C.11.f.	Reporting	<p><i>We presume that the attachment and the entries required for C.11.f are the full report.</i></p>	See response to Oakley comment 142.	
Oakley	222	C.11.f. & C.12.f.	Reporting	<p><i>The second template for C.11.f and C.12.f seem to be two formats of the same thing. Please clarify.</i></p>	See response to Oakley comment 142.	
Roger James	80	C.11.f.i	pump station selection	<p><i>The wording suggests that only pump stations within the county service areas are to be selected rather than throughout the county. The phrase "distributed throughout the Permittees' county areas and" must be deleted. Agencies such as Palo Alto, San Jose, Sunnyvale, Vallejo and Fairfield should</i></p>	This provision has been revised so this wording no longer appears.	

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				<i>be targeted for early assessment of the acceptance of storm water runoff into their sanitary sewer systems.</i>		
San Jose	77	C.11.f.i, C.12.f.i	diversion to POTW	<i>The provision is significant, problematic, and premature. It is beyond the TMDLs/Basin Plan. Diversion is likely to be fraught with engineering, financial, regulatory, legal, and institutional challenges which if done improperly could have deleterious effects on water quality. Any such evaluation should be advanced methodically and no implementation of flow diversion should be included in this Permit.</i>	We disagree with request to eliminate flow diversion requirements.	
Contra Costa Clean Water Program	103	C.11.g	Clarify language	<i>The Mercury TMDL contains "or" for each. Program requests that each of the options #1-4 under C.11.g.ii be separated by the word "or" so it's clear we're not being asked to do all of those requirements.</i>	Clarifying language was added.	We clarified the Permittees must choose one of the first three ways of assessing compliance as well as demonstrate interim progress toward achieving the allocation.
Contra Costa Clean Water Program	104	C.11.g	Focus Abatement on C.3 facilities	<i>Best way to achieve meaningful load reductions from stormwater, after abating mercury mines that discharge into wetlands, would be implementation of C.3 facilities. Attenuating direct connections between hardscape and state waters is a potentially significant benefit to ameliorating mercury loads from atmospheric deposition. A primary focus of implementing this provision should be to model or assess the mercury load reduction benefits of C.3 implementation.</i>	Permittees should feel free to assess mercury load reduction benefits of C.3 implementation, but this will not be the focus of mercury provisions in the permit.	
Oakley, Moraga	81	C.11.g	Provide detail	<i>Where are references to what the WLA's are?</i>	WLA means TMDL wasteload allocation.	
Contra Costa Clean Water Program	105	C.11.g	special studies, RMP should do this	<i>This belongs under the RMP, as a special study. This provision inappropriately delegates the Regional Board's duties to develop TMDL information. We request that you simply state that this requirement may be fulfilled by an RMP special study, and commit to supporting the special studies at the RMP technical committee and steering committee.</i>	This requirement comes directly from the mercury TMDL and is not a delegation of any Regional Board duty.	
Oakley, Moraga	80, 92	C.11.g, C.12.g	Provide detail	<i>What is the loading baseline, how is it developed and by whom? What are the loading milestones?</i>	These loading baselines were established in the PCBs and mercury TMDLs. Please refer to these TMDL	

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					staff reports for additional information.	
Oakley	201	C.11.g.	Reporting	<i>Considering the C.11.g attachment, what is to be put into the table?</i>	See response to Oakley comment 142.	
SF Baykeeper, NRDC, & Clean Water Action	25, 29	C.11.h, C.12.h	fate and transport studies	<i>The Permit should articulate an objective for this provision.</i>	More information about the background of this Provision can be found in the TMDL staff reports for mercury and PCBs.	
Berkeley	39	C.11.h, C.12.h	RMP satisfies compliance	<i>studies regarding fate, transport, and biological uptake of mercury discharged in urban runoff should primarily be conducted by the Regional Monitoring Program (RMP). Requirement should specify that compliance will be achieved through participation in the RMP.</i>	See response to ACCWP comment 49.	
ACCWP	49	C.11.h, C.12.h	RMP satisfies compliance	<i>studies regarding fate, transport, and biological uptake of mercury discharged in urban runoff should primarily be conducted by the Regional Monitoring Program (RMP). Requirement should specify that compliance will be achieved through participation in the RMP.</i>	These studies may be accomplished through various means, including the RMP, but the permit cannot specify those means to maintain adequate accountability mechanisms.	
SMCWPPP	15	C.11.h, C.12.h	RMP satisfies compliance	<i>studies regarding fate, transport, and biological uptake of mercury discharged in urban runoff should primarily be conducted by the Regional Monitoring Program (RMP). Requirement should specify that compliance will be achieved through participation in the RMP.</i>	See response to ACCWP comment 49.	
SCVURPPP	73, 81	C.11.h, C.12.h	RMP satisfies compliance	<i>studies regarding fate, transport, and biological uptake of mercury discharged in urban runoff should primarily be conducted by the Regional Monitoring Program (RMP). Requirement should specify that compliance will be achieved through participation in the RMP.</i>	See response to ACCWP comment 49.	
Oakley	202	C.11.h.	Reporting	<i>We presume that the entries required for C.11.h are the full report.</i>	See response to Oakley comment 142.	
Roger James	81, 87	C.11.i, C.12.i	risk reduction	<i>The responsibility to manage public health risks lies with the county health departments and the State Department of Health Services and not that of the permittees. The permittees</i>	This Provision comes directly from the mercury and PCBs TMDL and is consistent. There are similar requirements in permits for	Language was changed to be consistent with what is required in the mercury watershed permit for wastewater discharges.

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				<i>should be required to coordinate with and furnish information to these agencies, but not required to assume their authority or responsibility.</i>	wastewater sources, and these Provisions will be harmonized with those existing requirements.	
Contra Costa Engineering Advisory Committee (CCCEAC)	22, 23	C.11.i, C.12.i	risk reduction	<i>This requirement would more accurately be expressed in terms of reducing mercury in fish rather than reducing human health risks. Reduction in human health risk may be much more complex than the simple objective of reducing mercury levels in fish. This same holds true for Section C12.i (page 91) for PCB's.</i>	These requirements come directly from the mercury TMDL.	
SF Baykeeper, NRDC, & Clean Water Action	20	C.11.i, C.12.i	Risk Reduction stronger	<i>The risk-reduction language in Provisions C.11.i. and C.12.i. must be strengthened to implement specific requirements of the Basin Plan resulting from the mercury and PCBs TMDLs. Language is inadequate to ensure dischargers will fully participate in fulfilling the commitments in the Basin Plan. Language must state clearly that dischargers have a responsibility to ensure that actions necessary to truly reduce the amount of contamination fishers are exposed to are taken and that health impacts are addressed. At the very least, language from the Basin Plan should be incorporated into the MRP, while also reflecting the need to work with local communities to develop effective strategies</i>	See response to Roger James comment 81, 87.	Language was changed to be consistent with what is required in the mercury watershed permit for wastewater discharges.
Berkeley	39	C.11.i, C.12.i	Risk Reduction, compliance	<i>Modify permit to allow municipalities to comply with this task by participating in BASMAA's public outreach and education efforts conducted in cooperation with BACWA, OEHHS, and Department of Public Health to address mercury-related risks from consuming bay fish. This requirement should not be imposed on municipalities whose MS4 drains to the ocean.</i>	See response to ACCWP 50.	
ACCWP	50	C.11.i, C.12.i	Risk Reduction, compliance	<i>Modify permit to allow municipalities to comply with this task by participating in BASMAA's public outreach and education efforts conducted in cooperation with BACWA, OEHHS, and Department of Public Health to</i>	This Provision comes directly from the mercury and PCBs TMDL and is consistent. There are similar requirements in permits for wastewater sources, and these	

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				<i>address mercury-related risks from consuming bay fish. This requirement should not be imposed on municipalities whose MS4 drains to the ocean.</i>	Provisions will be harmonized with those existing requirements. Permittees are encouraged to work collaboratively and employ efforts to target locations where risks of eating Bay fish are most pronounced.	
SCVURPPP	82	C.11.i, C.12.i	Risk Reduction, compliance	<i>Modify permit to allow municipalities to comply with this task by participating in BASMAA's public outreach and education efforts conducted in cooperation with BACWA, OEHHS, and Department of Public Health to address mercury-related risks from consuming bay fish. This requirement should not be imposed on municipalities whose MS4 drains to the ocean.</i>	See response to ACCWP 50.	
SMCWPPP	15, 16	C.11.i, C.12.i	Risk Reduction, compliance	<i>Modify permit to allow municipalities to comply with this task by participating in BASMAA's public outreach and education efforts conducted in cooperation with BACWA, OEHHS, and Department of Public Health to address mercury-related risks from consuming bay fish. This requirement should not be imposed on municipalities whose MS4 drains to the ocean.</i>	See response to ACCWP 50.	
Oakley, Moraga	82	C.11.i, C.12.i	risk reduction, inappropriate provision	<i>Local agencies develop or participate in PCB and mercury health risk reduction programs for fish consumed from the San Francisco Bay. This activity is beyond the City of Pleasanton's funding and staffing level and is the responsibility of County, State, and Federal public health agencies. If maintained, funding should be provided.</i>	See response to ACCWP 50.	
Dublin	13	C.11.i, C.12.i	risk reduction, inappropriate provision	<i>Local agencies develop or participate in PCB and mercury health risk reduction programs for fish consumed from the San Francisco Bay. This activity is beyond the City of Pleasanton's funding and staffing level and is the responsibility of County, State, and Federal public health agencies. If maintained, funding should be provided.</i>	See response to ACCWP 50.	
Pleasanton	14	C.11.i, C.12.i	risk reduction, inappropriate	<i>Local agencies develop or participate in PCB and mercury health risk reduction programs</i>	See response to ACCWP 50.	

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			provision	<i>for fish consumed from the San Francisco Bay. This activity is beyond the City of Pleasanton's funding and staffing level and is the responsibility of County, State, and Federal public health agencies. If maintained, funding should be provided.</i>		
San Leandro	23	C.11.j	diversion to POTWs	<i>requires the diversion of stormwater pump station dry weather and first flush flows to the sanitary sewer be implemented in five pilot studies, without first reviewing the results of prior or ongoing pilot tests to evaluate feasibility. The City believes that the actions required are prescriptive in nature without first considering information from completed and in progress pump station diversion projects. An assessment of the results must be provided so that informed approaches to this issue can be a part of this permit provision.</i>	The diversion pilot projects provide opportunity to carefully evaluate feasibility.	
San Leandro	24	C.11.f	diversion to POTWs	<i>This provision requires actions outside the control or jurisdiction of municipal stormwater agencies. This would require difficult and costly work with the active participation and concurrence of wastewater agencies, most of which are not subject to this order.</i>	See response to comments 6-8 from Hayward, Santa Clara comment 2, and San Jose comments 23 and 24.	
Oakley	145	C.11?	Reporting	<i>The Permit text & Summary Table reflect reporting for sediment removal but there is no submittal requirement listed. What is required?</i>	See response to Oakley comment 142.	
Moraga	5	C.11-14	Baseline Data	<i>Measures discuss evaluation of pollutant reduction. However, there is no discussion of baseline data sources, or protocols to develop baseline data.</i>	Reductions are required for mercury and PCBs, and the loads referenced in the TMDLs for those pollutants establish baselines against which to measure reductions.	
Moraga	4	C.11-14	Repeating Requirements	<i>Requirements repeat. Are these intended to be for the same, or different, sites? For instance:</i> <ul style="list-style-type: none"> • Pilot project to evaluate on-site treatment for Hg Oct '09 • Pilot project to evaluate on-site treatment for PCB's Oct 09 • PDBE's, legacy pesticides, selenium Oct '12 • Diversion of dry weather and first flush flow Oct '10 	Yes, the same requirement is in place for mercury and PCBs. We are required to have provisions for individual pollutants of concern.	

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Oakley	5	C.11-C.14	Clarification needed	<i>Where evaluating reduction in pollutants is needed, there is no discussion of the baseline data sources, or protocols to develop baseline data.</i>	For information about load reduction requirements, please refer to the TMDLs for PCBs and mercury. These permit provisions are intended to implement these TMDLs (for C.11 and C.12)	
Contra Costa County Supervisors	81	C.11-C.14	monitoring, too much detail	<i>County is concerned about the appropriateness of this level of monitoring being shifted to the County. The number of studies and pilot projects, which are outside the expertise of County staff, would be anticipated to be extremely costly. Furthermore, the studies and pilot projects are not prioritized, and would be even more difficult to conduct simultaneously. In addition (also, as noted), the County objects to being required to gather data to be used in development of TMDLs. This has historically, and more appropriately, been a function of the RWQCB.</i>	Monitoring the loads associated with urban runoff is a responsibility of permittees, not the Water Board.	
Burlingame	15	C.11-C.14	pollutants of concerns, do something else	<i>The permit should identify a more reasonable, cost-effective and sensible method to address these pollutants and improve water quality while recognizing the finite resources of stormwater programs and its co-permittees.</i>	The current permit provisions are reasonable, cost-effective, and sensible as written.	
SF Baykeeper	4, 19	C.11-C.14	Stronger TMDL implementation, include WLAs, numeric limits	<i>Incorporate waste load allocations you have already adopted into this permit through numeric limits, and by quantifying the reductions expected in pollutant loading. The permit could also require fewer studies but more implementation actions, as our comment letter presents in more detail. This permit should incorporate the final WLAs include numeric limits based on TMDL waste load allocations for mercury, PCBs and pesticides.</i>	The actions required are those necessary to move toward achievement of the waste load allocations. There is not sufficient understanding of what will work to reduce loads to just require implementation actions. Requiring such actions without understanding benefit would not be productive. The current permit is a big step forward in implementation, while, at the same time, improving our understanding of what will work to reduce loads. We are not requiring WLAs as numeric limits in stormwater permits at this time.	
Contra Costa	5	C.11-C.14	Studies through	<i>Some elements of Provision C.11, C.12, and</i>	See response to ACCWP comment	

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Clean Water Program			RMP	<i>C.13, and Provision C.14 in its entirety, are more appropriately implemented as Regional Monitoring Program special studies. A simple remedy would be to note that "this requirement can be fulfilled as a special study of the Regional Monitoring Program."</i>	49.	
SF Baykeeper, NRDC, & Clean Water Action	24	C.12	abatement on private land	<i>Municipalities have the legal authority to require property owners to take action to contain PCBs or clean up a site if the site has the potential to discharge PCB-contaminated storm water. Many municipalities, however, have not established the necessary regulatory authority through adoption of ordinances or have not yet established the mechanisms and procedures needed to facilitate and oversee such actions. The Permit should require all municipalities to establish such authority, if they have not already done so, before the end of the next permit cycle.</i>	The permit provisions regarding abatement adequately deal with this issue as written.	
Daly City	99	C.12	Delete PCBs provisions	<i>This entire section dealing with PCB's needs to be struck at it forces the question of exactly how far to take an objective within the context of a five-year permit and the reasonableness of proposed deadlines.</i>	This is an unreasonable request given that reductions in PCB loading must be achieved by permittees.	
SF Baykeeper, NRDC, & Clean Water Action	27	C.12	evaluate effectiveness	<i>Permittees should be required to do sufficient effectiveness monitoring of the pilot projects to evaluate the changes in discharge quality. This will help permittees design more effective abatement programs after the pilot stage.</i>	There are requirements to assess effectiveness of all pilot projects.	
SCVWD	4	C.12	Focus on stormdrain PCBs	<i>For at least the first five-year permit period efforts should be focused on the removal and proper disposal of sediment from the storm drain systems. Once a decrease in PCB concentrations is demonstrated and progress is shown in the storm drain system, and if the load allocation is still not yet being achieved, then more aggressive source identification and elimination actions would be needed. Much prefer to focus limited resources on pollutant removal rather than on monitoring until the known contaminated sites are cleaned up.</i>	Actions on a variety of fronts are preferable for this permit so that we can more rapidly increase our understanding of the most beneficial mix of strategies.	
SF Baykeeper,	28	C.12	identify air	<i>The load estimate for storm water includes</i>	The currently stated provisions are	

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NRDC, & Clean Water Action			sources	<i>airborne mercury deposited on the Bay watershed and carried into the Bay via stormwater runoff. A new subsection should be added to Section C.11 that requires identification of potential air sources of mercury in runoff, including refineries, cement manufacturers, and crematoriums.</i>	those that Water Board staff have identified as having the most potential to reduce pollutant loadings from stormwater.	
Berkeley	34, 35	C.12	PCB equipment inspection,	<i>The effort to require that PCBs and PCB-containing equipment be identified during industrial inspections should be performed on a pilot study basis to evaluate the feasibility of such program.</i>	This is a modest effort, and there is enough information to require this measure to be implemented throughout the region. Most other PCB provisions are implemented at the pilot level during this permit.	
BASMAA	2	C.12	PCB provisions, should be all pilot	<i>The tentative order has provisions that are not consistent with the PCB TMDL or don't implement it in a cost-effective manner. Two examples are industrial inspections for PCBs and enhanced sediment removal and management. Consistent with the PCB TMDL, we'd like to see the tentative order revised to make all PCB efforts during the permit term on the pilot scale.</i>	The overwhelming majority of PCBs-related actions are implemented on pilot basis during the first permit term. The only PCB action slated for full implementation this permit term is C.12.a - the measure regarding finding PCBs during inspections. It makes sense to implement this throughout the region as an additional, low-cost component to industrial inspections.	
Livermore	12	C.12	PCBs at demolition sites	<i>This provision is seriously flawed and must be eliminated or fundamentally revised prior to adoption. Permittees lack the authority to require clean up of legacy pesticides on private property where the levels of pollutants do not exceed some pertinent water quality standard.</i>	This project has already been moving forward through grant-funded work. The commenter should confer with other BASMAA agencies for details.	
Livermore	13	C.12	pilot projects for abating mercury and PCBs	<i>This provision is seriously flawed and must be eliminated or fundamentally revised prior to adoption:</i>	The commenter simply rejects the provision without providing recommended changes. We decline to eliminate the provisions as requested.	
BASMAA	5	C.12	Try pilots before cleaning PCB sites	<i>enhanced municipal sediment management, such as increased frequency of street sweeping, and stormwater treatment retrofits, such as putting a sand filter at the bottom of a contaminated drainage. These types of approaches should be a much higher priority</i>	See response to SCVWD comment 4.	

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				<i>than cleaning up PCB sites.</i>		
NRDC	20	C.12	Vague Language	<i>Language relating to risk reduction strategy is too vague.</i>	We will make this language consistent with what is in the mercury watershed permit for wastewater.	Language was changed to be consistent with what is required in the mercury watershed permit for wastewater discharges.
Oakley	6, 107	C.12, C.?	Clarification needed	<i>Industrial inspections are to include "proper" BMPs. Who decides what are "proper" BMPs? E.g., PCB containing equipment; Copper related to plating and metal finishing.</i>	We assume commenter is referring to C.12.b. Permittees develop and select the BMPs.	
SF Baykeeper, NRDC, & Clean Water Action	23	C.12.a	Expand industrial inspection program	<i>This provision requires only that municipalities train inspectors to identify potential PCB sources on sites they already inspect—that is, without expanding the scope of inspection programs from the existing categories of active businesses to include additional potentially PCB-contaminated sites based on age of buildings and site history. The Permit should require a genuine expansion of the industrial inspection program to incorporate sites most likely to be sources of PCBs, including those sites that may be inactive.</i>	The scope of the inspection does include PCBs as part of this provision.	
SCVURPPP	74	C.12.a	industrial inspection	<i>revise to require performance of pilot programs in two communities to identify cost-effective and efficient ways to implement this type of program. This approach would be consistent with the PCBs TMDL Basin Plan Amendment, which specifies that PCBs actions during the five-year permit term should consist of cost-effective pilot studies.</i>	The overwhelming majority of PCBs-related actions are implemented on pilot basis during the first permit term. The only PCB action slated for full implementation this permit term is C.12.a - the measure regarding finding PCBs during inspections. It makes sense to implement this throughout the region as an additional, low-cost component to industrial inspections.	
San Jose	78	C.12.a	inspection, limit to certain sites	<i>limit to heavy industrial sites to focus the considerable effort this inspection program will require on the most likely sources. Provide specific SIC codes to include in these inspections. This requirement should be phased in as a pilot to test the efficacy of such a program, starting in a limited number of heavy industrial areas.</i>	See response to SCVURPPP comment 74.	
ACCWP	44	C.12.a	PCB equipment inspection,	<i>There is not enough experience and/or background knowledge to go directly to</i>	See response to SCVURPPP comment 74.	

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				<i>region-wide implementation. The Basin Plan Amendment said that the first five-year permit term would involve implementation control measures on a pilot scale to determine their effectiveness and technical feasibility. Grant funds should be used to implement a pilot program in two communities to identify cost-effective and efficient ways to implement this type of program.</i>		
SMCWPPP	16	C.12.a	PCB equipment inspection,	<i>There is not enough experience and/or background knowledge to go directly to region-wide implementation. The Basin Plan Amendment said that the first five-year permit term would involve implementation control measures on a pilot scale to determine their effectiveness and technical feasibility. Grant funds should be used to implement a pilot program in two communities to identify cost-effective and efficient ways to implement this type of program.</i>	See response to SCVURPPP comment 74.	
Berkeley	39	C.12.a	Prioritize based on PCBs	<i>Revise to begin with pilot programs in (two) communities to identify cost-effective and efficient ways to implement this type of program.</i>	See response to SCVURPPP comment 74.	
Oakley, Moraga	84	C.12.a	Provide detail	<i>This section requires the referral of any finding to the appropriate regulatory agencies. Who are the appropriate agencies to regulate PCB's and PCB using equipment?</i>	We will identify agencies as requested.	We will call out agencies such as county health departments, DTSC, DHS, and the RWQCB.
Oakley, Moraga	85	C.12.a	Provide detail	<i>This section also requires evaluation of "...disposal regulations/programs (e.g., municipal ordinances, RCRA, TSCA)". Are not State laws enforced by the State in conjunction with solid waste authorities and not the Permittees? It also talks about a sampling and analysis plan for a minimum of 10 sites throughout "Permittees' county areas". Does this mean collaboratively among all Programs?</i>	Yes, collaboratively.	
Moraga and Oakley	95	C.12.a, C.13.d	Municipal inspectors lack expertise	<i>This is the responsibility of the public health agencies. Where is the local expertise to come from to do such identification? Municipal inspectors are trained in the</i>	Industrial inspections already include consideration of pollutants and stormwater. The commenter is incorrect about the current scope of	

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				<i>inspection of site development, public infrastructure construction, and building code enforcement, not industrial chemical and equipment inspection for toxic materials.</i>	inspections.	
Oakley	148	C.12.a.	Reporting	<i>C.12.a has a reporting requirement for training and it is in the Summary Table but nothing is listed for submittal. What is required?</i>	See response to Oakley comment 142.	
Oakley	203	C.12.a.	Reporting	<i>We presume that the entries required for C.12.a are the full report.</i>	See response to Oakley comment 142.	
Roger James	8	C.12.a.iii	identify agencies	<i>Identify the "appropriate agencies" as county health department, DTSC, DHS and RWQCB</i>	We will identify agencies as requested.	We will call out agencies such as county health departments, DTSC, DHS, and the RWQCB.
Contra Costa Clean Water Program	106	C.12.b	alternative compliance	<i>Would participation in the SFEI/Prop 50 grant funded study of PCBs in Building Materials satisfy this provision?</i>	This provision requires work beyond that grant-funded work.	
Contra Costa Clean Water Program	107	C.12.b	clarify provision	<i>The Program requests clarification of whether the Regional Board intends this to be carried out at 10 sites within each county or 10 site distributed over the entire region?</i>	We will clarify this Provision.	Requirements were clarified that 10 sites apply to the entire region, not each county.
SCVURPPP	75	C.12.b	PCB construction material, how to comply	<i>Revise to state that this requirement can be fulfilled by participation in the Proposition 50 grant project as a stakeholder and project partner, and acknowledge that this effort is already underway prior to permit issuance. Because sampling required by this provision would possibly lead to immediate abatement orders to protect human health at some sampling sites, it will be difficult or impossible to obtain permission to sample due to the potential liability to property owners.</i>	The commenter's suggestion about means of compliance does not provide for adequate accountability. The grant-funded work will provide a head-start for the permittees, but the requirement cannot be limited to only that which is accomplished through that other effort.	
ACCWP	45	C.12.b	PCB construction material, how to comply	<i>Revise to state that this requirement can be fulfilled by participation in the Proposition 50 grant project as a stakeholder and project partner, and acknowledge that this effort is already underway prior to permit issuance. Because sampling required by this provision would possibly lead to immediate abatement orders to protect human health at some sampling sites, it will be difficult or impossible to obtain permission to sample due to the potential liability to property owners.</i>	See response to SCVURPPP 75.	
SMCWPPP	16	C.12.b	PCB	<i>Revise to state that this requirement can be</i>	See response to SCVURPPP 75.	

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			construction material, how to comply	<i>fulfilled by participation in the Proposition 50 grant project as a stakeholder and project partner, and acknowledge that this effort is already underway prior to permit issuance. Because sampling required by this provision would possibly lead to immediate abatement orders to protect human health at some sampling sites, it will be difficult or impossible to obtain permission to sample due to the potential liability to property owners.</i>		
Berkeley	39	C.12.b	PCB construction material, how to comply	<i>Revise to state that this requirement can be fulfilled by participation in the Proposition 50 grant project as a stakeholder and project partner, and acknowledge that this effort is already underway prior to permit issuance. Because sampling required by this provision would possibly lead to immediate abatement orders to protect human health at some sampling sites, it will be difficult or impossible to obtain permission to sample due to the potential liability to property owners.</i>	See response to SCVURPPP 75.	
San Jose	80	C.12.b,c,d	PCBs in demolition materials	<i>The City requests that explicit mention of ongoing Prop 13-funded projects currently underway by SFEI and others to address PCB BMP effectiveness and PCBs in demolition materials be made in regard to these Provisions. The City also requests that participation in these projects be considered to satisfy these requirements. If not, please explain why.</i>	See response to SCVURPPP 75.	
Oakley	204	C.12.b.	Reporting	<i>Considering the C.12.b attachment, what is to be put into the table?</i>	See response to Oakley comment 142.	
Sunnyvale	30	C.12.b.v	inspection, contingent upon sampling	<i>This Provision requires training and deployment of inspectors with no timeline associated. This Provision should be contingent on the results of the sampling and analysis efforts. If PCBs are not found in meaningful amounts in demolition wastes, this Provision should be omitted. Reword this Provision to be dependent upon the results of the sampling and analysis activities.</i>	The Provision is adequate as written in terms of sequence and timing.	
San Jose	79	C.12.b.v	inspection,	<i>This Provision requires training and</i>	See response to Sunnyvale	

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			contingent upon sampling	<i>deployment of inspectors with no timeline associated. This Provision should be contingent on the results of the sampling and analysis efforts. If PCBs are not found in meaningful amounts in demolition wastes, this Provision should be omitted. Reword this Provision to be dependent upon the results of the sampling and analysis activities.</i>	comment 30.	
ACCWP	46	C.12.c	abatement on private land	<i>Source control on private properties is by far the most cost-effective strategy for reducing PCBs, and that abatement activities at downstream areas before abatement of source properties may produce only temporary reductions. Adjust the timeline such that suspect locations and survey results are reported in October 2009. Clarify that the requirement to "conduct an abatement program in portions of drainages under their jurisdiction." does not require municipalities to be responsible for abating PCB contamination on private properties.</i>	The Provision has been revised to clarify permittee responsibilities.	
Berkeley	39	C.12.c	abatement on private land	<i>Source control on private properties is by far the most cost-effective strategy for reducing PCBs, and that abatement activities at downstream areas before abatement of source properties may produce only temporary reductions. Adjust the timeline such that suspect locations and survey results are reported in October 2009. Clarify that the requirement to "conduct an abatement program in portions of drainages under their jurisdiction." does not require municipalities to be responsible for abating PCB contamination on private properties.</i>	see ACCWP 46	see ACCWP 46
BASMAA	4	C.12.c	abatement, Clarify responsibility	<i>Revise these provisions to make it clear that municipalities are not responsible for abating PCB contamination on private properties nor responsible for cleaning up PCBs that have migrated to public properties from privately-owned PCB release sites. It should also be noted that on-site human health risk may become an important factor during planning</i>	see ACCWP 46	see ACCWP 46

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				<i>and implementation of PCB site cleanups.</i>		
SCVURPPP	76	C.12.c	abatement, Clarify responsibility	<i>Revise these provisions to make it clear that municipalities are not responsible for abating PCB contamination on private properties nor responsible for cleaning up PCBs that have migrated to public properties from privately-owned PCB release sites. It should also be noted that on-site human health risk may become an important factor during planning and implementation of PCB site cleanups.</i>	see ACCWP 46	see ACCWP 46
SMCWPPP	16	C.12.c	abatement, Clarify responsibility	<i>Revise these provisions to make it clear that municipalities are not responsible for abating PCB contamination on private properties nor responsible for cleaning up PCBs that have migrated to public properties from privately-owned PCB release sites. It should also be noted that on-site human health risk may become an important factor during planning and implementation of PCB site cleanups.</i>	see ACCWP 46	see ACCWP 46
SCVURPPP	76	C.12.c	abatement, Need more time	<i>Because of the difficulty in completing all of the activities listed in the draft permit, SMCWPPP proposes that the drainage areas with elevated PCBs be identified within one year of the permit's adoption.</i>	We agree and will move November 2008 reporting to the 2009 annual report	Changed November 2008 reporting to 2009 Annual Report.
SMCWPPP	16	C.12.c	abatement, Need more time	<i>Because of the difficulty in completing all of the activities listed in the draft permit, SMCWPPP proposes that the drainage areas with elevated PCBs be identified within one year of the permit's adoption.</i>	see SCVURPPP 76	see SCVURPPP 76
Roger James	82	C.12.c	abatement, not responsibility of permittees	<i>The program as outlined is the responsibility of the Water Board and DTSC to develop, fund and implement. Permittees should not be required to conduct soil/sediment sampling to identify additional "hot spots" at this time until the Water Board or DTSC demonstrates the ability to effectively cleanup known "hot spots".</i>	The Provision has been revised to clarify permittee responsibilities.	
Oakley, Moraga	86	C.12.c	collaboration clarification	<i>Provision states "Permittees working collaboratively..." Does this mean a Regional effort is contemplated among all programs?</i>	The Provision explicitly states the expectations for permittees as a group.	
Alameda City	25	C.12.c	Exempt clean-up sites from	<i>Provision C.12.c. should be revised to specifically exempt areas such as Alameda</i>	All Permittees must work collaboratively to accomplish the	

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			provisions	<i>Point and FISC- Alameda where the RWQCB, the Department of Toxic Substances Control, and/or other state or federal environmental agencies that already have responsibility for overseeing or implementing site remediation efforts for PCBs. It is not practical nor an efficient use of public funds for local agencies to implement pollutant control studies in areas where, presumably, the RWQCB has already overseen effective remediation.</i>	work required by the Provisions. Choice of the pilot studies can address the concerns of the commenter.	
SF Baykeeper, NRDC, & Clean Water Action	21	C.12.c	More TMDL action, fewer studies	<i>The draft Permit places too much emphasis on studies and reports and, consequently, places too little emphasis on enhancing ongoing local efforts to reduce stormwater pollution. These repetitive studies only serve to extend the timeline for implementation. The provision only requires investigation of five sites in the entire Bay Area. It is feasible for municipalities to use the already tested approaches and information to identify areas most likely to have elevated concentrations of PCBs and to make a full-fledged effort to abate this source of PCBs. Instead of pilot studies, simply require full-scale abatement of PCBs contaminated sites.</i>	The actions required are those necessary to move toward achievement of the waste load allocations. There is not sufficient understanding of what will work to reduce loads to just require implementation actions. Requiring such actions without understanding benefit would not be productive. The current permit is a big step forward in implementation, while, at the same time, improving our understanding of what will work to reduce loads. We are not requiring WLAs as numeric limits in stormwater permits at this time.	
Oakley, Moraga	87	C.12.c	Provide detail	<i>What are considered to be potential PCB sources, and is the testing to be water tests, or basin land testing? Also, what are visual clues? Who are the "other appropriate agencies" that the Permittees are to report to?</i>	The commenter should consult with other BASMAA agencies that have already begun working on these issues and can provide information about what has been taking place over the last several years. Report findings to the Water Board or DTSC as a starting point.	
SF Baykeeper, NRDC, & Clean Water Action	26	C.12.c	provide guidance	<i>The permit should provide guidance on this abatement program.</i>	It is impossible to specify manner of abatement before details are provided on the pilot locations.	
Daly City	100	C.12.c	unreasonable	<i>Daly City questions the appropriateness and reasonableness to this entire section as being an achievable objective within the confines of a five-year stormwater permit.</i>	The Provision requires 5 pilot projects throughout the region. This is a reasonable requirement.	

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Oakley	205	C.12.c.	Reporting	<i>Considering the C.12.c attachments, what is to be put into the table?</i>	See response to Oakley comment 142.	
Berkeley	39	C.12.d	Flexibility	<i>Clarify that the focus is sediment management activities including but not limited to practices listed, but that not all of the practices listed as examples may be feasible in pilot watersheds.</i>	The Provision is adequate as written.	
Berkeley	39	C.12.d	Need more time	<i>Accomplishing this provision will require more time.</i>	We disagree. The Provision is adequate in terms of sequencing and timing.	
Oakley, Moraga	88	C.12.d	parking restrictions	<i>Mandatory parking restrictions are not acceptable for the reasons mentioned above (C.10.b). Also, the implementation and reporting dates need to be coordinated.</i>	The provision is acceptable as written. See response to comments on C.10.b regarding parking restrictions.	
Berkeley	39	C.12.d	Prescriptive and broad	<i>too prescriptive and broad in its requirement to conduct this pilot study in conjunction with the studies in C.12.c</i>	We disagree. Pilot studies are an appropriate and reasonable first step toward full achievement of TMDL load allocations.	
Oakley	71	C.12.d	provision requires parking enforcement	<i>C.10 and C.12 make parking restrictions mandatory. Mandatory parking enforcement as a blanket requirement is unacceptable and should be left to the discretion of the local agency.</i>	See response to parking restriction issue in response to comments on C.10.	
Contra Costa Clean Water Program	112	C.12.d	street sweepers	<i>Add "at applicable areas" to this sentence so that it reads "Beginning July 1, 2011, Permittees shall implement the most potentially effective measure(s) based on the evaluation of Provision C.12.d.i and ii at applicable areas throughout the region." This is because PCBs aren't evenly distributed throughout the region.</i>	Permittees have flexibility in choosing where to implement pilot tests of this Provision. The suggested language change is not necessary.	
Oakley	206	C.12.d.	Reporting	<i>Considering the C.12.d attachment, what is to be put into the table?</i>	See response to Oakley comment 142.	
Central San	8	C.12.d.i	diversion to sanitary sewer, add language	<i>Street flushing and capture with potential routing to the sanitary sewer could be a significant concern to CCCSD depending on the flow rates, solids level, and pollutant loading. This could jeopardize compliance with NPDES permits without use of appropriate treatment and oversight. Make sure that you add text like ["...where allowed by the local sanitary sewer agency"] about coordinating with the sanitary sewer agency to determine if</i>	We will add clarifying language that street flushing and capture should be conducted in coordination and consultation with local sanitary sewer agency.	We will add clarifying language that street flushing and capture should be conducted in coordination and consultation with local sanitary sewer agency.

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				<i>feasible and under what conditions [e.g. MRP Conditions C.2.i. and C.3.c.i.(1)(a)].</i>		
Roger James	84	C.12.e	Choice of treatment methods for PCBs	<i>The objective and emphasis of the PCB abatement program must be identification and cleanup of "hot spots" and disposal of the PCBs in accordance with environmental regulations. Systems to treat runoff of PCBs should be designed to capture and retain the PCBs before cleanout and safe disposal rather than on systems as proposed that would allow ongoing exposure to wildlife.</i>	The C.12 Provisions require a range of activities to reduce PCB loads to the Bay and protect wildlife.	
San Jose	81	C.12.e	Clarify language	<i>This requirement may conflict with results of the technical and economic feasibility assessment if assessment recommendations do not "span treatment types and drainage characteristics." The City requests adding "as possible within the constraints of the feasibility assessment outcomes in C.12.e.i." to C.12.e.iii.</i>	We will add some clarifying language, but it should be possible to accomplish the goal of spanning treatment types when taking the 10 pilot study locations as a group.	We added some clarifying language.
SF Baykeeper, NRDC, & Clean Water Action	22	C.12.e	do more retrofits, no need to pilot test	<i>Conducting only ten "pilot projects" seems insufficient given that industrial locations are routinely required to treat stormwater prior to discharge, and that existing permits already require new developments creating or replacing more than 10,000 square feet of impervious area to incorporate stormwater treatment systems. There is no need to "pilot" the effectiveness of bioretention or sand filters in removing PCBs from stormwater, nor is there a lack of information about the feasibility of installing such facilities. Rather than a "pilot" approach, the MRP should set specific goals for full-scale retrofit of the most significantly polluted sites during the permit term.</i>	We disagree. Pilot studies in a number of locations for a number of different types of control measures are an appropriate and reasonable first step toward achieving TMDL load allocations.	
Oakley, Moraga	89	C.12.e	Provide detail	<i>seems to be calling for a collaborative (to be defined) effort for PCBs. Are these the same sites that were required for mercury?</i>	Yes.	
Oakley	207	C.12.e.	Reporting	<i>Considering the C.12.e attachments, what is to be put into the table?</i>	See response to Oakley comment 142.	
Oakley, Moraga	90	C.12.e.iii	Provide detail	<i>how many sites are to be selected, the same number as for mercury?</i>	The Provision provides the detail in question.	

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Roger James	85	C.12.f	diversion to POTW, confusing	<i>This requirement is also contained in provision C.8.e.iii and provision C.11.f. To avoid confusion these three should be combined into one requirement.</i>	Some clarifications made, but it was not convenient to combine into one pump station provision.	clarifying changes were made to pump station related provisions.
SCVURPPP	79	C.12.f	diversion to POTWs	<i>These requirements are premature, overly prescriptive and require actions outside of the jurisdiction and control of municipal stormwater agencies.</i>	The requirements are not premature as there is a need to explore all reasonable candidate control measures. The provision allows for flexibility and encourages working with sanitary sewer agencies, and working out such arrangements is within the control and jurisdiction of stormwater agencies.	
Central San	9	C.12.f	diversions to sanitary sewer	<p><i>This proposal is not feasible because:</i></p> <ul style="list-style-type: none"> • <i>Structural limitations related to capacity of infrastructure;</i> • <i>Risk of maintaining compliance with the NPDES Permit; and</i> • <i>Risk of maintaining compliance with the Waste Discharge Requirements regarding controlling Sanitary Sewer Overflows (SSOs).</i> • <i>Jeopardize compliance with permit limits</i> <p><i>Revise these Conditions to compel Permittees conduct studies of the pollutant loadings from specific areas in order to conduct multi-year trend analysis to evaluate the effectiveness of the many control strategies that are specified in the MRP. Obtaining this data would enable more thorough evaluation of alternative management strategies in the future.</i></p>	See response to Santa Clara comment 2 and San Jose comments 23 and 24.	
Oakley, Moraga	91	C.12.f	Provide detail	<i>This provision calls for the selection of 20% of the existing pump stations. This wording is virtually word for word C.11.f.i. The reporting date is different, and it is unclear what is intended. What is the requirement that is to be implemented?</i>	The pump station provisions have been revised to improve clarity.	
Oakley, Moraga	93	C.12.h.	Provide detail	<i>Does fate mean the eventual disposition of the PCB's? Also, is this to be done as a Permittee, Program or Regional activity?</i>	Please refer to mercury and PCBs TMDLs for background on meaning of "fate and transport" or confer with other BASMAA agencies for background. This is most efficiently	

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					accomplished as a regional activity.	
Oakley	149	C.12.f.	Reporting	<i>C.12.f & Summary Table say the reporting is for the 5 candidate stations for 2009 & 2012. It does not mention submitting the list of 20% nor does it mention 2010. Can this be clarified?</i>	See response to Oakley comment 142.	
Oakley	208	C.12.f.	Reporting	<i>Considering the C.12.f attachments, what is to be put into the table?</i>	See response to Oakley comment 142.	
Roger James	86	C.12.g,h	PCBs quantification not feasible	<i>A creek runoff monitoring program proposed in provision C.8.f. will not be able to quantify load reductions because of the wide variation in runoff rates. The Water Board staff must limit the quantification during this permit term to cleanup of "hot spots", treatment and other management measures until a runoff control plan is fully developed. These tasks should only be undertaken by or conducted by SFEI and not by permittees.</i>	There are other provisions to quantify load reductions through accounting for loads reduced by program activities in C.12 and other provisions. The permit cannot require monitoring by SFEI because they are not a permittee.	
Oakley	150	C.12.g.	Reporting	<i>C.12.g requires a PCB monitoring program, which is reflected in Summary Table with reporting in 2009 & 2012. Section III doesn't list a submittal requirement. What is required?</i>	See response to Oakley comment 142.	
Oakley	209	C.12.g.	Reporting	<i>We presume that the entries required for C.12.g are the full report.</i>	See response to Oakley comment 142.	
Oakley	151	C.12.h.	Reporting	<i>C.12.h requires reporting in 2009 & 2012. The Summary Table reflects this but there is no submittal requirement. What is intended?</i>	See response to Oakley comment 142.	
Oakley	210	C.12.h.	Reporting	<i>Considering the C.12.h attachments, what is to be put into the table for 2012?</i>	See response to Oakley comment 142.	
Oakley	152	C.12.i.	Reporting	<i>C.12.i requires reporting on implementing a risk reduction program. The Summary Table reflects this, but there is no submittal requirement. What is required?</i>	See response to Oakley comment 142.	
Oakley	211	C.12.i.	Reporting	<i>We presume that the entries required for C.12.i are the full report.</i>	See response to Oakley comment 142.	
Daly City	103	C.13	Diversion to POTW, copper consideration	<i>Copper is water-soluble and could not be removed by our treatment processes. Should this constituent be captured in the primary process through sedimentation it will end up in our biosolids. That could result in the biosolids becoming a hazardous waste thus increasing costs for disposal and open to regulatory peril.</i>	The amount of increased copper that would reach POTWs would not likely cause the effects claimed. In addition, POTWs are very efficient at removing copper as evidenced by the large concentration reduction from influent to effluent.	

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NRDC	20	C.13	Vague Language	<i>Language relating to waste from cleaning and treating copper architectural features and control of the industrial source of copper is too vague.</i>	We do not know the manner in which this language is too vague or how the commenter wishes it to be made less vague.	
Milpitas	14	C.13 fact sheet	confusing term	<i>Use of the acronym "SSO" for site-specific objectives is confusing for municipal staff who have been taught by RWQCB that the acronym stands for sanitary sewer overflow. We request that you spell out the phrase in this permit or develop another acronym.</i>	We define that use of the term in that section of the fact sheet. It is only used in this limited section, and it is not overly confusing for someone to understand what is meant based on the context.	
Dublin	9	C.13 various	copper provisions not worth effort	<i>Tentative Order requires copper-specific activities along with specific record keeping and reporting requirements, none of which contribute to copper or other pollutant removal or overall water quality improvements. Some of the requirements (such as an ordinance prohibiting washing of buildings with exterior copper) would result in a very limited source of copper and would be impractical to enforce. It is also noteworthy to mention that the added requirements for copper removal result in a negligible cost to benefit ratio.</i>	These provisions are taken directly from the Basin Plan amendment for the copper site-specific objectives and are necessary to implement the objectives.	
Pleasanton	11	C.13 various	copper provisions not worth effort	<i>Tentative Order requires copper-specific activities along with specific record keeping and reporting requirements, none of which contribute to copper or other pollutant removal or overall water quality improvements. Some of the requirements (such as an ordinance prohibiting washing of buildings with exterior copper) would result in a very limited source of copper and would be impractical to enforce. It is also noteworthy to mention that the added requirements for copper removal result in a negligible cost to benefit ratio.</i>	See response to Dublin comment 9.	
Roger James	9	C.13 various	editorial changes	<i>Provision C.13. – Change "perform" to "implement" to make consistent with a regulatory approach. Provisions C.13.a. and C.13.b. – Change "Manage" to "Regulate" to make consistent with a regulatory approach. Provisions C.13.a.i. – Delete "waste" since the objective is to control all runoff from these</i>	We will make some of the requested language changes.	We made some of the requested changes.

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				<i>sources and not qualify it as a waste. Provisions C.13.c.iii. – Delete “ , and such” or define what is meant by the phrase.</i>		
San Pablo	31	C.13, C.14	Reporting	<i>Why are cities being required to study these pollutants? Isn't it the Water Board's responsibility to determine if a pollutant is a concern and to conduct the appropriate studies?</i>	The special studies for copper are taken directly from the basin plan amendment for the copper site-specific objectives and are necessary to resolve information gaps associated with copper. The studies of C.14 are necessary to investigate the cause and contribution of urban runoff to possible water quality impairments associated with these pollutants.	
Oakley	153	C.13.	Reporting	<i>C.13.a, C.13.b, C.13.c, C.13.d all have reporting requirements in the Permit text, and all are reflected in the Summary Table. There is no submittal requirement listed. What is required?</i>	See response to Oakley comment 142.	
Oakley	212	C.13.a.	Reporting	<i>We presume that the entries required for C.13.a are the full report.</i>	See response to Oakley comment 142.	
Central San	10	C.13.a.i	copper architectural feature	<i>Without clear instructions regarding proper disposal, a significant risk exists for these wastes to be discharged to the sanitary sewer without pretreatment. Disposal of these wastes to the sanitary sewer is not acceptable to CCCSD due to the impact on our ability to meet discharge requirements for copper. Provision should direct generators of this waste to manage the wastes generated as a hazardous waste unless a legal alternative (not the sanitary sewer) is identified.</i>	Provision says that such water cannot be discharged to stormdrains. The provision does not mandate disposal to sanitary sewer. There are other options.	
Alameda City	26	C.13.a.i	Funding	<i>The adoption and implementation of a municipal ordinance prohibiting the discharge of wastes from the installing, treating, cleaning and maintenance of copper architectural features will cause the City to incur additional staffing expense. No funding mechanism is identified for the additional staff time to enforce this requirement.</i>	We disagree with the claim that this is burdensome and expensive.	
SCVURPPP attorney	32	C.13.a-e	unfunded mandates	<i>These State Permit conditions mandate Permittees to conduct studies and pilot</i>	Is there a boiler plate response to the unfunded mandate comment?	

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				<i>projects in prescriptive ways that exceed federal requirements and could be costly.</i> <i>Additionally, requiring the adoption and enforcement of ordinances is a new program that exceeds federal requirements.</i>		
San Jose	86	C.13.b	copper from pools spas	<i>Delete the phrase "...including connection for filter backwash..." as it conflicts with sanitary sewer ordinances prohibiting the discharge of solids/debris to the sanitary sewer.</i>	Permittees do not have to allow discharge to sanitary sewer. There is an alternative mentioned in the revised Provision.	Provision was modified to allow for use in landscaping or irrigation.
Central San	11	C.13.b	copper from pools, spas	<i>This provision is not acceptable if it involves a passive connection to allow rainwater discharges during peak rainfall events. Distinguish between the disposal options for copper-containing pool, spa, and fountain water and water not contaminated since some sanitary sewer agencies may not be able to accept this wastewater without significant adjustments to the copper effluent limits. Clarify that this requirement involves locating a drain in the area for draining events and is not intended to direct overflow from pools, spas, and fountains to the sanitary sewer.</i>	Municipalities retain autonomy regarding restrictions and conditions in the prohibition or ordinance. There is now an option for disposal that does not involve sanitary sewer.	Provision was modified to allow for use in landscaping or irrigation.
SCVURPPP	83	C.13.b	copper from pools, spas	<i>Modify provision to indicate that this requirement should not be imposed in areas of the county that rely on septic systems. The TO should incorporate flexibility where discharge to the sanitary sewer is not feasible.</i>	Municipalities retain autonomy regarding restrictions and conditions in the prohibition or ordinance.	
SMCWPPP	18	C.13.b	copper from pools, spas	<i>modified to apply only to new connections where there is adequate sewer capacity to accept these discharges. In addition, this requirement should not be imposed in areas of the county that rely on septic systems.</i>	Municipalities retain autonomy regarding restrictions and conditions in the prohibition or ordinance.	
Roger James	88	C.13.b	copper from pools, spas	<i>The direct discharge to storm drain systems from these sources should be prohibited, but should not mandate connection to a sanitary sewer. The provision should allow discharge and irrigation of landscaping particularly for the smaller volume discharges.</i>	We will allow this flexibility.	modify to allow for possibility of other disposal, not to storm drain.
Union San	2	C.13.b	copper from pools, spas	<i>Mandatory connection to sanitary sewer would result in increased copper loading to the treatment plant. This could cause NPDES</i>	See response to Daly City comment 103.	

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				<i>compliance challenges, plant upsets, impact beneficial re-use of biosolids, and cause discharge violations. This could also cause increased costs for monitoring and treatment, and would necessitate upgrading infrastructure.</i>		
San Jose	85	C.13.b	copper from pools, spas	<i>Remove the words "spas" and "fountains" from the sentence. Many spas and fountains are portable devices. Requiring a permanent connection to the sanitary sewer for them is infeasible.</i>	Permittees can provide this clarification as they develop their own local ordinances.	
ACCWP	51	C.13.b	copper from pools, spas, too prescriptive	<i>Overly prescriptive language requires adoption of local ordinances prohibiting copper-containing PSF discharge, as well as installation of sanitary sewer discharge connection including "a proper permit from POTWs". This contradicts the recommendations in the CEP's Copper Management Strategy Development Resources (2006), which identified these steps not as the initial stages of implementation, but only as possible endpoints of a series of progressive steps if adequate control is not achieved at lower implementation levels. Revise to follow the CEP document's progressive implementation sequence</i>	There is no legal obligation to make the permit conform to recommendations made in the cited report.	
Berkeley	39	C.13.b	follow CEP document sequence	<i>Revise permit to follow the CEP document's progressive implementation sequence (pp 13-26)</i>	The Provisions are consistent with the Basin Plan amendment for the copper site-specific objectives.	
San Jose	84	C.13.b	Inconsistent Provisions	<i>Make sure this provision is consistent with Provisions C.15.b.v.(1)(a) and C.15.b.v.(1)(b). One requires the prohibition of discharges from pools, spas, and fountains and the other allows it under certain conditions.</i>	Provision C.13 governs that subset of such discharges containing copper. Therefore, if copper is present, Provision C.13.b governs discharge. If no copper is present, Provision C.15 governs.	
Berkeley	39	C.13.b	prescriptive	<i>Overly prescriptive language requires adoption of local ordinances prohibiting copper-containing discharge, as well as installation of sanitary sewer discharge connection including "a proper permit from POTWs". This contradicts the recommendations in the CEP's</i>	The Provisions are consistent with the Basin Plan amendment for the copper site-specific objectives. Consistency with the Basin Plan is required, not with a CEP document.	

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				<i>Copper Management Strategy Development Resources.</i>		
Oakley	213	C.13.b.	Reporting	<i>We presume that the entries required for C.13.b are the full report.</i>	See response to Oakley comment 142.	
San Jose	88	C.13.c	brake pads, consider other approaches	<i>The Water Board should consider other actions that the State can take to require that the manufacturers of vehicle brake pad products conduct these types of studies, since municipalities do not control the amount of copper that is used in brake pads.</i>	The Water Board is engaged in such efforts.	
SCVURPPP	84	C.13.c	brake pads, delete provision	<i>delete the proposed "desktop study to evaluate the implementation of enhance treatment system design, operation and maintenance efforts" to "minimize the amount of brake pad-associated copper from reaching the Bay." The Water Board may want to consider using grant funds or requiring that the manufacturers of these products conduct these types of studies.</i>	We will delete this study.	We will delete this study.
SMCWPPP	18	C.13.c	brake pads, delete provision	<i>delete the proposed "desktop study to evaluate the implementation of enhance treatment system design, operation and maintenance efforts" to "minimize the amount of brake pad-associated copper from reaching the Bay." The Water Board may want to consider using grant funds or requiring that the manufacturers of these products conduct these types of studies.</i>	We will delete this study.	We will delete this study.
Moraga, Oakley	94	C.13.c	Clarify meaning	<i>C.13.c talks about reporting "... depending on the progress of the BPP project... after the decision point..." What does "depending on the progress and decision point" mean?</i>	That phrase has been removed.	
ACCWP	52	C.13.c	copper from pools, spas, too prescriptive	<i>Requirement for a desktop study to evaluate implementation of enhanced treatment, O&M, which also "shall consider pilot tests" is excessive, given CEP document's assessment that "Typical runoff treatment systems have incomplete copper removal; removal of dissolved copper is even more difficult than removal of total copper. Confirm that the desktop study may be a review of similar implementation strategies evaluations by other</i>	We will delete this study.	We will delete this study.

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				<i>stormwater programs, including a number of reports recently released or soon to be available from other California stormwater programs in response to metals TMDLs.</i>		
Burlingame	15	C.13.c	copper in brake pads, not under permittee control	<i>The amount of copper in brake pads is also beyond the control authority of the program and co-permittees.</i>	The amount of copper in brake pads may be beyond permittee control, but, to the extent that this copper contaminates urban runoff and threatens water quality in receiving waters, it becomes a responsibility of permittees to address it.	
Berkeley	39	C.13.c	excessive requirement	<i>The requirement for a desktop study to evaluate implementation of enhanced treatment, O&M, which also "shall consider pilot tests" is excessive, given CEP document's assessment that "Typical runoff treatment systems have incomplete copper removal; removal of dissolved copper is even more difficult than removal of total copper."</i>	We will delete this study.	We will delete this study.
Berkeley	39	C.13.c	language change suggestions	<i>Revise requirement to one or more of: • "Conduct or cause to be conducted a literature review on potential copper sediment toxicity and sublethal effects on salmonids in SF Bay." • "Participate in a regional workgroup convened by WB to discuss steps for joint discharger implementation of studies to address uncertainties in copper impacts to biota in the Bay"</i>	We cannot accept this proposal.	
San Jose	87	C.13.c	language change suggestions	<i>Add the phrase "acting individually or collectively," after the word Permittees.</i>	The encouragement to accomplish provisions collectively was added to every provision for pollutants of concern.	
Oakley	214	C.13.c.	Reporting	<i>We presume that the entries required for C.13.c are the full report.</i>	See response to Oakley comment 142.	
Moraga	83, 96	C.13.d	Clarify meaning	<i>C.13.d also requires the "...reporting on BMP implementation, compliance and enforcement for the next Permit term". What does this mean?</i>	That phrase has been removed.	
Oakley	96	C.13.d	Clarify meaning	<i>C.13.d also requires the "...reporting on BMP implementation, compliance and enforcement for the next Permit term". What does this</i>	That phrase has been removed.	

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				<i>mean?</i>		
Daly City	104	C.13.d	too much detail	<i>The permit language gets down into the "nth" degree of detail. Suggest replacing language that allows decisions by local programs.</i>	The permit has to state clear enough expectations so permittees know how to comply and provide accountability mechanisms. The Provision language is adequate as written.	
Oakley	215	C.13.d.	Reporting	<i>We presume that the entries required for C.13.d are the full report.</i>	See response to Oakley comment 142.	
Daly City	105	C.13.e	explain how to comply	<i>Please explain how this is intended to be accomplished and within the proposed timeframe?</i>	Permittees either must conduct these studies or arrange for them to be conducted.	
SCVURPPP	85	C.13.e	special studies, delete provision	<i>The municipalities do not have sufficient resources to complete this task on the schedule shown. SMCWPP recommends that the permit delete this requirement as a low priority item.</i>	This requirement comes directly from the Basin Plan amendment for the copper site-specific objectives. The objectives have been approved contingent upon conducting these studies. These are not low priority items.	
SMCWPPP	18	C.13.e	special studies, delete provision	<i>The municipalities do not have sufficient resources to complete this task on the schedule shown. SMCWPP recommends that the permit delete this requirement as a low priority item.</i>	see SCVURPPP 85.	
Moraga	97	C.13.e	special studies, others should do them	<i>Isn't this an activity more properly implemented by the Department of Fish and Game, or the State Water Resources Control Board under the programs supporting its "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California", or Water Quality Order No 2004-0009-DWQ?</i>	These requirements come directly from the Basin Plan amendment establishing the site-specific objective for copper in the Bay. These same requirements will appear in all NPDES permits in the Bay Area.	
Oakley	97	C.13.e	special studies, others should do them	<i>Isn't this an activity more properly implemented by the Department of Fish and Game, or the State Water Resources Control Board under the programs supporting its "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California", or Water Quality Order No 2004-0009-DWQ?</i>	see response to Moraga comment 97.	
San Jose	89	C.13.e	Special Studies,	<i>Remove this provision since there are numerous other high priority requirements.</i>	Permittees are encouraged to coordinate with wastewater	

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			remove	<i>Copper is a lower priority than other POCs included in the Tentative Order. If this provision is included, use local species and natural test waters from relevant local receiving waters. This Provision should be coordinated between BASMAA and BACWA to avoid duplication of effort since similar requirements are contained in POTW permits.</i>	dischargers to accomplish these studies.	
Contra Costa Clean Water Program	115, 116, 117	C.13.e, c.12.h	special studies, RMP should do this	<i>This belongs under the RMP, as a special study. This provision inappropriately delegates the Regional Board's duties to develop TMDL information. We request that you simply state that this requirement may be fulfilled by an RMP special study, and commit to supporting the special studies at the RMP technical committee and steering committee.</i>	Both these provisions are taken directly from Basin Plan amendments for copper site-specific objectives and for the mercury TMDL. We will not place the requested statement concerning the manner in which permittees can comply with these provisions. The responsibility to comply rests with the permittees, not the RMP.	
Oakley	216	C.13.e.	Reporting	<i>We presume that the attachment plus the entries required for C.13.e are the full report.</i>	See response to Oakley comment 142.	
Central San	12	C.14	Emerging contaminants, keep out of POTWS	<i>The potential presence of these emerging pollutants in stormwater runoff is another reason we have concerns about diverting stormwater flows to the sanitary system without proper pretreatment. Increasing the contribution of these pollutants could result in levels that constitutes Reasonable Potential to exceed water quality standards, which would mean effluent limits and monitoring.</i>	We do not agree with your argument that it is more important to avoid the remote possibility of effluent limitations than explore potentially valuable strategies for reducing loads of pollutants that are impairing beneficial uses in the Bay.	
SMCWPPP	18	C.14	Insufficient Resources	<i>The municipalities do not have sufficient resources to complete this task according to the draft permit's schedule. The permit should be modified to allow the municipalities five years to develop a plan and schedule for characterizing these pollutants. The other option would be for the permit language to clarify that the data collected will be limited to existing data with the information summarized in a report due five years after adoption of the MRP.</i>	The current schedule and scope of the Provision is reasonable. It is not a reasonable notion that the only progress that permittees can accomplish in five years of effort is to develop a plan and schedule for this important work. It is also reasonable to restrict the reporting to existing data, which is likely inadequate.	
Berkeley	38	C.14	Need more time	<i>Requirement to complete and report on the initial characterization phase by Oct 2010</i>	Characterization is now due in 2012, which is enough time to complete	

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				<i>does not allow enough time to ramp up resources, particularly in view of many other Year 2 requirements and the high cost of PBDE analyses.</i>	this work.	
San Jose	91	C.14.a	Don't need selenium data	<i>Since previous data have shown that selenium is not problematic in most urban creeks, remove selenium from this Provision.</i>	There are not sufficient data to make this claim. Selenium will remain on the list of pollutants to characterize through this Provision.	
Sunnyvale	33	C.14.a	focus/prioritize	<i>The identification of possible control measures or management practices to reduce these pollutants seems appropriate. However, given the many competing requirements of this Tentative order, the requirements listed here should be included in the prioritization efforts for all permit provisions. Prioritize this provision in consideration of all the other provisions included in the permit.</i>	All of the provisions in the permit must be accomplished. If the aim of requesting prioritization is to discover which permit provisions need not be accomplished, then the request is not appropriate.	
Oakley, Moraga	98	C.14.a	Impracticable Provision	<i>This time table does not take into consideration the time required to prepare a competent Request for Qualifications, assuming staff have the skill set to prepare such an RFQ, select the qualified consultants, prepare and advertise a Request for Proposals, analyze proposals, negotiate a cost, award the work and accomplish the work. If drainage pathways and urban runoff are what is to be analyzed, it would seem this activity would need to run through a rainy season. This schedule will have to be revised as it seems impracticable as presented.</i>	The due date for this characterization effort has been relaxed to 2012. But, work should start on this measure soon so that this due date can be met.	
ACCWP	54	C.14.a	Need more time	<i>This provision does not allow enough time to ramp up resources, particularly in view of many other Year 2 requirements and the high cost of PBDE analyses. Data requirements and reporting are not coordinated with C.8.f provisions. Clarify that information needs for this provision may be fulfilled by 1) data collected to comply with C.8 provisions; 2) existing stormwater program data from previous bedded sediment surveys; or 3) other existing data. (see also MP-1). Change the October 2010 Annual Report</i>	See response to Oakley/Moraga comment 98.	

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				<i>requirement to consist of a summary of the sampling plan and status update; Change the October 2011 Annual report requirement to include results of characterization in addition to information for computing loads.</i>		
SCVURPPP attorney	37	C.14.a	unfunded mandates	<i>The State here is effectively requiring the Permittees to determine whether the substance needs to be regulated, which is the work of the permitting agency and constitutes a new program for which no funding is being provided.</i>	Requiring storm water dischargers to investigate their cause and contribution to exceedances of water quality standards is not a new program. This is part of what storwater programs have been doing since their inception.	DALE - check this and revise as necessary
Contra Costa Clean Water Program	118	C.14.a	unreasonable timeframes	<i>This is a vaguely worded provision with unreasonable time frames. Does the conceptual model for selenium suggest that urban stormwater is a likely source? That does not appear to be the case in Contra Costa County. The goal of this provision for the first MRP permit cycle should be development of a carefully thought out, peer reviewed regional work plan that frames questions and proposes meaningful approaches to answer them.</i>	The time frames have been relaxed. There are outstanding questions about all of these pollutants for urban runoff that motivate these provisions.	
San Jose	90	C.14.a	Use existing data	<i>Pre-existing data and the monitoring requirements listed in the Water Quality Monitoring Provision (C.8) will provide sufficient data to comply with the intent of this provision. Revise this provision to clarify that data collected as part of Provision C.8.f as well as related data previously collected by BASMAA will provide a sufficient basis for completion of these tasks and thus compliance with this provision.</i>	The C.8 monitoring will not satisfy this Provision, nor will existing information.	
San Leandro	26	C.14.a	Funding	<i>The Water Board anticipating that control measures that may work for one pollutant will also work for the other pollutants is not justification that any local agency can use to divert already short resources into completing characterization of legacy pollutant distribution research for the Water Board.</i>	This is an editorial comment not requiring a response.	
Oakley	217	C.14.a.	Reporting	<i>From C.14.a it appears that the reporting requirement is attachment C.14.a. If that is</i>	See response to Oakley comment 142.	

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				<i>true what is to be reported in the Table?</i>		
SF Baykeeper	67	C.14.a.i	Emerging contaminants, characterization	<i>The characterization plan should include more specific details like the minimum number of sites for monitoring, where monitoring should occur, and when it should occur. Permittees should be required to collect a minimum amount of data to allow for a robust loading estimate.</i>	The flexibility allowed for this exploratory monitoring is appropriate for this class of pollutants.	
San Jose	92	C.14.a.v, C.14.a.v.i	clarify provision	<i>Modified these provisions to remain consistent with the fact sheet, which states this is an information gathering exercise.</i>	The Provision is consistent with the fact sheet as written.	
Contra Costa Co. Supervisors	8	C.8, C.10, C.11, C.12, C.13, C.14	Lack Capacity to Conduct Studies	<i>Conduct required scientific studies is beyond the County's core mission and the experience and expertise of municipal staff. The County has neither the staffing capacity nor the funding to conduct all of these specialized studies. In addition, many of these studies appear to be precursors to development of Total Maximum Daily Loads (TMDLs), which have historically (and more appropriately) been functions of the RWQCBs</i>	Conducting monitoring of pollutants in storm water that may be impacting beneficial uses is very much the responsibility of storm water programs.	
Oakley	4	C.8, C.11, C.12	Implementation Dates	<i>When requirements repeat, are they intended to be for the same site, or different sites? For instance: • Pilot project to evaluate on-site treatment for mercury Oct '09; • Pilot project to evaluate on-site treatment for PCB's Oct '09; • PDBE's, legacy pesticides, selenium Oct '12;</i>	The Provisions are clear enough about this issue as written. There may be some overlap in pilot project sites for mercury and PCB projects if justified and appropriate. There are no requirements for pilot projects for control measures for PBDEs, legacy pesticides, or selenium so the commenter is confused.	
Contra Costa County Supervisors	59	C.8, C9, C.11-C.14	collaboration clarification	<i>The requirements in these sections may be able to be carried out on a regional basis with tasks/costs shared by all co-Permittees. Use of the term "collectively" in the aforementioned provisions should be clarified with reference to establishment of sampling plans. This approach would streamline efforts and produce a more consistent data set by utilizing the same field staff, equipment, analytical laboratories, etc.. However, this proposition may require development of an oversight organization such as a Regional Monitoring</i>	This issue of collaboration has been clarified in the revised tentative order.	

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				<i>Committee Program, or could be overseen by the Bay Area Stormwater Management Agencies Association (BASMAA).</i>		
Contra Costa Flood Control	13	C.8, C9, C.11-C.14	Limits on responsibility	<i>The FC District should not be responsible, in this or future permits, for the costs of water quality monitoring that exceed the proportion of the FC District's owned land area to the entire watershed area tributary to the point of interest.</i>	This permit does not speak to the cost-sharing arrangements of monitoring.	
Berkeley, ACCWP	21 & MP-1, MP-1	C.8.a.	Collaborative Effort	<i>Indicating that some requirements can be satisfied by collaborative efforts is not consistent: insert language similar to C.8.a.i. in C.8.f.v, C.12b, C11/12h, C.9.e, C.9.g, C.11/12.c&d, C.11/12.e,f,gj, C.13,c,e; C.14.a.</i>	The language in C.8.a.i. applies to all of Provision C.8, & we agree to strengthen this by adding "C.8" after "Provision."	Add "C.8" after "Provision" in C.8.a.i.
SF Baykeeper, NRDC, & Clean Water Action	32	C.9	Define IPM	<i>The Permit should identify model Integrated Pest Management policies and ordinances. The Permit should define IPM and ensure that Permittees adopt definitions and ordinances that are at least as stringent as the example. We recommend a definition from the City of SF.</i>	Chapter 7 of the Basin Plan has a definition of IPM against which policies and ordinances can be evaluated. The fact sheet explicitly suggests UP3 as a resource to use to support development of such policies and ordinances. The UP3 website has model policies and other helpful resources to help guide policy development.	
Contra Costa Flood Control	46	c.9	duplicates State Board NPDES permit	<i>Permittee uses chemical herbicides now to manage our facilities and integrated pest management program, and we do have discharge requirements that the State Board has issued to us in an NPDES permit, so we would respectfully request that you not apply duplicative regulation to the flood control district in this area.</i>	is this a legit. Claim? How to respond?	
Sunnyvale	19	C.9	Flexibility	<i>The "EcoWise Certified" IPM Certification program promoted by the Association of Bay Area Governments and referenced in this permit provision is only for Branch 2 field representatives and operators for Structural Pest control. This certification program is not available to other applicators licensed through DPR. Requirements related to hiring "IPM Certified" pest control professionals should be removed</i>	The Provision already provides flexibility by saying "EcoWise or functionally equivalent". Informing residents of this certification program helps raise awareness about IPM and will promote its use. The requirement to hire IPM-certified contractors already provides flexibility because it allows an alternative means of compliance if	

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				<i>from the permit until there is a state certification program for all professionals who apply pesticides through state agencies.</i>	contracts require implementation of IPM.	
San Pablo	23	C.9	general	<i>We believe our resources would be better served by working with the Water Board to make pesticide regulators block pesticides from being sold unless they have been shown to be non-toxic.</i>	This is an editorial comment not requiring a response.	
Millbrae	2	C.9	Municipalities cannot control pesticide spraying	<i>Municipalities have no control over widespread use of pesticide within our respective jurisdictions, like aerial spraying. The MRP requires local municipalities to participate in regulatory processes and yet many of the local municipalities do not have such authority.</i>	The concept of aerial spraying is not mentioned in the permit. The Provision referred to (C.9.e) is well within permittees capability and is an activity you have been engaged in through BASMAA for several years.	
Daly City	79	C.9	Funding	<i>This will cost a significant amount of money from the City's General Fund. Funds that are not available now. Recommend this provision be phased in after a determination that funding will be available.</i>	This is not an acceptable request.	
SCVURPPP	65	C.9 - C.14	Explicitly allow regional efforts	<i>In the opening paragraph for Provisions C.9 through C.14, there should be a statement that allows Co-permittees to have the option of "utilizing regional studies for which the Co-permittee is involved" to comply with POC provisions.</i>	There is a statement to allow and encourage regional coordination to accomplish the Provisions.	
SCVURPPP	65	C.9 - C.14	language change suggestions	<i>The opening paragraph for each Provision pertaining to Pollutants of Concern Control Programs, should include a statement that such as: "The Permittees may address the requirements in this Provision by building upon their prior submissions to the Water Board." Additionally, similar to the language included in Provision C.8a, the opening paragraph for Provisions C.9 through C.14 should include a statement that allows Co-permittees to have the option of "utilizing regional studies for which the Co-permittee is involved" to comply with POC provisions.</i>	There is a statement to allow and encourage regional coordination to accomplish the Provisions. Including a statement alluding to "building upon past submissions to the Water Board" serves no useful purpose and is ambiguous.	
SMCWPPP	13	C.9 introduction	language change suggestions	<i>Please modify language in permit to tie action to a threat to water quality that is "significant" because virtually all pesticides pose some</i>	See response to Brisbane comment 14.	

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				<i>threat to water quality. Also, we suggest the language change: "municipal conveyance system" with "MS4 owned or operated by the municipality with coverage under the permit." Municipal separate storm sewer system is the term used in the federal Clean Water Act and is defined in the permit's Glossary, unlike municipal conveyance system.</i>		
Brisbane	14	C.9 introduction	language change suggestions	<i>Please modify language in permit to tie action to a threat to water quality that is "significant" because virtually all pesticides pose some threat to water quality. Also, we suggest the language change: "municipal conveyance system" with "MS4 owned or operated by the municipality with coverage under the permit." Municipal separate storm sewer system is the term used in the federal Clean Water Act and is defined in the permit's Glossary, unlike municipal conveyance system.</i>	We reject the request because this will just create an incentive for permittees to claim that there are no significant threats to water quality from pesticides to justify no or limited action on control measures. The provisions regarding pesticides are directly from the pesticide toxicity TMDL and are appropriately stated.	
Oakley	192	C.9.	Reporting	<i>Summary Table has cases that state "in addition to answering the following questions, submit the attachment..." For the following entries we presume: • entries required for C.9.e are the full report. • entries required for C.9.f are the full report. • entries required for C.9.g are the full report.</i>	See response to Oakley comment 142.	
Moraga	63	C.9.a	Define IPM	<i>What are the minimum requirements for such an ordinance or IPM policy?</i>	see response to SF BayKeeper comment 32.	
Oakley	63	C.9.a	Define IPM	<i>What are the minimum requirements for such an ordinance or IPM policy?</i>	see response to SF BayKeeper comment 32.	
SMCWPPP	13	C.9.a	don't require resubmission of IPM policy	<i>recommends that the permit be modified to not require the submission of the ordinance or policy if this has been done previously.</i>	It is not onerous to submit a copy of an existing policy.	
Brisbane	14	C.9.a	don't require resubmission of IPM policy	<i>recommends that the permit be modified to not require the submission of the ordinance or policy if this has been done previously.</i>	It is not onerous to submit a copy of an existing policy.	
NRDC	20	C.9.a	Vague Language	<i>Language relating to adopting IPM policy is too vague.</i>	See response to SF BayKeeper comment 32.	
SF Baykeeper, NRDC, &	9, 10, 11	C.9.a.ii, C.9.c.i,	Vague Language	<i>Places where the permit requires "appropriate" BMPs should be revised to include a BMP</i>	There are very few if any instances of this phrase, in the cited provisions	

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Clean Water Action		C.13.a		<i>menu list of the minimum BMPs that must be implemented:</i>	and the instances where this phrase does occur (C..12.b and C.13.a) are acceptable because the appropriate BMPs depends on specific circumstances that must be discovered by actions of the Provisions. The BMP list cannot be stated a priori.	
SCVURPPP attorney	32	C.9.a-h	unfunded mandates	<i>Aside from monitoring and BMPs that reduce pesticides in runoff, the rest of C.9-related expenses exceed the requirements of the Federal Permit. These provisions are therefore unfunded mandates.</i>	The requirements are consistent with MEP and therefore Federal Requirements.	
Oakley	64	C.9.b	Define IPM SOP	<i>What is the approved resource for an IPM SOP?</i>	Chapter 7 of the Basin Plan has a definition of IPM against which policies and ordinances can be evaluated. The fact sheet explicitly suggests UP3 as a resource to use to support development of such policies and ordinances. The UP3 website has model policies and other helpful resources to help guide policy development.	
JamesRoger	75	C.9.b.iii	language change suggestions	<i>Almost every pesticide if misapplied is a threat to water quality therefore delete "that threaten water quality"</i>	This change invites interpretation of what constitutes threat to water quality and undermines accountability for required actions.	
SMCWPPP	13	C.9.c	training employees not worthwhile	<i>Municipalities should not be required to expend time training employees on how to apply over the counter pesticides, and Brisbane recommends this requirement be deleted from the permit.</i>	This is an opinion of the commenter with which the Water Board disagrees.	
Brisbane	14	C.9.c	training employees not worthwhile	<i>Municipalities should not be required to expend time training employees on how to apply over the counter pesticides, and Brisbane recommends this requirement be deleted from the permit.</i>	This is an opinion of the commenter with which the Water Board disagrees.	
Oakley	188	C.9.c.	Reporting	<i>For C.9.c, Section III refers to an attachment that is not referred to here as has been done in earlier provisions. Is completing this section plus submitting the attachment the full report?</i>	See response to Oakley comment 142.	

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File Name	Comment No.	Provision No.	Key Word(s)	Comment	Response	Proposed MRP Revisions
Oakley	189	C.9.c.	Reporting	<i>Also, who is the certifying agency for IPM applicators and what are the standards that are being certified to?</i>	See response to Oakley comment 142.	
Oakley	190	C.9.d.	Reporting	<i>C.9.d refers to specifying IMP practices for implementation by contractors, or hiring IPM certified contractors. The information we have from the Regional IPM Conference does not list resources for certification or standards for specifying qualifications for IMP practices to be used. They only seem to arise on an ad hoc basis. What is to be used?</i>	See response to Oakley comment 142.	
Oakley	191	C.9.d.	Reporting	<i>We presume that the copy of the procurement documentation and the entries required for C.9.d are the full report.</i>	See response to Oakley comment 142.	
Sunnyvale	18	C.9.d.i	prescriptive	<i>Provision C.9.d.i is overly prescriptive in requiring the permittees to hire only IPM-certified contractors and will be almost impossible to achieve, as there is no IPM certification program available for all those licensed individuals who may apply pesticides.</i>	The requirement to hire IPM-certified contractors already provides flexibility because it provides an alternative means of compliance if contracts require implementation of IPM.	
Contra Costa County Supervisors	66	C.9.e	Clarify Responsibility	<i>Please clarify permittee role in working with Federal (US Environmental Protection Agency, US Department of Agriculture) and State (Department of Pesticide Regulation and Dept. of Toxic Substance Control) departments that oversee pesticides, since this role has traditionally been achieved by the State Water Resources Board (as a partner agency to DPR).</i>	The permit is just implementing the Basin Plan amendment for the pesticide TMDL .	
Contra Costa Clean Water Program	79	C.9.e	Delete provision	<i>While Permittees often do individually and collectively participate in Federal and State public processes, requiring such participation in this Municipal Regional Permit is not appropriate.</i>	This measure is not onerous. Permittees are merely required to comment on federal actions "as appropriate." Such action can be helpful in securing ongoing funding for existing efforts (currently funded through State Board grants).	
SMCWPPP	13	C.9.e	not required by federal CWA	<i>Municipalities should not have a permit requirement to encourage coordination of codes controlled by different state agencies. This is clearly not required by the federal Clean Water Act, and Brisbane recommends that this requirement be deleted.</i>	Most of what this requires is that they "track" and "encourage" through some joint effort, just as is happening now. This provision would simply provide a funding stream for existing efforts.	

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Brisbane	14	C.9.e	not required by federal CWA	<i>Municipalities should not have a permit requirement to encourage coordination of codes controlled by different state agencies. This is clearly not required by the federal Clean Water Act, and Brisbane recommends that this requirement be deleted.</i>	See response to Contra Costa Supervisors comment 66, Contra Costa Clean Water Program comment 79, and SMCWPPP comment 13.	
SMCWPPP	13	C.9.e	not required by federal CWA	<i>Again, municipalities should not have a permit requirement to collect data to assist the California DPR because it is not a requirement of the federal Clean Water Act. Brisbane recommends that this requirement be deleted from the permit.</i>	See response to Contra Costa Supervisors comment 66, Contra Costa Clean Water Program comment 79, and SMCWPPP comment 13.	
Brisbane	14	C.9.e	not required by federal CWA	<i>Again, municipalities should not have a permit requirement to collect data to assist the California DPR because it is not a requirement of the federal Clean Water Act. Brisbane recommends that this requirement be deleted from the permit.</i>	See response to Contra Costa Supervisors comment 66, Contra Costa Clean Water Program comment 79, and SMCWPPP comment 13.	
Contra Costa Engineering Advisory Committee (CCCEAC)	17	C.9.e	Permittees cannot control other agencies	<i>Requires permittees to ensure federal and state regulators are complying with federal or state regulations. It is not the appropriate role of local agencies to police federal or state regulators compliance with their own regulations.</i>	See response to Contra Costa Supervisors comment 66, Contra Costa Clean Water Program comment 79, and SMCWPPP comment 13.	
Moraga Mayor	11	C.9.e	Permittees cannot control other agencies	<i>Requires permittees to ensure federal and state regulators are complying with federal or state regulations. It is not the appropriate role of local agencies to police federal or state regulators compliance with their own regulations.</i>	See response to Contra Costa Supervisors comment 66, Contra Costa Clean Water Program comment 79, and SMCWPPP comment 13.	
Millbrae	14, 3 from hearing	C.9.e	permittees not responsible	<i>The Water Board should be the State agency to begin dialogue with the USEPA and the California Department of Pesticide Regulation on the impacts pesticides pose to water quality. Local municipalities are the enforcers of these laws and regulations, but we do not make laws regarding their use. The Board should work with all relevant regulatory agencies to move towards banning the manufacturing and sales of these toxic chemicals which are currently easily available to the public.</i>	See response to Contra Costa Supervisors comment 66, Contra Costa Clean Water Program comment 79, and SMCWPPP comment 13.	
Pleasanton	12	C.9.e	permittees not	<i>Local agencies monitor and participate in the</i>	See response to Contra Costa	

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			responsible	<i>regulatory process for pesticides and assume responsibilities for development and enforcement of regulations currently handled by Federal and State agencies. This activity is beyond the technical and legal scope of local government, and is and should continue to be handled at the State and Federal level.</i>	Supervisors comment 66, Contra Costa Clean Water Program comment 79, and SMCWPPP comment 13.	
Dublin	11	C.9.e	permittees not responsible	<i>Local agencies monitor and participate in the regulatory process for pesticides and assume responsibilities for development and enforcement of regulations currently handled by Federal and State agencies. This activity is beyond the technical and legal scope of local government, and is and should continue to be handled at the State and Federal level.</i>	See response to Contra Costa Supervisors comment 66, Contra Costa Clean Water Program comment 79, and SMCWPPP comment 13.	
Moraga	65	C.9.e(2)	permittees not responsible	<i>This provision is unacceptable. Local agencies do not have skills and resources to track the activities of the EPA in the implementation of the Federal Insecticide, Fungicide and Rodenticide Act and the Clean Water Act. Local agencies do not have skill and resources to monitor the California DPR in its activities and to encourage them to coordinate their activities with the California Food and Agriculture Code.</i>	See response to Contra Costa Supervisors comment 66, Contra Costa Clean Water Program comment 79, and SMCWPPP comment 13.	
Oakley	65	C.9.e(2)	permittees not responsible	<i>This provision is unacceptable. Local agencies do not have skills and resources to track the activities of the EPA in the implementation of the Federal Insecticide, Fungicide and Rodenticide Act and the Clean Water Act. Local agencies do not have skill and resources to monitor the California DPR in its activities and to encourage them to coordinate their activities with the California Food and Agriculture Code.</i>	See response to Contra Costa Supervisors comment 66, Contra Costa Clean Water Program comment 79, and SMCWPPP comment 13.	
Oakley, Moraga	66	C.9.e(3)	Clarify meaning	<i>Please provide more guidance about what monitoring information is contemplated in this provision.</i>	This Provision refers to any monitoring data available to the permittees that are relevant to the regulatory process in which you are engaged. Please use your independent judgment to determine what is appropriate.	

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Oakley, Moraga	67	C.9.e(4)	Municipalities have no capability	<i>This provision is unacceptable as local agencies do not have appropriate experts on staff such as wildlife biologists or, in many cases, water quality chemists, to develop "appropriate" comment letters.</i>	Permittees have been engaged in just this sort of process through BASMAA for several years. We suggest that you coordinate with other permittees to continue these efforts.	
Oakley	137	C.9.e.	Reporting	<i>C.9.e has a reporting requirement for tracking the regulatory process. It is also included in the Summary Table but there is no submittal requirement. What is required?</i>	See response to Oakley comment 142.	
Daly City	80	C.9.e.i. (1) & (2)	Working with other parties	<i>Requires exchanging information with USEPA, but there is no pathway to accomplish this task, and there are no clear guidelines as to the content of the communiqué.</i>	USEPA has public processes for their actions that provide the mechanism for your input. See also response to Oakley/Moraga comment 67.	
Daly City	81	C.9.e.i. (3)	Working with other parties	<i>Requires communications with the Ag dept; the Ag department has stated that they cannot assign County biologists to monitor pesticides as they apply to surface water.</i>	Monitoring is one component of additional efforts from the County Ag. Dept., other aspects of the County Ag Dept.'s role can still be the subject of further communication.	
Daly City	82	C.9.e.i. (4)	infeasible	<i>at this time there is no established course for recognition of re-registered pesticide products.</i>	Noted. The requirement is "as appropriate".	
San Jose	62	C.9.e.ii	Prescriptive reporting	<i>This overly prescriptive reporting requirement should be eliminated.</i>	We disagree. This Provision comes directly from the pesticide toxicity TMDL.	
Oakley, Moraga	68	C.9.f	Provide guidance on what to report	<i>Permittees are not experts in illegal actions and not necessarily aware of what would constitute a violation of the law. Board should provide some guidance of a practical nature as to what is expected in terms of reporting.</i>	See response to Oakley comment 142.	
Oakley	138	C.9.f.	Reporting	<i>C.9.f has a reporting requirement for coordinating with the county agriculture commissioner. It is also included in the Summary Table but there is no submittal requirement. What is required?</i>	See response to Oakley comment 142.	
Contra Costa Clean Water Program	80	C.9.g	Delete or Clarify Provision	<i>This provision is vague. The required analysis would be scientifically difficult, or impossible, and certainly beyond the realm of a practical mandate. A more reliable evaluation for assessing the effectiveness of pesticide source control measures include: 1) compliance with activity-based permit</i>	Effectiveness may be evaluated in some of the ways suggested in the comment. Evaluating whether or not concentration or toxicity targets are met does not require analyses that are beyond the ability of permittees. This is a requirement taken directly	

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				<i>requirements, 2) changes in knowledge and awareness, and 3) changes in behavior and implementation of BMPs</i>	from the Basin Plan amendment for the Diazinon and Pesticide-Related Toxicity TMDL and so it cannot be removed.	
SMCWPPP	13	C.9.g	change due date of report	<i>recommends that the permit required report be due as part of the fourth Annual Report prepared under this permit and that the word "annually" be removed from the following title: "Annually, Evaluate Implementation of Source Control Actions Relating to Pesticides" of subprovision C.9.g.</i>	We will make the requested change.	We made the edit as requested.
Brisbane	14	C.9.g	change due date of report	<i>recommends that the permit required report be due as part of the fourth Annual Report prepared under this permit and that the word "annually" be removed from the following title: "Annually, Evaluate Implementation of Source Control Actions Relating to Pesticides" of subprovision C.9.g.</i>	We will make the requested change.	We made the edit as requested.
Oakley	139	C.9.g.	Reporting	<i>C.9.g has a reporting requirement for evaluating source control implementation. It is also included in the Summary Table but there is no submittal requirement. What is required?</i>	See response to Oakley comment 142.	
Daly City	83	C.9.g.i	burdensome	<i>City would have to dedicate an employee to study the effectiveness of the control measures, utilize laboratories to analyze required compounds and deduce toxicity concentrations of target issues.</i>	We have reduced the frequency of this requirement, but evaluating the effectiveness of control measures is a critical component and does not have to be as burdensome as suggested in the comment.	
San Jose	63	C.9.g.ii	correct reporting date	<i>The attachment L date be corrected to match the C.9.g.ii date of October 2012 Annual Report.</i>	See response to Oakley comment 142.	
Berkeley	28, 29	c.9.h	beyond permittee control	<i>The City does not have control in the free market place and it is beyond the City's authority for regulating sales and purchases. Local merchant, may not cooperate. [These] outreach requirements should be removed from Provision C.9 Pesticides Toxicity Control, and incorporated into Provision C.7 Advertising Campaign.</i>	Since point-of-purchase outreach currently takes place (through the Our Water Our World program), it is certainly feasible. While not all retailers will cooperate, many do. This provision doesn't require full participation; it calls for a level of effort comparable to the existing program.	
Oakley, Moraga	69	C.9.h	burdensome	<i>This measure is an unacceptable burden because of the data that must be collected</i>	This is a very reasonable provision. See responses to Berkeley comment	

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				<i>pre- and post-action. What other measures does the Board envision as meeting this requirement? Who certifies IPM providers?</i>	29, Oakley 193, and Contra Costa 81.	
SMCWPPP	13	C.9.h	not worthwhile reporting on amount of outreach material	<i>There is no benefit to reporting on the number or pounds of outreach material distributed. Brisbane recommends that the permit be modified to simply require information on the types of outreach material that were distributed.</i>	Reporting the quantity of outreach materials distributed may not be a perfect measure of implementation, but it is simple and is far better than none at all. We have streamlined the reporting by not requiring the reporting as a default, but only if requested by the Water Board staff.	Reporting on outreach material will be required upon Water Board staff request.
Brisbane	14	C.9.h	not worthwhile reporting on amount of outreach material	<i>There is no benefit to reporting on the number or pounds of outreach material distributed. Brisbane recommends that the permit be modified to simply require information on the types of outreach material that were distributed.</i>	see response to SMCWPPP comment 13.	see response to SMCWPPP comment 13.
Contra Costa Flood Control	15	C.9.h	outreach requirements do not apply	<i>Section C.9.h, "Public Outreach", is not applicable to the FC District since it does not have a permanent resident population. Testing and reporting on the FC District's activities are readily available to the SFBRWQCB and additional requirements would be duplicative and unnecessary.</i>	These are general permittee requirements and are not fine-tuned to each permittees circumstances.	
Berkeley	29	C.9.h	permittees can't identify audience	<i>There is no practical way for the City to identify the target audience for this outreach. [These] outreach requirements should be removed from Provision C.9 Pesticides Toxicity Control, and incorporated into Provision C.7 Advertising Campaign.</i>	Cities should know how to identify a target audience for such outreach. Cities are already conducting such outreach and must be having some success reaching a target audience. We suggest you confer with other municipalities if you really have no idea how to proceed. You may also want to consider who needs the information (e.g. residents, specific businesses, etc.)	
Moraga Mayor	12	C.9.h	permittees not responsible	<i>Such outreach should be handled by the state and federal agencies by controlling the labeling of consumer goods and the use of products used by landscaping and pest control agencies.</i>	Point-of-purchase outreach currently takes place through the Our Water Our World program; therefore, it is feasible. This provision does not require that all retailers participate, and can't be interpreted to require so because it specifically refers to	

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File Name	Comment No.	Provision No.	Key Word(s)	Comment	Response	Proposed MRP Revisions
					OWOW, which doesn't reach the majority of retailers.	
San Pablo	22	C.9.h	prescriptive	<i>How does the Water Board propose that cities track the percentage of residents hiring certified operators?</i>	See response to Oakley comment 193.	
Alameda City	23	C.9.h	Redundant Reporting	<i>Provision requires us to evaluate outreach efforts to Pest Control Operators (PCO's) and landscapers will generate redundant and time-consuming reporting effort. Permittees forced to evaluate data already being submitted to another regulatory agency given that PCO's report directly on pesticide usage to the County Agricultural Commissioner's Office.</i>	See response to Oakley comment 193.	
Contra Costa Clean Water Program	82	c.9.h	use more general approach	<i>This is not the most effective or efficient way to gather information, and may not gather reliable information. A more general and comprehensive survey approach may be more effective. The provision should be integrated with the Advertising Campaign mandated in C.7.b.</i>	See response to Oakley comment 193.	
Oakley	140	C.9.h.	Reporting	<i>C.9.h has a reporting requirement for public outreach. It is also included in the Summary Table but there is no submittal requirement. What is required?</i>	See response to Oakley comment 142.	
Oakley	193	C.9.h.	Reporting	<i>The report requires estimating the number of PCO's and landscapers in a jurisdiction. Does this mean landscapers who work in the jurisdiction or who have a business address in the jurisdiction? Under C.9.h regarding the Permit text, this is impossible to estimate as there are numerous such service providers who operate on a referral basis, do not have an address or business license in the jurisdiction, and likely operate from home without advertising.</i>	Please do the best you can on this Provision. Structural PCOs must be licensed, so the Structural Pest Control Board would know where they are. Similarly, DPR licenses landscapers so would have information on them as well.	
Contra Costa Clean Water Program	81	c.9.h.i	inappropriate mandate	<i>Change this provision so as to encourage, not require, point of purchase outreach efforts. This provision currently requires the cooperation and participation of retail outlets. While Permittees have successfully conducted point of purchase programs in the past, there is no guarantee these programs can be</i>	Point-of-purchase outreach currently takes place through the Our Water Our World program; therefore, it is feasible. This provision does not require that all retailers participate, and can't be interpreted to require so because it specifically refers to	

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				<i>successfully implemented in the future. It is inappropriate to mandate point of purchase programs on Permittees.</i>	OWOW, which doesn't reach the majority of retailers.	
Contra Costa Engineering Advisory Committee (CCCEAC)	18	C.9.h.i	permittees not responsible	<i>This requirement should more appropriately be placed upon business owners rather than on Permittees and should be coordinated by State agencies who could more efficiently do the outreach on a regional or statewide level.</i>	See response to Contra Costa Clean Water Program comment 81.	
Daly City	84	C.9.h.i.	No jurisdiction, too much money	<i>City does not have legal jurisdiction to do this provision. This requires a person licensed as a pest control advisor and would have significant impact on the City's general fund</i>	See response to Contra Costa Clean Water Program comment 81.	
ACCWP	26	C.9.h.ii	delete unnecessary measure	<i>The requirement to track the quantity of outreach materials distributed should be removed. Why does this information need to be collected? What quantity of outreach materials is sufficient?</i>	see response to SMCWPPP comment 13.	see response to SMCWPPP comment 13.
Contra Costa Engineering Advisory Committee (CCCEAC)	19	C.9.h.ii	permittees not responsible	<i>It will be difficult for Permittees to determine which resident's contract with structural pest control and landscape pest control companies. This requirement should more appropriately be placed upon the structural and landscape pest control industry and the regulatory agencies governing them.</i>	See response to Oakley comment 193.	
San Jose	64	C.9.h.ii	reporting, streamline	<i>The documentation and reporting of measurable awareness and behavior change requirement in this Provision should be done as part of C.7.I.</i>	See response to SMCWPPP comment 13.	See response to SMCWPPP comment 13.
Daly City	85	C.9.h.ii.	Funding	<i>Complying with this provision would be too expensive for the City.</i>	We encourage Permittees to work together to share costs.	
Sunnyvale	20	C.9.h.iv	Flexibility	<i>No mechanism available to identify the percentage of its residents who hire "certified IPM providers" other than by performing expensive and time-consuming surveys of residents. This provision should be revised to allow agencies the flexibility to choose how they will implement the requirements to utilize IPM methods within those areas where they have jurisdiction.</i>	The provision says "may include," so the surveys are a suggestion. If permittees can provide a better metric, they may do so.	
Contra Costa Clean Water Program	83	C.9.h.iv	IPM documentation	<i>Delete the sentence: "This documentation may include percentages of residents hiring certified IPM providers and the change in this</i>	The provision says "may include," so the surveys are a suggestion. If permittees can provide a better	

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File Name	Comment No.	Provision No.	Key Word(s)	Comment	Response	Proposed MRP Revisions
				<i>percentage." It would be a very difficult for Permittees to ascertain the percentages of residents hiring IPM certified providers.</i>	metric, they may do so.	
Oakley, Moraga	70	C.9.h.v	difficult to assess PCO outreach	<i>As written, the reporting of C.9.h.v is unacceptable. In reporting the percentage of PCO's and landscapers reached and the reductions in pesticides used, what is the basis for the population of PCO's and landscapers reached, telephone book listing for the community or businesses licensed in the community? What should be done for communities that do not have business licenses or any phone listings for PCO's or landscapers?</i>	see response to Sunnyvale comment 20.	see response to Sunnyvale comment 20.
San Jose	65	C.9.h.v	Working with other parties	<i>Please place the words "Permittees may" in front of the sentence "Work with DPR,... "in order to maximize outreach effectiveness and to maintain permit compliance should one of the above listed entities become defunct or otherwise ineffective for collaboration on this issue.</i>	Flexibility will be added in this regard. We will divide the sentence in two, require working with DPR and the Ag Commissioners, and say "may work" with respect to the others.	Flexibility will be added in this regard. We will divide the sentence in two, require working with DPR and the Ag Commissioners, and say "may work" with respect to the others.
Daly City	86	C.9.h.v.	Funding	<i>Conducting outreach to pest control operators is too resource intensive.</i>	We encourage Permittees to work together to share costs.	
Daly City	87	C.9.h.vi.	Funding	<i>Complying with this provision would be too expensive for the City.</i>	We encourage Permittees to work together to share costs.	
San Jose	66	C.9.h.vi.	Make provisions consistent	<i>Reword this Provision to mirror the language in C.9.h.iv, so that it reads "Permittees shall document effectiveness of these actions in the October 15, 2012 Annual Report."</i>	We will make the requested change.	We made the edit as requested.

Response to Comments on December 14, 2007 Tentative Order Provision C.10 – Trash Reduction

File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Martinez	2.1	C.10		The City of Martinez estimates the cost of retrofitting our catch basin system to the extent required to meet the proposed MRP requirements at nearly \$600,000. We also anticipate an additional \$30,000 in maintenance costs associated with this task.	The mandatory trash capture device level has been reduced in the RTO, thus reducing costs for Permittees.	
ACFCD Zone 7	12	C.10	2-step process not cost-effective	C.10.b.i requires Permittees to implement a two-step process of enhanced trash management control <u>and</u> installation of full trash capture devices. This appears to be an undue burden on the already limited resources of each Permittee agency.	Revised C.10 does not require redundant trash management actions unless the Permittee finds it necessary to address the Trash Hot Spots. Cleanup of Trash Hot Spots and installation of trash capture devices are both required.	
Berkeley	30	C.10	5% requirement not appropriate	The City requests requirement of a minimum of 5% structural retrofit by 2012 be eliminated, allowing the City to balance between enhanced management and full capture methods within the 10% targeted area. This will allow the City and other municipalities an opportunity to assess the effectiveness of various structural control methods, and allow for a wider selection in the mix of enhanced management and full capture methods.	The trash capture device installation requirements in the RTO have been reduced. The management measures required strike an adequate balance to address the trash in waters impacts during this permit cycle. It is anticipated that additional measures will be required in future permit cycles with the Long Term Trash Management Plan as a road map.	
State Senator Ellen Corbett	5	C.10	Accountability in trash management site selection and cleanup	Water Board must do the following: require accountability in the fundamental step of selecting trash management sites and ensuring that trash control measures are working.	Agreed.	
(Various) 33 Environmental NGOs	2	C.10	Accountability, oversight should be enhanced, timeline shortened.	The trash provisions in the Tentative Order could be a historic step in reducing trash and marine debris in San Francisco Bay, but we strongly recommend that the Board increase accountability and oversight as well as tighten up the timeline before adopting them in the Final Order.	We believe the timelines in the Revised provision C.10 are adequate. The RTO includes the requirement that Trash Hot Spots be cleaned up to the Trash Action Level, or additional actions implemented to achieve that goal. In addition, trash capture devices must also be installed in a phased effort to gain more experience with their efficient employment.	
(Various) 33 Environmental NGOs	2	C.10	Accountability, oversight should be enhanced, timeline shortened.	The trash provisions in the Tentative Order could be a historic step in reducing trash and marine debris in San Francisco Bay, but we strongly recommend that the Board increase accountability and oversight as well as tighten up the timeline before adopting them in the Final Order.	Both the Trash Hot Spot cleanup efforts and the trash capture device installation have enforceable provisions. All data in the annual reports is public. Timelines are adequate.	
Pleasanton	4.4	C.10	Additional Funding	The cost to comply with this additional effort is also not currently funded under the City's limited Storm Water Runoff Assessment Fees. Hence, this and all other additional costs noted below to comply with the more aggressive permit language, we believe will require		

Response to Comments on December 14, 2007 Tentative Order Provision C.10 – Trash Reduction

File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				Proposition 218 public approval process.		
CCCEngrAdvisory	21.3	C.10	Allow Flexibility	Communities should also be given credit for reducing trash throughout their city rather than meeting a strict requirement within a 10% area.	Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. The prescriptive requirements for enhanced trash management measures have been removed from the RTO.	
Fremont, K. Cote	2	C.10	Allow Flexibility	Implementing enhanced trash management and incorporating trash capture devices in the same area duplicates resources and is ineffective.	The RTO does not include the duplicative trash management measure requirement.	
Fremont, K. Cote	3	C.10	Allow Flexibility	like the opportunity to say, okay, here's ten percent, and maybe three percent makes sense for trash capture, and maybe seven percent makes sense for enhanced trash management.	The RTO includes a different more flexible approach involving Trash Hot Spots, and reduced trash capture requirements.	
State Assemblyman Guy Houston	2	C.10	Allow Flexibility	Significant differences among jurisdictions . Extent of urbanization, significance and sources of litter, and available resources vary . Allow flexibility and reduce unnecessary administrative burdens.	The RTO allows flexibility in addressing Trash Hot Spots.	
Sunnyvale Att A	23	C.10	Allow Flexibility	Modify to allow flexibility and cost effectiveness	The RTO has been revised to be less prescriptive, and more flexible.	
San Jose Att A	70	C.10	Allow Flexible approach	The requirement that devices be installed "in entire catchments" is overly restrictive and not always feasible. Each inlet is unique, and not all inlets are large enough or constructed in a way to accommodate inlet-based devices.	The RTO has been revised to require a reduced amount of trash capture devices. An acreage is required, but can include partial catchments.	
Palo Alto	10	C.10	Allow Flexible approach - capture device installation only when funding available	Allow Flexible approach - capture device installation only when funding available	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. The mandatory trash capture device level has been reduced in the RTO. The trash capture requirements can not be contingent on funding. The devices are not required to be installed and operation until July 1, 2013.	
San Jose	19	C.10	Allow flexible approach - enhanced measure duplication	Allow flexible approach - enhanced trash control and capture measures duplicative	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. The RTO reflects revisions that no longer require duplicative trash approaches where they are not effective.	
Mountain View	13	C.10	Allow Flexible	allow the flexibility to implement cost-effective trash	RTO has been significantly revised to allow	

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
			approach - Trash Pathways	controls that are appropriate for local conditions and severity of trash problem areas	flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. The mandatory trash capture device level has been reduced in the RTO.	
Hearing, City of Pittsburg	2	C.10	Already Clean	primary drainage course is Kirker Creek, and almost all of that water goes into a large storm drain detention basin, no trash to leave restricted discharge point, clean with hand methods three or four times a year	Noted. Depending on specific circumstances, storm detention basin may be considered State Waters or wetland.	
SCVURPPP ATT A	66	C.10	Already Implementing Assessments and Actions	Already Implementing Assessments and Actions	Noted.	
Colma	2.1	C.10	Alternate Pathways	On March 14, 2007 the Water Board heard a status report on the Municipal Regional Storm water Permit that solicited many comments on the need to improve trash and litter control. Some of the commenters pointed out the variety of societal problems, such as homeless encampments, that in some locations contribute significantly to garbage and hazardous material being dumped along creeks.	We agree.	
Pacifica	7.3	C.10	Alternate Pathways	The proposed approach to solving trash and litter problems is overly prescriptive, and does not recognize the variety of possible trash and litter problems and the need to implement cost-effective solutions that are tailored to solve a particular type of problem. For example, in some areas, SMCWPPP has identified residents and their gardeners dumping grass clipping and yard prunings onto backyard creek banks as the source of trash and litter. In other cases, the source of the problem appears to be from a particular school, shopping mall, or freeway.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Many prescriptive measures have been removed, including parking restrictions for street sweeping.	
South SF	2.3	C.10	Alternate Pathways	The proposed approach to solving trash and litter problems is overly prescriptive, and does not recognize the variety of possible trash and litter problems and the need to implement cost-effective solutions that are tailored to solve a particular type of problem. For example, in some areas, SMCWPPP has identified residents and their gardeners dumping grass clippings and yard prunings onto backyard creek banks as the source of trash and litter. In other cases, the source of the problem appears to be from a particular school, shopping mall, or freeway.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Many prescriptive measures have been removed, including parking restrictions for street sweeping.	
Burlingame	8	C.10	Alternate	A workable solution has been proposed by SMCWPPP.	RTO has been significantly revised to allow	

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			Solution	This method allows municipalities to select a high trash area catchment in its jurisdiction, propose a list of solutions that are feasible and appropriate for that area, choose the best solution or solutions, implement them and provide for measurable reduction in trash. Focusing and testing this alternative solution first on a manageable (smaller) area before applying a pilot trash control program on a bigger area allows municipalities to comply with this requirement in a way that could yield desirable and measurable results within fiscal constraints and scope and help secure future dedicated funding. Failure at a grander scale may have an opposite and possibly irreversible effect.	<p>flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL.</p> <p>Many prescriptive measures have been removed, including parking restrictions for street sweeping.</p> <p>The mandatory trash capture device level has been reduced in the RTO, thus reducing costs for Permittees.</p> <p>The approach you describe is similar to the RTO, but a larger program of Trash Hot Spot clean up and full trash capture device installation is called for, than just one catchment per Permittee.</p>	
Menlo Park	2.4	C.10	Alternate Solution	Delete the requirement for an arbitrary 10% catchment area; instead, allow each municipality the flexibility to select one high trash impact catchment tributary to the municipal storm drain system, implement an appropriate solution, and demonstrate measurable reductions in trash and litter.	See the response to Menlo Park 2.3 above.	
Pacifica	7.6	C.10	Alternate Solution	It is recommended that the permit be rewritten to require that each municipality select one high trash impact catchment tributary to the municipal separate storm sewer system that it owns or operates, implement an appropriate solution or require the responsible parties to implement a solution, and then demonstrate measurable reductions in trash and litter. On this basis it is recommended that the permit be revised to eliminate the proposed permit's requirements for at least 10 percent of the high trash and litter urban land area within a municipality's jurisdiction to have trash controls along with the proposed requirement that half or more of this 10 percent catchment area be controlled with full trash capture devices.	<p>RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL.</p> <p>Many prescriptive measures have been removed, including parking restrictions for street sweeping.</p> <p>The mandatory trash capture device level has been reduced in the RTO, thus reducing costs for Permittees.</p> <p>The approach you describe is similar to the RTO, but a larger program of Trash Hot Spot clean up and full trash capture device installation is called for, than just one catchment per Permittee.</p>	
Portola Valley	1.2	C.10	Alternate Solution	It is recommended that the permit be rewritten to require that each municipality select one high trash impact catchment tributary to the municipal separate storm sewer system that it owns or operates, implement an appropriate solution or require the responsible parties to implement a	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL.	

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				solution, and then demonstrate measurable reductions in trash and litter.	<p>Many prescriptive measures have been removed, including parking restrictions for street sweeping.</p> <p>The mandatory trash capture device level has been reduced in the RTO, thus reducing costs for Permittees.</p> <p>The approach you describe is similar to the RTO, but a larger program of Trash Hot Spot clean up and full trash capture device installation is called for, than just one catchment per Permittee.</p>	
SouthSF	2.6	C.10	Alternate Solution	It is recommended that the permit be rewritten to require that each municipality select one high trash impact catchment tributary to the municipal separate storm sewer system that it owns or operates, implement an appropriate solution or require the responsible parties to implement a solution, and then demonstrate measurable reductions in trash and litter. On this basis it is recommended that the permit be revised to eliminate the proposed permit's requirements for at least 10 percent of the high trash and litter urban land area within a municipality's jurisdiction to have trash controls along with the proposed requirement that half or more of this 10 percent catchment area be controlled with full trash capture devices.	<p>RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL.</p> <p>Many prescriptive measures have been removed, including parking restrictions for street sweeping.</p> <p>The mandatory trash capture device level has been reduced in the RTO, thus reducing costs for Permittees.</p> <p>The approach you describe is similar to the RTO, but a larger program of Trash Hot Spot clean up and full trash capture device installation is called for, than just one catchment per Permittee.</p>	
Hearing, SCVURPPP	3	C.10	Alternate Trash approach	Identify the problem sites. These have been identified by Save the Bay, and through RTA assessments, identified those sources and pathways to those sites. Develop and implement specific plans for each one of those sites catchments where full capture treatment devices would be warranted, we would do that	The RTO requires Permittees to focus on Trash Hot Spots, and allows flexibility to approach clean-up as the Permittees wish.	
ACCWP	12.1	C.10	Alternative Compliance	Our member agencies are currently conducting many significant litter reduction activities including: participating in Coastal Cleanup events, banning plastic bags, street sweeping, cleaning up hotspot dumping areas, partnering with Caltrans to conduct cleanup along freeways, conducting public outreach campaigns; and installing trash capture devices. Many of these efforts go well beyond those directly related to urban stormwater runoff and receive little credit in the Tentative Order with regard	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. The types of activities described would directly reduce trash impacts at hot spots. In addition, credit is granted for source control measures, such as banning plastic bags, or other instituted measures to reduce litter sources.	

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				to trash abatement efforts.		
ACCWP	14.4	C.10	Alternative Compliance	We also request that the options for enhanced control measures be revised to allow for selecting from a menu that includes items such as enhanced enforcement and litter pickup.	Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. The prescriptive requirements for enhanced trash management measures have been removed from the RTO.	
ACCWPatt1	21	C.10	Alternative Compliance	Permittees receive no credit for enhanced trash control measure already in place and could be penalized for existing proactive efforts.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL.	
Alameda Co	10.4	C.10	Alternative Compliance	The County requests that the permit requirement of a minimum of 5% structural retrofit by 2012 be eliminated, allowing the use of structural or non-structural controls to achieve trash reduction. This would allow local agencies an opportunity to assess the effectiveness of various structural control methods and determine if structural controls are warranted under the Long Term 15-Year Trash Reduction Plan due in 2012. We also request that the options for enhanced control measures be revised to allow for selecting from a menu that includes items such as enhanced enforcement and litter pickup.	It is necessary to gain experience with use of full trash capture devices to address situations, such as trash behind parked cars, where it is not practical or cost effective to either remove it by street sweeping, and where hand removal is too costly or impractical. During this first stage of removing trash impacts from waters, it is necessary for Permittees to learn the effectiveness of all of the available tools to tackle this problem. Trash capture definitely is a useful tool, and is MEP based on the significant use developed by Permittees in the L.A. area.	
Colma	2.5	C.10	Alternative Compliance	In addition, since a high priority of the City/County Association of Governments of San Mateo County is to implement sustainable green streets and parking lot projects using the vehicle registration fees collected under AB 1546 (Simitian – 2004), the permit should also state that any municipality that is implementing this type of project would be meeting the permit's trash and litter requirements during this permit period through the design, construction, and maintenance of its sustainable green street or parking lot project. We believe these multi-objective projects will have a beneficial impact on trash and litter. In addition, trash and litter controls that can be accomplished as part of multi-objective projects are more sustainable and financially viable than single-purpose approaches.	Some landscape based or LID stormwater treatment controls would also serve as full trash capture devices.	
Hearing Transcript	0	C.10	Alternative	We have about a year ago, I'll give you an example, we	Revised C.10 allows flexible approach by	

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Dublin			Compliance	<p>looked at why don't we reschedule our trash pickup and our street sweeping, so we sweep the street the day immediately after the trash is picked up, so all the stuff that falls out of the trash cans and all the stuff that blows out of the truck gets picked. Now that's not five percent of the city and that's not ten percent of the city. That's 80, 90 percent of the city and it didn't cost us anything other than just some time. We've looked at areas where we have not dumping into creeks but simply people just throwing trash over the bridge railing into a creek. What would it cost to put a higher railing so people -- or a fence, so people can't chuck that stuff over the fence. We're looking into those sorts of things. We have trash capture devices. Our trash target area under the MRP would be about -- the five percent would be about 250 acres or maybe 300 acres. We've got about 30 acres on line right now. We're looking at -- We've got another 30 acres currently under design that we may have on board within another year or two, and there's probably more in our future. But I think Leslie Estes from Oakland earlier used the term toolbox. Is full trash capture part of the toolbox? Yes. Are there other measures that are in the toolbox? Yes. Is five percent the magic number? I don't know that. We can do something. If we include -- And what I don't want to get into a situation is where we start gerrymandering that five percent to include areas, which may not be the bigger part of the problem. I think we both -- I think you want us to address real trash problems, and we're simply asking for some flexibility to do that.</p>	<p>Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. The prescriptive requirements for enhanced trash management measures have been removed from the RTO.</p>	
Menlo Park	2.5	C.10	Alternative Compliance	<p>The permit should state that municipalities which are implementing sustainable green streets and parking lot projects using the vehicle registration fees collected under AB 1546 (Simitan – 2004) will meet the permit's trash and litter requirements through design, construction, and maintenance of its sustainable green street or parking lot project</p>	<p>Landscape based stormwater treatment measures, such as those used in "green streets" projects may meet the full trash capture requirements, and therefore fulfill some of the C.10 requirements.</p>	
Newark	12.1	C.10	Alternative Compliance	<p>Newark and our fellow member agencies are currently conducting many significant litter reduction activities including: participating in Coastal Cleanup events, banning plastic bags, street sweeping, cleaning up hotspot dumping areas, partnering with Caltrans to conduct cleanup along freeways, conducting public</p>	<p>RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. The types of activities described would directly reduce trash impacts at hot spots. In addition, credit is</p>	

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				outreach campaigns; and installing trash capture devices. Many of these efforts go well beyond those directly related to urban stormwater runoff and receive little credit in the Tentative Order with regard to trash abatement efforts.	granted for source control measures, such as banning plastic bags, or other instituted measures to reduce litter sources.	
Newark	14.4	C.10	Alternative Compliance	We also request that the options for enhanced control measures be revised to allow for selecting from a menu that includes items such as enhanced enforcement and litter pickup.	Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. The prescriptive requirements for enhanced trash management measures have been removed from the RTO.	
Pacifica	7.7	C.10	Alternative Compliance	In addition, since a high priority of the City/County Association of Governments of San Mateo County is to implement sustainable green streets and parking lot projects using the vehicle registration fees collected under AB 1546 (Simitian -2004), the permit should also state that any municipality that is implementing this type of project would be meeting the permit's trash and litter requirements during this permit period through the design, construction, and maintenance of its sustainable green street or parking lot project. We believe these multi-objective projects will have a beneficial impact on trash and litter. In addition, trash and litter controls that can be accomplished as part of multi-objective projects are more sustainable and financially viable than single-purpose approaches.	Landscape based stormwater treatment measures, such as those used in "green streets" projects may meet the full trash capture requirements, and therefore fulfill some of the C.10 requirements.	
Pleasanton	4.2	C.10	Alternative Compliance	The City believes that additional operation and maintenance activities such as placing additional trash receptacles in key areas and enhanced litter pickup could accomplish the trash reduction goals. In addition, public education activities in the City of Pleasanton regarding anti-littering have been successful and enhancing these educational activities, we believe, can meet or exceed the end goal of trash reduction in stormwater emanating from our City. The City's past efforts during the Annual Coastal Cleanup Day in the Tri-Valley area are a great indicator of the success of our public education outreach. The amount of trash and debris collected by volunteers from our major creeks in recent years has been reduced to less than half of the amount we used to collect from past events.	During this first stage of removing trash impacts from waters, it is necessary for Permittees to learn the effectiveness of all of the available tools to tackle this problem. Trash capture definitely is a useful tool, and is MEP based on the significant use developed by Permittees in the L.A. area.	
San Mateo Co	4	C.10	Alternative Compliance	In addition, since a high priority of the City/County Association of Governments of San Mateo County is to	Some landscape based or LID stormwater treatment controls would also serve as full trash	

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				implement sustainable green streets and parking lot projects using the vehicle registration fees collected under AB 1546 (Simitian – 2004), the permit should also state that any municipality that is implementing this type of project would be meeting the permit's trash and litter requirements during this permit period through the design, construction, and maintenance of its sustainable green street or parking lot project. We believe these multi-objective projects will have a beneficial impact on trash and litter. In addition, trash and litter controls that can be accomplished as part of multi-objective projects are more sustainable and financially viable than single-purpose approaches.	capture devices.	
South SF	2.7	C.10	Alternative Compliance	In addition, since a high priority of the City/County Association of Governments of San Mateo County is to implement sustainable green streets and parking lot projects using the vehicle registration fees collected under AB 1546 (Simitian – 2004), the permit should also state that any municipality that is implementing this type of project would be meeting the permit's trash and litter requirements during this permit period through the design, construction, and maintenance of its sustainable green street or parking lot project. We believe these multi-objective projects will have a beneficial impact on trash and litter. In addition, trash and litter controls that can be accomplished as part of multi-objective projects are more sustainable and financially viable than single-purpose approaches.	Landscape based stormwater treatment measures, such as those used in "green streets" projects may meet the full trash capture requirements, and therefore fulfill some of the C.10 requirements.	
SF Baykeeper	62	C.10	Articulate Goal	This pilot project needs a well-defined goal . Is the purpose to quantify the effectiveness of the BMPs ? Is it to identify which types of areas generate the most trash and would thus be the most effective areas to target for BMP installation? Is the ultimate purpose to prevent trash from entering the bay and ocean, or to protect beneficial uses of creeks and streams? Understanding the effectiveness of the full capture devices installed during the pilot phase is extremely important to allow permittees to choose the most cost-effective strategies in the long-run. We feel that it would benefit the permittees to include bypass assessment in the pilot full capture devices. This would allow permittees to know that trash found downstream of the device arrived from other sources .	<p>All of the listed aims are valid during this permit term. In addition, the Permittees will learn much about effective implementation of a trash impact reduction program.</p> <p>It is necessary to develop and employ assessment of trash flux downstream, and may be necessary to understand the "bypass" of the capture devices you describe in this comment.</p>	

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Save the Bay	26	C.10	Assess downstream sites	To ensure that capture devices are successful in actually reducing trash, it is essential to require some assessment of conditions of downstream sites.	Capture device effectiveness should be apparent by the volume of trash removed from the devices during maintenance activities. We expect the Permittees will place at least some of their capture devices upstream of Trash Hot Spots, and will report on the results, but this is not an explicit requirement.	
Orinda	3.3	C.10	BASMAA Approach	The City proposes a more effective and measured approach as outlined in BASMAA's September 22, 2006 Performance Standard tables which include (1) identification and assessment of potential litter/high trash accumulation areas/watersheds, (2) identification of management actions to reduce trash levels in stormwater conveyances at such locations and identify current trash collection/control options for minimization of trash/litter inputs to storm drain inlets, (3) identification of high priority storm drain inlets within key urban areas/watershed that have had high accumulations of litter/trash to prioritize inlets for potential projects, and (4) select locations for pilot projects and implement demonstration studies to assess their effectiveness and associated costs.	The implementation proposed would be too slow and small, and would not represent MEP. RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street sweeping and parking restrictions. Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. The implementation efforts included in the Revised Provision C.10 have aspects of pilot implementation, as trash impacts to creeks will require significant additional work after this permit cycle, and much will be learned from this first round of implementation.	
Congressman Honda	2	C.10	Build Consensus	There is a potential for costly environmental impacts if these steps are not taken in a timely and appropriate manner. I encourage the Water Board to work with the municipalities to best understand the trash reduction programs that are currently in place, and to build a consensus on how to effectively remove trash from our community creeks.	The RTO allows the Permittees great flexibility in solving the problem of trash impacts in State waters.	
Congressman McNery	2	C.10	Build Consensus	Ensuring a healthy Bay will require a coordinated effort that recognizes the unique financial situations and environmental challenges affecting each jurisdiction covered by the permit. A comprehensive and efficient solution to the trash problem can best be achieved through the input of, and cooperation between, local governments, citizen activists, and environmental experts.	Agreed.	
Congresswoman Tauscher	2	C.10	Build Consensus	A variety of strategies will be necessary, including identifying a funding mechanism to assist the municipalities in this effort, and working with local Bay	Noted and Agreed.	

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				Area governments to design a comprehensive approach will ensure the most successful outcome.		
State Senator Ellen Corbett	4	C.10	Build Enforceability	In order to ensure the effectiveness of this historic step to revise the MRP, the Water Board must do the following: build enforceability into the requirements and milestones.	Agreed.	
Contech, Lippner, G.	2	C.10	CDS effective for trash, don't flood	CDS effective for trash, don't flood	Noted.	
Friends of 5 Creeks	7	C.10	Change Phasing of Requirements	In addition, permittees are required to submit a plan for dealing with trash throughout their jurisdictions <u>at the same time these devices are installed</u> . That is, the plan is supposed to be written before anyone could possibly know what worked and what didn't. Incorporate a rational progression from pilots to plan to action against trash pollution in a much shorter period of time.	Experience working on both Trash Hot Spots, and some trash capture implementation will be available during the development of the Long Term Plan. Some Permittees have already begun implementation, and there is significant experience being generated in the L.A. Region.	
Suisun	4.3	C.10	Change Reduction Goals	The MRP should be modified to allow flexibility in addressing trash and litter controls problems so that cost-effective solutions may be implemented that are tailored to solving particular problems. It is recommended that the permit be rewritten to require that each municipality to select one high trash impact catchment tributary to the municipal separate storm sewer system that it owns or operates, implement an appropriate solution or require the responsible parties to implement a solution, and then demonstrate measurable reductions in trash and litter.	We disagree with the approach of one high trash impact catchment per permittee, regardless of size. The current approach requires one Trash Hot Spot per 30,000 population or per 100 acres of Retail/Wholesale Commercial. Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. The prescriptive requirements for enhanced trash management measures have been removed from the RTO	
Moraga	74	C.10	Clarification	In C.10.d. the paragraph regarding the October 2011 report refers to C.10.d regarding the Long Term Trash Plan. Should this reference be to C.10.c?	The RTO has been revised and this is corrected.	
Oakley	74	C.10	Clarification	In C.10.d. the paragraph regarding the October 2011 report refers to C.10.d regarding the Long Term Trash Plan. Should this reference be to C.10.c?	Yes.	
Save the Bay	31	C.10	Clarification/Definition	It should be clarified that "high trash impact catchments" refer to sub-watershed areas draining to a specific area rather than referring to specific catch basins or sections of stormwater pipe.	Since in the RTO the trash capture requirement is set in acres, it is unlikely that confusion will occur.	
Save the Bay	33	C.10	Clarification/Definition	It is important to ensure that these areas do not include known trash or littering sites, such as a marina at a shoreline park. Estate residential area definitions should include housing units per acre. For both areas, it should be specified that these are excluded because they are	We do not agree that known trash or littering sites should not be included. These are prime locations for trash abatement. The RTO does not employ the Estate residential definition.	

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				among the lowest-intensity land uses.		
Save the Bay	34	C.10	Clarification/Definition	Permittees should not receive credit for trash capture devices installed within the last ten years, unless they can demonstrate that these devices have achieved trash-free receiving waters.	For this permit cycle, we want the Permittees to gain experience sizing and operating trash capture devices in preparation for larger scale future deployment in an efficient fashion. Previously installed devices that meet the full capture definition are valuable and should be credited. There are not very many in our Region.	
Save the Bay	19	C.10	Clarify control measure requirements	add to the list "increased cleanup of trashed waterways, whether by municipal crews or volunteers" , Many trashed waterway sites are impacted by encampments or localized littering or dumping, and would not be improved by upstream trash management.	The RTO focuses on Trash Hot Spot cleanup, and gives the Permittees flexibility to accomplish this in the manner they believe most efficient.	
Save the Bay	20	C.10	Clarify control measure requirements	minimum frequency or other metrics should be added for "increased inspection and cleanup of illegal trash dumping incidents, maintenance of adequate litter receptacles in high traffic	Again, the goal is the focus, and the means are up to the Permittees.	
Save the Bay	32	C.10	Clarify land area requirement	For counties land area can look too large	In the RTO the trash capture required area is 30% of Retail/Wholesale Commercial Land area, which is smaller.	
Save the Bay	18	C.10	Clarify Timeline	Include a similar timeline, with each milestone spelled out, to supplement the existing reporting timeline.	The Annual Report specifications are sufficient.	
Belmont	5	C.10	Concerns Regarding Full Capture	The specific design of catchment devices meeting the specified requirements is unclear. There is concern that the lower portion of the watersheds where the devices are suggested may be environmentally sensitive. There is also concern installation of the devices may cause flooding. The City of Belmont is heavily wooded and much of what would be captured in the creek is natural material such as tree branches. This doesn't seem to further goals of trash reduction	Trash capture devices may be most effective in commercial areas. The devices do not need to be placed in environmentally sensitive locations, but can be located in street level storm drain systems. The trash capture installation requirement has been redefined based on 30% of Retail/Wholesale Commercial land use, so should be more calibrated to the type of land use each Permittee has.	
ACFCD Zone 7	11	C.10	consider cost-effectiveness	Provisions C.10 through C.14 and the extensive water quality monitoring in provision C.8 will financially burden all stormwater programs. Regional Board needs to consider the cost-effectiveness of these requirements, the increased burden placed on stormwater programs	The RTO contains reduced C.10 requirements that should be less burdensome for Permittees. The other provisions mentioned are not excessively costly and are cost effective.	
Pittsburg	9	C.10	Contingent on Available Funds	Trash reduction requirements should be contingent on the procurement of capital funds with additional time allowed for phased implementation to ensure that trash capture devices will be technically effective systems placed in appropriate areas and developed with consideration of maintenance requirements.	The trash capture requirements cannot be contingent on funding. The devices are not required to be installed and operation until July 1, 2013.	

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Oakley	75	C.10	Coordinate Implementation	C.12.d talks about curb clearing parking restrictions, C.2.b talks about public outreach on the need to clear the curb, and C.10.b talks about enforceable restrictions. Mandatory parking restrictions are not acceptable for the reasons mentioned above (C.10.b). Also, the implementation and reporting dates need to be coordinated.	Mandatory parking restrictions for street sweeping have been removed from C.10. For street sweeping to be an effective way to remove fine particulate bound pollutants, such as PCBs, it is necessary to sweep to the curb. Trash also accumulates at the curb, but we are leaving the specific approach to intercept trash before it can get to waters up to the Permittees.	
Save the Bay	28	C.10	Correction	The maintenance language at the end of paragraph is written only for booms, and not spelled out for other methods. Maintenance frequency should be specified for all measures.	We agree.	Will revise C.10 to include requirement that trash capture maintenance be adequate for the proper function of the devices.
Save the Bay	29	C.10	Correction	The long-term plan component is listed as due in the October 2012 report in the first paragraph of this section, whereas C.10.d lists the long-term plan as due in the October 2011 report.	In the RTO, the long term trash management plan is due with the 2013 annual report.	
Fairfield City	12	C.10	Cost	capital cost for the installation of a full capture CDS unit, would cost between \$1,340,000 and \$1,800,000. Ongoing maintenance costs would be in addition	Vortex separators as described are one option for full trash capture. These devices are estimated to cost about \$5000/acre of catchment treated. The estimate given would address about 270 acres.	
Hearing, SCVURPPP	2b	C.10	Cost	Waterboard incorrect cost estimates capital costs of \$125 million for five percent treatment, and O and M costs are greater than that, and that's just the full capture	The full capture requirements in the RTO have been reduced. Estimates of \$26 million region-wide for this permit cycle are based on Permittee cost estimates, which are conservative (high).	
Hearing, Mayor of Martinez	2	C.10	Cost	Retrofitting catch basins \$600,000. maintenance \$30,000 Martinez supports goal of reducing litter in our storm drain system. Require to implement aggressive litter control programs. No additional funding sources available.	The trash capture requirements in the Revised Tentative Order (RTO) have been reduced from the requirement in the initial Tentative Order. Catch basin retrofits cost about \$1500 each or less, based on data from Los Angeles County. Therefore \$600,000 would retrofit 400 catch basins in Martinez. Under the RTO Martinez must address about 42 acres, which should take far fewer catch basin retrofits.	The trash capture requirements in the Revised Tentative Order have been reduced from the requirement in the initial Tentative Order.

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						Permittees shall install these capture devices to treat a catchment area draining a total of 30% of the ABAG 2005 Retail/Wholesale Commercial Land Use amount for their jurisdiction.
Hearing, Mayor of San Ramon	1	C.10	Cost	Trash provision cost for San Ramon \$3 million, \$80,000 annual maintenance. Excluding inlet cleaning \$44,000 annually.	The cost of trash capture device installation in the RTO C.10 requirements has been significantly reduced from those in the TO.	Permittees shall install these capture devices to treat a catchment area draining a total of 30% of the ABAG 2005 Retail/Wholesale Commercial Land Use for their jurisdiction.
San Jose	18	C.10	Cost	estimate to meet these requirements over the five-year permit term is approximately \$11M	The RTO has reduced trash capture requirements, so this estimate is too high now.	
Santa Clara	31	C.10	Cost	not feasible to increase minimum control measures within target catchments such as sweeping and enhance inlet inspection and cleaning. not feasible to report enhanced trash control catchment areas, including map delineation, and type of control measures	RTO has been revised with more flexible requirements, however, the previous requirements were feasible.	
San Jose	20	C.10	Cost - Allow Flexible approach	San José recommends collaboration with agencies and organizations regionally to develop a strategy for building the funding necessary to implement the kind of large scale, high impact effort	We agree with the need for and efficiency of collaboration on the trash issue.	
San Jose Att	9	C.10	Cost - Allow Flexible approach	implementation costly \$11M over a five year , yet no State funding . legally deficient due to lack of evidence on the effectiveness of specific controls, inclusion of duplicative measures, and failure to allow permittees flexibility to design site-specific trash controls	RTO includes reduced cost of these interim measures. There is ample evidence of trash control effectiveness from L.A. implementation. Duplicative measures not in RTO. New flexibility is included in RTO.	

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San Jose Att A	68	C.10	Cost - Allow Flexible approach - collaborate	any large scale effort to control trash must move forward methodically, cost-effectively, and accompanied by adequate resources and time to implement in order to support success. effort prescribed in the Tentative Order is not cost-effective and cannot be managed solely by local municipal resources. City requests collaboration with regional agencies to develop a strategy	The RTO trash requirements have been significantly revised to allow flexibility with accountability at lower cost. We agree with the need for collaboration with other agencies.	
SCVURPPP	70	C.10	Cost - flexibility, more study and planning	require permittee and/or program conduct these steps 1) identify trash sources and transport pathways to trash hot spots; 2) select one creek site impacted by trash transported via the municipal storm drain system; 3) identify high trash impact catchments where trash is entering the storm drain system; 4) implement an appropriate solution or require responsible parties to implement (e.g., full capture treatment devices and/or enhanced trash management measures); 5) demonstrate measurable reductions in trash and litter to these sites; 6) develop long-term plan to significantly reduce trash in high impact trash catchments; and 7) work with the Water Board and other interested parties during the term of the permit to secure resources (such as from previously approved State Bond measures) to fund the implementation of the long term plan developed above.	We agree fully with these steps, and the RTO allows this approach. The "one creek site" implementation is far too low an effort however.	
Santa Clara	3	C.10	Cost - Flexible approach	measures will cost in excess of \$300,000 to install, and at least that amount to maintain the devices over the course of the five-year. requirement levels appear arbitrary, are inflexible, and do not take into consideration the effectiveness of our street sweeping program.	The RTO trash requirements have been significantly revised to allow flexibility with accountability at lower cost.	
SCVURPPP	5	C.10	Cost - prescriptive, grant funds, flexible approach	Trash requirements should be based on assessments of sources and pathways, allow flexible approach, and need grant funds for costly structural controls	The RTO trash requirements have been significantly revised to allow flexibility with accountability at lower cost. Grant funds may be available, but the requirements will not be contingent on this eventuality.	
SCVURPPP Attny	33	C.10	Cost - Unfunded Mandate	Federal Phase II, first cycle, permit for North Marianas Islands does not contain trash requirements, which are costly, therefore the requirements are an unfunded mandate under State law. Extensive inspection requirements, asking permittees to fund a pilot program - the State should fund the effort.	The North Marianas Islands Phase II permit is not comparable. Los Angeles has instituted significant trash management actions, thus demonstrating that these measures are MEP. Trash is a significant pollutant impacting Regional waters and must be address through the municipal stormwater permits.	
CCCWP	89	C.10	Cost Excessive	Implementing enhanced trash management controls on ten (10) percent of the Urban and Suburban Land Area	It is not possible at this juncture to judge what the total need for trash capture will eventually be	

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			Flexibility	would be unwarranted and result in wasted public monies. We request a more flexible mandate based on an assessment of need and/or impact.	until Permittees learn more about the problem. The trash capture requirement in the RTO has been revised down to a pilot level.	
CCCoEngrAdvisory	21.1	C.10	Cost excessive, Multiagency effort	The City of Oakland made a presentation at the last State of the Estuary Conference about litter control in their city. The City installed four CDS drainage units around Lake Meritt at a cost of \$1 million. They installed another CDS drainage unit at 27th Street and Valdez Street at a cost of \$500,000. They estimate to complete the work on the drainage system around Lake Meritt for full trash capture will cost \$20 million, and to achieve full trash capture for the rest of the City would be \$250 million. Obviously, addressing trash will be a huge fiscal burden on the cities and County. We will need to partner with the Regional Board to truly address this issue.	The estimate for cost of trash capture that has the most data associated with it is about \$5000/acre of catchment. We agree that significant resources will be required to implement trash capture devices and maintain them.	
Contech, Lippner, G.	3	C.10	Cost for trash capture - CDS	\$3000 - \$4000 per acre treated is cost for CDS capital installation.	Noted.	
SCVURPPP	69	C.10	Cost is excessive, need State grants	"full capture devices" in 5% of their urbanized area are estimated to be between \$2.6 and \$84.6 million, operation and maintenance costs for these devices are estimated to be between \$1.7 and \$6.6 million, including "enhanced trash management measures" in an additional 5% of urbanized areas would likely significantly increase these costs. Unless the Water Board ties the application of the MRP Tentative Order's (full capture device) requirements to co-Permittee's receipt of funding from the State, allow flexibility so that cost-effective solutions may be implemented	The trash capture requirements in the RTO have been reduced, but the cost estimates mentioned seem high using the \$5000/acre basis. Additional flexibility has been incorporated in the RTO requirements.	
Berkeley	32	C.10	costly redundancy	requirement to conduct enhanced litter control in areas where structural control measures will be installed should be removed. This would require municipalities to revise street sweeping routes and install no-parking signs, which would be very expensive, only to remove the signs and revise the routes again a year or so later when the structural control measures are in place.	Revised C.10 does not require redundant trash management actions unless the Permittee finds it necessary to address the Trash Hot Spots.	
Clayton, Hoffmeister, L	1	C.10	Costs	Three components increased in the new permit. And you'll see those under commercial inspection, the street sweeping, and DIs special trash. That's drain and inlet special trash. You can see how those costs go up for one city over the five years. Even in a phased in approach as staff has suggested, there's still some real cost considerations there. And you can see where the	The trash capture device installation requirements in the RTO have been reduced.	

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				financial shortfalls are. I only picked out those three. There's obviously other administration cost and management cost issues that go up as well,		
State Assemblyman Guy Houston	3	C.10	Costs - Consider Finances	Consider financial impact to Permittees	The trash capture device installation requirements in the RTO have been reduced.	
SCVURPPP	2	C.10	Costs - Prioritize	permit attempts to "raise the bar" without establishing the need for new requirements or priorities or allowing phasing-in over several permit cycles only focus on the following priority areas: current performance standards, Trash, Monitoring, TMDLs	The RTO includes maximum extent practicable (MEP) measures, and requirements are phased in.	
SF Baykeeper	64	C.10	Define "High Trash Catchments"	There should be some specific criteria articulated to make it easy for permittees to determine what are considered high trash impact catchments (e.g., catchments with sites that fall into specific categories using the URTA or RTA protocols).	The TAL is a starting point for this determination. We expect the Permittees to draw on their maintenance experience and other local knowledge of the most trash impacted stream and shoreline locations.	
Moraga	73	C.10	Definitions	C.10.c requires the development of a long term trash abatement plan that can be developed by "[T]he Permittees, acting individually or collectively" to be submitted by October 2012. Referring to the "General" comments above, define "collectively" .	We will further define the ability for Permittees to work together to achieve their trash capture and Hot Spot cleanup requirements.	
Oakley	73	C.10	Definitions	C.10.c requires the development of a long term trash abatement plan that can be developed by "[T]he Permittees, acting individually or collectively" to be submitted by October 2012. Referring to the "General" comments above, define "collectively" .	Collectively here means that some or all of the Permittees can work together on a plan which would apply to all that so participate.	
Oakley	72	C.10	Delay Implementation	Inserts make the accomplishment of the full capture program sound doable, but inserts risk clogging and obstruction of high flows causing storm flooding risk. This means that a more structural solution is needed. Some sort of in-line devices will be more practical but more costly for the urban areas. The implementation date needs to be delayed to 2015 to allow more time for device development and searching out and qualifying for grant funding.	Trash capture devices can operate without causing flooding if adequately maintained. Many proven options for trash capture exist, so more time for device development is not necessary.	
Save the Bay	16	C.10	Document Trash Impacted Area selection	Document selection process, gather information from city workers, the public, map sites.	We expect the Permittees to employ this knowledge under current requirements.	
Daly City	93	C.10	Downstream Trash Assessment	FTCDs are required to be installed by July 1, 2012. Daly City has no practical location for trash assessment downstream of the managed catchment. How do we	The requirement for assessment of trash captured by enhanced no longer applies, as was only an option in the TO.	

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				report the total volume of trash collected by all enhanced management measures before the installation requirement?		
Alameda City		C.10	duplicative requirements	Requirement to establish enhanced trash management control efforts and install full trash capture devices in the same catchment area(s) directs duplicative, cost-incurring measures to be implemented.	Revised C.10 does not require redundant trash management actions unless the Permittee finds it necessary to address the Trash Hot Spots.	
Berkeley	Table 16	C.10	duplicative requirements	Enhanced trash controls and capture controls in same catchment duplicative.	Revised C.10 does not require redundant trash management actions unless the Permittee finds it necessary to address the Trash Hot Spots.	
Fremont	7	C.10	duplicative requirements	jurisdictions will have to invest in equipment, staff and other resources to implement enhanced trash control measures, which may prove unnecessary or duplicative in areas ultimately treated with trash capture devices.	Revised C.10 does not require redundant trash management actions unless the Permittee finds it necessary to address the Trash Hot Spots.	
Fremont	8	C.10	duplicative requirements	Requirement to establish enhanced trash management control efforts and install full trash capture devices in the same catchment area(s) directs duplicative, cost-incurring measures to be implemented.	Revised C.10 does not require redundant trash management actions unless the Permittee finds it necessary to address the Trash Hot Spots.	
Sunnyvale Att A	25	C.10	Eliminate 10% - 5%	Remove current requirement of addressing 10% of urban suburban area and 5% installation of capture devices	The RTO takes a different approach based on Trash Hot Spot identification, and includes a reduced trash capture requirement.	
CCCWP	90	C.10	Enhanced Trash Management	Mandated "Enhanced trash management controls" includes a minimum of weekly street sweeping frequency which is twice as much as even the "high frequency" street sweeping areas in C.2.a. Is this intended? CCCWP requests that permit language be changed to require sweeping of enhanced trash management control areas at frequencies no greater than 2 times per month, to be consistent with requirements in C.2.a.ii. (Also, see comments under Provision C.2.b.i.)	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street sweeping and parking restrictions.	
ACCWP	14.1	C.10	Enhanced Litter Control	The requirement to conduct enhanced litter control in areas where structural control measures will be installed should be removed. This would require municipalities to revise street sweeping routes and install no-parking signs, which would be very expensive, only to remove the signs and revise the routes again a year or so later when the structural control measures are in place.	Revised C.10 does not require redundant trash management actions unless the Permittee finds it necessary to address the Trash Hot Spots.	
Alameda Co	10.1	C.10	Enhanced Litter Control	The requirement to conduct in enhanced litter control in areas where structural control measures will later be installed should be removed. This would require municipalities to revise street sweeping routes and install	Revised C.10 does not require redundant trash management actions unless the Permittee finds it necessary to address the Trash Hot Spots.	

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				no-parking signs, which would be very expensive, only to remove the signs and revise the routes again a year or so later when the structural control measures are in place.		
Newark	14.1	C.10	Enhanced Litter Control	The requirement to conduct in enhanced litter control in areas where structural control measures will be installed should be removed. This would require municipalities to revise street sweeping routes and install no-parking signs, which would be very expensive, only to remove the signs and revise the routes again a year or so later when the structural control measures are in place.	Revised C.10 does not require redundant trash management actions unless the Permittee finds it necessary to address the Trash Hot Spots.	
Berkeley	31	C.10	enhanced litter controls too prescriptive	The tentative order requires that the enhanced control measure areas include weekly street sweeping and parking restrictions. These measures may not be appropriate in many areas that municipalities would like to conduct enhanced litter control activities. allow for selecting from a menu that includes items such as enhanced enforcement and litter pickup, rather than be required to implement all the items listed in C.10.b.i.1.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including parking restrictions.	
Fremont	8	C.10	enhanced litter controls too prescriptive	requirements of enhanced litter control measures (e.g. parking restrictions and weekly street sweeping) are too prescriptive and will be economically burdensome to local agencies. The lack of flexibility and prescriptive requirements will make programs more costly and less effective.	Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. The prescriptive requirements for enhanced trash management measures have been removed from the RTO.	
Alameda Co	7.2	C.10	Excessive Cost	As this provision is presently written, it would have the Unincorporated County installing full trash capture devices over 18 square miles of its watersheds (5% of 358 square miles). At the rate of \$4,500* per acre of watershed to install vortex screen separators (VSS devices), installation alone would cost the County \$51.8 million. That is approximately equal to the entire Unincorporated County budget for stormwater for 45 years. *The figure for installation cost of VSS devices is taken from the direct experience of the City of Oakland. The Oakland figure of \$4,500 per acre served has been consistent for devices serving several watershed sizes ranging from 16.5 acres to 121 acres. The City costs are higher than manufacturer quotes because they include costs of street utility relocation, design review, site survey, and contract administration.	The basis for trash capture in the RTO has been changed to 30% of the Retail/Wholesale Commercial Land for each Permittee. The mandatory trash capture device level has been reduced in the RTO, thus reducing costs for Permittees.	
Daly City	92.2	C.10	Excessive	Since the City of Daly City would be limited to FTCDs at	Storm drain inlet capture devices are also an	

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			Cost	these major outfalls, the flows will be substantial and analysis, design and construction may take a significant amount of time and money. Additionally, there is no identified funding for this project.	option to be explored, and there are other systems besides outfall capture devices.	
Danville	4.2	C.10	Excessive Cost	This section requires all municipalities to submit a Trash Management Plan for 2023 that complies with a "Zero Trash Impact" in 15 years. Implementation to provide "Full Capture" and "Enhanced Trash Management Controls" will be extremely costly to build and properly maintain. Danville estimates that this requirement will add \$1.25 million in costs to the Town's existing program, over the next five years. This is an extremely costly solution, for a concern that is not considered a major problem in Danville creeks.	Trash impacts to creeks and the Bay is a major problem region-wide. RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street sweeping and parking restrictions. The estimate for cost of trash capture that has the most data associated with it is about \$5000/acre of catchment. We agree that significant resources will be required to implement trash capture devices and maintain them.	
Dublin	10.1	C.10	Excessive Cost	The City of Dublin would need to provide structural controls treating approximately 300 acres in order to comply with this permit requirement. The cost of installing these structures is estimated at \$2 Million, or \$400,000 per year for the duration of the five-year permit.	The estimate for cost of trash capture that has the most data associated with it is about \$5000/acre of catchment, or about \$1,500,000 for Dublin. In addition there will be ongoing maintenance costs. We agree that significant resources will be required to implement trash capture devices and maintain them.	
FSSD	10.1	C.10	Excessive Cost	For the City of Fairfield it is estimated that the capital cost for the installation of a full capture CDS unit, in order to comply with the requirements of the permit, would cost between \$1,340,000 and \$1,800,000. For the City of Suisun City it is estimated that the capital cost for the installation of a full capture CDS unit, in order to comply with the requirements of the permit, would cost between \$134,000 and \$142,000. For the Fairfield-Suisun Sewer District it is estimated that the capital cost for the installation of a full capture CDS unit would cost between \$315,000 and \$470,000. Ongoing maintenance costs would be in addition to the capital costs.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street sweeping and parking restrictions. The mandatory trash capture device level has been reduced in the RTO to 30% of Retail/Wholesale Commercial land use, thus reducing costs for Permittees. It is necessary for the Permittees to install trash capture during this permit cycle to gain experience and learn what works most effectively.	
Martinez	2.2	C.10	Excessive	The City of Martinez recommends cities are required to	Enhanced litter control measures, while very	

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			Cost	implement an aggressive litter control program but not to the extent that would require such large capital outlays with no funding source available.	useful will not be adequate alone in Permittees jurisdictions. Capture device installation has been massively implemented in Los Angeles, and is shown be both practical, of reasonable cost, and capable of intercepting significant amounts of trash. The mandatory trash capture device level has been reduced in the RTO, thus reducing costs for Permittees.	
Orinda	3.2	C.10	Excessive Cost	Implementation of the measures prescribed in this Provision will result in public monies being unnecessarily wasted with little water quality benefit.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street sweeping and parking restrictions. The mandatory trash capture device level has been reduced in the RTO, thus reducing costs for Permittees. The estimate for cost of trash capture that has the most data associated with it is about \$5000/acre of catchment. We agree that significant resources will be required to implement trash capture devices and maintain them.	
Pleasanton	4.1	C.10	Excessive Cost	If the Tentative Order is approved as written, the City will be required to provide structural controls treating approximately 500 acres in order to comply with the new requirements. Initial estimates of the cost to install and maintain these required new structures is estimated at \$2.25 million and when annualized, this cost would represent approximately \$450,000 for each year of the 5-year permit. This additional cost would come close to the total of our City's current annual storm water assessments to residents and businesses. In essence, just to comply with this additional requirement alone would approximately double the cost to comply with our existing NPDES permit requirements.	The mandatory trash capture device level has been reduced in the RTO, thus reducing costs for Permittees. RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street sweeping and parking restrictions.	
San Mateo Co	2.2	C.10	Excessive Cost	Implementation of the Trash Reduction Provision C.10 requirements is estimated to cost the County close to \$1,000,000 for the first 5 years of the draft permit term. A large majority of this estimated cost is for the installation	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive	

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				of "full trash capture devices" and the associated maintenance. It is unreasonable to expect that the County could allocate this amount of resources and completes installation by 2012, given our current financial constraints.	measures have been removed, including street sweeping and parking restrictions. The mandatory trash capture device level has been reduced in the RTO to 30% of Retail/Wholesale Commercial land use, thus reducing costs for Permittees. It is necessary for the Permittees to install trash capture during this permit cycle to gain experience and learn what works most effectively.	
Suisun	4.1	C.10	Excessive Cost	For the city of Suisun City it is estimated that the capitol cost for the installation of a full capture CDS unit, in order to comply with the requirements of the permit, would cost between \$600,000 and \$800,000. Ongoing maintenance costs would be in addition to the capitol costs.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street sweeping and parking restrictions. The mandatory trash capture device level has been reduced in the RTO to 30% of Retail/Wholesale Commercial land use, thus reducing costs for Permittees. It is necessary for the Permittees to install trash capture during this permit cycle to gain experience and learn what works most effectively.	
Walnut Creek	6	C.10	Excessive Cost	While the City recognizes the need to control trash and litter problems locally, the proposed Trash Control provisions in the Permit are cost prohibitive to implement. The proposed language does not leave room for innovation or the use of alternative methods for trash and litter control.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street sweeping and parking restrictions. The mandatory trash capture device level has been reduced in the RTO, thus reducing costs for Permittees.	
Newark	12.3	C.10	Excessive Cost Alternative Pathways	Structural litter control mechanisms are expensive to construct and maintain and they do not address the issue of litter in our communities.	It is necessary to gain experience with use of full trash capture devices to address situations, such as trash behind parked cars, where it is not practical or cost effective to either remove it by street sweeping, and where hand removal is too costly or impractical. During this first stage of removing trash impacts from waters, it is necessary for Permittees to	

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					learn the effectiveness of all of the available tools to tackle this problem. Trash capture definitely is a useful tool, and is MEP based on the significant use developed by Permittees in the L.A. area.	
SF Baykeeper	65	C.10	Floating Booms should not count as trash capture devices	Floating booms should not count as trash capture since they only collect floating trash.	Booms are included because they can collect large amounts of floating trash, with a high percentage of persistent plastic. This trash has major impact in the ocean, and is of high concern.	
Hearing, Mayor of Daly City	1	C.10	Flooding	Trash Capture devices meeting L.A. 5mm standard cause flooding	L.A. and L.A. County do not report flooding issues with adequate maintenance. Devices are designed with an overflow path.	
Daly City	92.1	C.10	Flooding Risk Full Capture Devices	The City of Daly City covers an area roughly seven square miles in size with 4 major storm drain outfalls (excluding the portion of the city that drains into San Francisco's combined sanitary/storm system). Full Trash Capture Devices (FTCD), as defined in C.10.b.i, will be limited to these major outfalls. It is highly unlikely that we can place FTCDs that trap debris 5mm or greater in size at the catch basin inlets. Inlet grates with a 5 mm mesh (3/16 of an inch) will clog quickly and result in localized flooding with minimal rainfall events.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street sweeping and parking restrictions. The mandatory trash capture device level has been reduced in the RTO to 30% of Retail/Wholesale Commercial land use, thus reducing costs for Permittees. It is necessary for the Permittees to install trash capture during this permit cycle to gain experience and learn what works most effectively.	
Save the Bay	30	C.10	Full capture cert. problematic	Permittees should provide peer-reviewed technical studies documenting that control measures achieve full capture	During this permit term, if it proves workable, we intend to use the Los Angeles Regional Board determinations on full trash capture devices.	
Burlingame	7	C.10	Full Capture Devices	The cost to implement enhanced measures could potentially be absorbed through enhancements of regular municipal maintenance activities. However, the purchasing, installing and maintaining full capture devices is a significant fiscal challenge. It should be noted that while there is no certification process yet for "full capture" devices, the permit specifies that these devices should be able to filter and trap litter and trash as small as 5 millimeters in diameter. While this provision further requires municipal maintenance of these devices during periods of rain events to minimize ponding and localized flooding, these devices could add more costs to	The full trash capture standard has been pioneered in the L.A. Region, and is current MEP for California. Further refinements of capture device design and the standard may be necessary in the future. Studies in the Pacific Gyre demonstrate that plastic fragments smaller than 5mm are of concern, as they travel thousands of miles, are persistent, float and are mistaken for prey items by a range of marine life. There are various trash capture devices and technologies. In general, an overflow pathway is	

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				municipalities in terms of staff time and resources in addition to safety and liability issues.	maintained to avoid flooding. Lack of appropriate maintenance may allow certain devices to plug and cause flooding in extreme circumstances, just as storm drain inlets currently flood from trash and debris plugging in the absence of trash capture devices. RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street sweeping and parking restrictions. The mandatory trash capture device level has been reduced in the RTO to 30% of Retail/Wholesale Commercial land use, thus reducing costs for Permittees. It is necessary for the Permittees to install trash capture during this permit cycle to gain experience and learn what works most effectively.	
Hearing Transcript Sunnyvale	66	C.10	Full Capture Devices	The city's main concerns are in regards to the implementation of total trash removal devices;	The mandatory trash capture device level has been reduced in the RTO, thus reducing costs for Permittees.	
Newark	12.2	C.10	Full Capture Devices	The requirement to install full trash capture devices to treat all runoff from at least 5% of the land area of every municipality is not appropriate for all municipalities as the level of urbanization and associated litter problems varies widely between municipalities.	Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. The mandatory trash capture device level has been reduced in the RTO to 30% of Retail/Wholesale Commercial land use, thus reducing costs for Permittees.	
San Ramon	9	C.10	Full Capture Devices	The City of San Ramon has several privately owned locations in which trash control devices have been installed to either meet C.3 requirements or as a condition of approval for the project. We have successfully partnered with the private property owners to install these devices, which are monitored to ensure that they are functioning properly through enforceable maintenance agreements. The City of San Ramon requests the RWQCB to include trash removal devices meeting the full capture definition installed and maintained by private	We will consider including credit for trash capture devices in private projects installed under Permittee requirements.	

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				parties in the calculation of the credit received for existing full capture trash devices.		
San Mateo Co	2.3	C.10	Full Capture Devices	It is recommended that the draft permit be rewritten to require that each municipality select one high trash impact catchment tributary to the municipal separate storm sewer system that it owns or operates, implement an appropriate solution or require the responsible parties to implement a solution, and then demonstrate measurable reductions in trash and litter. On this basis it is recommended that the permit be revised to eliminate the draft permit's requirements for at least 10 percent of the high trash and litter urban land area within a municipality's jurisdiction to have trash controls along with the proposed requirement that half or more of this 10 percent catchment area be controlled with "full trash capture devices".	We disagree with the approach of one high trash impact catchment per permittee, regardless of size. The current approach requires one Trash Hot Spot per 30,000 population or per 100 acres of Retail/Wholesale Commercial. Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. The prescriptive requirements for enhanced trash management measures have been removed from the RTO	
Hearing, Save the Bay	2	C.10	Funds available	Los Angeles passed a \$500 million bond measure, Proposition O, with 75.8 percent fund trash. They passed a special parcel tax in 2006. seek a special stormwater fee from county property owners in summer of 2009. \$382 million in statewide resource bonds. There have been legislative attempts to modify Prop. 218, and there are innovative measures, such as Oakland's Fast Food Restaurant Excess Litter Fee, which is raising \$237,000 a year for Oakland	Noted.	
State Senator Ellen Corbett	3	C.10	Implement trash controls without delay	In order to ensure the effectiveness of this historic step to revise the MRP, the Water Board must do the following: prevent any delays in the current timeline for measurable progress over the permit term;	Agreed.	
Moraga	72	C.10	Implementation Date	C.10.b. (2) requires the installation of full capture devices with drain inlet inserts being one device for consideration. Inserts make the accomplishment of the full capture program sound doable, but inserts risk clogging and obstruction of high flows causing storm flooding risk. This means that a more structural solution is needed. Some sort of in-line devices will be more practical but more complicated for the urban areas. The implementation date needs to be delayed to 2015 to allow more time for device development and searching out and qualifying for grant funding.	The trash capture requirement for full capture includes an overflow provision above a specified storm. Thousands of the storm drain inlet type devices have been installed in the greater Los Angeles metropolitan area and flooding issues have not been reported. Significant development of trash capture devices has occurred in the Los Angeles area, to an additional year is not warranted.	
Alameda City	14	C.10	Impractical	The City is not aware of any practical device that meets the Provision C.10 definition of a Full Trash Capture System. 5 mm mesh will cause flooding.	There are many devices that meet this requirement, and they use overflow pathways to avoid flooding. Maintenance is necessary to fully	

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					prevent flooding.	
Albany	3	C.10	increase flexibility	account for the varying composition of jurisdictions, allowing jurisdictions to customize their own trash management programs	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL.	
Save the Bay	3	C.10	Increase trash capture requirement	The trash capture device requirements in this order take an extremely incremental approach to trash. By comparison, Los Angeles' trash program is much more extensive: zero trash over the entire Los Angeles River watershed, to be achieved by full capture devices wherever possible.	We agree it is an incremental or phased approach.	
Albany	4	C.10	Is trash capture sizing based on science?	uncertain whether the specific sizing of trash capture devices called out in the draft permit is scientifically grounded.	The hydraulic specification is an engineering compromise between efficiency and excessive cost. This specification will be reviewed for balance in coming years.	
Hearing, Save the Bay	1	C.10	L.A. MEP	cities in the LA Region have demonstrated leadership in addressing trash and marine debris. installations include two-stage storm filter-to-filter CDS or other vortex separation in Santa Monica, Los Angeles, Manhattan Beach, and Culver City; catch basin debris excluder devices already widely installed with 1,000's more to come, and Santa Monica and the City of Los Angeles is pioneering an urban runoff recycling facility, which removes all trash and debris from dry weather flow. Santa Monica and Los Angeles have aggressively pursued the necessary funding	Noted.	
San Jose Att A	69	C.10	lack technical basis for trash measures - enhanced measure duplication	lack technical basis for trash measures - enhanced measure duplication	There is ample technical basis for the trash management measures in the RTO. The RTO reflects revisions that no longer require duplicative trash approaches where they are not effective.	
CCCoSups	77.2	C.10	Legal Authority	The County may be required to develop new legal authority to require certain land owners and business operators in high trash or litter generation areas to purchase, install and adequately maintain and service litter receptacles.	The prescriptive requirements for enhanced trash management measures have been removed from the RTO. Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement.	
Alameda City	15	C.10	Let cities determine what to install	Allow the City to determine what is practical to install within the existing drainage infrastructure, consistent with proven and workable engineering standards, and any existing State standards.	The RTO allows the Permittees great flexibility in choice of methods for trash management, and choice and placement of full trash capture devices.	

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Save the Bay	21	C.10	litter receptacle maintenance	change the language regarding maintaining adequate litter receptacles to "Assess where more trash receptacles would reduce trash accumulation, and install additional receptacles, with adequate pickup frequency."	Such specificity has been dropped from the RTO in favor of focusing on clean up of Trash Hot Spots to the TAL	
Pacifica	7.4	C.10	Local Solutions Too Prescriptive	The Fact Sheet reports that a Water Board study found, "There are trash source hotspots, usually associated with parks, schools, or poorly kept commercial facilities, near creek channels, that appear to contribute significant portion of the trash deposition at lower watershed sites." Every trash and litter problem would be more cost-effectively handled by allowing the local municipality to identify the optimum solution rather than to require an arbitrary amount of municipal land area to have "full trash capture devices" and that another arbitrary amount of land be subject to very prescriptive "enhanced trash management control measures." The proposed permit's inflexible approach would be detrimental to identifying cost-effective ways of making measurable improvements in high priority trash and litter catchments.	Prescriptive measures have been removed, including street sweeping and parking restrictions. The mandatory trash capture device level has been reduced in the RTO to 30% of Retail/Wholesale Commercial land use, thus reducing costs for Permittees. It is necessary for the Permittees to install trash capture during this permit cycle to gain experience and learn what works most effectively.	
Save the Bay	9	C.10	Long-Term Plan	More detail on goals and structure of plan	The details on goals and structure of the long term trash elimination plan will be much more substantive after the Permittees spend a few years grappling with the problem.	
Save the Bay	10	C.10	Long-Term Plan	specify incremental reductions over the years, use data from trash capture devices, verify results	Achievement of the TAL at all Trash Hot Spots is a large incremental reduction that is required over this permit term.	
Save the Bay	11	C.10	Long-Term Plan	Specify "trash free waterbodies" instead of "no impacts to beneficial uses"	The Basin Plan prohibition already exists. The plan goals will be refined as part of the plan development process, also.	
Save the Bay	12	C.10	Long-Term Plan	specify that nothing in this permit or the long-term plan will preclude additional requirements which may be imposed by the next permit cycle adopted in 2013, by 303(d) listing, by a trash TMDL, by enforcement of permit provisions, or by any other measure.	Not necessary to state such an obvious fact. Nothing in C.10 could be construed to preclude more stringent requirements in the next permit cycle.	
State Senator Ellen Corbett	6	C.10	Maintain key requirements	50% trash capture devices and long term plan should be retained in final MRP	The trash capture device installation requirements in the RTO have been reduced.	
Contech, Lippner, G.	4	C.10	Maintenance	Maintenance of CDS is easy and cost effective	Noted.	
San Pablo	26	C.10	Maintenance	Weekly maintenance of the full capture devices will be required in our City since we have a lot of flooding and these systems clog quickly in the fall with the leaf litter. This is a huge burden on our maintenance department	There are other types of trash capture devices that meet the full trash capture standard set in the L.A. region. If street trees causing leaf clogging of these inlet systems will be too great a	

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				that is already understaffed.	problem, other devices can be used.	
Walnut Creek	7	C.10	Maintenance	Installation of full-capture devices will prevent trash from entering storm drain systems; however, they pose maintenance problems and create a potential flooding hazard. These devices must be maintained frequently and will tax our resources during major storm events when those resources may be needed to tackle other emergency situations. We urge that Water Board focus the efforts on pilot studies to assess effectiveness of various management measures for this permit cycle.	There are various trash capture devices and technologies. In general, an overflow pathway is maintained to avoid flooding. Lack of appropriate maintenance may allow certain devices to plug and cause flooding in extreme circumstances, just as storm drain inlets currently flood from trash and debris plugging in the absence of trash capture devices. RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street sweeping and parking restrictions. The mandatory trash capture device level has been reduced in the RTO, thus reducing costs for Permittees.	
CCCoSup	77.1	C.10	Maintenance Litter Receptacles	The requirement for "maintenance of adequate litter receptacles in high traffic areas" is potentially problematic for multiple reasons: litter is often found around receptacles not in them; receptacles are often misused in place of property service; receptacles are often damaged/burned; there is often no clear delineation of where they are or who owns them, is responsible for emptying, repairing or replacing them, who is liable for any harm or damage caused as result of receptacle placement, use or servicing.	The prescriptive requirements for enhanced trash management measures have been removed from the RTO. Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement.	
Palo Alto	4	C.10	Manage only storm drain trash source – capture device installation only when funding available	Manage only storm drain trash source – capture device installation only when funding available	The trash capture requirements can not be contingent on funding. The devices are not required to be installed and operation until July 1, 2013.	
Save the Bay	14	C.10	Manage trash in streams from various sources	sites impacted by trash that is littered or dumped on-site or generated by uses such as encampments must all be adequately managed.	We agree, just as spills and dumping of other pollutants are required controlled in provision C.5, Illicit Discharge Abatement	
Save the Bay	13	C.10	Map trash	Strategies used to address trash upstream must be tied to	The RTO includes a focus on cleaning up Trash	

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			areas to demonstrate reductions	demonstrable reductions in trash at the downstream sites.	Hot Spots, which will demonstrate reductions in trash.	
SCVURPPP ATT A	67	C.10	March 2007 call for trash interagency team	March 2007 call for trash interagency team	Noted.	
Hearing, Citizen R. James	4	C.10	Measurable Reduction	Don't talk about installing devices. Set up some of goals of certain percent reduction loads and make them go out and monitor it.	RTO has Trash Hot Spot cleanup goals and trash capture installation requirements.	
SF Baykeeper	63	C.10	Monitor for Trash at more locations, upstream and downstream	The pilot monitoring is overly focused on downstream areas of the watersheds. Trash can and does accumulate for long periods of time in upstream locations. Assessments done in Santa Clara found that there were "no apparent spatial patterns for trash conditions in creeks. Additional trash assessments should be tied to the stream surveys required in Provision C.8. (Table 8.1). The recommended stream survey protocols include identification of trash problem areas in creeks. Use the Center for Watershed Protection's USA stream survey methodology to identify the appropriate areas to apply the URTA or RTA.	Noted. The RTO does not include trash assessment with the status monitoring or stream surveys. During this permit term the focus will be on major Trash Hot Spots, which tend to be lower in the watersheds, with the exception of direct illegal dumping sites.	
CCCWP	92	C.10	More Flexibility	The City of Walnut Creek has developed some preliminary estimates for different approaches, comparing costs for inlet approach versus a larger catchment approach. Preliminary information suggests catchment approach may be more efficient or cost effective. Regional Board staff has pointed out examples from the City of Los Angeles and from the Lake Merritt project. BASMAA has developed some preliminary estimates for different approaches, which have been compared with costs generated by the Program. All available information is too preliminary to decide on the best approach, or be able to predict implementation costs. This is why this entire provision needs more flexibility.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. The trash capture device installation requirements in the RTO have been reduced. The trash capture requirement is now 30% of Retail/Wholesale Commercial Land Use.	
Colma	2.3	C.10	More Flexibility	The permit should be modified to allow flexibility in addressing trash and litter controls problems so that cost-effective solutions may be implemented that are tailored to solving particular problems.	Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. The prescriptive requirements for enhanced trash management measures have been removed from the RTO.	

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Hearing Transcript Burlingame	6	C.10	More Flexibility	And for trash, you know, the city has been proactively doing some business district cleanup, so rather than putting a device, they concentrate on areas that are more prone to trash. For example, the downtown areas, two downtown areas get cleanups from volunteers, maybe once every two months. We have participated in Coastal Cleanup Day, and we're just now getting another cleanup at the lagoon. So I do understand it, but I think what you have included in the draft MRP is not what everybody needs or could use. I think the flexibility that I'm looking for is a flexibility that will work for all the cities, individual cities, and smaller cities, and may not be the same for larger cities.	Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. The prescriptive requirements for enhanced trash management measures have been removed from the RTO.	
Hearing Transcript Pleasanton	64	C.10	More Flexibility	You've heard the lack of flexibility on trash programs.	Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. The prescriptive requirements for enhanced trash management measures have been removed from the RTO.	
Menlo Park	2.3	C.10	More flexibility	Modify the permit language to allow each municipality the flexibility in addressing trash and litter so that cost-effective solutions can be implemented which are tailored to particular problems.	<p>RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL.</p> <p>Many prescriptive measures have been removed, including parking restrictions for street sweeping.</p> <p>The mandatory trash capture device level has been reduced in the RTO, thus reducing costs for Permittees.</p> <p>The approach you describe is similar to the RTO, but a larger program of Trash Hot Spot clean up and full trash capture device installation is called for, than just one catchment per Permittee.</p>	
Oakland	11	C.10	More Flexibility	Oakland is also requesting specific changes to the permit language to provide flexibility for local agencies to address trash using an array current and future technologies and strategies. The City requests that the permit language requiring that half of the enhanced trash management catchment area be managed only by structural controls	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street sweeping and parking restrictions.	

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				and the criteria restricting enhanced trash management efforts to just the lower reaches be eliminated. The City of Oakland believes that having access to all current and future strategies and technologies is essential to achieving more in trash reduction. It is also important that we not divert efforts to only the lower reaches of the watershed and potentially miss opportunities to implement strategies that can realize trash reduction in both the lower and upper watershed. Allowing the flexibility to utilize a variety of both broad and site specific strategies including structural controls, street sweeping, litter collection, enforcement, outreach, target clean-ups, inlet cleaning, etc will lead to more success.		
San Pablo	25	C.10	More Flexibility	Installing full capture devices assumes that trash only enters the water bodies via the stormdrain system. In San Pablo, a lot of trash is dumped directly into the creeks by residents and by homeless camps. The high costs of installation and maintenance (~\$12,000 for installation and ~\$40,000 annually for maintenance in San Pablo) could be better used for other trash management measures. We request that more flexibility be given to permittees to reduce trash. Example: In fiscal year 2006/2007, only 7 cubic yards of debris were removed from the City's 326 catch basins, of which only 2 cubic yards was trash. Conversely, 70 cubic yards of trash were removed from the creeks during the annual creek cleanup. All the trash were either too large to enter the creek through the stormdrain system or were as a result of homeless camps. This figure does not include all the trash that is removed from the creeks in the remainder of the year.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street sweeping and parking restrictions.	
Newark	14.3	C.10	More Flexibility, Feasibility of Structural Controls	Newark is requesting specific changes to the permit language changes to provide flexibility for local agencies to address trash in a cost-effective manner. We request that the permit requirement of a minimum of 5% structural retrofit by 2012 be eliminated, allowing the use of structural or non-structural controls to achieve trash reduction. This would allow local agencies an opportunity to assess the effectiveness of various structural control methods and determine if structural controls are warranted under the Long Term 15-Year Trash Reduction Plan due in 2012.	Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. The prescriptive requirements for enhanced trash management measures have been removed from the RTO. The mandatory trash capture device level has been reduced in the RTO to 30% of Retail/Wholesale Commercial land use, thus reducing costs for Permittees. It is necessary for the Permittees to install trash capture during this	

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					permit cycle to gain experience and learn what works most effectively.	
South SF	2.4	C.10	More Flexible Approach	Every trash and litter problem would be more cost-effectively handled by allowing the local municipality to identify the optimum solution rather than to require an arbitrary amount of municipal land area to have "full trash capture devices" and that another arbitrary amount of land be subject to very prescriptive "enhanced trash management control measures." The proposed permit's inflexible approach would be detrimental to identifying cost-effective ways of making measurable improvements in high priority trash and litter catchments.	See the response to South SF 2.3 above.	
Oakland	10	C.10	Multiagency effort	At the stormwater workshop the Water Board held last year, the Water Board recommended establishing a trash task force of State and local agency representatives to address trash related issues. This is an excellent idea that should be implemented. Before jurisdictions spend tens of millions of dollars on control measures that may not make a significant dent in the problem of litter in local creeks, we should work together to develop a comprehensive trash and litter control plan.	We will assist and participate in such workshops and collaboratives, but implementation should not be delayed. Sufficient information is available including the experience gained in Los Angeles and L.A. County.	
San Jose Att A	67	C.10	Multi-agency effort	form a multi-agency team to help deal with trash	We will assist with this effort after MRP adoption.	
Fremont	7	C.10	need flexibility in determining trash problems and approach	need flexibility in determining which trash problems are best addressed with enhanced trash management devices vs. trash capture devices. 5% capture device installation is too prescriptive.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. The mandatory trash capture device level has been reduced in the RTO.	
Save the Bay	2	C.10	Need Trash capture requirement	Emphasis on other trash control measures, such as product bans, education, and extended producer responsibility will have limited impact without trash capture as a primary control measure.	Noted.	
Friendsof5Creeks	5	C.10	No Baseline Measurements	The trash requirements require what amounts to pilot projects to control trash in some 8-9% of the area covered by the permit (10% minus large areas of open space). No baseline measurements are required, so there will be no way to measure whether these measures succeed or fail.	The Revised TO includes requirements to address Trash Hot Spots, and assessments will occur during the Hot Spot selection, so a baseline will exist. Further assessments will chart progress.	
Friendsof5Creeks	6	C.10	No Measurement	In half of this 8-9% of their area, the measures must be designed to capture all trash except during big storms and	Further refinement of the full trash capture standard, which was developed in the Los	

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			of Full Capture	floods. For these devices, the only reporting requirement is volume captured annually, so there will be no way to measure just how "full" the capture is. That is, there will be no measure of what gets by the so-called "full capture devices."	Angeles Region, is possible during this permit cycle. We agree that the definition is somewhat arbitrary.	
CCCoSup	79	C.10	No Trash Unrealistic	It is not realistic to believe that any municipality can develop a plan that when implemented will ensure that there will be no trash impacts on beneficial uses within their jurisdictions. There will always be trash (dumping/litter) and therefore some degree of trash-related impacts. Development of a collective plan for an achievable degree of trash reduction, however, is acceptable.	We agree that trash is a challenging problem, but believe that a long term plan coupled with the knowledge gained in this permit term will eventually lead to no trash impact on receiving waters.	
Hearing,	1	C.10	obstacles to trash capture	They do not fit all circumstances. We have funding through a bond measure, yeah, money. Money is not the issue. We found out there are a lot of other issues that are getting in the way of putting in these structural controls. It's very difficult to cite; infrastructure incompatibilities, we have traffic incompatibilities, we have size limitations.	There are several types of trash capture	
Sunnyvale Att A	24	C.10	One catchment per permittee	Require permittees to identify only one catchment or hotspot per jurisdiction and clean up or require responsible party to clean up.	This level of implementation is too low for more populous Permittees.	
Livermore	11	C.10	Onerous long range goal	Trash management plans must have the goal of no impact of trash on beneficial uses by 2023. This requirement is unrealistically ambitious and fails to recognize the last 40 years of anti-littering efforts that have been unable to eliminate this societal problem. This requirement should be removed.	The requirements are focused on removing trash impacts from waters, which is a more focused goal, and significant progress should be possible.	
San Jose Att A	71	C.10	Only storm drain trash controls	The development of a long term plan should be limited to addressing the impacts of trash transported through MS4 systems.	Trash that arrives in waterbodies via wind, direct dumping, littering or wash down all impacts beneficial uses, and can be transported through the MS4. The Permittees are responsible for attempting to abate direct dumping of trash just as they are responsible for preventing any illicit discharge to State waters from their jurisdiction.	
Save the Bay	27	C.10	Opt out clause	"no practical location" should meet defined criteria, such as "creek banks are too steep to permit access," so that the opt-out measure is not invoked inappropriately and excessively. Second, reporting the total annual volume of trash collected by all enhanced management measures should be modified to break down reporting by site	In the RTO there is a presumption that all Permittees can site Trash Hot Spots sufficient to meet the requirements. All reporting of trash assessments is based on Hot Spots in the RTO.	

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Hayward	3	C.10	overly prescriptive	The overly prescriptive trash-related requirements in the MRP impose a significant burden on local agency resources, while allowing little flexibility. The required enhanced litter control measures may not be applicable in all situations.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. The mandatory trash capture device level has been reduced in the RTO, thus reducing costs for Permittees.	
Moraga	71	C.10	Parking Restrictions	C.10.b overlaps with C.2.b and C.12.d. C.2.b makes curb clearing of vehicles an out reach item, but C.10 and C.12 make parking restrictions mandatory. Mandatory parking enforcement as a blanket requirement is unacceptable and should be left to the discretion of the local agency. We request that those provisions require outreach only. Many communities have areas of high density, multi-use housing. While the various developments may meet the zoning conditions, there are many home businesses, and families with more than the two cars due to children of driving age or extended families. Also, there are small lot single family zones to provide more affordable housing resulting in reduced on site parking and the need for street parking. Cities can not always ensure that sweeping is done in the mid-day when most residents will be away.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Many prescriptive measures have been removed, including parking restrictions for street sweeping.	
Oakley	71	C.10	Parking Restrictions	C.2.b makes curb clearing of vehicles an out reach item, but C.10 and C.12 make parking restrictions mandatory. Mandatory parking enforcement as a blanket requirement is unacceptable and should be left to the discretion of the local agency. We request that those provisions require outreach only. Many communities have areas of high density, multi-use housing. While the various developments may meet the zoning conditions, there are many home businesses, and families with more than the two cars due to children of driving age or extended families. Also, there are small lot single family zones to provide more affordable housing resulting in reduced on site parking and the need for street parking. Cities can not always ensure that sweeping is done in the mid-day when most residents will be away.	Mandatory parking restrictions for street sweeping have been removed from C.10. For street sweeping to be an effective way to remove fine particulate bound pollutants, such as PCBs, it is necessary to sweep to the curb. Trash also accumulates at the curb, but we are leaving the specific approach to intercept trash before it can get to waters up to the Permittees.	
San Ramon	8	C.10	Parking Restrictions	Currently, San Ramon has very small amount of "No Parking" zones. Adopting this requirement would force local jurisdictions to install no parking signs for 10% of their urbanized areas where it is not necessarily needed and will redirect police staff from public safety duties to	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street	

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				enforce the "No Parking" requirements. The City requests the RWQCB to include the option of conducting effective public outreach to inform the public about removing vehicles from the curbside on street sweeping days.	sweeping and parking restrictions.	
Hayward	4	C.10	parking restrictions costly	In addition, enforceable parking restrictions could result in significant capital and staff costs to install and maintain signage and a drain on police resources for enforcement.	The RTO does not specify parking restrictions.	
CCCWP	91	C.10	Parking Restrictions More Flexibility	Delete <i>"(with enforceable parking restrictions to clear vehicles from the curbs on sweeping days)". Rationale for change:</i> This provision would have the unintended consequence of requiring installation of "No Parking" signs legible from any parking position, and at a minimum of 300 feet apart, in all geographic areas required to implement "enhanced trash management control measures". This is unacceptable. Not only would this represent a huge capital expenditure for purchase and installation of signs, these signs are unacceptable in most communities for aesthetic reasons. Permittees must be allowed to use public education and/or other means to encourage residents to not park in areas scheduled for sweeping.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Many prescriptive measures have been removed, including parking restrictions.	
Moraga Mayor	14	C.10	Parking restrictions not feasible	This section mandates street-sweeping frequencies and enforceable curb parking restrictions. Costly sign installation, hard on multi-family housing areas. Installation of parking restriction signs represents a major capital and expense burden. Significantly increased parking enforcement is not feasible with very limited police staff.	The prescriptive requirements for enhanced trash management measures such as street sweeping in a certain manner have been removed from the RTO. Use of these measures is now up to the Permittees' discretion.	
Save the Bay	22	C.10	perform assessment of trash measures	data should be collected (either in terms of trash collected or in terms of trash present at the site) from all management measures at each site. Control measure programs should be coordinated to ensure that data gathered can be compared across sites. maximize scientific utility and collect baseline information on trash conditions and loading at managed sites	Specific management measures other than trash capture pilot installation are not specified in the RTO. Assessment data will be collected at all trash hot spots, and will be comparable.	
Save the Bay	23	C.10	permitted projects must capture trash	Permittee's drainage infrastructure improvements (storm drains, pumps or pump stations, flood control projects) that would require Corps of Engineers/Regional Water Quality Control Board 401 Water Quality Certification should include full trash capture devices	We will consider the this for permitting of new outfalls. In general we require stormwater treatment measures consistent with Provision C.3 in some 401 Water Quality Certifications, and these treatment measures often will prevent trash from being discharged, but we will review our approach.	

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Hearing, Citizen	1	C.10	personal responsibility	use recyclables and reuse cups and bottles, reduce trash and litter	Noted.	
Hearing, Citizen	2	C.10	personal responsibility	pick up trash every day, ten pieces	Noted.	
CCCoEngrAdvisory	21.2	C.10	Pilot Projects	We should start with pilot projects to determine what types of programs and infrastructure work best before implementing a wholesale program.	The implementation efforts included in the Revised Provision C.10 have aspects of pilot implementation, as trash impacts to creeks will require significant additional work after this permit cycle, and much will be learned from this first round of implementation.	
Sunnyvale Hearing Transcript	72	C.10	Pilot Projects	Sunnyvale, with the assistance of SCVRP (phonetic), initiated a pilot project to determine the operations and maintenance requirements for full capture storm drain inserts. Eleven storm tech removable screen devices of 5-millimeter mesh were installed in Sunnyvale storm drain inlets in January of 2008 in a variety of different land uses and the cost was about \$1,200 per unit. To date, we found that large quantities of leaves from the street trees are problematic in some of these areas. The inlets work as they're supposed to. They capture and trap everything greater than five-millimeters in size; however, we observed that they fill up with leaves very quickly with one or two storm events with relatively small amounts of trash being captured. We believe it's premature to require the installation of these types of full capture devices in the scale required in the tentative order. And the leaf issue does not seem to have been a problem in LA. It is in our areas where we have a lot of street trees, and it's required. So we request this provision to require the full capture devices be removed until such a time as the pilot studies currently under way have had a chance to get all the information together.	We agree that storm drain inlet capture devices installed on streets with significant deciduous trees may capture leaves, adding to the maintenance burden. These leaves could also cause plugging and flooding of the storm drain system under the previous structure. One possible solution is the added installation of inlet "pop-open" grates, to retain the leaves at the street level for street sweeping. Additional street sweeping at leaf fall time will also help.	
Clayton, Hoffmeister, L	4	C.10	Plastic bag ban	State Law, so cities don't need to duplicate requirement	We and the Permittees can encourage legislators to address these issues. The RTO gives credit for such measures in C.10.a.viii.	
Fairfield City	13	C.10	Prescriptive	approach is overly prescriptive, and does not recognize the variety of possible trash and litter problems or the need to implement cost-effective solutions tailored to solve a particular problem. For example, homeless encampments deposit enormous amounts of trash in creeks, and are greatest source of trash in creeks within the City. MRP requires an arbitrary amount of municipal	Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. The prescriptive requirements for enhanced trash management measures have been removed from the RTO.	

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				land area to have "full trash capture devices" and another arbitrary amount of land is subject to very prescriptive "enhanced trash management control measures", regardless of whether trash conveyed through the stormwater conveyance is an significant source to creeks and water bodies. The MRP should be modified to allow flexibility in addressing trash and litter controls problems so that cost-effective solutions may be implemented that are tailored to solving particular problems. Require each municipality to select one high trash impact catchment tributary to the municipal separate storm sewer system, implement an appropriate solution or require the responsible parties to implement a solution, and then demonstrate measurable reductions in trash and litter.	Trash in waters is an issue regardless of the route of deposition, just as illicit discharges can include direct dumping, and must be addressed. Only working on one catchment for each Permittee is not an appropriate implementation level for the larger Permittees.	
Fremont	9	C.10	prescriptive & costly	the requirements of enhanced litter control measures (e.g. parking restrictions and weekly street sweeping) are too prescriptive and will be economically burdensome	Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. The prescriptive requirements for enhanced trash management measures have been removed from the RTO.	
Fremont	6	C.10	prescriptive, allow Flexibility	Need flexibility - enhanced trash management devices vs. trash capture devices. The requirement to install structural controls to treat 5% of the land area of every municipality is not appropriate for all municipalities and penalizes jurisdictions with large land areas than may not have severe litter problems	Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement.	
Sunnyvale Att A	22	C.10	Prescriptive, inflexible	Overly prescriptive approach with no technical basis for enhanced management measures specification, not cost effective, does not account for different trash sources and pathways	The RTO has been revised to be less prescriptive, and more flexible.	
SCVURPPP – Olivieri, A	2	C.10	Prioritize	Do more on trash, retain current C.3 exceptions	Noted. Most current C.3 exceptions are retained.	
SCVURPPP – Olivieri, A	5	C.10	Prioritize	Prioritize Trash, TMDLs, Monitoring, don't change Industrial, Const., C.3, HMP, Non-SW discharge	Trash is prioritized. Some improvements have occurred in the conventional provisions of the MRP.	
Saratoga Mayor	1	C.10	Prioritize Trash & other components	trash is critically important and should be addressed in the MRP, but want to make clear that we understand that there are other water quality issues that Bay Area municipalities will be asked- to help address under circumstances where they face competing demands for staff and fiscal resources and have very limited ability to	The trash capture requirements of the RTO have been reduced, thus reducing costs. Beginning to address trash impact reduction in waters is a priority issue for the MRP.	

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				increase revenue to fund services.		
Hearing, Mayor of Menlo Park	4	C.10	private streets	cities cannot clean and inspect private catch basins	We agree and do not require this in the RTO. Trash Hot spot clean up specifics are up to the Permittees in the RTO.	
Menlo Park	2.1	C.10	Public Outreach Requirement	The public outreach requirement is difficult to implement, as it is inefficient to target only a small portion of the City.	Many prescriptive measures have been removed, including parking restrictions for street sweeping and specific public outreach requirements.	
Pacifica	7.1	C.10	Public Outreach Requirement	One of these proposed requirements would require "increased public outreach on litter and trash control, particularly noting the impacts on creeks and the Bay in the outreach message" (Provision 10.b.i.(1)). It would be difficult and inefficient to target public outreach messages to only a small portion of a municipality	Many prescriptive measures have been removed, including parking restrictions for street sweeping and specific public outreach requirements.	
South SF	2.1	C.10	Public Outreach Requirement	One of these proposed requirements would require "increased public outreach on litter and trash control, particularly noting the impacts on creeks and the Bay in the outreach message" (Provision 10.b.i.(1)). It would be difficult and inefficient to target public outreach messages to only a small portion of a municipality.	Many prescriptive measures have been removed, including parking restrictions for street sweeping and specific public outreach requirements.	
Save the Bay	24	C.10	purpose of reporting	C.10.d, Reporting, includes requirements to report each year whether new ordinances have been adopted that impact trash, such as plastic bag bans or litter fees. The order does not indicate what purpose is served by this reporting. If the intent is that these measures should be adopted, a clearer program should be put forth requiring their adoption.	In the RTO, credit toward meeting the trash capture requirement is granted for Permittees adopting such measures. The goal is to reduce the litter and trash load available to impact creeks within a Permittees jurisdiction.	
Friends of 5 Creeks	8	C.10	Reduce Implementation Time	This plan is supposed to "prevent trash impacts on beneficial uses within their jurisdictions," whatever that means, by 2023. Trash in waterways has been illegal for more than a generation. Does anyone really think that it should take 15 years to do whatever can or will be done?	The focus on trash impacts to waters has not been as formal as this, nor the effort as concerted and included both in major permits, and with listing of impaired water bodies. Fifteen years is a reasonable time frame given the scope of the problem and the amount of new resources that problem solution is liable to require.	
Millbrae	5	C.10	Reduction Goals	The requirement to identify 10% of an urban and/or suburban land area within their respective jurisdictions to implement the pilot trash control program seems arbitrary. Why 10%? Why not 100%? We propose this section of the MRP be eliminated. We request the Water Board and municipalities work together in minimizing litter and trash in our communities and not waste very limited resources	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street sweeping and parking restrictions. The mandatory trash capture device level has been	

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				on more pilot programs that may or may not lead to any conclusive results.	reduced in the RTO to 30% of Retail/Wholesale Commercial land use, thus reducing costs for Permittees. It is necessary for the Permittees to install trash capture during this permit cycle to gain experience and learn what works most effectively.	
CCCoSup	69	C.10	Reduction Goals Unrealistic	Although the County agrees that trash is unsightly and contributes to water pollution, the MRP's requirement to plan for a goal of zero trash impacts by 2023, although admirable, is completely unrealistic.	We believe that 14 or 15 years is a reasonable time frame to end the beneficial use impacts of trash in this Region.	
Livermore	9	C.10	Redundant requirements	It is redundant to have Permittees implementing full capture devices <i>and</i> enhanced measures in the same areas. The area selected for full capture devices should be eliminated from the requirements to implement enhanced controls.	Revised C.10 does not require redundant trash management actions unless the Permittee finds it necessary to address the Trash Hot Spots.	
Belmont	4	C.10	Regional Solutions	There should be flexibility in addressing trash and litter controls problems so that cost effective solutions may be implemented that are tailored to solving particular problems. For example, communities should be allowed to partner with neighboring communities or through the regional program and select watersheds for installation of improvements that have more significant trash problems, rather than looking at on a City by City and watershed by watershed basis.	We agree and the type of regional collaboration you describe is allowed under the RTO.	
Daly City	95	C.10	Report on Local Laws Ordinances	This should not be the responsibility of the permit holder. If this is considered an effective way to control trash and litter then this requires legislation that would ban the use of certain products and taxing high litter generation businesses. The Board should consider sponsoring legislation through the state legislature.	The control of trash impacts to receiving waters from stormwater runoff and direct dumping to waters is the Permittees responsibility under the RTO.	
Oakley	60	C.10	Reporting Format	Also, further on, in the monitoring section, other reports are required in the SWAMP format. Can the one format be used for all required data submittals or will individual formats/files need to be created for each dataset required (C.8.h.i, C.8.i.C.10.b.ii, etc.)?	The reporting requirements for C.10 differ from other provisions, and each provision has unique requirements, so one format is not appropriate for all provisions.	
(Various) 10 emails 1	1	C.10	Require measurable reductions in trash	Trash hot spots in the Bay are a serious problem that need to be resolved. While concerned citizens can make a difference by volunteering to pick up trash at our shoreline sites, like on Coastal Cleanup Day, cities and counties must also do their part to protect the Bay from trash and marine debris. Please ensure that the Municipal Regional	The RTO includes the requirement that Trash Hot Spots be cleaned up to the Trash Action Level, or additional actions implemented to achieve that goal.	

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				Permit (MRP) will require measurable reductions in trash in our creeks and the Bay. Please ensure that trash provisions in the upcoming MRP require measurable reductions in trash discharge, specify enforceable measures and timelines for implementation, and require cities and counties to make their trash data accessible to the public.		
(Various) 10 emails 1	1	C.10	Require measurable reductions in trash	Trash hot spots in the Bay are a serious problem that need to be resolved. While concerned citizens can make a difference by volunteering to pick up trash at our shoreline sites, like on Coastal Cleanup Day, cities and counties must also do their part to protect the Bay from trash and marine debris. Please ensure that the Municipal Regional Permit (MRP) will require measurable reductions in trash in our creeks and the Bay. Please ensure that trash provisions in the upcoming MRP require measurable reductions in trash discharge, specify enforceable measures and timelines for implementation, and require cities and counties to make their trash data accessible to the public.	The RTO includes the requirement that Trash Hot Spots be cleaned up to the Trash Action Level, or additional actions implemented to achieve that goal.	
(Various) 106 emails2	1	C.10	Require measurable reductions in trash	Trash and plastic debris pollution is a serious water quality problem in the Bay and its creeks. Cities and counties must do their part to protect the Bay from trash and marine debris, and the MRP is an essential tool to control this problem. Please ensure that trash provisions in the upcoming MRP require measurable reductions in trash discharge, specify enforceable measures and timelines for implementation, and require cities and counties to make their trash data accessible to the public.	We believe the timelines in the Revised provision C.10 are adequate. The RTO includes the requirement that Trash Hot Spots be cleaned up to the Trash Action Level, or additional actions implemented to achieve that goal. In addition, trash capture devices must also be installed in a phased effort to gain more experience with their efficient employment.	
(Various) 106 emails2	1	C.10	Require measurable reductions in trash	Trash and plastic debris pollution is a serious water quality problem in the Bay and its creeks. Cities and counties must do their part to protect the Bay from trash and marine debris, and the MRP is an essential tool to control this problem. Please ensure that trash provisions in the upcoming MRP require measurable reductions in trash discharge, specify enforceable measures and timelines for implementation, and require cities and counties to make their trash data accessible to the public.	Both the Trash Hot Spot cleanup efforts and the trash capture device installation have enforceable provisions. All data in the annual reports is public. Timelines are adequate.	
(Various) 33 Environmental NGOs	3	C.10	Require measurable reductions in trash	Please ensure that trash provisions in the upcoming MRP require measurable reductions in trash discharge, specify enforceable measures and timelines for implementation, and require cities and counties to make their trash data	Both the Trash Hot Spot cleanup efforts and the trash capture device installation have enforceable provisions. All data in the annual reports is public. Timelines are adequate.	

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				accessible to the public.		
(Various) 33 Environmental NGOs	3	C.10	Require measurable reductions in trash	Please ensure that trash provisions in the upcoming MRP require measurable reductions in trash discharge, specify enforceable measures and timelines for implementation, and require cities and counties to make their trash data accessible to the public.	Both the Trash Hot Spot cleanup efforts and the trash capture device installation have enforceable provisions. All data in the annual reports is public. Timelines are adequate.	
(Various) 33 Environmental NGOs	1	C.10	require measurable, enforceable reductions in trash discharged to creeks and the Bay	We are writing to express our support for including trash as a pollutant of concern in the Water Board's pending Municipal Regional Permit (MRP). Trash and marine debris are an urgent concern affecting our waterways that have not yet been effectively addressed by local water quality regulations. The permit should require measurable, enforceable reductions in trash discharged to creeks and the Bay.	We agree. Measureable reductions are included in the RTO. The RTO includes the requirement that Trash Hot Spots be cleaned up to the Trash Action Level, or additional actions implemented to achieve that goal. In addition, trash capture devices must also be installed in a phased effort to gain more experience with their efficient employment.	
(Various) 33 Environmental NGOs	1	C.10	require measurable, enforceable reductions in trash discharged to creeks and the Bay	We are writing to express our support for including trash as a pollutant of concern in the Water Board's pending Municipal Regional Permit (MRP). Trash and marine debris are an urgent concern affecting our waterways that have not yet been effectively addressed by local water quality regulations. The permit should require measurable, enforceable reductions in trash discharged to creeks and the Bay.	We believe the timelines in the Revised provision C.10 are adequate. The RTO includes the requirement that Trash Hot Spots be cleaned up to the Trash Action Level, or additional actions implemented to achieve that goal. In addition, trash capture devices must also be installed in a phased effort to gain more experience with their efficient employment.	
Save the Bay	8	C.10	require measureable reductions	We recommend including a provision that states that permittees shall achieve twenty-five percent reductions in trash polluting local waterbodies by the end of the permit term. Reductions should be documented using trash assessments, downstream bypass monitoring, or increases in volume of trash removed from waterways by capture devices or cleanups.	Achievement of the TAL is the interim goal of this permit term. Trash assessment will be used, and in addition trash collected in capture devices will be recorded. 25% reduction may not be sufficient to reach the TAL for the Trash Hot Spots. A 25% global reduction may be appropriate, but would be very difficult to measure, since determining the current baseline would be required.	
East Bay EDA	4	C.10	requirements must be cost effective	with financial challenges for permittees, requirements must be cost effective	The trash capture device installation requirements in the RTO have been reduced. RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL.	
Berkeley	33	C.10	Resolve through coordinated effort	your Board recommended that you establish a trash task force of State and local agency representatives. This is an excellent idea. Before the Bay Area municipalities we spend tens of millions of dollars on control measures that	We can work with other agencies in a parallel effort while also implementing the measures in the Revised C.10. This task force could also work on the Long Term Trash Control Plan.	

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				may not make a significant dent in the problem of litter in our creeks, we should work together to develop a comprehensive trash and litter control plan.		
Berkeley	Table 14	C.10	Selection of catchments	The proposed language limits permittees flexibility for catchment placement. Eliminate following language: (1) These catchments shall, to the extent possible, be in the lower reaches or upstream tidal reaches of major tributaries following through the Permittees urbanized watersheds.	The RTO does not contain this language.	
Save the Bay	25	C.10	site selection process	ensure accountability for site selection by requiring public input and participation in site selection process.	The RTO contains a requirement that Trash Hot Spots be publicized on the Water Board web site for public comment.	
Hearing, SCVURPPP	2a	C.10	Site Specific Solutions	Trash capture won't work where wind and dumping are source, small towns.	Noted. Trash capture may remove trash deposited by wind or dumping. Inlet based capture may not prevent impacts to creeks from these sources. The RTO allows flexible approaches for these other trash impact pathways.	
Save the Bay	17	C.10	Speed up implementation time line	90 days - select high trash areas, Year 1 - implement enhanced management, Year 2 - Trash capture funding and design, Year 3 - Trash capture installed, Year 4 - Long term plan, report on capture devices, Year 5 - implement and report on Long Term Plan, maintenance of trash capture	We believe the current time frames are already aggressive, particularly given the financial status of the Permittees currently.	
Alameda City	16	C.10	State should pay	The RWQCB or the SWRCB should provide for a new revenue stream to fund this infrastructure mandate. The requirements will require additional staff time. No funding mechanism is identified for the additional municipal expense	Staff will assist the Permittees in identifying and competing for grants.	
SCVURPPP ATT A	65	C.10	State that Permittees can comply by building on prior actions	State that Permittees can comply by building on prior actions	Trash capture devices previously installed after 2003 can be credited. Other efforts will greatly aid compliance with C.10 in the MRP.	
Oakley	14	C.10	Street Sweeping C2 and C10	C.2.a indicates that there shall be a designation of frequency of streets sweeping with high, medium and low volume of traffic being one criterion. As there are no objective criteria for the high, medium and low traffic zones, this should be based on the city general plan and average daily traffic (ADT) counts. Is it mandated that there be three categories, or are less allowed at the discretion of the local agency? This section also indicates	Many prescriptive measures have been removed from the revised TO in both C.2 and C.10, including parking restrictions for street sweeping. In C.2, the street sweeping requirements have been removed, and any street sweeping will be done to meet the Pollutant of Concern or TMDL related pollutants provisions.	

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				that high frequency is to be 2 times per month. This street designation is for immediate implementation. However, by comparison, C.10.c.i (1) requires enhanced trash management controls also be immediately implemented with at least weekly sweeping. In light of Board staff indicating skepticism about sweeping effectiveness, which requirement prevails, C.2.a or C.10.c.i (1)?		
Menlo Park	2.2	C.10	Street Sweeping Frequency	The thresholds for street sweeping do not appear to be based upon any site-specific evidence.	Many prescriptive measures have been removed, including parking restrictions for street sweeping and specific public outreach requirements.	
Contech, Lippner, G.	1	C.10	Street Sweeping, grates, litter pickup not effective - Caltrans study	Caltrans litter management study conclusions that street sweeping did not decrease litter loads. There wasn't much bang for the buck in increasing the litter pickup or more modified grate inlets,	The RTO does not include street sweeping trash requirements. Inlet capture systems have been shown to be effective.	
Save the Bay	5	C.10	strengthen trash requirements	Allow flexibility but strengthen approach in the T.O.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL.	
ACCWP	12.2	C.10	Structural Controls	The requirement to install full trash capture devices to treat all runoff from at least 5% of the land area of every municipality is not appropriate for all municipalities as the level of urbanization and associated litter problems varies widely between municipalities. Structural litter control mechanisms are expensive to construct and maintain and they do not address the issue of litter in our communities.	The mandatory trash capture device level has been reduced in the RTO to 30% of Retail/Wholesale Commercial land use, thus reducing costs for Permittees. It is necessary for the Permittees to install trash capture during this permit cycle to gain experience and learn what works most effectively.	
ACCWP	14.3	C.10	Structural Controls	The Program is requesting specific changes to the permit language changes to provide flexibility for local agencies to address trash in a cost-effective manner (see attachment 1). The Program requests that the permit requirement of a minimum of 5% structural retrofit by 2012 be eliminated, allowing the use of structural or non-structural controls to achieve trash reduction. This would allow local agencies an opportunity to assess the effectiveness of various structural control methods and determine if structural controls are warranted under the Long Term 15-Year Trash Reduction Plan due in 2012.	Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. The prescriptive requirements for enhanced trash management measures have been removed from the RTO. The mandatory trash capture device level has been reduced in the RTO to 30% of Retail/Wholesale Commercial land use, thus reducing costs for Permittees. It is necessary for the Permittees to install trash capture during this permit cycle to gain experience and learn what works most effectively.	

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Alameda Co	8	C.10	Structural Controls	The requirement to install structural control measures to treat all runoff from at least 5% of the land area of every municipality is not appropriate for all municipalities as the level of urbanization and associated litter problems varies widely between municipalities. Structural litter control mechanisms are expensive to construct and maintain and they do not address the issue of litter in our communities.	The basis for trash capture in the RTO has been changed to 30% of the Retail/Wholesale Commercial Land for each Permittee.	
Hearing Transcript San Jose	63	C.10	Structural Controls Enhanced Litter Control	The trash requirements, which aims to address what I and many here as you've heard today agree is an important environmental program, include the laying of maintenance activities in a way that's redundant. It also asks that we go from enhanced hyper-maintenance to structural controls midway through the permit. That's also redundant and wasteful.	Revised C.10 does not require redundant trash management actions unless the Permittee finds it necessary to address the Trash Hot Spots.	
CCCoSupps	80	C.10	Submittal Dates Inconsistent	The deadline for submitting the Long-Term Plan for Trash Abatement is listed as October, 2012 in section C.10.c, but is indicated as required in the October, 2011 annual report in C.10.d. The reference in C.10.d should be changed to October 2012 for consistency.	The RTO corrects this inconsistency	
Congressman Honda	1	C.10	Support	I am writing to express my support for the measurable reduction of trash in our creeks that ends up in the Bay.	Noted.	
Congressman McNerny	1	C.10	Support	Recent media reports have publicized the challenge trash pollution poses for our region and for the world's oceans. I would like to congratulate you in addressing this issue.	Noted.	
Congressman Thompson	1	C.10	Support	I commend the Board for proposing that trash as a "pollutant of concern" be included its pending Municipal Regional Permit for storm water runoff. Your leadership on this issue will mean that we can begin to significantly address one of the most common-and most controllable-pollutants in our waterways.	Noted.	
Congresswoman Eshoo	1	C.10	Support	Trash has always been a problem for our Bay's water and wildlife. It compromises water quality and ensnares and suffocates animals in plastic debris. I urge the Board to ensure that the upcoming MRP includes provisions for reducing the amount of trash entering the Bay and request being kept informed about the renewal.	Noted.	
Congresswoman Lee	1	C.10	Support	Enforceable measures and timelines for implementation will control the urban runoff pollutant that is causing significant damage to what was once one of the most pristine waterways in the world. give our expert organizations' request that trash provisions in the	Agreed. Trash Hot Spots are to be cleaned up to the Trash Action Level (TAL).	

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				upcoming MRP require measurable reductions in trash every consideration.		
Congresswoman Tauscher	1	C.10	Support	I write to express my support of measurable reductions of trash in San Francisco Bay.	Noted. Trash Hot Spots are to be cleaned up to the TAL.	
Dr. Callaghan	2	C.10	Support	take serious, measurable steps toward reducing trash and pollutants that runoff carries. The Bay Area is becoming polluted, with degradation of our Bay and the ocean	Agreed.	
State Senator Ellen Corbett	1	C.10	support for measurable reductions	it is essential for there to be measurable reductions in trash in our creeks and the San Francisco Bay (Bay) as a requirement in the Water Board's pending MRP.	Agreed.	
Save the Bay	7	C.10	support requirements	We support the historic inclusion of trash provisions in the tentative order and believe this MRP can be a major step in controlling trash pollution of local waterways.	Noted.	
East Bay EDA	2	C.10	Support Trash Objectives	Support objectives but recognize permittees have concerns	Noted.	
Pacifica	7.2	C.10	Technical Basis Unclear	In addition, it is unclear what the technical basis is for the very prescriptive requirements listed in this section of the proposed permit. For example, what studies have been done that demonstrate the needed threshold of implementation should be for streets to be swept weekly and storm drain inlets cleaned at a minimum of four times per year?	Many prescriptive measures have been removed, including parking restrictions for street sweeping and specific public outreach requirements.	
South SF	2.2	C.10	Technical Basis Unclear	In addition, it is unclear what the technical basis is for the very prescriptive requirements listed in this section of the proposed permit. For example, what studies have been done that demonstrate the needed threshold of implementation should be for streets to be swept weekly and storm drain inlets cleaned at a minimum of four times per year?	Many prescriptive measures have been removed, including parking restrictions for street sweeping and specific public outreach requirements.	
ACCWP	13	C.10	Too Prescriptive	The requirements of the enhanced litter control measures are too prescriptive. The tentative order requires that the enhanced control measure areas include weekly street sweeping and parking restrictions. These measures may not be appropriate in many areas where municipalities would like to conduct enhanced litter control activities. In some areas enhanced enforcement or litter pickup would be more appropriate measures than those cited in the Tentative Order.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Many prescriptive measures have been removed, including parking restrictions for street sweeping.	
ACCWPatt1	19	C.10	Too Prescriptive	A prescriptive two-step process of enhanced trash management control followed by installation of full trash capture devices will likely waste limited city waste	Revised C.10 does not require redundant trash management actions unless the Permittee finds it necessary to address the Trash Hot Spots.	

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				resources. Permittees will have to invest in equipment, staff and other resources to implement enhanced trash measures, which may be unnecessary or duplicative in areas ultimately treated with trash capture devices. Also, why install capture devices if the enhanced trash management is effective at keeping the material out of the storm drains?		
ACCWPatt1	20	C.10	Too Prescriptive	Required trash control measures are overly prescriptive, resource intensive and provide no flexibility for the jurisdiction to cost effectively implement enhanced trash control measures. Jurisdictions have to implement all of these measures regardless of cost, efficiency, effectiveness or long-term benefit. Enforceable parking restrictions, for example, result in significant capital costs for signage placement and enforcement resources. Increased street sweeping and inlet inspection will require additional capital and staffing. These measures may be unnecessary or duplicative with the installation on trash capture devices. In addition, increased litter collection and creek cleanups should qualify as trash control measures.	<p>RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL.</p> <p>Many prescriptive measures have been removed, including parking restrictions for street sweeping.</p> <p>Revised C.10 does not require redundant trash management actions unless the Permittee finds it necessary to address the Trash Hot Spots.</p>	
Alameda Co	9	C.10	Too Prescriptive	The requirements of the enhanced litter control measures are excessively prescriptive. The tentative order requires that the enhanced control measure areas include weekly street sweeping and parking restrictions. These measures may not be appropriate in many areas that municipalities would like to conduct enhanced litter control activities. In some areas enhanced enforcement or litter pickup would be a more appropriate measure.	<p>RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL.</p> <p>Many prescriptive measures have been removed, including parking restrictions for street sweeping.</p>	
Daly City	89	C.10	Too Prescriptive	Controlling trash and litter is an important issue for the city and a lot of effort is currently spent on this societal problem. The City wants to proceed in a practical and cost effective manner. The proposed approach to solving trash and litter problems is overly prescriptive, and does not recognize the variety of possible trash and litter problems and the need to implement cost-effective solutions that are tailored to solve particular problems	Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. The prescriptive requirements for enhanced trash management measures have been removed from the RTO	
Newark	13	C.10	Too Prescriptive	The requirements of the enhanced litter control measures are too prescriptive. The tentative order requires that the enhanced control measure areas include weekly street sweeping and parking restrictions. These measures may not be appropriate in many areas where municipalities	Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. Many prescriptive measures have been removed,	

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				would like to conduct enhanced litter control activities. In some areas enhanced enforcement or litter pickup would be more appropriate measures than those cited in the Tentative Order	including parking restrictions for street sweeping.	
Oakland	9	C.10	Too Prescriptive	The requirements of the enhanced litter control measures are too prescriptive. These measures may not be appropriate in many areas where municipalities would like to conduct enhanced litter control activities. Targeted enforcement and cleanup efforts, multi-agency collaborations, youth employment programs, litter fees, etc. may be more effective in some Oakland neighborhoods than those cited in the Tentative Order.	Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. The prescriptive requirements for enhanced trash management measures have been removed from the RTO.	
Portola Valley	1.1	C.10	Too Prescriptive	The proposed approach to solving trash and litter problems is overly prescriptive, and does not recognize the variety of possible trash and litter problems and the need to implement cost-effective solutions that are tailored to solve a particular type of problem in a particular community. The permit should be modified to allow flexibility in addressing trash and litter controls problems so that cost-effective solutions may be implemented that are tailored to solving particular problems.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Many prescriptive measures have been removed, including parking restrictions for street sweeping.	
State Assemblyman Guy Houston	1	C.10	Too prescriptive	Permittees won awards, their success depends on their ability to address stormwater issues in a way that is most appropriate for their individual jurisdictions.	The RTO allows flexibility in addressing Trash Hot Spots.	
FSSD	10.2	C.10	Too Prescriptive, Alternate Pathways	This proposed approach to solving trash and litter problems is overly prescriptive, and does not recognize the variety of possible trash and litter problems or the need to implement cost-effective solutions that are well tailored to solve a particular type of problem. For example, the ongoing challenge of homeless encampments in the Bay Area has caused many individuals to become "creek residents". These individuals sometimes deposit significant amounts of trash in our creeks. However, the Draft MRP requires an arbitrary amount of municipal land area to have "full trash capture devices" and another arbitrary amount of land be subject to very prescriptive "enhanced trash management control measures", regardless of whether trash conveyed through the stormwater conveyance is a significant source to creeks and water bodies.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Many prescriptive measures have been removed, including parking restrictions for street sweeping. The mandatory trash capture device level has been reduced in the RTO, thus reducing costs for Permittees.	
San Mateo Co	2.1	C.10	Too Prescriptive,	The proposed approach to solving trash and litter problems is overly prescriptive, and does not recognize	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with	

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			Alternate Pathways	the variety of possible trash and litter problems and the need to implement cost-effective solutions that are tailored to solve a particular type of problem. For example, problems range from yard waste dumping along backyard creek banks to homeless encampments to litter from a particular school, shopping mall, or freeway. Trash and litter would be more effectively handled by allowing the local municipality to identify the optimum solution rather than to require an arbitrary amount of municipal land area to have "full trash capture devices" or "enhanced trash management control measures." The proposed draft permit's inflexible approach would be detrimental to identifying cost-effective ways of making measurable improvements in high priority trash and litter catchments. The draft permit should be modified to allow flexibility in addressing trash and litter controls problems so that cost-effective solutions may be implemented that are tailored to solving particular problems.	<p>accountability through the interim attainment of the Trash Action Level or TAL.</p> <p>Many prescriptive measures have been removed, including parking restrictions for street sweeping.</p> <p>The mandatory trash capture device level has been reduced in the RTO, thus reducing costs for Permittees.</p>	
Suisun	4.2	C.10	Too Prescriptive, Alternate Pathways	This proposed approach to solving trash and litter problems is overly prescriptive, and does not recognize the variety of possible trash and litter problems or the need to implement cost-effective solutions that are well tailored to solve a particular type of problem. For example, the ongoing challenge of homeless encampments in the Bay Area has caused many individuals to become "creek residents", although they are consistently asked and required to leave. These individuals deposit enormous amounts of trash in creeks, and are likely the greatest source of trash in creeks within the city. However, the Draft MRP requires an arbitrary amount of municipal land area to have "full trash capture devices" and another arbitrary amount of land be subject to very prescriptive "enhanced trash management control measures", regardless of whether trash conveyed through the stormwater conveyance is an significant source to creeks and water bodies.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street sweeping and parking restrictions. The mandatory trash capture device level has been reduced in the RTO to 30% of Retail/Wholesale Commercial land use, thus reducing costs for Permittees.	
SCVURPPP ATT A	68	C.10	Too prescriptive. Trash transport from wind, dumping in addition to	based on numerous creek trash assessments and local agency knowledge, the SCVURPPP has identified four general trash transport pathways to creeks. These include stormwater, wind, direct dumping and downstream transport. Successful strategies to reduce trash in creeks would best be tailored to address specific sources and	Noted. C.10 is not overly prescriptive, particularly after the changes in the RTO.	

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			stormwater wash-off	pathways at specific sites. C. 10 too prescriptive		
Daly City	94	C.10	Trash Abatement Plan	Need to revise. How is it that permit holders have become responsible for correcting societal ills associated with trash? This language makes permit holders responsible for acts by which it has no reasonable means from which to control. Effective trash control cannot be the sole responsibility of a permit holder but rather must incorporate a much longer coordinated statewide approach involving waste management, recycling, and school education. ⁹⁵	Permittees have jurisdiction over and are responsible under the Municipal Stormwater Permit for controlling pollutant impacts to the MS4. Trash is a major pollutant. Permittees have been responsible for removing trash from streets for years, we are simply implementing regulations and prohibitions that have been present for years, but not implemented or enforced.	
GCRCDCAAtt.	32	C.10	Trash Actions Not Effective	trash capture and enhanced management won't stop littering, direct dumping and wind blown. Long term plan too slow	We agree. The trash impacts to creeks will require a multi-faceted approach. These phased management approaches will allow permittees to learn through implementation.	
State Senator Ellen Corbett	2	C.10	Trash affects the Bay and the Oceans	In the Pacific Ocean there is a garbage patch that weighs 3 million tons and covers an area the size of Texas. The Bay contributes to this garbage patch and has its own significant trash build up. Cities and counties must do their part to protect the Bay and the ocean from trash and marine debris.	Agreed.	
ACCWPatt1	22	C.10	Trash Assessment	Trash assessments are expensive and divert resources from other beneficial activities. This measure is unnecessary and duplicative when quantitative measurement of volumes collected in trash captures devices or enhanced trash capture devices can be obtained.	Trash assessments are necessary to gauge progress at Trash Hot Spots. Efforts will be made to streamline the assessments.	
under the tab Dale	24	C.10	Trash Assessment	In San Pablo, we have installed surveillance cameras and provided many services for residents to dispose of their waste properly (school educational programs, two dumpster days a year, providing more trash cans on the streets, and dump vouchers). Still, our maintenance crews pick up trash on a daily basis from city streets and the creek. Although the trash problem in some areas does improve, it is usually displaced to another location. For this reason, we request that the trash assessment not be used to determine the effectiveness of the City's enhanced trash management control.	Accountability is required, and the trash assessment methods currently developed have a significant track record and have demonstrated utility. The TAL is not an effluent limit, but an interim goal or trigger, and C.10 calls for additional efforts if it is not met by the deadline.	
Save the Bay	1	C.10	Trash big public concern	2,000 individual citizens have signed petitions to the Water Board asking for stronger provisions on trash. Twenty-five state and federal legislators whose districts are affected by the MRP have sent letters.	Noted.	

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Berkeley	Table 13	C.10	Trash capture and reduction blindly prescriptive	Requirement to identify and implement trash management controls or catchments on 10% of specified land area does not consider variations of severity of litter problems in jurisdictions and penalizes cities with large land areas that may not have severe litter problems. Cities may have to waste resources installing trash capture devices or implementing enhanced trash control measures in areas with minimal trash simply to meet the number. Reduce percentage or increase excluded area from capture requirement calcs.	The basis for determining the number of Trash Hot Spots has been revised. RTO has also been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. If a Permittee has less trash in their jurisdiction, their efforts to meet the TAL at Hot Spots will be easier, so resources will not be wasted.	
Sunnyvale Att A	21	C.10	Trash Capture devices capture leaves	Sunnyvale is studying trash capture devices in our climate, fall leaf loading may be a problem here.	Noted.	
Contech, Lippner, G.	5	C.10	Trash Capture needed - Caltrans study	Trash Capture needed - Caltrans study	Noted.	
Hayward	5	C.10	trash capture requirements duplicative	Lastly, the requirement in the MRP to install trash capture devices on one half of the area already subject to enhanced trash control measures is duplicative; in addition, structural devices are very costly to install and maintain and may not be appropriate for all communities.	Revised C.10 does not require redundant trash management actions unless the Permittee finds it necessary to address the Trash Hot Spots.	
CCCWP	93	C.10	Trash Catchment Assessments	As written, the permit requires trash assessments to be performed twice a year downstream of all enhanced trash management control catchments (in addition to the trash assessments required in Table 8.1). There is concern as to how many assessment sites would be necessary to comply. It is very difficult to estimate the level of effort and money required to fulfill this permit requirement since the number of enhanced trash management control catchments will not be known until some time after the permit goes into effect. The Program requests that the Regional Board cap the number of catchments that would require trash assessments to be performed. The current monitoring cost estimate assumes a cap of 40 such sites within Contra Costa County, assessed twice a year. The trash-monitoring requirement should be called for in C.10.b.ii only, not repeated in C.8.b. under Table 1.	The revised C.10 defines the assessment numbers based on the Trash Hot Spots, which can be readily determined for all Permittees. All trash monitoring and assessment is now in C.10.	
East Bay EDA	3	C.10	trash comments not incorporated	Permittee comments on trash approach were not incorporated.	Noted.	
Save the Bay	15	C.10	Trash control on 10% of	No trash in waterways should be acceptable; current discharge prohibitions and receiving water limitations, give	We anticipate eventual installation of trash capture devices on a larger scale than currently	

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			urban land too little	the Board has a strong mandate for requiring structural treatment everywhere. In the final order, we request tripling the proposed land area to be treated for trash to 30%. Much more ambitious trash control is being pursued in Los Angeles	required, but it makes sense to accomplish this in a careful and gradual manner, so as to learn the most efficient approach before devoting major resources. It will also take time to develop those resources.	
Berkeley	Table 17	C.10	Trash controls too prescriptive and costly	Remove hard requirement language - list options.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL.	
San Jose	2	C.10	Trash enhanced measures and Capture duplicative	Trash enhanced measures and Capture at same sites duplicative	The RTO reflects revisions that no longer require duplicative trash approaches where they are not effective.	
GCRCDCover Ltr	1	C.10	Trash is problem	Include trash as a pollutant of concern, require measurable, enforceable reductions in trash discharged to creeks and the Bay	Trash is a pollutant of concern, and has a provision, C.10, focused on just the Trash in waters problem. The RTO includes the requirement that Trash Hot Spots be cleaned up to the Trash Action Level, or additional actions are to be implemented to achieve that interim goal. In addition, trash capture devices must also be installed in a phased effort to gain more experience with their efficient employment.	
Colma	2.4	C.10	Trash Management Areas	It is recommended that the permit be rewritten to require that each municipality select one high trash impact catchment tributary to the municipal separate storm sewer system that it owns or operates, implement an appropriate solution or require the responsible parties to implement a solution, and then demonstrate measurable reductions in trash and litter. On this basis it is recommended that the permit be revised to eliminate the proposed permit's requirements for at least 10 percent of the high trash and litter urban land area within a municipality's jurisdiction to have trash controls along with the proposed requirement that half or more of this 10 percent catchment area be controlled with full trash capture devices.	We disagree with the approach of one high trash impact catchment per permittee, regardless of size. The current approach requires one Trash Hot Spot per 30,000 population or per 100 acres of Retail/Wholesale Commercial. Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. The prescriptive requirements for enhanced trash management measures have been removed from the RTO.	
JamesRogerAttil	60	C.10	Trash Monitoring	The Bay Area's urban creeks are so heavily impacted by trash that it will be difficult to select a site that is only affected by programs with enhanced trash management controls. This provision to monitor trends in trash levels should be deferred until there have been >80% reductions	We are not clear how the > 80% trash removal would be determined before assessments are put in place. Assessments can be used under current conditions, as they have been by SWAMP and SCVURPPP. Trash Hot Spots can	

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				in the mass of trash being discharged. Permittees should not be allowed to select a site unless the entire upstream catchment has the enhanced controls or full capture devices installed. None of the waterbodies listed in C.8c.ii meet that criteria and certainly not if 60% of the catchment is urban or suburban. The requirement to monitor trash using the proposed method may have to be delayed a number of years to obtain meaningful data. This monitoring requirement should be moved to Provision 8.e.ii. where it would be more appropriate objective. End-of-pipe monitoring must be conducted to document trash reduction rather than the SCURTA or SWAMP RTA because those protocols will not document that dischargers are achieving specific targeted annual reductions in trash loading. The RTA protocols will be useful to determine acceptable levels of trash in the creeks, wetlands and the Bay's shoreline, but only after levels of trash have been reduce by 70-80%. Attachment II-I describes monitoring protocols that have been demonstrated effective in quantifying trash in storm water discharges. The Caltrans guidance must be specified as the Method in Table 8.1 for monitoring trash.	be selected before actions or trash capture are in the entire catchment. We do not currently have an "end-of-pipe" trash flux measurement method, other than the trash capture amount of total trash capture devices. We will seek more information on Caltrans and other alternative trash assessment methods.	
Danville	4.1	C.10	Trash Not a Problem Everywhere	Danville's current maintenance efforts related to trash pick-up/removal and street sweeping are well-established and successful. Previous volunteer efforts organized specifically to pick up trash in creeks has been suspended because little trash actually exists.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street sweeping and parking restrictions. If the Permittee has little trash impact to creeks, workload is reduced.	
Hearing, SCVURPPP	1	C.10	Trash not problem everywhere	Trash is a major problem at some urban creek sites and wetland sites in the Bay Area. not a problem at all sites and in all creeks	Noted. RTO trash control requirements give Permittees flexibility to approach their specific problem areas.	
Hearing, Concord Councilmember	1	C.10	Trash not problem everywhere	Several commercial sites in Dublin, residential no trash	Commercial land uses, such as shopping malls, particularly with fast food restaurants can be significant sources of trash and litter. Schools and sports facilities may also be sources.	The Revised Tentative Order requires that each Permittee clean up a number of trash hot spots based either on population or

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						commercial retail/wholesale land use, whichever hot spot number is higher.
Concord	9	C.10	Trash Pathways	All of the efforts in Section C.10, trash reduction, are focused on street sweeping and storm drain screens. Experience from our creek cleanups suggests that most of the trash in our creeks does not come through a storm drain pipe. Most of the trash comes from other sources e.g. windblown, homeless encampments, illegal dumping, from adjoining land. Perhaps in other cities, the trash comes through storm drains. We recommend that the method of reducing trash be left up to each city. This will allow local experts to implement the right approach for their local conditions.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Many prescriptive measures have been removed, including parking restrictions and street sweeping specification.	
GCRCDAtt.	31	C.10	Trash pathways	trash and litter control from storm drains only about 10 to 15 %, 75 to 80% of the garbage and trash either direct dumping or is being wind blown into waterways or riparian area	This may be the case in certain waterbodies. The information has not been collected to say this with certainty about the majority of trash impacted waterbodies.	
GCRCDAtt.	33	C.10	Trash pathways	photos showed the pollution caused by direct dumping and human waste deposited either into the waterways or onto their banks. The GCRCD also filed a Letter Complaint with the Santa Clara County DA's Office on April 16, 2007	Noted. We are very concerned with the scale of impacts to some creeks by homeless encampments in particular.	
Santa Clara	30	C.10	Trash pathways	How identify ten percent high trash and litter catchments in Urban and Suburban Land Area?	The RTO has reduced trash capture requirements. Trash capture devices can be placed where the Permittees believe they will be most efficient.	
Berkeley	Table 15	C.10	Trash reduction - need flexibility	Need flexibility between enhanced trash measures and trash capture implementation - Remove the following language: and install full trash capture devices by July 1, 2012. Half or more of the total catchment area to be addressed as described in Provision c.10.a.1., must be managed through installation of full trash capture devices.... Replace with: Permittees may address implementation with full trash capture devices or with enhanced trash management control. Full trash capture devices must be installed by July 1, 2012.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL.	

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ACCWPatt1	16	C.10	Trash Reduction Goal	The requirement to identify and implement trash management controls or catchments on 10% of specified land area does not consider variations of severity of litter problems in jurisdictions and penalizes cities with large land areas that may not have severe litter problems. Cities may have to waste resources installing trash capture devices or implementing enhanced trash control measures in areas with minimal trash simply to meet the number. At a minimum, single family residential areas should be excluded. Modify the language as follows: "Urban and Suburban Land Area is defined as the entire land area of a Permittee's jurisdiction, less...estate single family residential development areas."	The mandatory trash capture device level has been reduced in the RTO to 30% of Retail/Wholesale Commercial land use, thus reducing costs for Permittees. It is necessary for the Permittees to install trash capture during this permit cycle to gain experience and learn what works most effectively. RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street sweeping and parking restrictions.	
Pleasanton	4.3	C.10	Trash Reduction Goal	The City of Pleasanton requests that the permit requirement be revised from the proposed prescriptive 5% enhanced and 5% full capture trash removal to a performance goal language of 10%, allowing the use of variable percentages for removing trash within the 10% targeted area. This would allow local agencies such as the City an opportunity to assess the effectiveness of these methods, including enhanced trash capture methods, in achieving a better result based on practical cost and benefit analysis.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Many prescriptive measures have been removed, including parking restrictions for street sweeping. The mandatory trash capture device level has been reduced in the RTO, thus reducing costs for Permittees.	
Dublin	10.2	C.10	Trash Reduction Goal Alternative Compliance	The City of Dublin's 10% trash target area would encompass most of the Downtown commercial areas, the West Dublin Transit Center, the East Dublin Transit Center, and both local high schools. The City's staff has reviewed existing trash control measures in these areas and believes that operation and maintenance activities such as placing additional trash receptacles and enhanced litter pickup could accomplish the trash reduction goals, and that the 5% requirement for structural retrofits could be reduced to 2-3%. The City of Dublin requests that the permit requirement of 5% structural retrofit by 2012 be modified to reduce this to the 2-3% range, allowing the use of non-structural controls to achieve trash reduction within the 10% targeted area. This would allow local agencies an opportunity to assess the effectiveness of these methods and determine if additional structural controls are warranted under the Long Term 15-Year Trash Reduction Plan due in 2012. Reducing that	The mandatory trash capture device level has been reduced in the RTO, thus reducing costs for Permittees. The trash capture requirements are necessary in order for the Permittees to gain experience with various trash control technologies to prepare for a more complete control of trash in waters by the next permit term.	

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				structural retrofit requirement from 5% to 2-3% would reduce the added cost of permit compliance by \$200,000 per year.		
Save the Bay	4	C.10	Trash requirements are not too costly.	L.A. Cities also first protested with inflated cost figures. Once required, raised \$500 million 2/3 vote. State bond funds also available.	Noted.	
ACCWP	14.2	C.10	Trash Task Force	At the stormwater workshop the Water Board held last year, the Water Board recommended establishing a trash task force of State and local agency representatives to address trash related issues. This is an excellent idea that should be implemented. Before jurisdictions spend tens of millions of dollars on control measures that may not make a significant dent in the problem of litter in local creeks, we should work together to develop a comprehensive trash and litter control plan.	We agree that a task force would be useful. We cannot wait for this effort to start other control measures, however.	
Alameda Co	10.3	C.10	Trash Task Force	The problem of litter in our creeks and the Bay cannot be solved through controls on stormwater discharges alone. At the stormwater workshop the Water Board held last year, the Water Board recommended establishing a trash task force of State and local agency representatives to address trash related issues. This is an excellent idea that should be implemented.	We agree.	
Colma	2.2	C.10	Trash Task Force	The Board members suggested that it would be worthwhile to form a multi-agency team to help improve the control of trash and litter. Subsequently, some legislators have also identified a need for a "more comprehensive public policy and regulation to protect the Bay from trash and marine debris." [1] . Has a multi-agency team been created to develop a more comprehensive public policy to deal with trash and litter? If so, what solutions is it recommending and how are these solutions related to what is being proposed in the draft permit?	A multi-agency team has been formed in Santa Clara County. We are not aware of similar efforts in the other Counties.	
Hearing Transcript SMCWPPP Fabry		C.10	Trash Task Force	We had a Board workshop some time last year I believe it was. And the Board directed their -- your staff to form a trash taskforce involving other jurisdictions like the California Integrated Waste Management Board, State Water Resources Board. To my knowledge, that has never happened. I think that we would still urge that something like that take place because trash is a multi-jurisdictional issue. There are a lot of things that are not	We agree that the solution to the trash-in-waters problem will involve other agencies and NGOs also, and will assist in this organization effort.	

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				storm-drain related associated with the trash problem, and we need to get other entities involved in this to deal with it on a comprehensive basis.		
Newark	14.2	C.10	Trash Task Force	The problem of litter in our creeks and the Bay cannot be solved through controls on stormwater discharges alone. This will require a coordinated effort between local and State agencies. At the stormwater workshop the Water Board held last year, the Water Board recommended establishing a trash task force of State and local agency representatives to address trash related issues. This is an excellent idea that should be implemented. Before jurisdictions spend tens of millions of dollars on control measures that may not make a significant dent in the problem of litter in local creeks, we should work together to develop a comprehensive trash and litter control plan.	We agree that a task force would be useful. We cannot wait for this effort to start other control measures, however.	
Pacifica	7.5	C.10	Trash Task Force	On March 14, 2007 the Water Board heard a status report on the Municipal Regional Stormwater Permit that solicited many comments on the need to improve trash and litter control. Some of the commenters pointed out the variety of societal problems, such as homeless encampments, that in some locations contribute significantly to garbage and hazardous material being dumped along creeks. The Board members suggested that it would be worthwhile to form a multi-agency team to help improve the control of trash and litter. Subsequently, some legislators have also identified a need for a "more comprehensive public policy and regulation to protect the Bay from trash and debris." . Has a multi-agency team been created to develop a more comprehensive public policy to deal with trash and litter? If so, what solutions is it recommending and how are these solutions related to what is being proposed in the draft permit?	SCVURPPP has formed a Santa Clara County Trash multi-agency team. We are not aware of similar efforts in the other counties, but will assist any such effort going forward.	
San Mateo Co	3	C.10	Trash Task Force	The Water Board should also follow-up on the Board members' suggestion to form a multi-agency team to help improve the control of trash and litter based on public comments received on March 11, 2007 at the public hearing. The solutions or recommendations from this multi-agency team could serve as permit requirements for the future.	We will assist each County to create a multi-agency team at the County level. Santa Clara County has already begun such an effort.	
South SF	2.5	C.10	Trash Task Force	On March 14, 2007 the Water Board heard a status report on the Municipal Regional Stormwater Permit that solicited many comments on the need to improve trash	SCVURPPP has formed a Santa Clara County Trash multi-agency team. We are not aware of similar efforts in the other counties, but will assist	

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				and litter control. Some of the commenters pointed out the variety of societal problems, such as homeless encampments, that in some locations contribute significantly to garbage and hazardous material being dumped along creeks. The Board members suggested that it would be worthwhile to form a multi-agency team to help improve the control of trash and litter. Subsequently, some legislators have also identified a need for a "more comprehensive public policy and regulation to protect the Bay from trash and marine debris.". Has a multi-agency team been created to develop a more comprehensive public policy to deal with trash and litter? If so, what solutions is it recommending and how are these solutions related to what is being proposed in the draft permit?	any such effort going forward.	
SF Baykeeper	66	C.10	Two trash assessment methods confusing	Two assessment methods will lead to confusion because the two methodologies recommended for assessment are not directly comparable. Although the names of the categories are very similar between the two protocols (e.g. URTA 'Least Disturbed Optimal Urban' versus RTA 'Optimal'), the range of values used to define the categories in the RTA and the URTA are very different, with the RTA being much more conservative in its definitions. Require reporting of raw scores.	The RTO includes only the SCVURPPP Urban RTA assessment method.	
CCFCWCD	3	C.10	Urban and Suburban Land Definition	The FC District provides services to the entire county. However, the FC District operates and maintains facilities serving tributary areas constituting approximately 80% of the urban and suburban area of the county. Section C.10.b.i should be reworded to read: Non-population-based Permittees, such as county flood control districts, shall address 1 percent of the Urban and Suburban Land Area tributary to their drainage facilities. In addition, agricultural areas and non-urban parks should not be considered part of the "Urban and Suburban Land Area".	In the RTO, the non-population based Permittees are assigned implementation levels to address this issue.	
Orinda	3.1	C.10	Urban and Suburban Land	This provision assumes that every city has high trash areas totaling at least 10% of their urban and suburban land. The primary high trash area for the City of Orinda is the downtown area and it comprises less than 5 percent of the total land area of Orinda; other localized trash hot spots have been identified in annual reports submitted to the Water Board and in total, comprise far less than 5 percent of the total land area of Orinda.	In the Revised C.10, the Trash Hot Spot requirement is based on population and commercial land use, and the trash capture requirement is based on commercial land use, to more accurately tie these requirements to trash source scale.	
Alameda Co	7.1	C.10	Urban and	In discussions with your staff, it has become apparent that	The basis for trash capture in the RTO has been	

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			Suburban Land Definition	the language of Provision C.10.a.i. contains an unintended flaw in the definition of <i>Urban and Suburban Land Area</i> . In our discussions it has become clear that your staff intended this definition to cover the developed area of each jurisdiction because that is where the vast majority of trash is produced. As it is written now, this definition would include 358 square miles of our county, encompassing all the open grazing and undeveloped land of the eastern half of the County. Much of that area is entirely uninhabited and does not have roads. Instead, the actual size of the truly urban and suburban (developed) part of the Unincorporated County is a small fraction of this area.	changed to 30% of the Retail/Wholesale Commercial Land for each Permittee.	
Alameda Co	10.2	C.10	Urban and Suburban Land Definition	propose revising the definition in MRP Section C.10.a.i. as follows: "Urban and Suburban Land Area is defined as the developed land area of a Permittee's jurisdiction, consisting of those areas in which the predominant property parcel size is 10,000 square feet or less, excluding natural resource protection areas, golf courses, cemeteries, grazing lands, farm lands, and estate residential development areas."	The RTO does not use the Urban and Suburban Land definition any longer. The mandatory trash capture device level has been reduced in the RTO to 30% of Retail/Wholesale Commercial land use, thus reducing costs for Permittees.	
Save the Bay	6	C.10	Voluntary approach failed	Seven years ago, the Board directed cities to address problematic trash levels in creeks and the Bay, without formal regulatory requirements. At that time, the Board chose to allow cities to address the problem informally, with regulation reserved as a future step if the voluntary process did not work. The voluntary approach has failed: most permittees simply ignored the directive. Santa Clara's Urban Runoff Pollution Prevention Program put some effort into study and documentation, but these preliminary steps have not yielded significant progress on reducing trash.	Agreed.	
State Assemblyman Guy Houston	4	C.10	Water Board Composition	nine seats on the Water Board, three vacancies- two meant to represent local governments. Decision of this magnitude should not be made without local government being represented on the Board.	Noted.	
Friends of 5 Creeks	4	C.10	Weak Requirements	In the area of trash, the Administrative Draft seems poised to repeat of the pattern we have seen for New Development, Redevelopment, and Hydromodification. That is, under pressure – in this case, from citizen groups – the Board will adopt weak requirements that can be rationalized as a first step. Then the fuss will die down and	As trash impacted water bodies are now on the proposed 303(d) list of impaired waters, attention will remain on trash. Though these requirements are a first step, additional implementation will follow this permit cycle based on what Permittees learn. This first stage of implementation will	

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				measures will remain ineffectual, as attention moves to some new problem.	address almost 200 Trash Hot Spots, and over 5500 acres of catchment will be addressed with full trash capture devices at an estimated capital cost of \$26 million.	
San Leandro	19	C.10.b.(i).	2-step process not best way	Local agencies will have to invest in equipment, staff and other resources to implement enhanced trash measures, which may be unnecessary or duplicative in areas ultimately treated with trash capture devices.	Revised C.10 does not require redundant trash management actions unless the Permittee finds it necessary to address the Trash Hot Spots.	
CCCWP	85	C.10.a	BASMAA Approach	The Program proposes a more effective and measured approach as outlined in BASMAA's September 22, 2006 Performance Standard tables, as summarized below: 1) Identify and assess potential litter/trash high accumulation areas/watersheds. 2) Identify management actions (BMPs) to reduce trash levels in stormwater conveyances at such locations and identify current trash collection/control options for minimizing trash/litter inputs to storm drain inlets. Determine the implementation costs and effectiveness of devices/BMPs investigated. 3) Identify high priority storm drain inlets within key urban areas/watersheds that have had high accumulations of litter/trash to prioritize inlets for potential projects. 4) Select locations for pilot projects and implement demonstration studies to assess their effectiveness and associated costs.	The RTO approach for C.10 contains many of these elements, and greatly increases the flexibility that the Permittees have to deploy resources to tackle the trash problem.	
CCCcoSup	70	C.10.a	Cost Excessive	The costs associated with the requirements of this section must be considered relative to the entirety of County's responsibilities to its population and environment, as well as the economic law of diminishing returns, and should be revised accordingly. Ultimately, the solution involves human behavior modifications (and incentives) that will require time to develop.	There will be many approaches necessary to solve the trash impact problem. Attempting to change behavior is part of the solution.	
CCCcoSup	71	C.10.a	Pilot Projects	The Trash Reduction section of the proposed MRP refers to implementation of the full trash capture devices throughout 5% of jurisdictions' urban and suburban land area as a "pilot" project, which is a precursor to the Long-Term Plan for Trash Abatement. While the County supports trash reduction (especially insofar as its water quality impacts), it seems that a smaller pilot project would be appropriate for full trash capture devices (i.e. 5-10 pilot site projects distributed through the entire County, including incorporated cities) prior to requiring such a comprehensive and expensive project. This change to the	The trash capture device installation requirements in the RTO have been reduced. The trash capture requirement is now 30% of Retail/Wholesale Commercial Land Use.	

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				MRP would require substantial changes throughout provision C.10.		
CCCoSup	73	C.10.a.i	Exclude Areas Not in Jurisdiction	The definition of “urban and suburban land area” should also be clarified such that it excludes areas that are within the ultimate permittees’ boundaries, but are not within permittees’ actual jurisdiction. This clarification is meant to clarify that there are areas where it is not legally feasible for the permittees to implement trash management (i.e. military bases, CalTrans’ property, etc.).	The RTO has been significantly revised and the basis of trash capture device installation is now 30% of Retail/Wholesale Commercial Land Use.	
CCCWP	84	C.10.a.i	Trash Reduction Goals	This provision assumes every city has high trash areas totaling at least 10% of their urban and suburban land. This may not always be the case, particularly in smaller less urban Contra Costa municipalities, and may result in public monies being unnecessarily wasted with little water quality benefit.	The trash capture device installation requirements in the RTO have been reduced. The trash capture requirement is now 30% of Retail/Wholesale Commercial Land Use.	
CCCoSup	72	C.10.a.i	Urban and Suburban Land Definition	Agricultural areas and non-urban parks should not be considered part of the County’s “urban and suburban land area”. The definition of “urban and suburban land area” currently does not exclude agricultural areas or non-urban parks, but does include “estate residential development areas”. This appears to be an oversight, since non-urban parks and agricultural areas are significantly less urban than “estate residential development areas”. The words “agricultural areas, and non-urban parks” should be added to the list of portions of the jurisdiction that are to be excluded from “urban and suburban land area”.	The RTO has been significantly revised and the basis of trash capture device installation is now 30% of Retail/Wholesale Commercial Land Use.	
CCCWP	88	C.10.a.ii	Capital Procurement	The Program can suggest a better approach that addresses both the Regional Board need for assurance of reasonable progress and the municipalities need for cost certainty in capital planning. Our proposed alternative is to make compliance with this provision contingent on attainment of two significant milestones: a) Procurement of capital funds sufficient to undertake significant trash capture projects. Based on our estimates, this would be an amount on the order of \$10,000,000; and b) Initiation of projects to utilize those capital funds. These two activities would occur in sequence, according to the strategy called for in C.10.c below.	Compliance cannot be contingent on resource availability once the permit is adopted. If region wide conditions of the economy and local finances are such that major provisions of the permit are not able to be implemented by Permittees who are also suffering major funding failures in other sectors, this information can be addressed at the future date. The trash capture requirements are set four years out in the RTO.	
ACCWPatt1	17	C.10.a.ii	Catchment Selection	Eliminate following language: (1) These catchments shall, to the extent possible, be in the lower reaches or upstream tidal reaches of major tributaries following through the Permittees	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive	

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					measures have been removed, including street sweeping and parking restrictions.	
CCCWP	86	C.10.a.ii	Excessive Cost	Brown and Caldwell's preliminary capital cost estimate ranges from \$3,000,000 to \$160,000,000 for complying with the trash reduction provisions over the five year permit for Contra Costa alone. Operations and maintenance costs for full trash capture are estimated at \$15,000,000 – \$30,000,000 over the five year permit term. Implementation of the "Enhanced Trash Management Controls" would add to the capital and O&M costs. The higher cost capital projects (installation of Gross Solids Removal Devices, or GSRDs), provide the greatest certainty of success, and lower Operations and Maintenance costs. The lower cost options, such as storm drain inserts, have higher O&M costs and less certainty of success. The above proposed provisions assume all communities are impacted by trash - enough to warrant what is estimated to be extremely expensive retrofits and enhanced trash management measures. It is likely that the cost/benefit and optimum approach would be very different among municipalities (e.g., Moraga vs. Concord).	The trash capture device installation requirements in the RTO have been reduced. The trash capture requirement is now 30% of Retail/Wholesale Commercial Land Use. The estimate for cost of trash capture that has the most data associated with it is about \$5000/acre of catchment. We agree that significant resources will be required to implement trash capture devices and maintain them. We agree that communities differ on the extent of the trash problem but the current requirements have been reduced below a level where this would be an issue.	
CCCcoSup	74	C.10.a.ii	Full Capture Devices	Provision C.10.a.ii encourages full trash capture devices to be placed to be located in lower reaches or upstream tidal reaches of major tributaries. This seems to potentially encourage installation of devices that would severely limit biological functionality of waterways in stretches where they are likely to be in relatively natural states; this may compromise biological integrity and impede beneficial uses. It should also be noted that much of the County's drainage infrastructure is in a relatively unimproved/natural state.	We agree. Under the RTO Permittees can choose Trash Hot Spots and trash capture device placement at strategic locations other than the lower reaches of streams.	
CCCcoSup	75	C.10.a.ii	Justify 5mm Capture	The 5mm seems to be an arbitrary and especially fine gradation that will not necessarily produce a high degree of water quality benefit per dollar spent. It also seems to increase chances of clogging, failure, and flooding. Unless there is specific science supporting the necessity of the 5mm specification, and a favorable cost-benefit ratio, the County requests that this specification be reviewed and adjusted appropriately.	The full trash capture standard has been pioneered in the L.A. Region, and is current MEP for California. Further refinements of capture device design and the standard may be necessary in the future. Studies in the Pacific Gyre demonstrate that plastic fragments smaller than 5mm are of concern, as they travel thousands of miles, are persistent, float and are mistaken for prey items by a range of marine life. There are various trash capture devices and technologies. In general, an overflow pathway is	

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					maintained to avoid flooding. Lack of appropriate maintenance may allow certain devices to plug and cause flooding in extreme circumstances, just as storm drain inlets currently flood from trash and debris plugging in the absence of trash capture devices.	
CCCWP	87	C.10.a.ii	More flexibility	To help permittees move forward, this provision needs to be re-written to allow for more flexibility. As worded, the fixed requirement to demonstrate the success of full trash capture on 5% would drive towards the higher capital cost projects to ensure compliance.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. The mandatory trash capture device level has been reduced in the RTO, thus reducing costs for Permittees.	
Daly City	90	C.10.b	5mm Capture Standard	The 5 mm full capture standard is equal to an English measurement of 3/16 of an inch. It would be helpful to understand what standard performance measure spawned a 3/16 of an inch standard for a full capture mesh device with a hydraulic capacity of not less than the peak flow rate resulting from a one year, one hour event storm within a storm drainage catchment area. It would be helpful for Regional Board staff to demonstrate the efficacy of how this specification would be achieved, how it would be calculated and provide examples of devices necessary to achieve this standard. Assuming such a standard is desirable from potential downstream impacts we offer for consideration the very real potential for unintended flooding consequences as a result. It is not recommended that such a standard be implemented as this aspect requires further review	The full trash capture standard has been pioneered in the L.A. Region, and is current MEP for California. Further refinements of capture device design and the standard may be necessary in the future. Studies in the Pacific Gyre demonstrate that plastic fragments smaller than 5mm are of concern, as they travel thousands of miles, are persistent, float and are mistaken for prey items by a range of marine life. There are various trash capture devices and technologies. In general, an overflow pathway is maintained to avoid flooding. Lack of appropriate maintenance may allow certain devices to plug and cause flooding in extreme circumstances, just as storm drain inlets currently flood from trash and debris plugging in the absence of trash capture devices.	
San Ramon	7	C.10.b	Alternative Compliance	It has been our experience that effective trash control can be achieved without the use of structural full capture devices. The City of San Ramon controls trash using three primary methods. The first method is bi-monthly street sweeping for all residential areas and weekly street sweeping for commercial and industrial areas. The current level of street sweeping exceeds the levels established in section C.2.a of the TO. The second method of trash control is a weekly trash pickup through our Citywide Landscaping and Lighting Assessment District (LLAD). As part of the LLAD contract, workers	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street sweeping and parking restrictions. The mandatory trash capture device level has been reduced in the RTO, thus reducing costs for Permittees. It is necessary to gain experience with use of full trash capture devices to address situations, such	

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				<p>pick up trash along arterial and collector roadways during maintenance activities. The third method of trash control involves City Public Services staff collecting trash when found while conducting work in the field.</p> <p>The City requests the RWQCB include the option of conducting enhanced trash management control measures, such as the measures listed above, as an alternative to the installation of full trash capture devices in Section C.10.b. The City also requests the RWQCB change C.10.a.i. so that jurisdictions would have the option to implement measures other than the installation of structural full capture devices to control trash.</p>	<p>as trash behind parked cars, where it is not practical or cost effective to either remove it by street sweeping, and where hand removal is too costly or impractical. During this first stage of removing trash impacts from waters, it is necessary for Permittees to learn the effectiveness of all of the available tools to tackle this problem. Trash capture definitely is a useful tool, and is MEP based on the significant use developed by Permittees in the L.A. area.</p>	
Moraga Mayor	13	C.10.b	Full capture inappropriate, need flexibility	<p>C.10.b.i requires installation of full trash capture infrastructure and prescribes where and how much of the storm-drain infrastructure will be equipped. Board presumes all areas have the same issue with trash. MRP's requirements for trash capture devices represents a significant burden on limited capital and maintenance funds. Board must allow for some flexibility in the requirements to accommodate areas where trash is less of a problem.</p>	<p>Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement. The prescriptive requirements for enhanced trash management measures have been removed from the RTO.</p>	
ACCWPatt1	18	C.10.b.i	Enhanced Litter Control	<p>Permittees need flexibility in defining areas with full capture devices. For some areas enhanced trash management control that prevents trash from entering the storm drain system in the first place may be more productive than capturing trash after it has entered the system. Why install capture devices if the enhanced trash management is effective at keeping the material out of the storm drains?</p>	<p>RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street sweeping and parking restrictions.</p> <p>It is necessary to gain experience with use of full trash capture devices to address situations, such as trash behind parked cars, where it is not practical or cost effective to either remove it by street sweeping, and where hand removal is too costly or impractical.</p> <p>During this first stage of removing trash impacts from waters, it is necessary for Permittees to learn the effectiveness of all of the available tools to tackle this problem. Trash capture definitely is a useful tool, and is MEP based on the significant use developed by Permittees in the L.A. area.</p>	
CCCoEngrAdvisory	20.1	C.10.b.i	Excessive Cost	<p>Installation of full trash capture Trash infrastructure in at least half of a catchment in at least 10% of the land area</p>	<p>The trash capture device installation requirements in the RTO have been reduced.</p>	

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				by 2012 and 100% by 2023. This will be very expensive to install and maintain	The trash capture requirement is now 30% of Retail/Wholesale Commercial Land Use.	
CCCcoEngrAdvisory	20.2	C.10.b.i	Flooding	The technology may not be available to remove 100% of the litter over 5 mm and still maintain flood protection.	The trash capture requirement for full capture includes an overflow provision above a specified storm.	
CCCcoSups	78.1	C.10.b.i(2)	Excessive Cost	The installation of Full Trash Capture Devices" in 5% of the County's Urban and Suburban Land Area is a financially burdensome requirement, which is estimated to cost between \$16 – 250 million to implement.	The trash capture device installation requirements in the RTO have been reduced. The trash capture requirement is now 30% of Retail/Wholesale Commercial Land Use. The estimate for cost of trash capture that has the most data associated with it is about \$5000/acre of catchment. We agree that significant resources will be required to implement trash capture devices and maintain them.	
CCCcoSups	78.2	C.10.b.i(2)	Pilot Projects	The County recommends that this requirement be reduced to a small number of pilot sites throughout the County until the devices' efficacy in trash removal, maintenance requirements, and cost effectiveness can be evaluated prior to making decisions regarding a more widespread implementation of Full Trash Capture Devices.	The trash capture device installation requirements in the RTO have been reduced. The trash capture requirement is now 30% of Retail/Wholesale Commercial Land Use.	
Daly City	91	C.10.b.i.(1)	Enhanced Trash Management	This requirement is based on the assumption that there is a relationship between the number of available receptacles and the amount of litter/trash found in the storm drains which is not necessarily the case. For example, the City of Daly City is one of the 10 most densely populated cities in the United States. The trash receptacles that we have in place are often magnets for household garbage and other illegally dumped material. The receptacles are quickly overwhelmed and provide little benefit for pedestrian litter. We have had numerous requests from residents and businesses to remove trash receptacles because of this problem.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including street sweeping and parking restrictions. Requirements for specific implementation of trash receptacles has been removed.	
San Leandro	21	C.10.b.i.1	cleanups should count as trash control	increased litter collection and creek cleanups should qualify as trash control measures. Local agencies received no credit for enhanced trash control measures already in place and could be penalized for existing proactive efforts.	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed. There will be no penalty for existing proactive measures.	
San Leandro	20	C.10.b.i.1	too prescriptive	Jurisdictions have to implement all of these measures regardless of cost, efficiency, effectiveness or long-term	RTO has been significantly revised to allow flexibility on Trash Hot Spot cleanup with	

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				benefit. Enforceable parking restrictions, for example, result in significant capital costs for signage placement and enforcement (police) resources. Increased street sweeping, inlet inspection will require additional capital.	accountability through the interim attainment of the Trash Action Level or TAL. Prescriptive measures have been removed, including parking restrictions.	
San Leandro	22	C.10.b.ii.	assessments costly, unnecessary, duplicative	Trash assessments are expensive and divert resources from other beneficial activities. This measure is unnecessary and duplicative when quantitative measurement of volumes collected in trash capture devices or enhanced trash capture devices can be obtained.	Trash assessments are necessary to determine attainment of the TAL at Trash Hot Spots. We will work with Permittees to streamline the assessment, if possible.	
CCFCWCD	4	C.10.c	Reduction Goals Unrealistic	No plan, program or device will completely eliminate impacts from litter. The requirement for a long term trash impact abatement plan should include realistic goals that are practicable.	The plan is not yet written, and these types of considerations will be addressed.	
SF Baykeeper	61	C.10.c.	Need Numeric Target	The Permit needs a specific, numeric target. The current "no trash impact goal" is imprecise and will not facilitate meaningful enforcement. What level of trash constitutes an impact to beneficial uses? How will permittees know when they have achieved the goal? How will compliance be assessed?	The interim trigger or goal of the RTO is attainment of the TAL of less than 100 pieces of trash per 100 feet of assessed stream, and no visual impact of trash. The "Urban Optimal" level of the SCVURPPP RTA. This is only an interim level set for this permit term.	
CCCWP	95	C.10.d	Dates Inconsistent	This date is inconsistent with C.10.c above, which indicates October 2012. CCCWP believes the correct date is October 2012. Please clarify.	This inconsistency has been corrected in the RTO.	
Oakland	8	C.10.d	Full Capture Devices	The requirement to install full trash capture devices to treat all runoff from at least 5% of the land area of every municipality is not appropriate for all municipalities as the level of urbanization and associated litter problems varies widely between municipalities. Structural litter control mechanisms may not be feasible in all urban settings.	The trash capture requirement is now 30% of Retail/Wholesale Commercial Land Use. This takes into account the differences among Permittee land use structure.	
CCCWP	94	C.10.d	Pilot Projects	This section states " <i>Report steps toward establishing pilot full trash capture device installations.</i> " Mandating full-capture trash control installations in at least 5% of all Bay Area Urban and Suburban Land Area is neither a pilot project nor approach. The Program agrees with the concept of a pilot-project, and would like to discuss with Regional Board how this might be best achieved.	The trash capture device installation requirements in the RTO have been reduced. The trash capture requirement is now 30% of Retail/Wholesale Commercial Land Use.	
CCFCWCD	5	C.10.d	Urban and Suburban Land Definition	The last sentence in the fourth paragraph of Section C.10.d should be reworded to read: Non-population-based Permittees shall report compliance with the requirement for trash control from at least 1 percent of the Urban and Suburban Land Area.	In the RTO, the non-population based Permittees are assigned implementation levels to address this issue.	
San Leandro	18	C.10a.(i)	10%	Requirement to identify and implement trash management	The basis for determining the number of Trash	

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Provision C.10 – Trash Reduction**

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			requirement inappropriate	controls or catchments on 10% of specified land area does not consider variations of severity of litter problems in jurisdictions and penalizes cities with large land areas that may not have severe litter problems.	Hot Spots has been revised. RTO has also been significantly revised to allow flexibility on Trash Hot Spot cleanup with accountability through the interim attainment of the Trash Action Level or TAL. If a Permittee has less trash in their jurisdiction, their efforts to meet the TAL at Hot Spots will be easier.	

Response to Comments on December 14, 2007 Tentative Order

Provision C.15. – Exempted and Conditional Exempted Discharges

File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
C.15.a – Exempted Non-Stormwater Discharges						
GCRCDAtt	34	C.15.a	Exempted discharges	C.15.a.ii states that the non-stormwater discharges listed in C.15.a.i are exempted unless they are identified by the Permittees or the Executive Officer as sources of pollutants to receiving waters. How will the Executive Officer identify non-stormwater discharges as sources of pollution and what criteria will be used? What are considered sources of pollution? The GCRCD has identified many outfalls along the Guadalupe River that are either thermally polluting the river, providing flash discharges causing channel erosion and fish attraction/stranding or some other form of pollution/sedimentation or a combination of these negative impacts.	The Tentative Order (TO) prohibits unauthorized polluted discharges from any sources to waters of the State. The exempted non-stormwater discharges listed under Provision C.15.a.i. are naturally occurring flows or NPDES permitted discharges. However, these discharges will be regulated if the Permittees or the Executive Officer are notified or received complaints that such discharges are degrading beneficial uses of waters of the State.	None
Oakley Moraga	99 99	C.15.a	Question	C.15.a talks about "Uncontaminated and unpolluted groundwater infiltration among the discharge types. What is meant, as any water in the ground is groundwater?"	The groundwater stated in Provision C.15.a of this Order is not any water that spilled to the ground rather natural groundwater that meets the definition of groundwater consistent with the California Water Code.	
Oakley Moraga	108 108	C.15.a	Glossary	Under Illicit Discharge and in last paragraphs of C.15 the terminology "Prohibition A.1" & "Section A" is used. Past practice has been to refer to these as "Provision A".	All discharge prohibitions are provided under section "A", and all provisions are provided under section "C" of the Order consistent with the past and present MS4 permits.	
Oakley	218	C.15.a	Reporting	From provision C.15.a, it appears that the reporting requirement is attachment C.15.a. If that is true, what is to be reported in the Table?	Provision C.15.a identifies the exempted non-stormwater discharges. There is no reporting requirement for this provision.	
C.15.b – Conditionally Exempted Non-Stormwater Discharges – General						
SCVURPPP ATT A Sunnyvale Att A SCVURPPP-Olivieri, A Brisbane SMCWPPPAAtt3Table Oakley	101 34 3 20.5&20.8 19.5&19.9 154	C.15.b	Reporting Attachment L	The commenters argue that the testing and reporting requirements overly expensive and burdensome and they have to be refined or drastically reduced. Some of and should be refined and or drastically reduced given the minor impact associated with these non-stormwater type of discharges.	The BMPs in existing permits lack specificity and have not been adopted by all Permittees. This Provision's proposed BMPs are adapted from the current stormwater management plans of some stormwater programs and represent	Provision nC.15.b.iii.(2)(d) has been revised to allow a reduction in monitoring after 18 months of consecutive data gathering if certain conditions are met. Also, Provision C.15.b.iv.(2) has been revised to require Permittees/dischargers to keep

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				They further argue that the existing BMPs for minor type of non-stormwater discharges, including resident's foundation drains, crawl space pumps, discharges from (inaudible) potable water supplies, should be sufficient to comply with the requirements.	<p>the minimum acceptable control measures for the various types of discharges. The self-implementing nature of these minimum, yet tangible, BMPs will ensure compliance and discourage unauthorized discharges to waters of the State with minimum regulatory oversight.</p> <p>Revising the language to state that Permittees need only consider these BMPs will create inconsistencies among the Permittees' service areas and will not be protective enough of receiving waters.</p> <p>The Provision's monitoring requirements apply only to pumped groundwater from dewatering and planned and unplanned potable water discharges. Both types of discharges must be tested to verify that they will not violate surface water quality standards to ensure that they will not degrade the receiving waters. These monitoring results are not required to be submitted to Board staff; the Permittees need only keep records of their activities and make the data available to regulatory agencies upon request.</p>	records or authorized major discharges of dechlorinated pool, spa, and fountain water, instead of reporting them in the annual report. Attachment L has been removed from the Revised TO.
Brisbane SMCWPPPA3Table	20.3 19.3	C.15.b	Alternative Discharges	All of the exempted and conditionally exempted discharges should be limited to ones that discharge to an MS4 owned or operated by a municipality covered under the permit. Many municipalities lack the authority to allow discharges to the sanitary sewer.	It is implicit that the discharges listed are limited to those that discharge into the Permittee's storm drain systems. We have added language that discharges to the sanitary sewer are subject to the local sanitary agency's authority and standards.	Provision C.15.a. and b. have been revised to specify that discharges to the sanitary sewer are subject to the local sanitary agency's authority and standards.
Fremont	11 & 12	C.15.b	Discharge to Sewer	The TO specifies circumstances where stormwater must be discharged to the	It is implicit that the discharges listed are limited to those that discharge	Provision C.15.a. and b. have been revised to specify that discharges to

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Provision C.15. – Exempted and Conditional Exempted Discharges

File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				sanitary sewer. The Water Board is imposing these requirements on local agencies without engaging the sanitary sewer agencies.	into the Permittee's storm drain systems. We have added language that discharges to the sanitary sewer are subject to the local sanitary agency's authority and standards.	the sanitary sewer are subject to the local sanitary agency's authority and standards.
Berkeley	40	C.15.b	Delete Provision	The issue of conditionally exempted discharges has been discussed for many years. Resolving this issue cannot be accomplished within the time frame allotted for this TO. Extend the review process for this Tentative Order by 6 months. Delete C.15.b.	Both Water Board staff and municipalities have spent significant amount of time and resources to develop MRP for the last three to four years. Postponing adoption of the TO will not benefit us all.	
Oakley Moraga	100 100	C.15.b	Question	... [A]mong the BMP/Control Measures, one is that if there is no alternative sanitary sewer to dispose to then the discharge can be to the storm sewer...	Discharging to storm drain is the last alternative, and even then, the non-stormwater to be discharged has to be uncontaminated or polluted. Other alternatives include discharge to landscape or discharge to sanitary sewer with the approval of local sanitary sewer authorities.	
ACCWP-Att1-Redline	23	C.15.b	Redline/ Strikeout	...The current language requires extremely burdensome analytical testing and reporting on discharges that are unlikely to contribute pollutants to the storm drain system. This will be labor intensive, wasteful of limited staff resources and will provide no tangible water quality benefit. We request that the introductory paragraph of Provision C.15.b be revised to read as follows: <u>"The following non-stormwater discharges are also exempt from Discharge Prohibition A.1 if they are either identified by the Permittees or the Executive Officer as not being sources of pollutants to receiving waters, or if they are identified as sources of pollutants to receiving waters, that BMPs/control measures are developed and implemented, as the Permittee deems appropriate to address the threat posed to water quality, including consideration of the tasks and implementation levels of each category of</u>	The BMPs in existing permits lack specificity and have not been adopted by all Permittees. This Provision's proposed BMPs are adapted from the current stormwater management plans of some stormwater programs and represent the minimum acceptable control measures for the various types of discharges. The self-implementing nature of these minimum, yet tangible, BMPs will ensure compliance and discourage unauthorized discharges to waters of the State with minimum regulatory oversight. Revising the language to state that Permittees need only consider these BMPs will create inconsistencies among the Permittees' service areas and will not be protective enough of	Provision nC.15.b.iii.(2)(d) has been revised to allow a reduction in monitoring after 18 months of consecutive data gathering if certain conditions are met. Also, Provision C.15.b.iv.(2) has been revised to require Permittees/dischargers to keep records or authorized major discharges of dechlorinated pool, spa, and fountain water, instead of reporting them in the annual report.

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				<u>Provision C.15.b.i-vii below."</u>	receiving waters. The Provision's monitoring requirements apply only to pumped groundwater from dewatering and planned and unplanned potable water discharges. Both types of discharges must be tested to verify that they will not violate surface water quality standards to ensure that they will not degrade the receiving waters. These monitoring results are not required to be submitted to Board staff; the Permittees need only keep records of their activities and make the data available to regulatory agencies upon request.	
Oakley	219	C.15.b	Reporting	The Summary Table seems to be the accumulation of all the various discharge types and the information required by the Permit text. Shall we presume that completing the Summary Table is the full report?	Reporting forms of Attachment L is not included with the TO at this time. The elements of reporting requirements are respectively given at the end of each sub-provision, and Permittees must report accordingly.	
C.15.b.i – Pumped Groundwater, Foundation Drains, Water from Crawl Space Pumps and Footing Drains						
Central San	13	C.15.b.i. (1) (h)	Diversion to Sanitary Sewer	Central San argues for the removal of the qualifier that references disposal to the sanitary sewer system as a potentially feasible alternative for disposing of non-stormwater sources.	The TO encourages, but it does not impose, diversion of non-stormwater discharges from dewatering systems with proper pre-discharge approval from local sanitary sewer authorities when landscape disposal are not available. If feasible, diversion to sanitary sewer secures treatment while preventing potential environmental impacts associated with non-stormwater if directly discharged to storm drains or water ways.	The TO is revised to clarify that diversion to sanitary sewer requires pre-discharge approval from respective local authorities.
San Jose Attrny San Jose SCVURPPP	12 27 9	C.15.b.i	Prescriptive	The draft permit's proposed level of regulation represents overkill on managing minor types of non-stormwater discharges	The BMPs in existing permits lack specificity and have not been adopted by all Permittees. This	Provision nC.15.b.iii.(2)(d) has been revised to allow a reduction in monitoring after 18 months of

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Colma Brisbane SMCWPPPA3Table SouthSF Burlingame Livermore	10&12 20.1 19.1 5 17 14			<p>that pose a limited threat to water quality. The fact sheet does not describe the basis for the proposed requirements.</p> <p>The Water Board adopted a reasonable way to regulate these minor types of non-stormwater discharges in its amendment to SMCWPPP's permit in July 2004. This 2004 permit amendment provides a simple list of BMPs that would need to be implemented to address minor non-stormwater discharges.</p>	<p>Provision's proposed BMPs are adapted from the current stormwater management plans of some stormwater programs and represent the minimum acceptable control measures for the various types of discharges. The self-implementing nature of these minimum, yet tangible, BMPs will ensure compliance and discourage unauthorized discharges to waters of the State with minimum regulatory oversight.</p> <p>Revising the language to state that Permittees need only consider these BMPs will create inconsistencies among the Permittees' service areas and will not be protective enough of receiving waters.</p> <p>The Provision's monitoring requirements apply only to pumped groundwater from dewatering and planned and unplanned potable water discharges. Both types of discharges must be tested to verify that they will not violate surface water quality standards to ensure that they will not degrade the receiving waters. These monitoring results are not required to be submitted to Board staff; the Permittees need only keep records of their activities and make the data available to regulatory agencies upon request.</p>	<p>consecutive data gathering if certain conditions are met. Also, Provision C.15.b.iv.(2) has been revised to require Permittees/dischargers to keep records or authorized major discharges of dechlorinated pool, spa, and fountain water, instead of reporting them in the annual report.</p>

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San Leandro Berkeley	27 40	C.15.b.i	Delete Provision	Foundation drains, water from crawl space pumps and footing drains are a structural safety requirement relating to the integrity of a building. They are used to remove collected rain water, rising ground water and infiltration. Remove C.15.b.i. from conditionally exempted non-stormwater discharges and add it to C.15.a, exempted discharges.	We understand that these types of discharges are necessary for the structural safety of buildings; however, they may contain concentrations of pollutants that will have negative impacts on the receiving surface water stream. Therefore, as for groundwater, these types of discharges must be tested and may only be conditionally exempted.	None.
San Jose Att A	93	C.15.b.i (1)	Modify TO	The City requests this provision be modified to include minimum required BMPs for all dewatering-type, non-stormwater discharges in lieu of a new local regulatory program.	Permittees are expected to implement the BMPs for non-stormwater discharges in compliance with the MRP requirements.	
Brisbane SMCWPPPA Daly City	20.4 19.4 107	C.15.b.i (b) & (c)	Oversight Responsibility	<p>The permit should be modified to delete the proposed requirement that new discharges of uncontaminated groundwater at flows of 10,000 gallons per day (gpd) or more be reported to the Water Board and local agencies before being discharged. If the Water Board desires this level of oversight it should simply state that the local agencies are not allowed to authorize these types of discharges because they are more appropriately regulated by the Water Board through a separate NPDES permit.</p> <p>The requirement to report 10,000 gpd or more to the Water Board should be deleted. What would the Water board use the information for?</p>	Originally, the MRP Administrative Draft required that flows of 50,000 gpd or more be reported to the Water Board. However, some municipalities wanted to reduce their oversight role and requested that we lower the reporting flowrate to trigger at 10,000 gpd, which is consistent with the terms of Order No. R2-2007-0033.	Provision C.15.b.i.(1)(b) has been revised to include a statement of consistency with Board Order No. R2-2007-0033.
Contra Costa Clean Water Program	120	C.15.b.i. (1)(b)	Modify TO	<i>"(b) Permittees shall notify the Water Board of new discharges of pumped uncontaminated groundwater at flows 10,000 gallons/day or verify the discharge is covered under the San Francisco Bay Regional Water Quality Control Boards</i>	Originally, the MRP Administrative Draft required that flows of 50,000 gpd or more be reported to the Water Board. However, some municipalities wanted to reduce their oversight role and requested that we	Provision C.15.b.i.(1)(b) has been revised to include a statement of consistency with Board Order No. R2-2007-0033.

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				<i>General Permit (Order No. R2-2007-0033).</i> Rationale for provision removal: Discharges of pumped groundwater at flows of 10,000 gallons/day or more are regulated by Water Board Order R2-2007-0033...The proposed change will ensure partnership while relieving Permittees from strict reporting and enforcement responsibilities.	lower the reporting flowrate to trigger at 10,000 gpd, which is consistent with the terms of Order No. R2-2007-0033.	
Contra Costa Clean Water Program	119	C.15.b.i(1)	Redline/ Strikeout	Change C.15.b.i (1) to read: “(a) These discharge types shall, if necessary, be properly managed treated before discharge to remove pollutants, including, but not limited to, total suspended solids (TSS) or silt to allowable discharge levels. Appropriate BMPs to render pumped groundwater free of pollutant and therefore exempted from prohibition may include the following: filtration, settling,, coagulant application with no residual coagulant discharge, minor odor or color removal with activated carbon, small scale peroxide addition or other minor treatment. <i><u>In the case of single family homes, discharges to landscaping from foundation drains, crawl space pumps and footing drains are exempt from Prohibition A.</u></i> Rationale for change: Residential (i.e., single family homes) foundation drains, crawl space pumps, and footing drains are quite common in the Bay Area due to our topography and predominance of clay soils. It is impractical to require an individual homeowner to comply with the monitoring requirements outlined in this provision.	We intended to make this revision in the Revised Tentative Order, but it was omitted due to a clerical error. We will make this revision prior to Board consideration.	
SCVURPPP ATT A Contra Costa Cnty Supervisors Contra Costa Cnty- SwartzD Colma Brisbane SMCPPPAtt3Table	87 82 43 9 20.2 19.2	C.15.b.i (1)(c)	Excessive Testing	Commenters request reconsideration of Provision C.15.b. They argue that the requirements are too prescriptive, including: <ul style="list-style-type: none"> • excessive testing for suspended solids, total petroleum hydrocarbons, volatile organic compounds, and metals regardless; • applying to all jurisdictions; 	The TO requires initial testing, and if necessary, continuous monitoring specifically for polluted groundwater from dewatering systems. This requirement is consistent with the Water Board's policy that treated groundwater must meet existing effluent limitations before discharge	The TO added a new provision objective, which reads as: “The objective of this provision is to exempt unpolluted non-stormwater discharges and identify, employ appropriate BMPs, and monitor non-stormwater discharges that are potential sources of pollutants and to ensure

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Provision C.15. – Exempted and Conditional Exempted Discharges**

File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Belmont Daly City	8 108			<ul style="list-style-type: none"> no consideration the nature of the potential pollution threat non-stormwater pose, municipalities will be ultimately responsible for discharges of pumped groundwater, foundation drains, water from crawl space pumps, and footing drains meeting "water quality standards consistent with the existing effluent limitations in the Water Board's NPDES General Permits..." (Provision C.15.b.i.(1)(c)); and, maintain records of implemented BMPs and constitute an absurd administrative exercise. <p>For the reasons above and beyond, commenters request that the Water Board consider a greater overhaul of the permit to better integrate the document and provide greater flexibility in meeting the MRP's water quality goals.</p>	<p>to waterways to preserve the beneficial uses of waters of the State.</p> <p>Please note the additional likely revision related to single family homes and foundation drains. We intended to make this revision in the Revised TO, but it was omitted due to a clerical error. The intent of Provision C.15.b. is to facilitate Permittees in regulating discharges to the storm drains since the Permittees have responsibility for what flows in those storm drains to the receiving waters. BMPs for pollution control must be implemented, if deemed necessary.</p>	development and implementation of effective control measures to eliminate adverse impacts to waters of the state consistent with the discharge prohibitions of the Order."
Daly City	110	C.15.b.i. (1)(d)	Excessive Testing	The groundwater in Daly City is from a deep aquifer with no chemical treatment when discharged to the ocean during over boarding. The water meets all drinking water standards and therefore should not be harmful to the environment.	The TO exempts discharges of extracted uncontaminated groundwater, and it is the responsibility of the discharger or operator to confirm the discharge meets the minimum discharge requirements. The discharge should not be based on assumption rather supported by established data..	
Daly City	109	C.15.b.i. (2)	Reporting	Records should be kept for large quantity discharges only. It will be too burdensome to keep records for minor, uncontaminated discharges.	The TO does not require keeping records of minor uncontaminated discharges. If Permittees demonstrate that the non-stormwater is uncontaminated prior to the discharge, then, it is exempted pursuant to Provision C.15.a.	No change is recommended to the TO.
Central San	22	C.15.b.i.(1)(d)	Analytical Method	This condition requires the analysis of water samples to be analyzed by methods that are not approved Water/Wastewater	We disagree with the comment. USEPA Method 8260 is widely used by numerous environmental	None

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				<p>methods listed in 40CFR Part 136 (e.g. USEPA Method 8260 is a solid waste analytical method). In the wastewater field, use of methods that are not approved Water/Wastewater methods can result in non-compliance for the agency either using them, or allowing them to be used in a self-monitoring program.</p> <p>Specify that water samples used to demonstrate compliance be analyzed using approved Water/Wastewater methods.</p>	<p>laboratories for analysis of volatile organic compounds (VOCs). This method is generally applied to multi-media and matrices with a wide range of analyte concentrations. The method is used by groundwater monitoring programs because its low detection limits allow comparison with drinking water standards. Therefore, non-stormwater discharges from groundwater dewatering systems much employ this method or its equivalent to analyze groundwater samples for the presence or absence of VOCs before discharge to storm drains or receiving waters.</p>	
C.15.b.ii – Air Conditioning Condensate						
JamesRogerAttIII	10	C.15.b.ii	Editorial	Provisions C.15.b.ii(1)(a) – Change “ground” to “turf or landscaped areas” since ground could be an impervious area with a high coefficient of runoff.	The TO included the word “landscape” for clarification.	
Central San	14	C.15.b.ii	Air Condition	... Air conditioning condensate is unpolluted and does not need to be discharged to the sanitary sewer. This type of discharge is expressly prohibited in the Source Control Ordinance from being discharged to CCCSD. Remove the text from this condition that requires and recommends diversion of this water to the sanitary sewer system. Alternatively, add text to defer to the standards and approval authority of the sanitary sewer agencies’ regarding potential disposal of this wastewater to the sanitary sewer [e.g. condition C.3.c.i.(1)(a)].	We agree that the sanitary sewer agencies must be consulted.	We have made revisions to clarify that the POTW must be consulted in such instances.
San Leandro	28	C.15.b.ii(c)	Discharge to Sanitary Sewer	Many local agencies lack the authority to dictate discharge to sanitary sewers, and MRP should not contain such a mandate. Additionally, sanitary disposal is not the only environmentally acceptable and viable alternative for disposal of air conditioning	We recognize that sanitary sewer systems are run by separate authorities. Thus, the MRP requires these types of discharges to be directed to landscape and to sanitary sewer systems only if	Provision C.15.b.ii(1)(b) of the TO is revised to read: “Discharges from new commercial and industrial air conditioning units shall be <i>directed to landscaped areas or sanitary sewer if allowed by the local sanitary sewer</i>

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				condensate.	allowed by the local sanitary sewer agencies.	<i>agency."</i>
C.15.b.iii – Planned, Unplanned, and Emergency Discharges of the Potable Water System						
Milpitas Mountain View Palo Alto San Jose SCVURPPP ATTA Colma San Jose Att A SCVWD Brisbane SMCPPPAtt3 Table SouthSF Burlingame Daly City	21 15 12 28&29 88 11 94&95 63 20.1&20.7 19.1&19.8 5 17 111	C.15.b.iii	Prescriptive testing and reporting	<ul style="list-style-type: none"> - Provision C.15.b.iii proposes too prescriptive monitoring and reporting requirements for planned, unplanned, and emergency potable water discharges. - MRP should establish a de minimus threshold of 5,000 gallons for reporting unplanned discharges of potable water to storm drains. - Potable water discharges don't contribute pollution to water quality. - Existing BMPs are effective and modify the TO to eliminate the testing and reporting requirements or at least to increase the volume thresholds of testing and reporting. - Discharge benchmarks for pH, chlorine residual, and turbidity are overly prescriptive and in some instances are unrealistic and expensive. 	<ul style="list-style-type: none"> - Potable water discharges contribute pollution to water quality because they contain chlorine or chloramines, two very toxic chemicals to aquatic life. - Minimum monitoring, particularly for planned discharges, for pH, chlorine residual, and turbidity is crucial to prevent degradation of water quality. - The existing BMPs for non-stormwater discharges lack specificity and not all Permittees have adopted them. This Provision established minimum requirements to heighten accountability and consistency among Permittees. - Board staff met with Water Utility representatives in February 2008 and in response to concerns about burdensome monitoring, we have substantially reduced the monitoring requirements. 	This Provision has been revised to require notification for planned discharges with a flowrate of \geq 250,000 gpd or a total volume of \geq 500,000 gallons and for unplanned discharges that either cause fish kill or \geq 50,000 gallons with detectable chlorine residual. Other changes have been made to minimize the monitoring and reporting requirements, particularly for unplanned potable water discharges.
SF Baykeeper, NRDC, & Clean Water Action	12	C.15.b.iii	Vague	Places where the permit requires "appropriate" BMPs should be revised to include a BMP menu list of the minimum BMPs that must be implemented for C.15.iii (i.e., for planned, unplanned, and emergency potable water discharges).	The water utilities and districts have already established BMPs for potable water discharges. We have established monitoring, effluent benchmarks, and reporting compliance requirements.	No Change is recommended to the TO in response to this comment.
Oakley Moraga	101 101	C.15.b.iii	Clarification	At 15.b.iii.(1)iii the Permittee is to report unplanned, planned and emergency discharges. Does this mean that the Permittees are to attempt to determine who might be a potential discharger and attempt to monitor that activity?	Permittees have ultimate responsibility for their storm sewer systems so they must ensure that any discharge to the storm drains, including potable water discharges, do not violate water quality	None.

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					standards. Potable water discharges can occur because Permittees or other entities conduct routine installation, operation and maintenance activities in the potable water distribution system. This Provision requires Permittees to comply or require potable water dischargers to comply with the BMPs, notification, and reporting requirements specified.	
Burlingame Portola Valley SouthSF Belmont Oakley ContraCostaCnty-SwartzD San Pablo Danville Contra Costa Clean Water Program LTR Contra Costa Cnty Supervisors Belmont-BirrmannK	18 3 5 9 102 42 32 14 14 83 94	C.15.b.iii	Regulatory Authority	Permittees argue that municipalities do not have authority to oversee water districts when discharging planned or unplanned potable water discharges. Oversight of water districts should remain a responsibility of the Water Board.	Permittees have ultimate responsibility for discharges into their storm sewer system; therefore, they must control these discharges to their storm drain inlets or conveyance systems to minimize their liability and eliminate any illegal actions or illicit discharges. This Provision requires Permittees to make potential potable water dischargers aware of the compliance requirements. All significant discharges (i.e., \geq 250,000 gpd planned and \geq 50,000 gallons with detectable chlorine residual unplanned discharges) must be reported to the Water Board.	None
Contra Costa Clean Water Program	121	C.15.b.iii (1), C.15.b.iii (2) & C.15.b.iii (3)	Unacceptable /Requesting meeting	Provisions C.15.b.iii.(1), C.15.b.iii(2) and C.15.b.iii[3] are unacceptable. Permittees request a special meeting with Water Board staff and other stakeholders (e.g., Water Supply Districts, Fire Districts, and others) to identify an appropriate regulatory framework for addressing these discharges.	Water Board staff met with water utilities in February 2008 after the TO was out for public comment.	Substantial changes were incorporated to the TO as a result of the meeting conducted with various water districts in February 2008 to reduce the oversight burden on the Permittees .
Daly City	115	C.15.b.iii (2)	Clarification	The focus of an unplanned discharge is in most cases, stopping the discharge. What does "containing the discharge," mean? Trying to contain water during a main break is unrealistic.	"Containing" or controlling the discharge, especially for unplanned discharge, it means taking corrective measures to shut off releases or contain the released material if feasible to minimize erosion and	

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					sediment control associated with the discharge.	
Alameda County Water District (ACWD)	1	C.15.b.iii(1)(b)(iii) & C.15.b.iii(1)(c)(i)	Editorial	We ask to include the language " <u>exemption</u> " when receiving water monitoring is infeasible. Receiving water monitoring may be infeasible or impractical due to several reasons which may include the discharger's inability to gain safe access to the outfall location into surface water due to its location, or other logistical challenges.	Monitoring of receiving waters will be only where feasible.	The TO is revised to require monitoring for receiving water to be performed <u>where feasible</u> .
ACFCD Zone 7 AWCD	15 2&3	C.15.b.iii(1)(c)(i) & C.15.b.iii(2)(d)	Monitoring Requirement	<ul style="list-style-type: none"> - There should not be monitoring of receiving water during unplanned potable discharges only planned discharger should be monitored to determine BMP effectiveness. - Monitoring of turbidity in unplanned discharges should be only visual due to the nature of most unplanned potable water releases. - Monitoring of receiving waters for unplanned potable water discharges will be very difficult to accomplish and will likely yield inaccurate results since such discharges may travel several miles of municipal storm drain pipelines before entering a receiving water and exposed to potential contamination or turbidity from other sources. 	We agree in general. The required monitoring is to ensure BMPs effectiveness in terms for chlorine residual and erosion controls either at the point of discharge to MS4 or receiving water or in the receiving water. We require monitoring of all planned discharges but we require monitoring of a subset of the unplanned discharges for turbidity. After 18 months of monitoring, the dischargers have the option to request monitoring reduction with justification.	These Provisions have been revised to reflect the responses to comments.
San Jose Att A Oakley Moraga	96 103 103	C.15.b.iii(1)(c)(i) & C.15.b.iii(2)(d)(i)	Safety and monitoring	These provisions as drafted do not reflect a priority for worker health and safety, and do not reflect EPA's position that drinking water system releases pose minimal threat to the environment. The AWWA guidelines cited in the Tentative Order emphasize that unplanned discharges present "...an emergency situation where public safety is the immediate and primary concern. In this	Potable water when discharged untreated directly to surface waters can have major negative impacts because they contain chlorine or chloramines, two very toxic chemicals to fish and other aquatic life. Therefore, the requirements for monitoring and BMPs are appropriate.	These Provisions have been revised to allow for visual assessments where there are logistical challenges. For high priority unplanned discharges (e.g., causing fish kill or endangering public health and safety), we have added language requiring notification within two hours to the State Office of Emergency Service (OES).

Response to Comments on December 14, 2007 Tentative Order Provision C.15. – Exempted and Conditional Exempted Discharges

File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
				situation, the implementation of BMPs should not interfere with immediate emergency response operations or impact public health and safety".		
ACWD	4	C.15.b.iii(2)	Glossary of Potable Water	Glossary - Other Regional Boards (e.g., Central Valley, and San Diego) have permit provisions for untreated water discharges, but the MRP does not expressly exempt or disallow untreated water discharges. As such, this may create some confusion amongst the potable water utilities and the permitted Dischargers. Proposed is a permit language to avoid a confusion that may occur: " <u>potable water will refer to water dedicated for municipal supply, including treated and non-treated potable water and raw water from conveyance systems.</u> " The preceding language is similar to that contained in the San Diego RWQCB Permit, R9-2002-0020, NPDES No. CAG679001.	Chlorinated potable water could have environmental implications when discharged directly to water ways without proper dechlorination. Thus, discharge proponents are required to implement BMPs to minimize impacts.	TO glossary of potable water is revised accordingly to avoid confusion.
ACFCD Zone 7 Oakley Moraga	14 104 104	C.15.b.iii(2)(c) (iv) & C.15.b.iii(2)(d) (ii)	typographical errors	In Provisions C.15.b.iii.(2)(c)(iv) and C.15.b.iii.(2)(d)(ii), there are typographical errors in the referenced provision. The following references should be revised accordingly: C.15.b. iv .(1)(b)(iii) to C.15.b.iii(1)(b)(iii) and C.15.b. iv (1)(c) to C.15.b.iii(1)(c).	Comment is noted and the TO is revised accordingly.	
Oakley Moraga	105 105	C.15.b.iii(3)	Emergency Discharge	In C.15.b.iii (3), the Permittee is to employ BMP's that do not interfere with immediate emergency response. Can the Board provide practical examples that they have seen used that will not interfere, or risk interference, with emergency response, as plugging the storm drain and collecting the runoff to storage are not practical suggestions? Under the reporting requirements "being determined by Board", how will that be done timely, how is the Board to know the nature of the event, and who is to advise the Board?	We recognize the priority of an emergency response and that is why the TO states that the employed BMPs shall not interfere with the emergency response. However, the emergency response team should make the right professional and technical judgment in terms of the safety and danger associated with the situation not the Water Board.	

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Daly City	112 , 113 & 116	C.15.b.iii.(1)(b)(ii), C.15.b.ii.(1)(b)(iii), & C.15.b.iii(2)(c)(ii)	Reporting	Monthly reporting is unrealistic. What would be the benefit of monthly reporting? What is the objective for the anticipated use of considerable staff resources? Annual reporting would be sufficient.	Monthly electronic reporting of significant discharge would allow Water Board staff to evaluate the nature of the discharges, procedures followed, and to provide appropriate regulatory guidance as necessary for future events, planned or unplanned.	
Daly City	114	C.15.b.iii.(1)(c)	Benchmark	Raise the pH benchmark to 9.5. SFPUC water is routinely between 8.5 - 9.0 and sometimes above 9.0 for pH.	We disagree. A pH range of 9 or above violates water quality objectives and is not consistent with Water Quality Control Plan, which requires a pH range between 6.5 and 8.5.	None
Central San	15	C.15.b.iii.(3)(b)	Emergency disposal	... Disposal of air conditioning condensate to the sanitary sewer on an emergency basis could create problems for CCCSD due to variable locations and potential high flow rates in smaller lines. Direct permittees to conduct studies during the term of the MRP on this wastewater source to determine types and level of pollutants present, flow rates produced, and feasibility for disposal options other than to the stormwater system.	It is implicit that the discharges listed are limited to those that discharge into the Permittee's storm drain systems. We have added language that discharges to the sanitary sewer are subject to the local sanitary agency's authority and standards.	Provision C.15.a. and b. have been revised to specify that discharges to the sanitary sewer are subject to the local sanitary agency's authority and standards.
C.15.b.iv – Individual Residential Car Washing (Relocated to Provision C.7 – Public Information and Participation)						
Brisbane SMCWPPPA3Table Contra Costa Cnty Supervisors	20.6 19.6 84	C.15.b.iv	Car Wash	Requirements on individual car washing, similar to all of the other types of discharges described in Provision C.15, should be limited to discharges that flow to the MS4 owned or operated by a municipality with coverage under this permit. -This section should be relocated to section C.7 since the required effort is mainly public outreach and education.	We agree. Note revision.	The requirements for individual residential car washing have been removed from Provision C.15.
C.15.b. Swimming Pool, Hot Tub, Spa, and Fountain Water						
SMCWPPPA3Table Contra Costa Cnty Supervisors Oakley Moraga	19.7 85 106 106	C.15.b.v	Access to Sanitary Sewer	Commenters' arguments include the following: - Not reasonable to require Permittees who many not have legal authority to monitor all discharges from swimming	We believe connection to the sanitary sewer will guarantee treatment and reduce potential impacts associated with direct discharges of swimming pools,	Provision C.15.v.(1)(c) is revised to state that: " Permittees shall require that new or <i>rebuilt</i> swimming pools, hot tubs, spas, and fountains within their jurisdiction <i>have a</i> connection to the

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Contra Costa Clean Water Program	122			<p>pools, spas, hot tubs, and fountain from private property.</p> <ul style="list-style-type: none"> - Infeasible to implement the requirement in areas that do not have an access to sanitary sewer. - Modify or reconsider TO to encourage that these discharges go to the sanitary sewer, but it may not always be possible. 	<p>spas, hot tubs, and fountains into the storm drains or receiving waters without pretreatment to remove chlorine residual and copper algaecide. We strongly encourage local POTW authorities to accept these types of non-stormwater discharges to their systems, especially for new and rebuilt ones where the connection could be achieved with marginal effort. The TO requires that swimming pools, spas, hot tubs, and fountains be connected to sanitary sewer systems. Where there is no access to sanitary sewer systems, these types of discharges shall be directed to landscaping or vegetated areas away from water ways.</p>	<p>sanitary sewer <i>to facilitate draining events. Permittees shall coordinate with local sanitary sewer agencies to determine the standards and requirements to enable the installation of a sanitary sewer discharge location to allow draining events for pools, spas, and foundation to occur with the proper permits from the local sanitary sewer agency.</i>"</p>
Central San Alameda City BACWA	16 17 6	C.15.b.v	Diversion to Sanitary Sewer (Pool/hot tubs)	<p>As noted above accepting filter backwash water and discharges from these sources is acceptable provided that certain standards are met (e.g. no copper discharges above local discharge limit for copper, flow rate controls). However, Accepting discharges from new and remodeled systems will create large surface areas that are exposed to rainfall that will discharge excessive rainwater to the sanitary sewer system. Remove this requirement to require new or remodeled pools, spas, and fountains to be connected to the sanitary sewer from the MRP, or qualify the requirement to only apply if permitted by the POTW. Alameda also argues that the Water Board must seek approval from EBMUD prior to mandating this treatment method in the City of Alameda. BACWA argues that diversion of discharges from new or remodeled swimming pools, spas, and fountains to the sanitary sewer should apply only if permitted by the POTW.</p>	<p>Comment is noted. The TO encourages discharges from swimming pools, hot tubs, spas, and fountains to landscape away from water ways. We believe connection to sanitary sewer will guarantee treatment reducing potential impacts associated with non-stormwater discharges from swimming pools, spas, hot tubs, and fountains if directly discharged to storm drains or water ways without pretreatment. We strongly encourage local POTW authorities to accept these types of non-stormwater discharges to their systems, especially for new and rebuilt ones where the connection could be achieved with marginal effort. In any case, we realize that the authorities have the power to define the pre-discharge requirements and final approval.</p>	<p>See the revised TO language above in this regard.</p>

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				In addition, BACWA wants assurances that there are controls on swimming pool diversions.		
Contra Costa Clean Water Program	122	C.15.b.v(1)(c)	Redline/strike out	<p><i>“(c) Permittees shall require that new or remodeled swimming pools, hot tubs, spas and fountains requiring permits have access to a sanitary sewer cleanout, if feasible.”</i></p> <p>Rationale: ...Remodeling work is typically superficial (e.g., replastering, light replacement, or new equipment filtering equipment) and would not justify the significant expense of plumbing a “connection” to the sanitary sewer.</p>	Comment is acceptable, and the TO is revised by replacing the word “remodeled” with <i>“rebuilt”</i> to clarify that the requirement applies to major replacement or rebuilt of an existing swimming pool, spa, hot tub, or fountain.	For the major revised TO language for this sub-provision is given above.
James RogerAtIII	88	C.13.b.ii & C.15.b.v.(1)(c)	Pools/hot tubs	Provision C.13.b.ii. and C.15.b.v.(1)(c) – Pool, Hot Tubs, Spas and Fountain Discharges-The direct discharge to storm drain systems from these sources should be prohibited, but should not mandate connection to a sanitary sewer; The provision should allow discharge and irrigation of landscaping particularly for the smaller volume discharges.	Comment is noted. The TO allows these type of discharges to storm drain collection systems only if the discharge will not pose environmental impacts and no other feasible disposal areas, such as landscape or sanitary sewer systems.	Provision C.15.b.v(1)(c) of the TO is revised to read: “Permittees shall require that new or <i>rebuilt</i> swimming pools, hot tubs, spas, and fountains within their jurisdiction <i>have a connection</i> to the sanitary sewer <i>to facilitate draining events</i> . <i>Permittees shall coordinate with local sanitary sewer agencies to determine the standards and requirements to enable the installation of a sanitary sewer discharge location to allow draining events for pools, spas, and fountains to occur with the proper permits from the local sanitary sewer agency.”</i>
San Jose Att A	97	C.15.b.v(1)(a) & C.15.b.v(1)(b)	Overlapping with C.13.b	This section should be reviewed for consistency with C.13.b. One requires the prohibition of discharges from pools, spas, and fountains and the other allows it under certain conditions. The conditions should be reviewed for consistency.	Comment is noted. Provision C.13.b has been revised along with to C.15.b.v(1)(c) above.	See revised C.15.b.v(1)(c) language above.
San Jose Att A	98	C.15.b.v(1)(c)	Concern	As drafted, this provision is problematic because it does not acknowledge that many hot tubs, spas and fountains are portable and may be put in place without permits.	Permittees are asked to implement the provision requirements where they have jurisdictional authority and make a concerted effort to find violators.	

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File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
San Jose Att A	99	C.15.b.v(1)(c)	Editorial	The City requests deleting the word "connected" and replacing it with the phrase "have a connection" to avoid inconsistencies with the Uniform Plumbing Code.	Comment is noted and edited TO accordingly.	
San Jose Att A	100	C.15.b.v(1)(e)	Editorial	The City requests replacing the word "improve" with "implement."	Permittees already have established public outreach and education programs; however, they need to improve those existing programs as new requirements evolve.	No change is recommended to the TO in response to this comment.
San Jose Att A	101	C.15.b.v(2)	Editorial	The City requests that the phrase "to the storm sewer system" be added after "fountain water" for clarification.	Comment is acceptable.	Provision C.15.b.v(2) is revised to read: "Dischargers/Permittees shall <u>keep record of the</u> authorized major discharges of dechlorinated pool, spa, and fountain water <u>to the storm sewer system</u> , including BMPs employed; <u>such records shall be available for inspection</u> to the Water Board.
San Jose Att A	102	C.15.b.v(2)	Modify TO	The City recommends that the threshold for reporting be reconsidered, as 5,000 gallons may be too small. Additionally, the language should be amended to clarify that reporting is related only to discharges to the storm sewer system.	The volume specification is removed from the revised TO.	
C.15.b.vi – Irrigation Water, Landscape Irrigation, Lawn or Garden Watering						
Contra Costa County Supervisors	86	C.15.b.vi.e	Irrigation runoff	The County may not have the legal authority to conduct "enforcement response" to large-volume irrigation runoff. This should not be regulated by the County, as it should be a function of the State Agricultural Permit.	The Permittees should be able to stop any unauthorized discharges from irrigation sites if the runoff reaches their storm drain inlets. Permittees can contact the Water Board for assistance if they face with uncooperative dischargers.	
C.15.b.viii – Permit Authorization for Exempted Non-Stormwater Discharges						

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Provision C.15. – Exempted and Conditional Exempted Discharges**

File	Comment No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Contra Costa County Supervisors	87	C.15.b.viii (1&2)	Clarification	Clarify the meaning of these provisions. If provision C.15.viii(1) implies that the preceding sections of provision C.15 only apply to agencies, activities and facilities that are owned, conducted and operated by the permittees, and provision C.15.viii(2) indicates that non-permittee dischargers would be regulated by the Regional Water Quality Control Board under a separate NPDES permit, then the County does not object to the provisions noted as unacceptable.	Provision C.15 identifies the exempted and conditionally exempted non-stormwater discharges that are allowed to be discharged without obtaining a separate NPDES permit provided the discharge is in compliance with the conditions of the Order. Provision C.15.b.viii (2) specifically implies that other dischargers are also allowed to discharge these types of non-stormwater discharges if they comply with the requirements of the Order; however, the Water Board will issue a separate NPDES permit for other non-stormwater discharges categories.	

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GCRCD-Att	2	A.	Discharge Prohibitions	Supports clarity, breadth (all surface waters and areas, such as riparian areas, creek banks and floodplains, where the pollution would eventually be transported to surface waters), and range of pollutants prohibited.	Comment noted.	
ACCWP – GrimmG	92	A.2. C.1.	Discharge Prohibitions	Allowed non-stormwater discharges & the control measures are so detailed that they may as well all be prohibited.	The control measures bmps have been reduced and described more flexibly in the Revised Tentative Order (RTO)	
GCRCD-Att	3a	B.	Receiving Water Limitation	Supports clarity with which this limitation applies (including non-stormwater discharges, such as trash, waste, junk, temperature, erosive flows)	Comment noted.	
GCRCD-Att	3b	B.1.	Receiving Water Limitation	There are two Section B.1's under the B heading and it is believed that the 2nd paragraph should be identified as B.2.	Agreed.	Fix format error, changing second "B.1" to B.2
Contra Costa Flood Control	7	C.1.	Authority	District channels receive storm water from city & county areas, but the District doesn't have authority to control storm water quality within those areas.	This is true of Permittees with upstream contributing Permittee neighbors. Permittees are responsible for their jurisdiction only.	
JamesRogerAttII	2	C.1.	Discharge Prohibitions	Add new provision & renumber C.1 to address Discharge Prohibitions Exceedances; or reword C.1 to include both Water Quality Standards & Discharge Prohibition Exceedances. Currently there is no provision for addressing violations of Discharge Prohibitions A.1. & A.2.	C.1 has been revised to address this issue.	
GCRCD-Att	4	C.1.	Water Quality Standards Exceedances	Because "maximum extent practicable" is ill-defined, the requirement should be: prevent & reduce pollutants in stormwater and non-stormwater discharges, surface waters and areas where it can be transported in to these waters, as per Section A prohibitions. As written, this clause provides carte	We disagree. MEP is fairly well defined, and Provision C.1 has been revised to adequately relate to Discharge Prohibitions A.1 and A.2 and Receiving Water Limitations B.1 and B.2.	

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				blanche to avoid full compliance with Sections A and B. Thus Section C conflicts with Sections A & B.		
GCRC-D-Att	5	C.1.	Water Quality Standards Exceedances	Because "BMPs" are not defined, require responsible officials to enforce the many existing antipollution laws & hold them accountable, per the provisions in existing laws, ref. Attachment I	BMPs are well defined for most of the major aspects of this Order. The control of some of the impairing pollutants such as Trash, PCBs and Hg will require the development of new BMPs. Provision C.4, C.5 and C.6 do require enforcement of local anti-pollution laws.	
GCRC-D-Att	6	C.1.	Water Quality Standards Exceedances	Paragraphs a-d will not assure compliance with A.1, A.2, B.1 and B.2., instead they indicate that if Section A & B prohibitions & limitations are not met, control measures and reporting frequency may be modified. It's not clear stricter measures would be imposed. Weaker requirements are unacceptable.	C.1 requires stricter measures if standards are not met in the receiving waters.	
JamesRogerAttII	3	C.1.a.	Discharge Prohibitions	"Promptly notify" or submittal of noncompliance reports in annual reports doesn't provide a sense of urgency in addressing permit violations. The same level of notification required of industries and POTWs should be required of the permittees.	Promptly notify has been revised to be 30 days in the Revised Tentative Order (RTO).	
CC Co. Supervisors	5	General	Alternative Approach	We want to meet water quality goals with the most cost effective expenditure. Give us water quality goals & allow us to work with you to develop the most effective implementation measures.	The RTO does include more flexibility after goals are defined. C.10 provision has been revised in this manner.	
CC Co. Supervisors	13	General	Alternative Approach	Add over-riding language allowing Permittees to propose alternative methods of meeting the intent of any particular provision, as long as	Such an approval of alternate means would require amendment of the permit. Flexibility has been	

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				Board staff approves the alternative means of compliance.	enhanced where possible, while specifying the minimum performance and accountability.	
SCVURPPP	2b	General	Alternative Approach	Focus instead on: • consistent implementation of current performance standards (as provided in BASMAA 9/22/06 document & incorporated by reference) • Phased implementation of measures consistent with currently adopted pesticide, mercury, and PCB TMDLs; • Focused, cost-effective efforts to address trash in or likely to be conveyed by stormwater into our waterways, with assessment work & data analysis informing the nature and location of actions & with structural control measures being tied into receipt of State funding such as bond moneys; • Limited, cost-effective monitoring linked to relevant management questions.	We have endeavored to address these key suggestions. Monitoring cannot be so limited that the key management questions are not addressed.	
CC Co. Supervisors	18	General	Attainability	Meet with Permittees to understand how some provisions may conflict with public safety standards & how to allow cost effective implementation.	We have done so.	
Daly City	4	General	Attainability	Provide exceptions for unattainable requirement (such as the ability to install full capture trash devices on bluffs).	We cannot pre-exempt from the permit requirements. If economic circumstances pose too great a challenge to meeting the permit requirements in some aspect in the future, we can re-open the permit at that time.	
CCCFCD– ConnaughtonG	44	General	Authority	Some requirements are based on a service area, defined as the area of authority of the flood control district, which in our case is the entire Contra Costa Co. But our facilities	We agree.	

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				don't serve that entire area. 80% of the watersheds are tributary to facilities we operate, so any requirements based on our service area should reflect what we actually do service rather than our political boundary.		
Contra Costa Flood Control	6	General	Authority	Many provisions don't specifically reference "Non-population-based Permittees" & applicability to Flood Control Districts is not clear. The FC District is not a general purpose government entity & has severely constrained revenue sources, established for maintaining single purpose storm water conveyance facilities. The FC District has no permanent resident population & no land use authority.	We agree that the non-population based permittees are different in character. Most requirements are written for City or County type Permittees. We will consider adding language to make it clear that the permit allows for this difference.	
Daly City	2	General	Authority	Cities should not be responsible for personal behaviors (littering) or for distributing legal products (plastic bags, Styrofoam; pesticides etc.).	The RTO requires implementation of BMPs to address the Trash and pesticide issues.	
BASMAA	1	General	BASMAA draft permit	We suggested Performance Standards & Provisions of what all 77 Bay Area municipalities could afford to do to address priority water quality issues. We request they be reevaluated.	We have worked to prioritize and make the requirements of reasonable cost.	
Concord	15	General	BASMAA draft permit	Reconsider the BASMAA draft permit. We spent several weeks rewriting the entire permit and hammering out our differences.	We have incorporated some of your suggested language.	
Contra Costa Council	4	General	BASMAA draft permit	It doesn't appear that BASMAA's suggestions have been adequately considered or incorporated into MRP.	We have adequately considered all of BASMAA's suggestions.	
Mayor of Daly City – Hearing – Royer, C.	2	General	BASMAA draft permit	Direct staff to go back to the permit BASMAA drafted in 2006 and start again.	Comment noted.	
CC Engineer. Advisory Comm.	1 & 3	General	Beyond expertise	Permittees required to conduct studies that go beyond core mission,	We disagree. The requirements of the Order	

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				experience & expertise of their municipal.	are directly related to the abilities of the Permittees and their responsibility under the Water Code.	
CC Engineer. Advisory Comm., Contra Costa County Supervisors	4 15	General	Beyond expertise	Permittees essentially required to develop TMDLs through work plans, schedules, loading estimates & sources. Regional Board should do this work.	This work is indeed shared between the Permittees and Water Board staff.	
Assoc. Governments of San Mateo County–Hearing–Napier, R.	4	General	Board representatives	Until all parties who will be impacted have a representative on the Regional Board, determination of the permit should be delayed.	All parties have participated.	
Legislator–Hearing–HoustonG, Newark	3 14	General	Board representatives	Board doesn't have a county or business representative. Slow down the process so that those people are here to be part of the process.	No directly involved Board Member could vote due to conflict rules. Business representative is present.	
CC Co. Supervisors	2	General	Cost	We estimate the cost to be \$75 million over 5 yrs; our current revenue source generates about \$3 million/yr. The State is facing a \$14 billion budget shortfall. County shortfall is projected to be \$60 million. Given our limited ability to generate funding, the high cost of MRP will result in a drastic reduction of services.	We agree that significant new resources will be required for this permit cycle.	
Clatyon, Hoffmeister, L	1	General	Cost	The biggest cost increases are for commercial inspection, street sweeping, and drain & inlet special trash. Even in a stepped up or phased in approach, there's real cost considerations there.	We agree.	
Concord	2	General	Cost	MRP would cost an additional \$700,000/yr in municipal maintenance alone. We can't accomplish all new requirements given limited resources; stormwater revenues are capped.	Municipal Maintenance requirements have been significantly revised to reduce costs to Permittees related to street sweeping and storm drain inlet cleaning.	
ContraCostaCnty –	21	General	Cost	There will be a quantum leap in	Noted. We can not verify	

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LierlyR				increased cost for an unincorporated county. We estimate our budget will go up over 400%.	the accuracy of your cost estimate.	
Daly City	1	General	Cost	Costs are significant. Staff's preliminary cost analysis indicates City's program will be upwards of \$3.6 million for labor and approximately \$8.2 million for capital during the 5-yr permit cycle.	Noted. We can not verify the accuracy of your cost estimate.	
Danville	1	General	Cost	MRP will double costs for Danville, from \$425,000 to \$840,000/yr.	Noted. We can not verify the accuracy of your cost estimate.	
Danville	15	General	Cost	Additional 5 Yr Costs: C.10 \$1,250,000 C.8 \$250,000 C.2 \$150,000 C.3 \$100,000 C.4 \$50,000 C.5 \$250,000 C.7 \$25,000 Total: \$2,075,000	Noted. We can not verify the accuracy of your cost estimate.	
Dublin	15	General	Cost	Dublin spends about \$172,000 /yr for staff time, materials, & contribution to ACCWP. This doesn't include street sweeping, storm drain inlet cleaning, trash removal from City parks, or costs associated with review of land development which are reimbursed by developers. New / enhanced actions in MRP will increase annual cost to \$925,000, an annual increase of \$753,000 or 430%. Again, this cost does not include likely proportionate cost increases in maintenance and development review. Modifying the permit to address the nine items discussed above would reduce Dublin's increased annual costs by \$364,000-\$444,000, without significantly reducing the effectiveness of water quality	Provision C.2 in the RTC has been significantly revised to reduce costs associated with street sweeping and storm drain inlet cleaning. We can not verify the accuracy of your cost estimate.	

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				programs provided by the City.		
Martinez	4	General	Cost	We believe over the next five year the increased cost to be \$1,346,000.	Noted. We can not verify the accuracy of your cost estimate.	
Menlo Park	1	General	Cost	Menlo Park is small: or estimated cost is \$1.5 million dollars for 1st three years.	Noted.	
Milpitas	5	General	Cost	Fact Sheet Pg 6: The cited household cost of \$9.08-12.50 is out dated & inappropriate in Bay Area. When applied to Milpitas' 18,000 dwellings, it yields an annual cost of \$163,440 - 225,000, the full cost of one city employee. Our program costs are substantially higher, & we expect MRP cost increases of 30%. We also pay permit fees to RWQCB of \$16,000 and program fees to SCVURPPP of \$100,000/yr.	Noted. We can not verify the accuracy of your cost estimates.	
San Jose	3	General	Cost	Estimated 5-yr cost exceeds \$35M, excluding costs for treatment controls on trails & during road rehabilitation; capital costs of rehabilitation of bridge crossings & culverts in rural areas; and the unpredictable cost of additional studies or activities that may be triggered by monitoring results. 1st-yr cost alone is \$7,328,000. This exceeds available & projected funding.	Include in response that monitoring studies are not unpredictable because the number of studies is capped.	
San Jose – TovarM	60	General	Cost	We estimated the 5-yr cost: an additional \$35 million. Not accounting for some big capital costs like road rehab, or trail impacts, that alone is another \$60 million.	Noted. We can not verify the accuracy of your cost estimate.	
San Pablo	33a	General	Cost	MRP will increase costs approximately 63% (from ~\$400,000/yr to ~\$650,000). Stormwater assessments don't generate enough revenue; the City	Noted. We can not verify the accuracy of your cost estimate.	

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				will be out of compliance.		
AlamedaCo Newark	2 2	General	Cost Benefit	There are several requirements that will prove costly while providing only minimal water quality benefits. Several others deny Alameda County the flexibility we need to apply the most effective measures on our limited stormwater budget.	Noted. Flexibility has been added to provisions of the Revised T.O. (RTO).	
CentralSan – PotterT	24	General	Cost Benefit	We also want to make sure customers are paying for projects that have a good benefit for protecting water quality.	Noted. We agree.	
Dublin Mayor Berkeley Mayor Union City Mngr San Leandro Mayor AlCo Mayors Conf	3 2 2 2 2	General	Cost Benefit	Conduct value-engineering review for opportunities to consolidate or modify tasks to meet goals at a lower cost.	We have attempted to make these types of improvements in the RTO.	
Dublin Dublin – LanderM	1 51	General	Cost Benefit	Many requirements result in questionable or marginal improvements to water quality, & may detract from local agencies' ability to carry out clean water programs due to demands on funding, staff, and other resources.	The Tentative Order and the RTO include actions necessary to effectively reduce pollutants in stormwater runoff to the MEP.	
Fremont Mayor	2	General	Cost Benefit	Expanded requirements and lack of prioritization will result in diverting municipal resources to tasks that provide only a minimal benefit to water quality.	We disagree. The tasks in the RTO are those that will have significant water quality impact.	
Palo Alto	3	General	Cost Benefit	Some requirements have questionable benefits (e.g. testing potable water discharges, inspecting fixed bases of mobile cleaners), as do reporting of minutia.	Both the potable water discharge requirements and the mobile source approach in the RTO have been revised.	
Pleasanton	2	General	Cost Benefit	We have doubts about the actual water quality benefits over and above those urban water quality measures, programs and requirements that we are currently imposing	Noted. The actions required in the RTO are all well based with sufficient rationale.	
San Jose	2	General	Cost Benefit	These are costly and offer questionable water quality benefit:	All of the noted items have been revised in the RTO	

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				Treatment controls on trails and during road rehabilitation; storm drain inlet cleaning in dry season only; inspecting mobile businesses in field; inspecting industrial facilities directly regulated by Water Board; duplicative control measures for trash; monitoring & benchmarks for planned & unplanned potable water discharges; excessive data management & reporting.	with the exception of the requirement to inspect industrial facilities that are also regulated by the State. This requirement has been in the Municipal Stormwater regulations since the early 1990's.	
San Jose Attorney	1a	General	Cost Benefit	Object to costly requirements that lack sufficient evidence of water quality benefit	The RTO requirements are MEP actions. Evidence of benefit can take various forms, but direct monitoring data is very expensive to acquire, and may out cost the actions themselves in some cases.	
San Ramon	2	General	Cost Benefit	The TO proposes to expand existing requirements, adopt additional requirements, and mandate capital purchases. However, these requirements have not been analyzed to determine the level of water quality benefits, if any.	Substantial basis exists for improvements over existing requirements in the RTO over the current permit for San Ramon which was written in 1999, ten years ago.	
SCVURPPP	11b	General	Cost Benefit	Tentative Order includes many requirements that represent a significant expenditure of public resources that are not available at the local level, and that, with a few notable exceptions involving pollutants of concern (which still need to be fine tuned to avoid wasting resources), are unlikely to produce a significant return in terms of increased water quality benefits.	We disagree with this statement, and find that there is substantial basis for the requirements included in the RTO.	
Sunnyvale	1	General	Cost Benefit	Linkages between new & expanded requirements and expected improvements to water quality are not identified. New or expanded	We disagree with this statement, and find that there is substantial basis for the requirements included	

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				requirements need to be practical, understandable, and address the implementation of efforts that will benefit water quality.	in the RTO.	
Oakley Oakley – KennedyF Moraga San Pablo	3 14 3 6	General	Definitions	References to organizations are not clear throughout, as the meaning of terms appears to change. Some seem to be regional, others countywide program, & others the Permittee. The use of “collaboratively”, “regionally”, “Permittees collaboratively”, etc. seems to vary. It’s difficult to understand the number of sites/activities to be mobilized & if the count is by region, Program, or Permittee.	We have reviewed the RTO to clarify each Permittee’s responsibility. In all cases, each Permittee is ultimately responsible for compliance; in many cases (e.g., public outreach, monitoring) Permittees have the option of complying as a group at the Program or Regional level.	
CC Co. Supervisors Danville	17 16	General	Extension	Delay implementation until both State & County are able to absorb MRP’s new costs.	This permit reissuance is already quite late for many of the Permittees that have not had a permit reissuance in ten years. Further delay is not desirable or possible.	
Contra Costa Council	1	General	Extension	Delay adoption; direct staff to work with agencies to reach consensus on a permit that will be improve water quality but still be flexible, affordable & cost effective.	The RTO is flexible, affordable and cost effective. This permit reissuance is already quite late for many of the Permittees that have not had a permit reissuance in ten years. Further delay is not desirable or possible.	
Contra Costa Council – BestL	9	General	Extension	Delay adoption, work with affected local agencies, develop a permit that will benefit water quality but be workable & cost effective.	The RTO is flexible, affordable and cost effective. This permit reissuance is already quite late for many of the Permittees that have not had a permit reissuance in ten years. Further delay is not desirable or possible.	
Fremont Mayor	5	General	Extension	Extend the public comment period	This permit reissuance is	

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Dublin Mayor Berkeley Mayor Union City Mngr San Leandro Mayor AICo Mayors Conf EastBayEDACovPage	1 1 1 1 1 1			for six months in order to address local agency concerns	already quite late for many of the Permittees that have not had a permit reissuance in ten years. Further delay is not desirable or possible.	
JamesRogerAttIII	1b	General	Fact Sheet	Include a Goal of the Permit to implement the CCMP on page 1 of Fact Sheet.	CCMP implementation is discussed in the RTO findings.	
JamesRogerAttIII	1c	General	Fact Sheet	In Fact Sheet, include a section listing each of the CCMP Actions listed in Provision 12. and a reference to the Permit provisions that implement the Action.	CCMP implementation is discussed in the RTO findings.	
Milpitas	6	General	Fact Sheet	Fact Sheet Pg 6: The Huntington Beach closure impact to tourism example is not applicable to Bay Area. Milpitas is not a beach town & doesn't derive tourism dollars from beaches or surface streams.	Many Permittees do derive benefit from Rec2 uses of State Waters in this Region.	
Milpitas	9	General	Fact Sheet	Pg 12: What is definition of "regional entity?"	Special Districts with State Charter, such as EBMUD not named in the MRP.	
Milpitas	8	General	Fact Sheet	Fact Sheet Pg 12: The statement that under the CWA, RWQCB can't delegate its own authority to enforce General Permits demonstrates that enforcement of General Permits is the State's responsibility, not cities'. The State has a duty to protect municipalities' storm drain systems from discharges from sites that the RWQCB is regulating, or should be regulating, by General Permits.	We agree, however, the Permittees can help in this effort by alerting us to situations we are not aware of, and can make the initial contact with the discharger, and may have overlapping authority through their ordinances. Such legal authority is required by the MRP.	
ACCWP-Att2	1	General	Findings	Finding 12: CCMP isn't a regulatory document & shouldn't be used to justify adopting permit requirements.	The CCMP recommended actions are stated as such, recommendations.	
Giberson	1	General	Findings	In Finding 12, revise Action LU-1.1: "Local land-use jurisdictions' General Plans should must incorporate watershed wetlands and stream environments and must to	The CCMP actions are derived from that adopted document, and can not be edited.	

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				reduce pollutants in runoff." OR, less protectively: "Local land-use jurisdictions' General Plans should must incorporate watershed wetlands and stream environments to and reduce pollutants in runoff." This eliminates confusing language in ACTION LU-1.1 and cures the apparent conflict with ACTION LU-2.7 (new in 2007).		
JamesRogerAttIII	1	General	Findings	Finding 7, page 2 – Vallejo Sanitary District should be Vallejo Sanitation and Flood Control District	Noted. This edit will be made.	
JamesRogerAttIII	1a	General	Findings	Finding 12, page should also include the CCMP Actions – 1.3, 1.4, 2.1 through 2.6.1, 3.2, 4.2, 4.3, 5.1 and 5.3.	We judge that those CCMP Actions are not appropriate for this permit.	
JamesRogerAttIII	1d	General	Findings	Finding 14, page 5 – This finding appears to have been copied from an existing permit and is not all inclusive. Reword to reflect that storm water runoff discharges to creeks which in turn flow to all the sub basins of San Francisco Bay, wetlands adjacent to the Bay and to the Pacific Ocean	The finding is appropriate as written.	
JamesRogerAttIII	1e	General	Findings	Finding 15, pg 5: Reword second line to read "interval between, depth, intensity and duration of hydrologic events." Improve the finding by listing each pollutant of concern and examples of the dominant sources. Heavy metals could include sources such as motor vehicle wear, legacy pollutants and aerial deposition.	The finding has been edited to include the first suggestion and the phrase "including, but not limited to" has been added to the list of pollutants.	
JamesRogerAttIII	1f	General	Findings	Finding 17, pg 5, line 4: Should require modification of a report if it is inadequate or incomplete rather than modifying a permittee's report.	This edit has been made.	
CentralSan – PotterT	23	General	First Flush Project	If one agency says connect with sanitary sewer, & the sanitary sewer agency says, no, we should avoid	We have revised such requirements in line with this comment. Approval of	

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				that.	the Sanitary agency is specified in the revisions.	
Antioch Mayor – Hearing – Freitas, D	2	General	Funding	We need more time, collaboration, engagement. It will take the environmental community, with the municipalities, with you, and the State Board to find a dedicated source of revenue for us to implement new requirements.	We agree that securing adequate resources, especially under current conditions, is a major challenge.	
Assoc. Governments of San Mateo County– Hearing–Napier, R.	2	General	Funding	We need citizen buy in & voters to approve a state, regional, or countywide bond measure that will allow for these types of costs to be covered.	We agree that securing adequate resources, especially under current conditions, is a major challenge.	
Assoc. Governments of San Mateo County– Hearing–Napier, R.	3	General	Funding	Use Supplemental Environmental Projects to cover costs.	This source of funds may be available for some projects meeting the particular specific needs of those Supplemental Environmental Projects and related enforcement actions.	
Assoc. Governments of San Mateo County– Hearing–Napier, R.	5	General	Funding	Providing funding has been the highest priority of my Board for four years. We sponsored legislation SCA 13 making it easier to raise funds on Proposition 218; due to partisan politics, we couldn't get it out of Sacramento. Currently, SCA 12 is hung up by partisan politics.	We agree that securing adequate resources, especially under current conditions, is a major challenge.	
Assoc. Governments of San Mateo County– Hearing–Napier, R.	6	General	Funding	We adopted a motor vehicle fee to address motor vehicles' impact on stormwater. It was a pilot program for 4 years. Reauthorization was vetoed. For every success story of finding funds, there's probably ten failures like that. Ask staff to work with us to balance what's reasonable.	We agree that securing adequate resources, especially under current conditions, is a major challenge. We believe the requirements included are reasonable.	
Belmont – BorrmannK	95	General	Funding	Tie implementation of the more costly measures to approval of funding.	Requirements can not be contingent on funding availability.	

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Brisbane	1	General	Funding	We are very small and facing severe budget shortfalls. Opportunities for increased funding are limited.	We agree that securing adequate resources, especially under current conditions, is a major challenge.	
CC Clean Water Program Danville	16 1	General	Funding	A 2/3 vote is needed to generate additional funds; this is unlikely. The other revenue source is a municipality's General Fund, which finances most municipal services. Public Safety takes the lion's share of these funds: must choose between funding police officers or MRP. We recommend a collaborative effort to determine how to generate revenue to implement all MRP provisions. Neglecting this approach would have the effect of immediately finding all Stormwater Programs in non-compliance. All existing funding is insufficient to implement the MRP provisions.	We agree that securing adequate resources, especially under current conditions, is a major challenge.	
CC Co. Supervisors	1	General	Funding	Review MRP requirements in the context of the County's responsibilities, such as smart growth, affordable housing, protecting health & safety.	We believe that these requirements are appropriate in that context.	
CC Co. Supervisors	3 & 16	General	Funding	Do not promulgate costly regulation without providing funds. Regional Board should lead effort to develop the funding sources.	We will assist the Permittees in any way we are able to obtain adequate resources.	
CCCWP – Dalziel, T	1	General	Funding	Stormwater doesn't have federal funding. If we had federal funding, we too could achieve a lot of successes that the sanitation districts have.	Noted.	
Citizen–Hearing–Kolb, L.	1	General	Funding	I suggest a Board subcommittee review over a 60-day period at a policy-level, to get a better grasp on costs and benefits.	Noted.	
City of Concord – Hearing – Khan, Q,	1	General	Funding	Our revenues are capped. Our survey indicates a tax initiative will	We are willing to assist in any way.	

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C.				not pass. Work together on finding funding mechanisms .		
City of Concord – Hearing – Khan, Q, C.	2	General	Funding	Some requirements will decrease the water quality. Example: treating runoff when existing road is reconstructed to gravel base, requiring costly acquisition of right of way, maybe condemnation of some private properties, resulting in less street maintenance, more potholes, degraded streets, longer travel time, more braking time for vehicles, releasing copper, more congestion, more oil consumption, all resulting in more pollution to water.	The road reconstruction treatment requirement has been removed from C.3 and replaced by a requirement to create ten green streets projects.	
Clayton, Hoffmeister, L	3	General	Funding	I don't see anything happening even in today's economic times for the foreseeable future changing in Sacramento. So we need to have some realistic discussions about what can be achieved and when it might be achievable.	We agree that obtaining sufficient resources for stormwater program implementation is a challenge. The requirements in the MRP are reasonable and are fundable under the current economy.	
Colma	13d	General	Funding	Funding sources are limited.	We agree that obtaining sufficient resources for stormwater program implementation is a challenge. The requirements in the MRP are reasonable and are fundable under the current economy.	
Colma Los Gatos San Mateo County Suisun Burlingame Portola Valley Redwood City Menlo Park SouthSF	13a 4 12 6 20 4 2 7 8	General	Funding	Need sufficient time to develop a plan and secure funding to implement permit requirements. Resources are limited as are new sources of funding. Allow more time to implement requirements.	The requirements in the RTO have sufficient implementation periods. We agree that obtaining sufficient resources for stormwater program implementation is a challenge. The requirements in the MRP	

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Pacifica Belmont	11 10				are reasonable and are fundable under the current economy.	
Concord	15a	General	Funding	Reduction of reporting, recordkeeping, inspecting, & monitoring will free up people to do things that have a real impact like creek repair, drainage systems maintenance, public education, & street sweeping.	Reporting has been reduced in the RTO to the minimum necessary to determine compliance.	
Concord Mayor ContraCostaCnty – SwartzD	1 39a	General	Funding	The number of tasks is unmanageable given the City's budget.	The requirements of the MRP are reflective of MEP and can not be significantly reduced.	
Contra Costa Council	2	General	Funding	MRP contains extensive requirements that will impose costs far beyond the ability of local governments to fund.	We agree that obtaining sufficient resources for stormwater program implementation is a challenge. The requirements in the MRP are reasonable and are fundable by Permittees.	
Contra Costa Council – BestL	7	General	Funding	Requirements will impose costs beyond local governments' ability to fund. Local budgets are strained to breaking point. Real estate downturn requires communities to consider cutting essential services as property & sales tax revenues fall. Municipal budgets will be challenged as the state budget impacts the local level.	We agree that obtaining sufficient resources for stormwater program implementation is a challenge. The requirements in the MRP are reasonable and are fundable by Permittees.	
Councilmember of Concord – Hearing – Hoffmeister, L.	4	General	Funding	Maybe Board staff could apply for grants and undertake those studies to see what our baseline and how we've been doing.	The WaterBoard staff conducts SWAMP monitoring, but it is the Permittees' responsibility to monitor under the MRP.	
Cupertino	1	General	Funding	We emphasize strongly that increased costs are beyond our ability to fund at present without sacrificing other programs or getting additional funds from an as yet	We agree that obtaining sufficient resources for stormwater program implementation is a challenge. The	

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				unknown source.	requirements in the MRP are reasonable and are fundable by Permittees.	
Danville	16	General	Funding	Increased costs come without offsetting revenue sources, when local government revenues are declining. Successful implementation of MRP will require working together to identify new sources of funding.	We agree that obtaining sufficient resources for stormwater program implementation is a challenge. The requirements in the MRP are reasonable and are fundable by Permittees.	
EastBayEDACovPage	4	General	Funding	Local governments will be faced with many financial challenges in coming years for existing programs so it is most important that these new requirements be cost-effective.	We agree that obtaining sufficient resources for stormwater program implementation is a challenge. The requirements in the MRP are reasonable and are fundable by Permittees.	
Fremont Mayor	1	General	Funding	The document does not consider the fiscal impact to local governments or the realities of municipal budgets.	We agree that obtaining sufficient resources for stormwater program implementation is a challenge. The requirements in the MRP are reasonable and are fundable by Permittees.	
JamesRogerAttl	5	General	Funding	Defer, reduce scope, and establish levels of implementation commensurate with available funding until more funding is obtained. Do not defer trash control, hot spot cleanup of TMDL pollutants, or BMP operation and maintenance programs. Fund these by reducing less effective programs like street sweeping and public education.	The actions required by the MRP are the most effective use of limited resources available to Permittees for these endeavors. Some additional resources may need to be obtained by some Permittees.	
Mayor of Martinez– Hearing–Schroder, R.	1	General	Funding	Although our revenues are capped, the regulations and costs continue to increase.	Revenues are not permanently capped. Though difficult to accomplish, it is possible for	

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					Permittees to increase revenue.	
Mayor of Menlo Park – Hearing – Fergusson, K.	1	General	Funding	We need a funding plan. With voter approval of funds, we can implement new steps, but we will need time.	We agree. The new actions in the MRP come with implementation schedules.	
Mayor of San Ramon – Hearing – Wilson, A	2	General	Funding	We need to band together and find a funding source. We cannot support this unfunded mandate.	We agree that new revenue may be necessary.	
Millbrae	3	General	Funding	Millbrae established its Stormwater Enterprise Fund in 1996 & collects \$230,000 annually to fund NPDES activities. Now the Millbrae General Fund is subsidizing the Stormwater Enterprise Fund. The subsidy can't be sustained without impacting public safety or without a new revenue source.	We agree that new revenue may be necessary.	
Milpitas	1	General	Funding	Consider if changes can be made to improve the financial efficiency without sacrificing your long-term objectives & desired outcomes	This effort has already occurred in the creation of the RTO.	
Milpitas, Phalen, K	1	General	Funding	The funding constraints are real: Our department is supposed to have 125 staff, but 33 positions are vacant. One in four are not filled & can't be filled because we don't have the funding. So to cope with this, we've had to get very efficient and prioritize our work. Many of us are covering a couple jobs. We've had to look at things we can postpone that are not critical.	We understand. Comment noted.	
Pacifica	5	General	Funding	We request Water Board initiate funding to subsidize the cost of implementation. Proposition 218 limits municipalities' abilities to raise fees that currently fund most of Pacifica's program. Additional funding is mandatory to comply with the permit.	We agree that new revenue may be necessary. The WaterBoard is attempting to assist some MRP efforts through grant funding.	
Pleasanton	1	General	Funding	These additional & more aggressive	Comment noted.	

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				requirements will become a substantial and costly burden for the City to implement.		
Private Citizen – GibersonM	13	General	Funding	We've heard that funding the Permit may result in police & firefighter cuts. Perhaps that's not always the case. One example: Saratoga spent \$2,500,000 building the gateway wall; this might better have been spent on implementing water quality priorities through staff hiring & so on.	Comment noted.	
San Ramon	3	General	Funding	Funding mechanisms are not identified for new requirements. Local jurisdiction's ability to create new revenue streams are limited by Proposition 218 & are difficult to obtain. Proposition 218 balloting is expensive, further drawing on already scarce resources that could be used to improve water quality. Unless new sources of funding are identified by the RWQCB, the new requirements will place an undue financial burden on the City. Preliminary projections indicate that San Ramon will run a budget deficit starting in FY 09/10 if the new requirements are implemented.	Comment noted. We agree that new revenue may be necessary. The WaterBoard is attempting to assist some MRP efforts through grant funding.	
Santa Clara	1b	General	Funding	We lack operating revenue or capital reserves to fund many requirements in the draft permit & would face Proposition 218 requirements to secure funding. Given the uncertainties of voter funding, State or Federal funding will be needed to comply with many provisions.	Comment noted. We agree that new revenue may be necessary. The WaterBoard is attempting to assist some MRP efforts through grant funding.	
Santa Clara County	32	General	Funding	We have a limited budget for the Stormwater Program. There are significant restrictions to increasing funding. Numerous sections don't have a timeline and will be very	Any new work in the MRP has an implementation schedule.	

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				costly and time consuming to meet.		
Save the Bay– Hearing – Lewis, D.	1b	General	Funding	Who's paying now? The Bay is paying right now. We all need to be paying for this infrastructure, and adopting this order in order to allow us to do that.	Comment noted.	
SCVURPPP Attorney – Falk, B	3	General	Funding	We're asking for 2 things: One, work with the cities to achieve consensus, and two, for big ticket items, tie them to funding and not tie them to the prospect of getting a grant, but trigger the requirement on the getting of the grant.	Requirements in the MRP can not be tied to funding availability. We have been and continue to work with the Permittees, but consensus is not always possible.	
Sunnyvale	5	General	Funding	Phase requirements to reflect revenue & funding constraints. Time is needed to develop a financial plan, educate property owners & voters on the need for additional funding, and then to secure voter approval of any bonds or fees. Adjust compliance dates to acknowledge the need to secure & accrue funding for significant new permit requirements.	Compliance dates already allow time for development of new revenue where necessary.	
SMCWPPP	3b	General	Funding - POCs	Cities don't cause or control mercury & PCBs releases. Water Board should make grant funds available for these projects.	Permittees may control mercury and PCB sources in some cases. The WaterBoard does not control grant funds.	
Pleasanton	5	General	Funding & Costs	Additional monitoring, reporting & inspection efforts are estimated to require an additional 1,000 hours yearly over current budget. The cost for additional employee hours, as with the trash reduction measures, is not currently funded & would require a Proposition 218 public approval process.	We agree that new revenue may be necessary. The WaterBoard is attempting to assist some MRP efforts through grant funding.	
JamesRogerAttIII	9a	General	Glossary	Emerging Pollutants: Add to (1) after "beneficial uses" " cause or contribute to a public nuisance"	Comment noted.	
JamesRogerAttIII	9b	General	Glossary	Equivalent Funds & Equivalent	The statement does not just	

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				Offsite Treatment: Add "directly connected" just prior to impervious surface.	apply to directly connected impervious surface.	
JamesRogerAttIII	9c	General	Glossary	Infiltration Device: Define "fine grain soil" by Soil Classification Group or PSD.	We believe fine grain soil is adequately descriptive.	
JamesRogerAttIII	9d	General	Glossary	Monitoring Project: First item should be "Determine compliance with water quality standards and provide the basis for implementation of C.1 Provision.	That task is implicit in the monitoring in C.8.	
JamesRogerAttIII	9e	General	Glossary	Pervious Pavement: "Infiltrate" should be changed to "Percolate" to be consistent with the definitions of each.	Comment noted.	
Oakley	109	General	Glossary	Under Infiltration Device, the definition says it has 2 feet of fine grained soils. Contra Costa designs are based on 18 inches minimum. Is this a directed change or is it merely figurative?	This is the stated requirement, and applies to soil beneath, not within the treatment structure.	
Contra Costa Council – BestL	8a	General	Impact	You are drafting a permit, but you're really establishing policy, which will have a broad impact on communities.	Comment noted. The MRP contains permit requirements.	
Danville	2	General	Implementation Dates	Allow additional time to implement Provisions like water quality monitoring, new development, data gathering & reporting -- in order to ascertain the effectiveness of current requirements prior to imposing added requirements. E.g., new developments in Danville subject to 2003 C.3 requirements is only now being constructed, yet MRP contains further changes.	The proposed changes in the RTO are warranted, and no additional time is necessary.	
Oakley	2	General	Implementation Dates	Items to be evaluated for implementation in one provision are already mandated in another provision with an earlier implementation date; this should be coordinated. Examples: • High	Street sweeping and parking restrictions are no longer explicitly required. Diversion of stormwater to POTWs is coordinated in the MRP.	

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				efficiency sweepers; • Parking restrictions;• Diversion of dry weather and first flush flows.		
San Pablo	6	General	Implementation Dates	Please consider that though regional collaboration has its benefits, coordinating projects with entire Bay Area is time consuming, so some deadlines should be extended.	Aspects involving Region-wide collaboration have additional time allotted.	
Citizen–Hearing–James, R., JamesRogerAttl	3, 1	General	Include all of Bay Area	Take time and include North Bay Counties, schools, colleges, universities. At least add findings Caltrans' role.	These are Phase II entities currently, and so are not included in this Permit.	
Brisbane	2	General	Increased Requirements	Most provisions increase the requirements, significantly increasing compliance efforts needed.	While there are new requirements, most provisions are set at current levels of implementation.	
Milpitas	2	General	Increased Requirements	The number and density of provisions, subprovisions, & implementation tasks sets up a situation where our staff will be in constant risk of failure and our City at risk of violation.	Some requirements of the MRP in the RTO have been simplified or dropped.	
San Pablo	33	General	Increased Requirements	Though we agree more should be done about trash, mercury, & PCBs, we question the Water Board's proposal to change & add to the existing permit requirements which we have been implementing effectively for 15 yrs.	Comment noted.	
San Francisco BayKeeper–Hearing–Choksi, S.	3	General	Municipal Action Levels	Please establish municipal action levels and require end-of-pipe monitoring to make sure these levels are met. This is feasible; it is recommended by a State Board Panel on stormwater; and these action levels have been implemented in Southern California permits.	Given the hundreds of outfalls from the 76 Permittees, “end of pipe” monitoring would be impractically expensive using current technology. There is significant monitoring included in the MRP, and the implementation actions are required with the judgement that action levels are currently exceeded, that is	

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					the standing assumption.	
BASMAA–Hearing–Brosseau	1	General	Phased approach	We need a permit that's cost effective and based on real prioritization of objectives	The actions of the MRP are prioritized and are of reasonable cost.	
Brisbane	5	General	Phased approach	New requirements must be phased over multiple permit terms and linked to funding. For example, if an attempt to get funding through a Proposition 218 election is rejected, municipalities should not be considered in noncompliance.	It is not acceptable to make MEP permit requirements dependant on successful funding procurement.	
Concord	4	General	Phased approach	It is important to phase in new requirements over the 5-yr term & into next permit.	New requirements are phased in.	
Cupertino	5	General	Phased approach	Phase in certain revisions over a longer period; subject others to additional review; because we'll incur significant costs in terms of increased agency staffing and outlays for construction and maintenance of public roadways.	New requirements are phased in.	
Emeryville, Schultz Allen, P	1	General	Phased approach	Request time to evaluate the cost impacts. During this time, direct Board staff to quantify the additional staffing costs for plan revisions and annual reporting, training, inspection. The Conference of Mayor's was requesting six months; that's the timeline that our council was also asking for.	There has been far more than six months since this comment was made.	
FSSD	1	General	Phased approach	Lists 5 ordinances & 12 other deliverables for 1st two years. Need time to phase these in, particularly with limited resources.	Five ordinances are not required in the current RTO.	
FSSD/FairfieldSuisunU RP – CullenK	73	General	Phased approach	MRP is front-end loaded. Within 1st 2yrs, about 11 different requirements start, making it extremely onerous to comply.	Most new requirements are phased in.	
Milpitas	4	General	Phased approach	Given that State law severely constrains the ability of cities to impose taxes or fees for stormwater quality protection, scale back &	The requirements of the MRP have been reduced as much as possible, and the requirements are phased.	

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				prioritize the implementation schedule.		
Mountain View	18b	General	Phased approach	Requirements with a July 1, 2008 deadline will not be feasible as budgets for that time are already established.	Timing for the RTO is quite different now (8-09).	
Pacifica	4	General	Phased approach	Revise timelines for infrastructure changes, document creation, management changes, municipal maintenance changes, & inspection & reporting changes to allow for State' funding to be available; for planning & permitting to occur at a realistic pace; & for staff support to be available. Consider existing staff workloads. Implement new provisions over three to four permit cycles.	The phase-in time frames in the RTO are reasonable.	
San Jose	33	General	Phased approach	Phase implementation of requirements to allow time to establish funding, personnel, & contracts needed to implement requirements.	The phase-in time frames in the RTO are reasonable.	
San Jose	33a	General	Phased approach	Use time periods, such as 12 months after permit adoption, in lieu of specific dates, to avoid reducing compliance timelines if there are delays in permit adoption	Noted. Timelines are changed to reflect delays in adoption.	
SCVURPPP	2a	General	Phased approach	T.O. adds new requirements in almost every section of the permit, without establishing the need or setting priorities and/or phasing-in over several permit cycles.	The permit is prioritized and phased. The requirements reflect MEP.	
SMCWPPP	3	General	Phased approach	Extend dates five years or longer to secure revenue. Extend further if voters don't support fees/ taxes.	It is not acceptable to make MEP permit requirements dependant on successful funding procurement. The phase-in time frames in the RTO are reasonable.	
Sunnyvale	4	General	Phased approach	Timelines for implementation are very short; provide adequate time for implementation. This is	The phase-in time frames in the RTO are reasonable.	

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				especially true where city ordinance changes will be required.		
Walnut Creek	2a	General	Phased approach	Phase implementation over several years.	The phase-in time frames in the RTO are reasonable.	
Citizen– Hearing – James, R.	1a	General	Prescriptive	The permit is actually too subjective: there's about 140 qualifiers (adequate, appropriate, properly, where possible). Strike all of those out. It won't affect the permit, but will avoid later arguments.	We disagree. While we have removed some qualifiers, others are necessary for accurate permit language.	
City of Oakland– Hearing–Estes, L.	2	General	Prescriptive	We want access to our whole toolbox, really crucial. E.g., we have an excess litter fee. If we use that money for structural trash control, we can't hire kids, which we do now to clean up around schools, liquor stores & other places. We need to use our entire toolbox. Don't limit us.	The RTO includes more flexibility for trash control.	
City of Pittsburg – Hearing – Fuller, J.	1	General	Prescriptive	It is a one size fits all for everyone. Need flexibility to tailor for uniqueness of watersheds & storm drain systems, different demographics & terrain, and everything else that's unique from one city to another.	The MRP RTO allows flexibility and the requirements are scaled for different size Permittees.	
City of Pittsburg – Hearing – Fuller, J.	3	General	Prescriptive	Re-look at how this MRP is written to come up with something that actually works.	Noted. The RTO includes significant changes.	
Colma	1	General	Prescriptive	Overly prescriptive, including the reporting requirements.	The RTO is more flexible.	
Concord	8	General	Prescriptive	Minutia like type of street sweeper to buy, inspection of kennels & drapery cleaners, inspection frequency of construction sites, number of press releases needed, city interdepartmental relations -- there is way more detail than should be in a permit.	The RTO is more flexible. The RTO includes significant changes.	
ContraCostaCnty – SwartzD	39	General	Prescriptive	The highly prescriptive, one-size-fits-all approach is not appropriate across the board.	The MRP RTO allows flexibility and the requirements are scaled for different size Permittees.	

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Danville –Hearing– Calabrigo, J.	1	General	Prescriptive	I agree with previous speakers who said we're looking for accountability and some additional flexibility. We wish to continue the dialogue with Board staff.	The MRP RTO allows flexibility and the requirements are scaled for different size Permittees.	
Dublin Mayor	2	General	Prescriptive	The permit is overly-prescriptive and includes tasks which provide nominal or questionable benefit to water quality.	The MRP RTO allows flexibility and the requirements are scaled for different size Permittees. The requirements are tied to MEP.	
Fremont – Cote, K	2	General	Prescriptive	We're concerned with the lack of flexibility in C.3 enhanced requirements. We see opportunities to deal with trash in a little more flexible way: Implementing enhanced trash management & then incorporating trash capture devices in the same area duplicates resources & is ineffective. Permittees should be able to divide resources between trash capture & enhanced trash management.	The MRP RTO allows flexibility. The trash requirements include new flexibility and eliminate the overlap you describe.	
Fremont Mayor	3	General	Prescriptive	Tentative Order does not provide local agencies any flexibility to cost-effectively meet stormwater quality goals.	The MRP RTO allows flexibility and the requirements are of reasonable cost.	
Livermore– GreenwoodD	104	General	Prescriptive	The permit is overly specific. It's inflexible & lacks prioritization.	The requirements are prioritized. The RTO includes additional flexibility.	
Livermore– GreenwoodD	106	General	Prescriptive	The time that we have to be innovative to create the new controls of the future will go away & we will focus all our time on meeting the little check boxes, filling out the databases, and the report forms.	Reporting has been reduced in the RTO.	
Oakland	1	General	Prescriptive	Set standards & let Permittees determine most effective means by which to achieve them. This will give cities that are meeting standards the flexibility needed to continue to	The MRP RTO allows more flexibility with sufficient accountability.	

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				innovate & succeed. At the same time, the Board will be able to dedicate its resources toward enforcement in municipalities that do not meet the standards.		
Pacifica	2	General	Prescriptive	Adaptive management is more reasonable. Pacifica has unique infrastructure & topography, which don't allow for implementation of proposed provisions.	The MRP RTO allows more flexibility.	
Palo Alto	1	General	Prescriptive	We object to the overly detailed & prescriptive requirements throughout.	The MRP RTO allows more flexibility.	
Palo Alto – BobelP	5	General	Prescriptive	Give the opportunity to have an 'or equivalent' in Permit. Let us come up with a plan that might be different than the Permit.	The MRP RTO allows more flexibility with sufficient accountability.	
Redwood City	1	General	Prescriptive	Overly prescriptive. Some requirements will actually hinder effective measures already in place, and nullify years of progress toward reducing pollution in our storm drain system and the Bay.	The MRP RTO allows more flexibility with sufficient accountability.	
Redwood City Mayor – Hearing – Foust	1	General	Prescriptive	Questions the years of work resulting in prescriptive, costly provisions.	The MRP RTO allows flexibility and the requirements are of reasonable cost.	
San Francisco BayKeeper– Hearing–Choksi, S.	2	General	Prescriptive	With no numeric effluent limits, your staff's only choice under the Clean Water Act is to be prescriptive and have multiple requirements. Permittees can't have it both ways. They have to choose either lots of requirements or a few numeric limits. And in either case, the end result has to be quantifiable improvements in water quality.	The MRP RTO allows more flexibility with sufficient accountability.	
San Jose	2b, 31	General	Prescriptive	Too prescriptive, doesn't provide flexibility to implement pragmatically, efficiently, or to redirect resources.	The MRP RTO allows more flexibility with sufficient accountability.	
San Jose Attorney	1	General	Prescriptive	Object to prescriptive requirements, which do not allow for flexibility to	The MRP RTO allows more flexibility with sufficient	

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				focus local resources on local water quality concerns	accountability.	
San Pablo	2 & 3	General	Prescriptive	MRP's prescriptive nature will not allow for innovation which is critical for balancing multiple requirements with limited budgets. It doesn't consider differences between municipalities.	The MRP RTO allows more flexibility with sufficient accountability.	
SanMateoCounty – CaseyD	89	General	Prescriptive	It's too prescriptive; permittees need flexibility to make our own decisions on where to stress our interest.	The MRP RTO allows more flexibility with sufficient accountability.	
Santa Clara	1a	General	Prescriptive	In previous stormwater permits, jurisdictions implemented stormwater pollution prevention measures to the “maximum extent practicable”. Intertwined in this standard is reasonableness, both in effectiveness and fiscal ability. Contrary to this, the draft permit is prescriptive & fiscally unachievable in many provisions.	The MRP RTO allows flexibility and the requirements are of reasonable cost.	
SCVURPPP	1	General	Prescriptive	No justification is provided to support jettisoning our effective locally-driven approach to award-winning stormwater management practices or their replacement with top-down, inflexible prescriptions that do not reflect experience with program implementation.	The MRP RTO allows more flexibility with sufficient accountability.	
SCVURPPP	2d	General	Prescriptive	Much of MRP is unnecessary, disjointed & unprioritized, forcing municipalities to reinvent their existing programs at great expense & without predictable benefit. MRP imposes prescriptive, inflexible approach that's a radical departure from past Region 2 permits & those issued by U.S. EPA.	The MRP RTO allows more flexibility with sufficient accountability. The requirements are prioritized.	
SCVURPPP – Olivieri, A	4	General	Prescriptive	Instead of endorsing prescriptive top-down approaches, continue to provide flexibility for municipalities to use their knowledge to identify and	The MRP RTO allows flexibility and the requirements are of reasonable cost.	

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				implement cost effective means of implementing these programs.		
Sunnyvale	3	General	Prescriptive	The Tentative Order is highly prescriptive.	The MRP RTO allows more flexibility with sufficient accountability.	
ACCWP–ScanlonJ	97	General	Prioritize	This is a very large permit.	Noted.	
Antioch Mayor – Hearing – Freitas, D	1	General	Prioritize	Integration is lacking.	The RTO is integrated.	
BASMAA–Hearing–Brosseau	2	General	Prioritize	Direct staff to work with us on the difficult work of prioritizing and phasing the actions .	The MRP RTO is prioritized and phased.	
CC Engineer. Advisory Comm., Contra Costa County Supervisors	2 12 & 14	General	Prioritize	There are many new requirements; most are manageable, but accumulative effort becomes unreasonable. Eliminate lower priorities.	The overall requirements in the RTO are manageable and reasonable.	
Concord	1, 3, 5	General	Prioritize	What is the most important part of permit? What are we hoping to accomplish? Lay out the relative priority of each requirement. Reducing pollutants of concern should be our primary focus.	The RTO is prioritized and represents MEP.	
Concord Mayor	2	General	Prioritize	Prioritize the new studies, plans, & reports.	The RTO is prioritized and represents MEP.	
Daly City	3	General	Prioritize	The level of effort required in MRP is overly ambitious and limits the permittees ability to be successful.	The RTO is prioritized and represents MEP. The overall requirements in the RTO are manageable and reasonable. The MRP RTO allows more flexibility with sufficient accountability.	
Legislator–Hearing–Houston, G	1	General	Prioritize	Because we don't have money, we have to scale back and make priorities.	The RTO is prioritized and represents MEP.	
Mountain View	18	General	Prioritize	Prioritize goals & phase in requirements over long-term to allow for success. This is critical as municipalities seek ways to fund a wide range of important services.	The MRP RTO is prioritized and phased.	
Newark	15	General	Prioritize	MRP should be prioritized & phased in order to achieve maximum water quality benefit with the resources	The MRP RTO is prioritized and phased.	

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				available.		
Palo Alto	2	General	Prioritize	Not reasonable to have new requirements in most sections, without prioritizing or allowing phase-in over several permit cycles, especially in light of limited municipal resources.	The MRP RTO is prioritized and phased.	
Palo Alto	4	General	Prioritize	Suggested priorities: stream-lined reporting; TMDL implem-entation; cost effective trash control & monitoring; compli-ance with current performance standards.	These along with changes to C.3 are the priority aspects of the RTO.	
Palo Alto – BobelP	2	General	Prioritize	There's too much in these 150 pages of permit & 150 pages of reporting. There's too much that's not important to ask our ratepayers for an increase. You water down the few important things in here, & trash is one of them. We need to work on trash problem. But you include all this other crud & you've left us with a situation that is hard to go back to our voters with a straight face.	The RTO requirements have been streamlined and made more flexible. Reporting has been reduced. Trash cleanup is a priority.	
San Jose	1	General	Prioritize	The aggregate effect would place considerable strain on City resources and are too extensive to accomplish within five-year term.	The RTO is prioritized and represents MEP. The overall requirements in the RTO are manageable and reasonable.	
San Jose – Tovar M	64	General	Prioritize	Permit needs to be more focused & to address priorities.	The RTO is prioritized and represents MEP.	
San Ramon	1	General	Prioritize	Although many of the tasks are manageable, the lack of prioritization creates a situation where all tasks are equally weighted therefore creating a difficult situation to manage given the limited resources and funding.	The RTO is prioritized and represents MEP. The overall requirements in the RTO are manageable and reasonable.	
SCVURPPP – Olivieri, A	1	General	Prioritize	Much of what you've heard here today asks you to pick out the highest priorities among the mass currently assembled & phase in those requirements it can	The RTO is prioritized and represents MEP. The overall requirements in the RTO are manageable and reasonable. The	

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				reasonably expect municipalities to address over the next permit's terms, & which should instead be reserved for future permit.	requirements are phased in.	
SCVURPPP – Olivieri, A	2	General	Prioritize	For example, if you want to enhance existing efforts on trash, or to address TMDL implementation plans for mercury and PCBs, you need to retain the current permit exclusion from numeric C.3 stormwater treatment requirements covering environmentally beneficial and safety enhancing features like sidewalks, bicycle lanes, trails, bridge accessories, guard rails and landscape features.	The RTO reduces or excludes requirements on trails and bicycle lanes. Bridge accessories, guard rails and landscape features are excluded from C.3.	
SCVURPPP – Olivieri, A	3	General	Prioritize	Continue to allow existing roads to be repaired without triggering expensive requirements to retrofit stormwater treatment systems, and not scuttle the current pragmatic approach of using BMPs for minor types of non-stormwater discharges including resident's foundation drains, crawl space pumps, discharges to (inaudible) potable water supplies with unnecessary requirements and expensive testing and reporting, and refine the overly burdensome reporting and recording requirements contained in the 124-page plus 57 table proposed streamlined annual reporting format.	Road reconstruction has been excluded from C.3 coverage in the RTO. C.15 has been changed in the ways you suggest to a great extent, and reporting has been reduced.	
SCVURPPP – Olivieri, A	5	General	Prioritize	The highest priorities are addressing trash, addressing adopted TMDLs for mercury and PCBs, and a focused monitoring program. Programs cannot concurrently make changes on C.3 requirements, HMP non-stormwater discharge, construction and industrial inspection programs.	We disagree, and contend that the changes to C.3 to include LID requirements is necessary to meet MEP. The changes to Construction and Industrial inspection reflect MEP also.	

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Sunnyvale	2	General	Prioritize	New or expanded requirements aren't prioritized, despite previous requests by Sunnyvale and other co-permittees to do so.	The RTO is prioritized and represents MEP.	
Walnut Creek	2	General	Prioritize	Prioritize the various provisions based on a cost-benefit analysis.	The RTO is prioritized and represents MEP. Cost benefit is not the appropriate standard under the stormwater regulations, rather reasonable cost and MEP.	
ACCWP – GrimmG ACCWP–ScanlonJ	93 102	General	Process	Direct your staff or a subcommittee of the Board to get together with these guys & resolve the issues before coming back to the Board for the next hearing.	We have worked extensively with all stakeholders.	
ACCWP–ScanlonJ	101	General	Process	The reporting form is new. I don't think we've had time to work with staff on these issues.	The Annual reporting form has been deferred for future work with the permittees.	
Cupertino	1b	General	Process	The fundamental goals are laudable & worthy of support. Some revisions may not fulfill their intended purpose, & need additional discussion.	Many issues of this type have been addressed in the RTO.	
Dublin Mayor Berkeley Mayor Union City Mngr San Leandro Mayor AICo Mayors Conf Oakley – KennedyF Pleasanton – WilsonR	4 3 3 3 3 16 56	General	Process	Dublin's submitted 3 comment letters. Over 50 letters had been submitted to the Board by local government agencies; the concerns are generally that the permit's prescriptive & not cost effective. We understand that these concerns remain unaddressed.	We have worked extensively in the RTO to increase flexibility while retaining accountability and attaining MEP.	
Fremont – Cote, K Fremont Mayor	1 4	General	Process	Several MRP items require municipalities to use resources inefficiently. We tried to address through the comment periods by suggesting language changes, but feel many of our comments have not been incorporated. Urge you to consider some of these recommendations and actually incorporate those into the permit	We have attempted to address many issues that received specific language change suggestions. We have worked extensively in the RTO to increase flexibility while retaining accountability and attaining MEP.	

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				language.		
Fremont Mayor Dublin Mayor Berkeley Mayor Union City Mngr San Leandro Mayor AlCo Mayors Conf EastBayEDACovPage Belmont – BorrmanK	6 5 5 4 4 4 1b 96	General	Process	Direct staff to begin a dialogue with Permittees to change permit language to reflect prioritized objectives and requirements that are cost effective, provide clear water quality benefit and are fundable at the local level.	The RTO is prioritized. We have worked extensively in the RTO to increase flexibility while retaining accountability and attaining MEP. The MRP RTO allows flexibility and the requirements are of reasonable cost.	
Home Builder's Association of Northern California – Foley-Gannon, E	1	General	Process	When the original workgroups were formed, they included permittees and Board staff members. Then membership expanded to environmental communities, but regulated communities had not been asked to participate. Home Builder's Association has experience to contribute, particularly related to the C.3 program.	We have now included the Northern California Homebuilders in stakeholder discussions related to the RTO development.	
Home Builder's Association of Northern California – Foley-Gannon, E	2, 3	General	Process	With the amount of comments, written documentation & testimony over the last four years, we have not had a formal response from staff. We've seen things change from one draft to the next and sometimes it seems like they accepted that or agreed with that. We'd like a formal response.	A formal response to all comments is included in the Board consideration package.	
Livermore– GreenwoodD	107	General	Process	I urge you to direct staff to meet with us again, although we've met many times, so this time do something different.	We have worked extensively with the key stakeholders on the RTO to increase flexibility while retaining accountability and attaining MEP.	
Palo Alto – BobelP	3	General	Process	Create a high-level group to work on policy issues - trash, street sweeping, and the other stuff you've heard. Set up another mechanism to deal with smaller issues like mobile food service.	We have worked extensively with the key stakeholders on the RTO to increase flexibility while retaining accountability and attaining MEP.	
Pleasanton – WilsonR	55, 58	General	Process	Allow us to further discuss making it	We have continued to work	

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				more effective, in honest dialogue with you.	with stakeholders on the RTO	
San Francisco BayKeeper–Hearing–Choksi, S.	1	General	Process	Now that we have a draft with specifics to discuss, the forum for discussion is limited.	We have continued to work with stakeholders on the RTO on a broad range of topics.	
SanMateoCountywideProgram – FabryM	84-86	General	Process	We'd like more active involvement from the Board. The process kind of fell apart when many people in this room are so diametrically opposed, the permittees & environmental groups, and we're bringing it to the Board now. The Board should have been involved earlier.	We have continued to work with stakeholders on the RTO. We have now created a Third RTO after to Board workshops and comment rounds.	
Walnut Creek	1	General	Process	T.O. is more clearly written, but provisions are substantially unchanged from the 10/13/06 draft. MRP fails to incorporate or address previous City or BASMAA comments.	The RTO contains significant revisions.	
JamesRogerAttIII	1g	General	Receiving Water Limitation	Receiving Water Limitations, pg 1 (new pg 6): Second B.1. should be B.2. Recommend a footnote explaining the difference between water quality standard and water quality objectives.	Noted. We will rely on background information to clarify that distinction rather than a footnote.	
Dublin	6	General	Record Keeping	Added record keeping & reporting covers almost every activity; new annual report form is significantly longer; taking staff time from activities that result in actual water quality improvements. Added cost is estimated at \$13,000 /yr.	Annual report form will be developed with Permittees in one year in RTO. Reporting has been streamlined.	
Legislator–Hearing–Houston, G	4	General	Record Keeping	Tracking brochures, staff training, cars parked during sweeping - these aren't productive.	Reporting has been streamlined in RTO.	
Newark	13	General	Record Keeping	“Streamlined” reporting increases annual reports from 30 to over 100 pages, plus attachments. The level of detail is onerous & includes six new databases, taking staff from activities that benefit water quality.	Annual report form will be developed with Permittees in one year in RTO. Reporting has been streamlined.	

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				This may turn stormwater programs into data gathering & reporting exercise rather than an effort to solve water quality issues; and due to lack of Water Board staff resources, these reports may not be thoroughly reviewed.		
Oakley	1	General	Record Keeping	Record keeping will greatly increase. It is unclear how diverting resources to collect data, which should be collected by the Board itself, & creating an enormous amount of records contributes to improving water quality.	Reporting has been streamlined in RTO.	
Oakley	8	General	Record Keeping	The Permit variously refers to templates in Attachment L but we are left to conclude that these are "examples" after page L-110. We also conclude that where ever Attachment L, Section III mentions "Table" it's referring to those examples.	Annual report form will be developed with Permittees in one year in RTO. Reporting has been streamlined in RTO.	
Oakley	9, 112	General	Record Keeping	When an Attachment is required, what is the required format of the information?	Annual report form will be developed with Permittees in one year in RTO.	
Oakley	10	General	Record Keeping	Attachment L, Section III appears to be a complete list of material to be submitted electronically or attached to Annual Report form. However, a number of reporting requirements are left off of Section III & it's not clear why.	Annual report form will be developed with Permittees in one year in RTO.	
Oakley	11	General	Record Keeping	It is unclear what constitutes a full report as some sections say "use the forms (L) and others don't, while some sections say "in addition to answering the following questions attach..." Can the Board clarify?	Annual report form will be developed with Permittees in one year in RTO.	
Oakley	12, 110, 111	General	Record Keeping	Attachment L talks about material to be attached & material to be submitted electronically. In some areas the following Summary Table	Annual report form will be developed with Permittees in one year in RTO.	

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				seems to be the items that fulfills the "attached" requirement and in others not.		
Oakley	13	General	Record Keeping	Generally, the layout and intent of Attach.L is confusing. In some places, Section IV seems to be the "attached" information referred to in Section III. In other places it seems that all material to be submitted as referred to in Section III are a set of documents separate from Section IV entirely. Please clarify the standing of the "attachments", "tables", the "electronic submittals" and the "Summary Table".	Annual report form will be developed with Permittees in one year in RTO.	
Oakley Oakley – KennedyF Concord – RoubalJ	7 15 35	General	Record Keeping	There seem to be 12 new databases & 3 "SWAMP comparables" required. Board staff should prepare templates for these databases to ensure complete & uniform information submittal.	Annual report form will be developed with Permittees in one year in RTO. Reporting has been streamlined in RTO.	
Pleasanton	3	General	Record Keeping	Many of the additional recordkeeping requirements in the Tentative Order may detract from current programs.	Annual report form will be developed with Permittees in one year in RTO. Reporting has been streamlined in RTO.	
AlamedaCo Newark	1 1	General	Reporting	Allow agencies to focus on tasks that will produce actual water quality benefits; don't divert resources to unproductive tasks such as excessive data gathering & reporting.	Annual report form will be developed with Permittees in one year in RTO. Reporting has been streamlined in RTO.	
Brisbane	6	General	Reporting	Make reporting requirements more consistent with that for developing sanitary sewer mngt plans, where entities maintain records for review, but simply certify compliance online. SMCWPPP submits a five-volume annual report now. It's unclear how the proposed dramatic increase in reporting will improve water quality, especially since your own resource	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	

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				limitations prevent staff from providing feedback on reports you receive.		
CC Clean Water Program LTR	15	General	Reporting	Tracking, documentation, & reporting requirements are individually innocuous, but cumulatively impossible. Reporting is not "streamlined" with a 110-pg report template.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
CC Co. Supervisors	9	General	Reporting	The "tabular annual report" will increase reporting & documentation; is overly-prescriptive format; will require wholesale record-keeping changes; & will add costs that are unlikely to improve water quality in any way.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Clatyon, Hoffmeister, L	3	General	Reporting	Board staff has provided or attempted to provide some flexibility about data reporting or databases. The City of Clayton does not have electronic databases or a GIS system.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Colma FSSD San Mateo County Suisun Burlingame Portola Valley Menlo Park SouthSF Millbrae Pacifica	8a 11a 11a 2a 19a 2a 6a 4a 1a 9a	General	Reporting	Report Form is prescriptive, would require significant staff resources. In many instances is inconsistent with the Tentative Order reporting provisions and requires more information than what is required to be reported for a specific provision.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Colma FSSD San Mateo County Suisun Burlingame Portola Valley Menlo Park SouthSF Millbrae Pacifica	8b 11b 2b 19b 2b 6b 4b 1b 9b	General	Reporting	Create a 10-20 page form after the permit is adopted.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	

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Concord	14	General	Reporting	Extra reporting is burdensome & diverts resources: quarterly street sweeping audits; reporting on street repair staff training, street flushing, and trash cleanup & anti-littering enforcement; a database of construction site inspections; more. We spend over 400 labor hours & \$30,000 preparing the annual report.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Concord – RoubalJ	33, 34	General	Reporting	The annual report is a major burden. In 7 yrs, its size increased over 100%. It takes 512 hrs of my time to prepare & costs \$28,692. It doesn't reduce pollution one iota.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Daly City	118a	General	Reporting	We appreciate the thought put into streamlining the reporting process, but Attachment L is overly cumbersome and redundant.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Daly City	118b	General	Reporting	Work with permittees to balance necessary data collection with reasonable reporting requirements.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Danville	10	General	Reporting	Reduce extensive reporting requirements, & devote available staff resources toward program implementation.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
FSSD	11b	General	Reporting	The Program now submits a single report for all co-permittees. Individual reporting in T.O. is less efficient, could hurt collaborative spirit.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
FSSD	11c	General	Reporting	Delete Attachment L and create new form with BASMAA during 1st year.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
FSSD/FairfieldSuisunU RP – CullenK	74	General	Reporting	There's a 109-page spreadsheet to fill out annually, & it's not a program report now, but is filled out by each	Reporting has been streamlined in RTO. Annual report form will be	

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				co-permittee. This reduces the collaborative effort [within] the program. A single annual report from the program is a better approach.	developed with Permittees in one year in RTO.	
Livermore–GreenwoodD	105	General	Reporting	Data collection requirements are excessive, and would be a step backwards. It's going to force programs to move from an effective program to a compliant program.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Mayor of Menlo Park – Hearing – Fergusson, K.	2	General	Reporting	Focus on your goals, what you want to achieve, and we're happy to report on that, but there's no excuse for 100-page form.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Milpitas	3	General	Reporting	Attachment L is 124 pages and will be twice that size when completed. Annual reports from 77 agencies could be 20,000 pages in total. How will you effectively assimilate and evaluate all this information?	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Milpitas, Phalen, K	2, 3	General	Reporting	For example: the reporting form is 164 pages and complicated. When I saw it, I realized you had the impression we had clerical staff to work on it. In fact, I have to type it myself and I struggle with columns, tables, margins; it's hard for me. The complexity doesn't add anything to information. It could be streamlined by being a simple Word document. I don't think it needs to be 164 pages.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Monte Sereno	7	General	Reporting	Eliminate or postpone some reporting & database management requirements, especially as cities cannot increase funding.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Moraga	7	General	Reporting	There seems to be 12 new databases & 3 "SWAMP comparables" required. Board staff should prepare the templates for these databases to ensure complete	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	

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				& uniform information submittal from Co-Permittees.		
Moraga	8	General	Reporting	MRP variously refers to templates in Attachment L but we are left to conclude that these are “examples” after page L-110. We also conclude that where ever Att. L, Section III mentions “Table” it’s referring to those examples.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Moraga, San Pablo	1 4	General	Reporting	Reporting goes well beyond what is now required. It is unclear how diverting resources from implementation of BMP’s contributes to improving water quality.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Mountain View	16	General	Reporting	Revise Annual Report forms to include only summary information (not narratives on each inspection). Make Attachment L consistent with reporting sections in Permit.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Oakland	12	General	Reporting	A goal in developing the MRP was to have streamlined reporting – this has not been accomplished. The “streamlined” reporting has grown from 30 pages to over 100. Reporting requirements are extensive; level of detail is onerous; includes development of 6 new databases. Diverts Permittee staff resources from water quality activities.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Oakley	113	General	Reporting	The Permit and Summary Table talk about the submittals for C.2.b, Sweeping Equipment and Operations, C.2.d Pavement Washing, C.2.e Structure Cleaning & Graffiti Removal & Inlet Marking, but these are not listed in the list of materials to be submitted. What is the disposition of this material to be?	Street Sweeping and pavement washing requirements have been removed from the Municipal Maintenance Provision. Annual report form will be developed with Permittees in one year in RTO. Reporting has been streamlined in RTO.	
Oakley	221	General	Reporting	The linkage between the Permit text, Attachment L and the template is a	Reporting has been streamlined in RTO. Annual	

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				bit oblique. When use of Attachment L forms is stated, what forms are meant, there appears to be options? Is the required database to follow the form of the template or the Summary Table? Is the template optional? The information itemized in the Summary Table and the Template seems to be duplicative. Please clarify the reporting and minimize duplication.	report form will be developed with Permittees in one year in RTO.	
Oakley	144	General	Reporting	The Permit text & Summary Table require reporting for 2011 & 2012 but there is no submittal requirement for 2012. What is required?	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Pacifica	1	General	Reporting	We can't meet reporting requirements due to technological infrastructure constraints, fiscal constraints, and staffing limitations. Requirements, such as the permit & inspection tracking database and the GIS mapping systems, are costly. Also, Board staff has given no indication that existing reporting methods are inadequate.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Palo Alto	13	General	Reporting	New databases are burdensome. Decrease reporting to summary of the least amount of relevant material needed to document compliance.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Pleasanton	5	General	Reporting	The proposed permit requires extensive new monitoring, testing, and significant additional reporting efforts by the City, even though currently required reports are rarely reviewed by the Water Board staff in a timely manner due to its staffing limitations.	Reporting has been streamlined in RTO.	
Pleasanton – WilsonR	54	General	Reporting	You've also heard the issue with reporting requirements. We want to look at that effectiveness.	Reporting has been streamlined in RTO.	

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San Jose	30	General	Reporting	Unclear that increased data collection for construction inspections, amount of impervious surface, inlet cleaning, & facility inspections will result in improved water quality. Reduce reporting.	Reporting has been streamlined in RTO.	
San Jose	32	General	Reporting	Need more time to review report forms; Allow final report form be developed after adopting permit. State that where inconsistencies exist between Permit language & the report form, Permit language prevails.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
San Pablo	5	General	Reporting	The current Annual Report format is not very user-friendly, but the proposed forms are no more useful & will require more effort to complete.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
SanMateoCountywideProgram – FabryM	87	General	Reporting	Board staff can look at our programs. This has been lacking in last 3-4 yrs because all efforts have been focused on developing this permit. Previously Board staff came out regularly & worked with the programs, which was a much better way to evaluate program effectiveness than trying to put it all into a report on the internet.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO. Municipal program audits are valuable for determining compliance, but adequate reporting is also vital for determining compliance.	
SCVURPPP	10a	General	Reporting	T.O. requires development of numerous databases, use of specific reporting formats, & significant additional reporting, all in the context where currently required reports are rarely reviewed in a timely manner. The intended usefulness and practicability of the revisions are not clear and do not consider the significant incremental burden to be placed on municipalities with little, if any, resulting benefit to water quality. The Report Form is 110 pages in	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	

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				length, not including the supplemental reporting tables to summarize business, construction site, and pump station inspections.		
SCVURPPP	10b	General	Reporting	The Report Form is in many instances inconsistent with the Tentative Order reporting provisions & often requires more information than what is required to be reported for a specific provision.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
SCVURPPP ATT A	90	General	Reporting	Remove reporting form and re-develop in coordination with BASMAA during 1st year of the permit. Including the form sends the wrong message that the contents of the permit have already been decided, regardless of comments on the Tentative Order. If the reporting requirements are not reduced from their current form, reporting will waste limited municipal staff resources.	Annual report form will be developed with Permittees in one year in RTO. Reporting has been streamlined in RTO.	
Stanford	1a	General	Reporting	Current annual reporting method have met the Stormwater Program's needs.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Stanford	1b	General	Reporting	The tentative order language and the reporting form language are not completely consistent.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Stanford	1c	General	Reporting	We understand the reporting form in the tentative order is not the entire form, but lacks upwards of 54 reporting pages. The City hasn't seen this detail; all 77 municipalities should have time to review.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Sunnyvale ATT A	35	General	Reporting	Increased data collection, tracking, database development or modification of existing databases, and data summaries are required for	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees	

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				almost every program, needing more staff time. These are costly to implement, & don't have clear linkages to water quality or to a stormwater management objective.	in one year in RTO.	
Sunnyvale ATT A	36	General	Reporting	Remove Attachment L and revise in cooperation with the permittees to provide the information required in the adopted order.	Reporting has been streamlined in RTO. Annual report form will be developed with Permittees in one year in RTO.	
Sunnyvale ATT A	37	General	Reporting	In lieu of annual report, Board staff should participate in individual program assessments & visit a permittee to review in depth. This may only need to be done once a permit cycle, with annual update reports on limited topics of concern being provided post-assessment.	Annual report form will be developed with Permittees in one year in RTO. Reporting has been streamlined in RTO.	
Sunnyvale ATT A	38	General	Reporting	If Attachment L is not removed, remove inconsistencies between what the permit language requires and what the report format requires.	Annual report form will be developed with Permittees in one year in RTO. Reporting has been streamlined in RTO.	
Sunnyvale ATT A	39	General	Reporting	For any inconsistencies, include a statement indicating the permit language prevails over the Annual Report form.	Annual report form will be developed with Permittees in one year in RTO. Reporting has been streamlined in RTO.	
Redwood City Mayor – Hearing – Foust	2	General	Solution for the majority	Wouldn't our time better be spent crafting a solution that perhaps can't fit all, but that can fit the majority of communities & stakeholders.	The RTO contains many flexible adjustments for different types of Permittees.	
Citizen– Hearing – James, R.	2	General	Street Sweeping	Street sweeping is not effective, per early studies. Recent studies show street sweeping not effective in controlling litter or improving water quality, & it actually degrades water quality. Don't let street sweeping cost be part of stormwater budgets. Cities are sweeping for purposes other than water quality.	The street sweeping requirements have been removed from the municipal maintenance provision.	
Pleasanton – WilsonR	57	General	Successes	We've reconstructed creeks; we see	Noted.	

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				trash removed. We go out on save the creeks days & there's less trash than previous yrs. We have effective programs that have improved, & we need to celebrate them.		
SCVURPPP	2c	General	Support	In some ways the draft permit shows improvement over the administrative draft released in May 2007.	Noted.	
U.S. EPA– Hearing – Eberhardt, D.	1	General	Support	We are pleased to see there are so many specific and enforceable provisions within the draft permit.	Noted.	
Save the Bay– Hearing – Lewis, D.	1a	General	Support	Clearly, the Bay Area lacks adequate stormwater treatment that makes a measurable difference in water quality, treatment that reduces pollutants of concern that state and federal laws require you to address, and treatment that protects beneficial uses of the Bay the public is clamoring for. You have a chance to do something about that by strengthening and adopting this order.	Noted.	
Citizen– Hearing – James, R.	3	General	Support for additional requirements	People living near creeks should have extra burdens because the property next to those creeks is so important. The gentleman from Concord that said clean water is not cum-ba-yah. I'm ashamed for him. Creeks need to flood.	Noted.	
CC Co. Supervisors	6	General	Support Regional Collaboration	We are encouraged that this MRP will be administered on a regional basis. We hope to tackle some issues with regional solutions, regulations & legislation.	Noted.	
Legislator–Hearing– Houston, G	2	General	Trash Support	Regarding the photos of trash in waterbodies: I think we should take care of those. We should take care of those first.	Noted.	
U.S. EPA– Hearing – Eberhardt, D.	3	General	Unfunded mandate	Regarding comments on unfunded mandate, the Clean Water Act and its regulation provide for	Noted.	

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				considerable state discretion when writing permit requirements, and we find the requirements in the draft permit do have a basis in federal regulations.		
Livermore–GreenwoodD	103	General	Water Quality Benefit	The requirements don't improve stormwater quality, and they're a waste of my staff's time.	We disagree. The requirements reflect some improvements over existing requirements to reflect MEP. The RTO reflects changes to improve the relevance of the requirements.	
San Jose – TovarM	59	General	Water Quality Benefit	Provisions are intended to improve water quality, but there's often an insufficient link to water quality improvements.	We disagree. The requirements reflect some improvements over existing requirements to reflect MEP. The RTO reflects changes to improve the relevance of the requirements.	
San Pablo	1	General	Water Quality Benefit	The significant increase in effort & resources may not necessarily result in improved water quality.	We disagree. The requirements reflect some improvements over existing requirements to reflect MEP. The RTO reflects changes to improve the relevance of the requirements.	
GCRC-D-Att	1	General	Weak Requirements	T.O.'s requirements are vague & allow requirements to be circumvented or disregarded. It doesn't address all types of non-stormwater discharges or pollution sources. It doesn't address problems caused by current development, especially increasing runoff, erosive forces, severe erosion, & deposition that are degrading waterways now.	We have attempted to draft the RTO so that it is relevant, improved and clearly enforceable. The trash capture requirements will address existing development. There currently is no strong regulatory basis under the Clean Water Act to require correction of past built environment errors in the watersheds.	

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SCVURPPPAAttny SCVURPPPAAttny	1 1	A.2 & C.1	Discharge Prohibitions	Discharge Prohibition A.2 and Provision C.1 of the Tentative Order, as drafted, are contrary to State Board precedential orders that are directly on point, and are against public policy, and represent an abuse of Regional Board discretion.	The Tentative Order has been revised to address the commenter's concern that Provisions A1 and A2 should be subject to the iterative process. As revised it would provide that Discharge Provisions A1 and A2 are subject to the iterative process.
SCVURPPP ATT A	1	A.2 & C.1	Discharge Prohibitions	Because it's not expressly tied to the permit's Provisions, this could expose municipalities to enforcement actions including citizens' suits for certain conditions in receiving waters even where they otherwise are in full compliance with the Permit's specific requirements. It also does not comply with State Board precedent (see Morrison & Forester Legal Comment No.2). Add language paralleling Discharge Prohibition A.1 so as to state "Compliance with this prohibition shall be demonstrated in accordance with Provisions C.1 through C.17 of this Permit."	See response immediately above.
SCVURPPP ATT A	2	A.2 & C.1	Water Quality Standards Exceedances	Provision C.1, paragraph 1, fails to link the Permit's Discharge Prohibitions (in this case both A.1 and A.2) to specific requirements of the Permit, thus creating the same potential liability problem for municipalities & violation of State Board precedent (see Morrison & Foerster Legal Comment No.2). Add references to "Discharge Prohibitions A.1 and A.2" in both places in first paragraph of C.1 where the term "Receiving Waters Limitations B.1 and B.2" appears.	See response to first comment above.
SCVURPPP Attorney – Falk, B (Board Hearing)		A & C.1	Discharge Prohibitions	We commented on the discharge prohibition and how it has to be tied under State Board orders to the Provision C.1 or iterative process provision. We'd like to see some changes in that. It's a fairly minor issue.	See response to first comment above.
Milpitas	7	General	Legal	Fact Sheet Pg 10, Para.4: This case is out dated. The 2001 Apartment Assn of LA Co. v. City of LA was largely reversed by the June 2006 ruling in Bighorn-Desert View Water Agency v. Verj. Cities' imposition of a stormwater fee is subject to Prop. 218 challenge. Under Prop 218, cities can establish fees for SW-related services such as inspection, but to the extent fees exceed the cost of the specific service, the excess is subject to Prop 218 challenge. Thus, inspection fees can't subsidize costs of permit provisions not consisting of inspection.	We agree that imposition of stormwater fees is likely subject to Prop. 218
San Jose Attorney	1b	General	Overly Prescriptive	Overly prescriptive requirements in wastewater discharge permits are prohibited under Water Code §13360.	We disagree that the proposed permit would violate Water Code section 13360, which provides that a water board shall not specify in an order the "design, location, type of construction, or particular manner in which compliance may be had". First, the proposed permit does not specify such matters as design, location, type of construction or particular manner of compliance. Even if the proposed permit were to include such

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					specifications, it would not violate section 13360. The Court of Appeal held in <i>City of Rancho Cucamonga v. Regional Water Quality Control Board, Santa Ana Region</i> (2006) 135 Cal. App. 4th 1377 held that section 13360 is not applicable to issuance of a stormwater permit issued under the federal Clean Water Act. (id., at 1389.)
San Jose Attorney	1c	General	Legal	The overly prescriptive nature of the Tentative Order combined with its broad application to a wide range of public agency permittees, also raises a concern that the Regional Board is in effect, adopting an underground rule, in violation of the Administrative Procedures Act, rather than the "general waste discharge requirements for a category of discharges" that is contemplated by Water Code §13263.	The staff proposes that the Board adopt the Tentative Order as an NPDES permit. The Board's issuance of an NPDES permit is exempt from the rulemaking provisions of the Administrative Procedure Act. (<i>City of Rancho Cucamonga</i> , supra at 1385.)
San Jose Attorney	1d	General	Legal	Permit requirements that are not adequately linked to improvements in water quality violate Water Code §§13241 and 13263.	The permit's requirements are necessary under the federal Clean Water Act and thus the Board's action is not subject to Water Code sections 13241 and 13263 (<i>City of Burbank v. State Water Resources Control Board</i> (2005) 35 Cal. 4th 613.), to the extent that those Water Code sections would require the Board to consider factors that would result in non-compliance with federal law.
SCVWD	1	General	Legal	<p>Several provisions require co-permittees to have authority to regulate various provisions or issue citations. We wish to clarify certain limitations of District authority as it relates to the permit conditions.</p> <ul style="list-style-type: none"> • The District does not have regulatory authority to issue citations. City and County law enforcement entities have sufficient power to issue citations on our behalf for the purposes of this permit. • The legislative authority, the District Act, distinguishes the District from many other municipal agencies in several key areas. The District is not granted: <ul style="list-style-type: none"> i. the jurisdiction for development permitting and construction inspection, ii. the ability to create general plans to guide growth and development, iii. Or police powers. • The District does not maintain ownership or operation of municipal separate storm sewer systems. This distinction should be acknowledged within the Fact Sheet and Rationale sections: <ul style="list-style-type: none"> i. Implementation, page 2; ii. Regulated Parties, page 12; and/or 	Comment Noted. The District, and other non-population based Permittees may not have the ability to issue citations, but need to develop effective legal enforcement capability otherwise.

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				<p>iii. Permit Coverage, page 12.</p> <p>With this in mind, the joint program between the Cities and the District provides the requisite authority for implementation of permit conditions and there is no intent by the District to seek additional authority.</p>	
ACCWP-Attny	3	General	Discharge Prohibitions	<p>Proposed Discharge Prohibition A.2 prohibits the discharge of refuse and other solid wastes into surface waters or to any place where they would eventually be transported to surface waters. Unlike Prohibition A.1, which specifically addresses how compliance is to be achieved by implementation of provisions of the permit (effectively prohibiting discharge of non-stormwater discharges), Prohibition A.2 contains no such reference to an implementation process for compliance. The Tentative Order also neglects to include references to both Prohibitions A.1 and A.2 in the first paragraph of Provision C.1, in both places where Receiving Water Limitations B.1 and B.2 are referenced. Provision C.1 provides a procedure for addressing water quality standard exceedances.</p> <p>These omissions are directly contrary to State Water Resources Control Board ("State Water Board") Order WQ 1999-05, a precedential order requiring that municipal stormwater permits tie discharge prohibitions to the implementation of control measures, by which Permittees' compliance with the permit can be determined. The State Water Board Order specifically requires that Provision C.1 include language that permittees shall comply with discharge prohibitions and receiving water limitations through timely implementation of control measures and other actions to reduce pollutants in the discharges.</p> <p>Recommended Action: We therefore request that reference to discharge prohibitions A.1 and A.2 be added before "receiving water limitations" in the first and third sentences of the first paragraph of Provision C.1.</p> <p>In addition to this revision of Provision C.1, the language of Discharge Prohibition A.2 also needs to be revised. State Water Board Order WQ 2001-15 refines Order 1999-05 by requiring an iterative approach to compliance with water quality standards that involves ongoing assessments and revisions. The proposed language of Prohibition A.2 violates the State Water Board Order by omitting any reference to Provisions C.1 through C.17, which</p>	<p>This comment is similar to those summarized above that were made by SCVURPPP. The Tentative Order has been revised to reference Prohibitions A1 and A2 in C1, thus making both subject to the iterative process.</p>

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				<p>provides the practices by which discharge prohibitions are implemented and evaluated. This State Water Board Order specifically rejects the discharge prohibition approach proposed in the Tentative Order for Prohibition A.2.</p> <p>Recommended Action: Consequently, the following sentence should be added at the end of Prohibition A.2: "Compliance with this prohibition shall be demonstrated in accordance with Provisions C.1 through C.17 of this Permit." This would also clarify what we understand to be staff's intention regarding this issue. These two revisions, to Provision C.1 and Discharge Prohibition A.2, would accomplish compliance with the directives of the two above-mentioned State Water Board Orders. We agree with the comments submitted by Bob Falk on behalf of the Santa Clara Valley Urban Runoff Pollution Prevention Program ("SCVURPPP") on these issues.</p>	
SCVURPPPAtny Comments 2	2	A.2 & C.1	Water Quality Standards Exceedances	Provision C.1 as Currently Drafted Violates State Board Order WQ 1999-05 and Needs to be Revised Accordingly	This comment is similar to those summarized above that were made by SCVURPPP. The Tentative Order has been revised to reference Prohibitions A1 and A2 in C1, thus making both subject to the iterative process.
SCVURPPPAtny Comments 2	2	A.2 & C.1	Water Quality Standards Exceedances	<p>In Discharge Prohibitions A.1 and A.2, the Tentative Order requires that Permittees prohibit the discharge of non-exempted non-stormwater (A.1) and rubbish and other solid wastes in stormwater and non-stormwater (A.2) into storm drain systems and surface waters. However, unlike its approach within Discharge Prohibition A.1, as currently drafted, the Tentative Order does not expressly address how compliance with Discharge Prohibition A.2 is to be effectuated vis-à-vis the implementation Provisions of the permit. The Tentative Order also currently neglects to include references to both Discharge Prohibitions A.1 and A.2 in the first paragraph of Provision C.1, in both places where Receiving Water Limitations B.1 and B.2 are referenced.</p> <p>These omissions place the Tentative Order in direct violation of State Board Order WQ 1999-05,¹ a precedential order requiring that municipal stormwater permits tie discharge prohibitions to the</p>	The Tentative Order has been revised to address the commenter's concern that Provisions A1 and A2 should be subject to the iterative process. As revised it would provide that Discharge Provisions A1 and A2 are subject to the iterative process.

¹ Available at <http://www.swrcb.ca.gov/resdec/wqorders/1999/wqo99-05.html>

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				<p>implementation of control measures, by which Permittees' compliance with the permit can be determined.² With respect to the first paragraph of Provision C.1, the State Board Order specifically requires that municipal stormwater permits include the following language: "The permittees shall comply with <i>Discharge Prohibitions [] and Receiving Water Limitations []</i> through timely implementation of control measures and other actions to reduce pollutants in the discharges..." Order WQ 1999-05, ¶ 3 (emphasis added).</p> <p>Request: We therefore request that the words "Discharge Prohibitions A.1 and A.2 and" be added before "Receiving Water Limitations" in the first and third sentences of the first paragraph of Provision C.1 as shown in italics immediately below:</p> <p>The Permittees shall comply with <i>Discharge Prohibitions A.1 and A.2 and Receiving Waters Limitations B.1 and B.2</i> through the timely implementation of control measures and other actions to reduce pollutants in the discharge of stormwater runoff. The Permittees shall implement control measures and Best Management Practices (BMPs) to reduce pollutants in stormwater discharges to the maximum extent practicable in accordance with the requirements of this Permit, including any modifications. The performance standards specified in Provisions C.2 through C.15 are designed to achieve compliance with <i>Discharge Prohibitions A.1 and A.2 and Receiving Waters Limitations B.1 and B.2</i> through implementing management practices, specifying level of implementation, and requiring timely and complete reporting to enable determination of compliance with the specified performance standards.</p>	
SCVURPPPAtny Comments 2	3	A.2 & C.1	Water Quality Standards Exceedances	<p>State Board Order WQ 2001-15³ refines Order WQ 1999-05 by requiring an iterative approach to compliance with water quality standards that involves assessments and revisions over time. The Tentative Order as drafted violates this State Board Order by omitting from Discharge Prohibition A.2 any reference to Provisions C.1 through C.17, which provide the practices by which discharge prohibitions are implemented and evaluated. The State Board</p>	<p>The Tentative Order has been revised to address the commenter's concern that Provisions A1 and A2 should be subject to the iterative process. As revised it would provide that Discharge Provisions A1 and A2 are subject to the iterative process.</p>

² Precedential decisions and orders provide guidance for later decisions and orders. A Regional Water Board cannot reverse a State Water Board precedent. <http://www.swrcb.ca.gov/resdec/index.html>.

³ Available at http://www.swrcb.ca.gov/resdec/wqorders/2001/wq2001_15.pdf

Response to Comments on December 14, 2007 Tentative Order

General Legal Comments

File	Comment #	Prov. No.	Key Word(s)	Comment	Response
				<p>specifically rejected this very approach to drafting of a discharge prohibition in a municipal stormwater permit in Order WQ 2001-15: "[t]he permit must be clarified so that the reference to the iterative process for achieving compliance applies not only to the receiving water limitation, <i>but also to the discharge prohibitions</i> that require compliance with water quality standards." State Board Order WQ 2001-15, p. 16 (emphasis added).⁴</p> <p>Request: Accordingly, we request the sentence "Compliance with this prohibition shall be demonstrated in accordance with Provisions C.1 through C.17 of this Permit" be added to Discharge Prohibition A.2 as shown in italics immediately below: It shall be prohibited to discharge rubbish, refuse, bark, sawdust, or other solid wastes into surface waters or at any place where they would contact or where they would eventually transported to surface waters, including flood plain areas. <i>Compliance with this prohibition shall be demonstrated in accordance with Provisions C.1 through C.17 of this Permit.</i></p>	
SCVURPPPAAttny Comments 2	4	A.2 & C.1	Water Quality Standards Exceedances	<p>In addition to violating these two precedential State Board Orders, the Tentative Order as drafted are contrary to sound public policy. By failing to fully tie the Discharge Prohibitions to the Provisions of the permit and iterative process, the Tentative Order essentially asks the Municipalities to make continued and significantly increased investments in their stormwater management and monitoring programs while concurrently setting them up for enforcement actions (potentially including citizens' lawsuits in federal court) and penalties <i>even if they fully fund, staff, and comply with every single implementation provision of the permit.</i></p> <p>Bay Area municipalities deserve better than this Catch-22. The Regional Board must avoid this absurd and unfair outcome and instead require that staff tie the permit's Discharge Prohibitions (both A.1 <i>and</i> A.2) and Provision C.1 together as described above, and as required by State Board precedent.</p>	The Tentative Order has been revised to address the commenter's concern that Provisions A1 and A2 should be subject to the iterative process. As revised it would provide that Discharge Provisions A1 and A2 are subject to the iterative process.
ACCWP-Attny	1	General	Fact Sheet Legal Precedent	<p>The Fact Sheet cites the trial court's decision in <i>San Francisco Baykeeper v. Regional Water Quality Control Board</i> as a basis for the permit's detailed monitoring requirements. The <i>Baykeeper</i> case does not serve as a precedent because it is a trial court decision. The Fact Sheet should acknowledge that the <i>Baykeeper</i> case was not precedential.</p>	The Fact Sheet identified the <i>Baykeeper</i> decision as a trial court decision and explained that it decided an issue raised concerned a stormwater permit previously issued by the Board. The Fact Sheet's reference to the case should not be interpreted to mean that the Board interprets the case to be precedential.

⁴ Here, the appropriate reference to the iterative approach is already included in Prohibition A.1, so the deficiency that needs to be addressed is with A.2.

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General Legal Comments

File	Comment #	Prov. No.	Key Word(s)	Comment	Response
ACCWP-Attny	1	General	Legal Precedent	The Fact Sheet should disclose the more recent appellate case, <i>Divers' Environmental Conservation Organization v. SWRCB</i> 145 Cal. App.4 th 246. The case holds that as long as the permit provides sufficient details and standards, permittees can develop management and monitoring plans.	The decision cited by the commenter includes a very brief discussion of the adequacy of an individual NPDES permit's requirements for developing a stormwater pollution prevention plan (SWPPP). The decision does not detail the specifics of the challenge or the legal standards on which the court relied in deciding that the permit's requirements were legally adequate. Furthermore, the plan at issue was a Stormwater Pollution Prevention Plan, a different type of plan than the Tentative Order would require that dischargers prepare.
ACCWP-Attny	1	General	Legal Precedent	Neither the Baykeeper opinion or the Divers' case requires the extensive monitoring provisions proposed by staff for the MRP. The Divers decision provides Permittees and the Board extremely broad discretion in formulating monitoring programs.	The monitoring requirements adhere to the federal regulatory standard of MEP.
ACCWP-Attny	2	C15	Legal Authority for SW Diversions	Most permittees lack legal authority to discharge their flows to POTWs without the POTWs' consent. Even where the Permittee agency implements both the stormwater program and the sanitary sewer system, each may be separately funded, separately organized as legal entities and have different purposes, jurisdictional limits, and objectives in their operations. The MRP should not contain compliance obligations requiring Permittees to perform acts (diverting stormwater, even in pilot tests) beyond their legal capacity.	In the Final TO, we have clarified that discharges to the POTW require the informed consent of the POTW authority.

Response to Comments on December 14, 2007 Tentative Order Unfunded Mandate – Legal Comments

File Name	Comment No.	Prov. No.	Key Word(s)	Comment	Response
U.S. EPA– Hearing – Eberhardt, D.	3	General	Unfunded mandate	Regarding comments on unfunded mandate, the Clean Water Act and its regulation provide for considerable state discretion when writing permit requirements, and we find the requirements in the draft permit do have a basis in federal regulations.	Comment noted – we agree.
SCVURPPPAtny Comments 1	5	General	Unfunded mandate	A number of the obligations imposed by the Tentative Order are unfunded mandates because they are uniquely governmental functions and are expressly imposed on the municipalities that are permittees and not on the general public. Many of the obligations are new programs because the Regional Board did not exercise its discretion to impose the requirements in earlier permits.	<p>The permit's requirements do not impose unfunded mandates for a variety of reasons. Among those reasons is that the requirements are necessary to comply with the federal requirement that stormwater permits control discharges of pollutants to the maximum extent practicable (MEP). Mandates imposed by federal law are exempt from the requirement that the local agency's expenditures be reimbursed. .</p> <p>Another reason is that the State Constitution's prohibition on unfunded mandates applies only to a new program or a higher level of service. Many of the challenged provisions are continuations of requirements already in permits previously issued to permittees.</p> <p>Even if the TO were to require new programs or higher levels of service, there are additional requirements that must be met before a local government would qualify for subvention (reimbursement of its costs). Subvention is not required if the costs of compliance can be reallocated or paid for with fees. The permittees can raise the fees they charge residents and businesses.</p> <p>Further, none of the challenged provisions is subject to reimbursement because the TO would not be uniquely imposed upon local governments. Reimbursement to local agencies is required only for the costs involved in carrying out functions peculiar to government, not for expenses incurred by local agencies as an incidental impact of laws that apply generally to all state residents and entities. The fact that a requirement may</p>

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File Name	Comment No.	Prov. No.	Key Word(s)	Comment	Response
					<p>single out local governments is not dispositive. Where local agencies are required to perform the same functions as private industry, no subvention is required. Private industry is required to comply with NPDES permits, including storm water permits. In fact, the requirements for industrial and construction entities are more stringent than for government dischargers. The permittees would not be regulated in a manner peculiar to local government.</p> <p>Staff disagrees that the TO imposes unfunded mandates subject to subvention, and will respond accordingly if a claim is filed with Commission on State Mandates.</p>
SCVURPPPAAttny Comments 1 ACCWP-Attny	5 4	General	Unfunded mandate	Other obligations have been increased and/or made significantly more prescriptive in comparison to those set forth in prior stormwater permits such that they constitute higher levels of service. A "higher level of service" exists where the mandate results in an increase in the actual level of governmental services provided.	As noted above, the permit's requirements do not constitute unfunded mandates for a variety of reasons. In part, the requirements are based in federal law and are therefore exempt from the unfunded mandate State statute.
SCVURPPPAAttny Comments 1	3	General	Comparison to EPA Region 9 Permit	A comparison of the municipal stormwater permit requirements that the EPA issues with those set forth in the Tentative Order belies the position that the items identified above fall within the federal Clean Water Act's maximum extent practicable (MEP) standard. A permit issued by EPA Region 9 is attached to the comments. It is much shorter than the Tentative Order and does not contain a 100+ page reporting form. The attached EPA issued permit accords the subject municipalities far more discretion in determining the scope and level of implementation of the various components of their stormwater management programs. Other EPA issued permits follow that approach.	Board staff consulted with EPA Region 9 staff concerning the permit that the permit that EPA issued that the commenter states shorter and provides municipalities with greater discretion than the proposed MRP. Region 9 staff confirmed that the permit it cited by the commenter is not relevant to the proposed MS4 permit. EPA's staff offered a number of reasons. They stated that the permit issued by EPA was the first stormwater permit issued to the Island of Saipan whereas the proposed MRP would be the fourth permit for most Bay Area permittees who now have over 15 years of experience implementing their stormwater permits. The fact that Bay Area permittees have that history of implementing stormwater permits is important because the federal stormwater program provides that

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					permits are expected to increase in effectiveness through iterations in the permit over time (the "iterative approach"). Furthermore, EPA noted that the Saipan permit was issued to a discharger with a population of 80,000 whereas the proposed MRP would be issued to jurisdictions with a combined population of 5 million people.
San Jose Atty SCVURPPPAAttny Comments 1 ACCWP-Attny	5,5	General	Beyond CWA	Requirements that go beyond those required under the federal Clean Water Act, require consideration of economic impacts, and without the assurance of the provision of State funding, violate Article XIII B, Section 6 of the California Constitution.	The requirements in the MRP Revised Tentative Order (RTO) are required under the Clean Water Act and constitute MEP for this Region.
ACCWP-Attny	1	General	Monitoring	40 CFR 122.48(b) provides federal legal guidance for the scope of required monitoring requirements for NPDES permits. It provides that all permits shall specify required monitoring including "type, intervals, and frequency sufficient to yield data which are representative of monitored activity." For stormwater permits not issued by EPA, there is no specific regulatory guidance on how this should be applied in the context of municipal stormwater permitting. Staff's proposal goes considerably beyond the very general federal regulatory requirement reflected in that regulation. Meaningful compliance data can be provided by the Permittees that satisfies federal regulations with a much less prescriptive and less detailed monitoring program than that indicated in the Tentative Order.	The commenter has quoted from one of several regulations cited in the draft permit Fact Sheet as providing the specific legal authority for the permit's monitoring provisions. We agree that the regulation sets forth the general subject areas that a permit's monitoring provisions must address. The draft permit's monitoring provisions are consistent with the cited regulation. Further, they are intended to ensure that permittees undertake adequate monitoring to verify whether the discharge of pollutants in stormwater runoff has been reduced to the maximum extent practicable.
SCVURPPPAAttny Comments 1	6	General	Fact Sheet Legal Precedent	The substantive arguments in the Fact sheet are erroneous. Federally mandated appropriations are those required to comply with the mandates of the courts or federal government, which "without discretion, require an expenditure for additional services or which unavoidably make the provision of existing services more costly. California courts "are not convinced that the obligations imposed by a permit issued by a Regional Water Board necessarily constitute federal mandates under all circumstances." (Quotes County of Los Angeles v. Commn. On State Mandates (2007) 110 Cal. App. 4 th 898, 907, 914.) The California Supreme Court has acknowledged that an NPDES permit may contain both federally mandated terms as well as terms exceeding federal law. (City of Burbank v. State Water Resources Control Board (2005) 35 Cal. 4 th 613.) Where state mandated requirements exceed federal requirements, those mandates constitute a reimbursable state mandate. (Long Beach Unified School District v. State of California (1990) 225 Cal. App. 3d 155, 172-173.)	We disagree that the Fact Sheet is erroneous. Comment noted with respect to the commenter's summary of case law.

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File Name	Comment No.	Prov. No.	Key Word(s)	Comment	Response
SCVURPPPAtny Comments 1	6	General	Federal Law Subvention	Whether an obligation imposed by a municipality results from a federal law or program does not, by itself, render that obligation a "federal mandate" for subvention purposes. Where the manner of implementation of the federal program [is] left to the true discretion of the state" the state's decision to shift the burden to municipalities gives rise to subvention. (Long Beach Unified School District v. State of California (1990) 225 Cal. App. 3d 155, 172-173.) The Tentative Order goes beyond the mandates of federal law. The Board has the authority to impose permit requirements going beyond MEP to facilitate the achievement of water quality standards, but that constitutes an exercise of discretion subjecting those requirements to the State Constitution's subvention requirement.	We disagree that the Tentative Order goes beyond the mandates of federal law. The permit's provisions are proposed to meet the federal requirement that the discharge of pollutants in stormwater be controlled to the maximum extent practicable. The Board is required to exercise its discretion in choosing specific best management practices for inclusion in a permit so that the permit will meet that federal standard. The exercise of that discretion does not create a reimbursable mandate.
SCVURPPPAtny Comments 1	6	General	Federal Mandate	In arguing that the Tentative Order is a federal mandate the Regional Board puts too much weight on the federal nature of TMDL requirements. The specific manner in which a TMDL is implemented in an NPDES permit is not a federal mandate but rather is left to the state's discretion. (Pronsolino v. Marcus (9 th Cir. 2002) 291 F. 3d 1123, 1140.) Thus implementation of the TMDL requirements does not cure the Tentative Order of its constitutional violation.	We disagree that the permit would result in an unfunded mandate in violation of the California state constitution. As we note above the state is required under federal law to exercise its discretion in choosing specific best management practices for inclusion in the permit so that the permit will meet federal standards. The challenged provision is required to meet the maximum extent practicable standard. Staff will respond in greater detail if a claim is filed with the State Commission on Unfunded Mandates Commission.
SCVURPPPAtny Comments 1	6	General	Fact Sheet Subvention	The staff failed to explain why a statement in the Fact Sheet is legally significant or relevant. The Fact sheet relies on a case that does not support the assertion that the obligations imposed on municipalities by the Tentative Order "reflect an overarching regulatory scheme that places similar requirements on governmental and nongovernmental discharges." The case is County of Los Angeles v. State of California (1987) 43 Cal. 3d 46.	We disagree with the commenter's characterization of the case cited in the Fact Sheet. The decision holds that local governments will not be reimbursed for costs that are an "incidental impact of laws that apply generally to all state residents and entities". <i>County of Los Angeles v. State of California</i> (1987) 43 Cal. 3d 46 at 56-57. That holding is consistent with the statement made in the Fact Sheet. We further disagree that the TO imposes unfunded mandates subject to subvention, and will respond accordingly if a claim is filed with Commission on State Mandates.

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File Name	Comment No.	Prov. No.	Key Word(s)	Comment	Response
SCVURPPPAtny Comments 1	6	General	Fact Sheet Unfunded Mandate	The Fact Sheet asserts that municipalities have the authority to levy service charges, fees, and other assessments to fund compliance with the order and that the Order would thus not be an unfunded mandate. This begs the question of whether the requirement being imposed violates the prohibition on unfunded mandates.	We disagree with the commenter's assertion that a municipality's authority to levy charges, fees or assessments is not relevant to the issue of whether there would be an unfunded mandate. Government Code section 17555(d) provides that: "The commission [on State Mandates] shall not find costs mandated by the state...in any claim submitted by a local agency...if the commission finds that...[t]he local agency...has the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service." In that event there would be no prohibited unfunded mandate.
SCVURPPPAtny Comments 1	3	General	Prescriptive Reporting	The prescriptive formatting and excessive paperwork/data management and reporting requirements exceed the requirements of Federal law and constitute an unfunded mandate.	The reporting requirements have been reduced in the revised Tentative Order. The reporting in the permit is necessary to determine compliance with the permit provisions. There is no limitation on reasonable reporting to determine compliance that has been put forward by the commentor.
SMCWPPP	1	General	Reporting	The reporting requirements that are cited in Fact Sheet as based on CA Water Code section 13267 exceed the requirements of Federal law and constitute an unfunded mandate	We disagree. This issue is discussed in greater detail above in response to a comment made on behalf of the Alameda County Clean Water Program.
ACCWP-Attny	1	General	Monitoring Requirements Excessive	The Tentative Order specifies detailed and extensive monitoring requirements for the MRSP that include the following: San Francisco Estuary Receiving Water Monitoring (Provision C.8.b); Status Monitoring/Rotating Watersheds (C.8.c); Long-Term Trends Monitoring (C.8.d); Status & Trends Follow-up Analysis and Actions (Attachment G); Monitoring Projects (C.8.e); Pollutants of Concern Monitoring (C.8.f); Citizen Monitoring and Participation (C.8.g); Reporting (C.8.h); Standard Monitoring Provisions (Attachment H); and numerous other monitoring and reporting requirements contained in many provisions of the MRSP.	Comment noted.
ACCWP-Attny	5	C2.h	Rural Roads	The requirements for rural public works (Provision C.2.h.) exceed the requirements of Federal law and constitute an unfunded mandate.	The cited requirements are not unfunded mandates. The provision's rural roads have been in the Alameda and Santa Clara permits for many years. As discussed above, the constitutional prohibition on unfunded mandates only applies to new programs or increased levels of service. Further, the provisions in the permit are MEP under federal law..

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File Name	Comment No.	Prov. No.	Key Word(s)	Comment	Response
SMCWPPP	1	C2	Rural Roads	The requirements to assess stream channel function and condition when replacing culverts exceed the requirements of Federal law and constitute an unfunded mandate.	These provisions are necessary to prevent further stream degradation and to reduce the potential for downstream erosions and sedimentation. They constitute MEP under federal law and are thus not unfunded mandates.
SMCWPPP	1	C2	SB 1070	The requirements to comply with SB 1070 exceed the requirements of Federal law and constitute an unfunded mandate.	We disagree that the permit imposes requirements (including the provision cited) that constitute unfunded mandates. The Commission on State Mandates is the agency that is charged with deciding questions related to whether or not state requirements constitute unfunded mandates. In the event that the Commission considers such a claim concerning the MRP, we will provide a detailed response.
SCVURPPPAAttny Comments 1 ACCWP-Attny	3 5	C2	Catch Basin Cleaning	The requirements for Inspection and cleaning of all catch basins prior to the rainy season exceed the requirements of Federal law and constitute an unfunded mandate.	This requirement has been removed from the permit.
SCVURPPPAAttny Comments 1 ACCWP-Attny	3 5	C2	Street Sweeping	Compliance with prescriptive street sweeping/sweeper specifications exceed the requirements of Federal law and constitute an unfunded mandate.	This requirement has been removed from the permit.
ACCWP-Attny	4	C3.b	< 10K	Reduction of the 10,000 sq ft. new/redevelopment threshold to 5,000 sq. ft. (Provision C.3.b.i(1)(a.)) exceed the requirements of Federal law and constitute an unfunded mandate.	The provisions reducing the C.3 threshold from 10,000 sq. ft. to 5,000 sq. ft. are consistent with the Los Angeles and San Diego municipal stormwater permits and the Bellflower SUSMP. They therefore meet the MEP standard and do not exceed the requirements of federal law or constitute an unfunded mandate.
SCVURPPPAAttny Comments 1	3	C3	< 10K	Mandating imposition of new development and redevelopment numeric treatment standards for projects 10,000 square feet or smaller exceeds the requirements of Federal law and constitutes an unfunded mandate.	The federal standard is control of pollutants in stormwater to the maximum extent practicable (MEP). The requirements meet this MEP standard. Other permits have provisions that are equivalent or more stringent than the proposed permit provision. The Los Angeles and San Diego permits require treatment controls to 5,000 sq. ft. on the same categories. Los Angeles reduces the limit to 2,500 sq. ft. when there is a discharge to an Areas of Special Biological Significance.

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File Name	Comment No.	Prov. No.	Key Word(s)	Comment	Response
SCVURPPPAtny Comments1 ACCWP-Attny	3 4	C3	Trails	The requirements for stormwater treatment on trails, bicycle lanes, and existing road rehabilitation projects exceed the requirements of Federal law and constitute an unfunded mandate.	The proposed requirements are consistent with the MEP standard. The Los Angeles permit requires that all three areas drain to treatment, but we are only proposing that impervious trail runoff go to adjacent vegetation. We are proposing a "Green Streets" Pilot Program instead of the road requirement. Additionally, Caltrans is required in their stormwater permit to address stormwater treatment in extensive road rehabilitation.
SCVURPPPAtny Comments 1 ACCWP-Attny	3 5	C3	Hydromod	The hydromodification (peak flow regardless of pollutant content) management provisions exceed the requirements of Federal law and constitute an unfunded mandate.	These requirements have already been implemented in all San Francisco Bay area Phase I MS4 permits thus they are not new programs or higher levels of service. Further, they do not exceed federal law
ACCWP-Attny	4	C3	Arterial Roads	Replacement of certain arterial streets not previously included (Provision C.3.b.i(5).) exceed the requirements of Federal law and constitute an unfunded mandate.	Requirements for treatment of road replacement have been removed from the Revised TO.
ACCWP-Attny	4	C4.c, C5.b	Tiered Enforcement	Tiered enforcement programs for the results of industrial and commercial inspections (Provisions C.4.c and C.5.b) exceed the requirements of Federal law and constitute an unfunded mandate.	The tiered enforcement requirements from the previous draft have been removed in the Revised Tentative Order. We propose to leave the implementation details up to the Permittees, but we would expect adequate enforcement and legal response to achieve timely compliance. The Los Angeles and San Diego permits are far more prescriptive.
ACCWP-Attny	5	C4	Inspection Requirements	Detailed/commercial inspection requirements (Provision C.4.b&c.) exceed the requirements of Federal law and constitute an unfunded mandate.	The commercial inspection requirements from the previous draft have been removed in the Revised Tentative Order. Under the Tentative Order, the Permittees will determine the inspection requirements in the development of their Enforcement Response Plans. The details would be up to the Permittees, but we expect adequate enforcement and legal response to achieve timely compliance.
SCVURPPPAtny Comments 1	3	C4	State Permitted Facilities	Inspection of industrial facilities directly permitted by the State or Regional Water Boards and which pay NPDES permit fees to the State to help defray the cost of administering and overseeing compliance with such permits exceed the requirements of Federal law and constitute an unfunded mandate.	Inspection of facilities permitted by the State and Regional Water Boards is already required under the current permit requirements. The Federal regulations clearly indicate a strategy of co-regulation.

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SCVURPPPAtny Comments 1	3	C4	State Permitted Facilities	Inspection requirements: commenter provided further detail about his comment above. Clean Water Act regulations set forth the facilities that municipalities are required to inspect. They are solely municipal landfills, hazardous waste treatment disposal and recovery facilities, industrial facilities that are subject to a specified section of SARA, and industrial facilities that a municipality as determined to be contributing a substantial pollutant loading to the municipal storm sewer system. (40 CFR sec. 122.26(d)(2)(iv)(C).) Federal regulations do not require inspections of additional industrial facilities or construction sites which have their own NPDES permit coverage (for which they pay fees to the State and the State does not share the fees with local governments).	The assertions made in this comment are incorrect. The municipal regulations require an effective program to prevent polluted stormwater runoff from municipal and industrial entities regardless of their status under the Statewide General Industrial or Construction Permits. Many permittees already inspect these facilities under the current permit.
ACCWP-Attny	4	C5.a	Legal Authority	Establishing the legal authority for the illicit discharge detection and elimination program (Provision C.5.a.) exceeds the requirements of Federal law and constitutes an unfunded mandate.	Federal Regulations require adequate legal authority to prevent pollutants from entering the MS4. The legal authority is necessary to achieve compliance thus there would be no unfunded mandate.
SCVURPPPAtny Comments 1	4	C5	Mobile Business	Mandatory requirements to identify and inspect field operations of mobile businesses where business is based and registered outside of co-permittee's boundary line (Provision C.4.b.ii(c)) exceed the requirements of Federal law and constitutes an unfunded mandate.	The requirements for inspection of mobile businesses have been moved to C.5. More prescriptive requirements for identification and inspection are in the San Diego municipal stormwater permit. The permit requirements are thus not unfunded mandates.
SMCWPPP	1	C6	BMP Effectiveness	The requirements to study effectiveness of BMPs exceed the requirements of Federal law and constitute an unfunded mandate.	The proposed permit is based on implementation of BMPs in lieu of numeric limits as provided under federal regulations. The dischargers' existing MS4 permits require monitoring of the effectiveness of BMPs. The monitoring included in the proposed permit is necessary to demonstrate that dischargers have complied with permit requirements, thus controlling the discharge of pollutants in stormwater to the maximum extent practicable.
ACCWP-Attny	4	C6.a	Construction Mgmt.	Coverage for inspection and enforcement for stormwater pollution control on all construction sites (Provision C.6.a.) exceeds the requirements of Federal law and constitutes an unfunded mandate.	Inspection of sites contributing polluted runoff to the MS4 system has been required for years. These are not new requirements the actions required are MEP.
SMCWPPP ACCWP-Attny	1	C6	Construction Controls	Advanced treatment for construction site runoff where municipalities have determined there is an exceptional threat to water quality exceeds the requirements of Federal law and constitutes an unfunded mandate.	The comment concerns a provision that is not included in the revised Tentative Order.

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File Name	Comment No.	Prov. No.	Key Word(s)	Comment	Response
SMCWPPP	1	C4, C5, C6	Enforcement Response Plans	Requirements for Enforcement Response Plans exceed the requirements of Federal law and constitute an unfunded mandate.	The permit is based on implementation of BMPs in lieu of numeric limits. Enforcement response plans are BMPs and are necessary to ensure that the discharge of pollutants to stormwater is controlled to the maximum extent practicable.
SMCWPPP	1	C7	SD Inlet Marking	Retrofit Storm drain inlet parking on privately maintained streets exceeds the requirements of Federal law and constitutes an unfunded mandate.	The comment concerns a provision that is not included in the revised Tentative Order.
SCVURPPPAtny Comments 1	3	C8	Monitoring	The permit includes excessive and highly prescriptive monitoring requirements with an additional layer of monitoring/investigation activities triggered based on monitoring results and with no upper resource limit. These requirements exceed Federal law and constitute an unfunded mandate.	The monitoring requirements do contain an upper resource limit. The monitoring provisions in the Revised Tentative Order are less prescriptive than the Los Angeles permit.
ACCWP-Attny	4	C9.a	IPM Ordinances	Development of Integrated Pest Management ordinances for some Permittees (Provision C.9.a&b) exceed the requirements of Federal law and constitute an unfunded mandate.	The development of an IPM program has been done by Permittees before, thus the requirement is not a new program or higher level of service. The development of a Plan under the revised Tentative Order is falls under the federal regulatory standard of MEP, and therefore does not constitute an unfunded mandate.
SMCWPPP	1	C9	Pesticide Management	Track CA DPR Pesticide evaluation activities and encourage it to coordinate with CA Water Code exceeds the requirements of Federal law and constitutes an unfunded mandate.	The comment concerns a requirement that is in the permits previously issued to some of the permittees. It thus constitutes MEP.
SMCWPPP	1	C9	Pesticide Management	Requirements to assist DPR and CA Agric. Commissioners to ensure that pesticide applications comply with water quality standards exceed the requirements of Federal law and constitute an unfunded mandate.	The requirements are for simple assistance, and fall well within the federal regulatory definition of MEP, and therefore do not constitute an unfunded mandate.
SCVURPPPAtny Comments 1	3	C10	Trash Control	Prescriptive control measures for trash collection and management (especially purchase, installation and maintenance of full capture devices) exceed the requirements of Federal law and constitute an unfunded mandate.	The current requirements for trash control measures are significantly below what is currently being implemented in Los Angeles. The requirements and implementation in Los Angeles have demonstrated MEP, therefore requirements for trash capture device installation do not constitute an unfunded mandate.
ACCWP-Attny	4	C10	Trash Control	Requirements to cover pilot enhanced trash control in certain high trash impact catchments (Provision C.10.a,b&d.) exceed the requirements of Federal law and constitute an unfunded mandate.	Trash control requirements are changing to allow more flexibility and recognize variability in permittee's area of jurisdiction, but are still far below the MEP level established in Los Angeles under implementation of the Trash TMDL. Trash is a demonstrated stormwater

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File Name	Comment No.	Prov. No.	Key Word(s)	Comment	Response
					pollutant requiring control to protect the Beneficial Uses of receiving waters,
SMCWPPP	1	C10	Trash Controls	Requirements to implement trash and litter controls based on Basin Plan prohibition which is intended primarily to protect recreational use, including boating and navigation exceed the requirements of Federal law and constitutes an unfunded mandate.	The requirements to implement trash would control the discharge of pollutants into stormwater to the maximum extent practicable and therefore are necessary to comply with federal law.
SMCWPPP	1	C10	Trash Controls	Requirements to enforce local ordinances to displace homeless encampments from creek sides exceed the requirements of Federal law and constitute an unfunded mandate.	These requirements have been removed from the Revised TO.
SCVURPPPAtny Comments 1	3	C11 C12	PCBs Hg Private Property	Requirement for effectuating abatement/remediation of privately-owned properties identified as having elevated levels of PCBs or mercury exceed the requirements of Federal law and constitute an unfunded mandate.	The requirement referenced in this comment is not in the revised Tentative Order. We agree that permittees should help identify properties, but are not responsible for requiring clean-up. The responsibility to require clean-up is a function of the Water Board and DTSC.
SCVURPPPAtny Comments 1	3		PBDE	Creation and implementation of a plan to assess and manage discharge of PBDE exceed the requirements of Federal law and constitute an unfunded mandate.	PBDE is a major pollutant of concern with a strong likelihood of health impacts and pollutant mobilization through stormwater.
ACCWP-Attny	4	C15.b	Non-SW Discharges	Significant modifications to conditionally exempt non-stormwater discharge requirements, control measures and monitoring (Provision C.15.b.) exceed the requirements of Federal law and constitute an unfunded mandate.	We are collapsing the detail normally found in the separate Stormwater Management Plan or plans into the permit, to have the minimum prescription and reporting demonstrate MEP level of control of non-stormwater discharges.
SCVURPPPAtny Comments 1 SMCWPPP ACCWP-Attny	3 1 5	C15	Pump Stations	Prescriptive pump-station pilot program (i.e., stormwater diversion from pump stations to the sanitary sewer) and associated monitoring exceed the requirements of Federal law and constitute an unfunded mandate.	The pilot projects are related to TMDL implementation and are consistent with the requirements under Federal Law.
SCVURPPPAtny Comments 1	3	C15	Potable Water Discharge	Mandatory monitoring and benchmarks for potable water discharges from hydrants and leaks exceed the requirements of Federal law and constitute an unfunded mandate.	These are conditions for allowing non-stormwater discharges. The permit could ban them outright. The monitoring and attainment of benchmarks for these discharges constitutes MEP
ACCWP-Attny	5	C15	Non-SW Discharge	BMP/control measure requirements for non-stormwater discharges (Provision C.15.b.) exceed the requirements of Federal law and constitute an unfunded mandate.	These requirements and the BMP technology have been in place for many years. Their application is MEP.

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ACCWP-Attny	7	C15	GW Discharge	Reporting of uncontaminated groundwater at flows greater than 10,000 gallons per day before discharging exceed the requirements of Federal law and constitute an unfunded mandate.	Long term continuous discharges of this volume are rare and needs to be monitored at the beginning for potential pollutant impacts and erosive potential. Reporting of these discharges falls well within the federal regulatory standard of MEP.
ACCWP-Attny	7	C15	Non-SW Discharge	The permit requires that Permittees "effectively prohibit" the discharge on non-stormwater into the storm drain system and water courses. There are exceptions provided in Provision c.15, which describes a tiered categorization on non-stormwater discharges. Federal regulations support this approach and give municipalities considerable latitude in this determination. 40 CFR 122.26(d)(2)(iv). Provision C.15.b exceeds federal requirements. The conditional exemptions in C.15.b.i-vii are too narrowly drawn and overly prescriptive in nature, thus going well beyond federal law. The federal regulations intend that municipalities must be allowed more discretion in the determination of applicable control measures relating to discharges that may be sources of pollutants.	The commenter has cited a federal regulation that sets forth various requirements for MS4 dischargers to meet in their permit applications. The commenter has not explained how provision C.15.b of the TO is inconsistent with federal requirements. The requirements are necessary to ensure that permit controls the discharge of pollutants to stormwater to the maximum extent practicable.
ACCWP-Attny	7	C15	Non-SW Discharge	Assurance that the discharges must meet water quality standards consistent with effluent limits in Water Board general permits exceed the requirements of Federal law and constitute an unfunded mandate.	The TO has been revised to clarify that the discharges must meet applicable requirements in specified general permits. The requirement references existing requirements and does not constitute an unfunded mandate. If these discharges are long term or have pollutants of concern that do not meet effluent limits, the discharges must receive coverage under an applicable individual NPDES permit.
SMCWPPP	1	C15	Non-SW Discharge	Control Discharges and activities regardless of whether the discharge flows to the storm sewer exceed the requirements of Federal law and constitute an unfunded mandate.	The TO's requirements are based on the recognition that direct dumping and even windblown discharges from rights of way within the Permittees' jurisdictions into the MS4 constitute discharge of pollutants in stormwater. Under federal law the permit must control discharges of pollutants into stormwater to the maximum extent practicable.
ACCWP-Attny	7	C15	Non-SW Discharge	Attainment of prescribed turbidity levels exceed the requirements of Federal law and constitute an unfunded mandate.	The attainment of turbidity levels to protect water quality in non-stormwater discharges can be achieved with BMPs that have been utilized for over 15 years. The use of sediment control BMPs is MEP.

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ACCWP-Attny	7	C15	Non-SW Discharge	Attainment of prescribed pH levels exceed the requirements of Federal law and constitute an unfunded mandate.	In order to be an exempt non-stormwater discharge, the discharge must have no pollutant effect. Attainment of the proposed pH levels will ensure that the discharge of pollutants is controlled to the maximum extent practicable.
ACCWP-Attny	7	C15	Construction Controls	Erosion prevention requirements for non-stormwater discharges exceed the requirements of Federal law and constitute an unfunded mandate.	The erosion prevention requirements in the permit are MEP the are proposed in lieu of the federally mandated prohibition and thus do not exceed Federal regulations.
ACCWP-Attny	7	C15	Non-SW Discharge	Dewatering discharges to be discharged to the sanitary sewer if available exceed the requirements of Federal law and constitute an unfunded mandate.	The revised Tentative Order includes language that makes transfer contingent upon POTW acceptance. Language has been added that allows POTW refusal. The requirement in the TO will result in control of pollutants in stormwater to the maximum extent practicable. It is in lieu of the federally mandated prohibition on such discharges and is based on the implementation of BMPs in lieu of numeric limits. Further, routing of discharges to sanitary sewers is a demonstrated BMP.
ACCWP-Attny	7	C15	Non-SW Discharge	Maintenance of records of the discharges, BMPs implemented and monitoring activity exceed the requirements of Federal law and constitute an unfunded mandate.	The maintenance of records is necessary to determine compliance with the permit's requirements to ensure control of discharges into stormwater to the maximum extent practicable. The implementation of BMPs and monitoring to insure compliance of non-stormwater discharge are MEP actions required to prevent impacts to receiving waters.
ACCWP-Attny	4	C15.b	Non-SW Discharge	Cover discharges from pools, hot tubs, spas and fountains (Provisions C.13.b and C.15.b.v.) exceed the requirements of Federal law and constitute an unfunded mandate.	These requirements are currently included in municipal stormwater permits issued to these Permittees. The actions required in the provision are MEP. The discharge of exempt non-stormwater is only allowed after Chlorine and other pollutants are removed.
Baykeeper	1	General	MEP Standard Vague Requirements	Once again, we request that Regional Board staff review the Permit and ensure that it articulates specific performance criteria based on an analysis of what is necessary to implement the federal Maximum Extent Practicable ("MEP") standard, and that each permit task or objective is translated into specific, measurable requirements with associated deadlines.	We have addressed this issue in our response to comments submitted subsequently by the commenter.

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				<p>1.)<u>The Permit's vagueness creates an impermissible self-regulation scheme prohibited by <i>Environmental Defense Center v. EPA</i>.</u></p> <p>Vague permit requirements are not only troublesome from a compliance review perspective, but are contrary to existing case law. In <i>Environmental Defense Center v. EPA, the Ninth Circuit</i>, interpreting the "maximum extent practicable" standard of the federal Clean Water Act, has emphasized the need for specificity in MS4 permits. In 2003, environmental groups challenged the Phase II rule issued under the CWA by EPA. Under the Phase II rule, the permittees were required to develop individualized pollution control programs. The permitting agency, however, had no obligation to review these plans.</p> <p>The Ninth Circuit found that Congressional intent was clear in the language of the CWA that "stormwater management programs that are designed by regulated parties must, in every instance, be subject to meaningful review by an appropriate regulating entity" to determine whether the measures implemented would actually reduce pollutant discharges. The failure to require agency review of the plans, held the Court, amounted to impermissible self-regulation because "[n]o one will review [the MS4's pollution control plan] to make sure that it is reasonable or even in good faith." Therefore, the Phase II rule "would allow permits to issue that would do less than require controls to reduce the discharge of pollutants to the maximum extent practicable."</p> <p>More recently, the Second Circuit adopted similar reasoning in <i>Environmental Defense Center</i> in reviewing similar permit procedures for concentrated animal feeding operations ("CAFOs"), which require operators to develop and implement individualized nutrient management plans and other BMPs. In <i>Waterkeeper</i>, the Second Circuit also held that the terms of self-designed programs must be subject to meaningful review.</p> <p>The rationale behind both decisions applies here. Unless a permit imposes clear and specific requirements, it gives too much latitude to permittees to determine what controls they will implement. Without agency and public oversight of how this discretion is exercised, the Permit establishes a self-regulatory plan that the courts have clearly held to be impermissible.</p>	