



City of Pittsburg

65 Civic Avenue
Pittsburg, CA 94565-3814

July 7, 2015

Bruce Wolfe, Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street
Oakland, CA 94612

Re: Opposition to Tentative Order Reissuing the Municipal Regional Permit (MRP 2.0)

Dear Mr. Wolfe and Members of the Board:

The City of Pittsburg appreciates the opportunity to provide the Regional Water Quality Control Board with comments regarding the proposed tentative order. The City is committed to improving water quality, and requests that the Water Board and staff work with permittees to develop an implementable, cost effective permit. The City of Pittsburg would like to address some key issues regarding the draft Tentative Order:

- Provision C.2.d. Stormwater Pump Stations – monitoring the levels of dissolved oxygen in the discharge to ensure concentrations are above 3mg/L

Over the course of the last 5 years the City has been monitoring the discharges of one pump station that discharges stormwater flows into an eutrophic body of water that eventually discharges into the Delta. Dissolved oxygen levels prior to and after discharge have been monitored and have consistently found that the dissolved oxygen of the receiving waters consistently below the 3 mg/L threshold. Discharge from the City's pump does not contribute to the low dissolved oxygen level that already exists in this marsh area. Therefore, monitoring of the pump station for this provision proves pointless. The City of Pittsburg therefore requests to be exempt from continuing to monitor for dissolved oxygen. Maintenance of this open channel prior to the pump is already included in the City's creek maintenance program and is covered with a Fish and Wildlife permit for regular maintenance.

- Provision C.3.j Green Infrastructure Planning and Implementation

C.3.j.i.a.-c.: The provision as written is unclear as to what deliverables are expected within the first two years, a "framework" for a Green Infrastructure program or a completed "plan". In addition the requirement to create a prioritization map for

potential projects based upon drainage areas will require valuable resources for an effort which has little to no benefit for water quality. More clarification is needed regarding the expected deliverables, and more flexibility should be given for mechanisms by which permittees track progress toward these goals. The referenced "targeted" dates for retrofit of impervious surfaces should instead be revised to "projections", as the proposed timeframes are unreasonable. Given the amount of effort required to produce this deliverable, additional time is requested for the first submittal.

C.3.j.iv.: It is ambitious to expect that permittees could develop a Capital Improvement program to meet the prescribed PCB and mercury reductions as outlined in Provisions C.11 and C.12, while also incorporating C.3 into these projects. The Fact Sheet regarding reduction of PCBs acknowledges uncertainties regarding the effectiveness and benefits of control measures due to limited data and experience with these control measures. Additionally, there is no guidance provided to account for PCB and mercury load reductions with constructed green infrastructure projects. Before permittees expend valuable time and resources towards this goal, the expectations and means to validate compliance must be clear. Further development of acceptable design standards that meet the intent of pollutant removal through green infrastructure projects is necessary for permittees to develop constructable projects.

- Provision C.4 Enforcement Response Plan

Modifications to C.4 that now require all potential and actual discharges be given a high priority would reduce the timeline for corrective action to 10 days from 30, exposing the City to potential non-compliance. The City's inspection program will already be impacted with the additional facilities required to be inspected under the new Industrial Discharge permit, and with the same limited resources to accomplish these inspections. The City requests that the current provision allowing up to 30 days for corrective action remain unchanged, and that permittees be allowed flexibility to take other actions as may be more effective at achieving corrective actions from dischargers.

- Provision C.10.a.i. Trash Reduction Requirements

The proposed schedule to attain the 70% trash load reduction by July 1, 2017 does not provide sufficient time for permittees to comply. Consideration must be given to the time lost in the first permit term for implementing trash load reduction actions. As you know, with the onset of MRP 1.0, permittees worked to develop short-term trash load reduction plans, which were rejected by the Water Board. Then permittees worked to develop an alternative methodology, obtain Water Board staff buy-in, and implement the strategy. Submittals to the Water Board for the 40% reduction proved that more clarity was needed from Water Board staff regarding acceptable efforts towards reduction credits. A further complication was a mid-permit term reduction in credits that permittees expected to receive. Therefore in light of these reasons, the City urges an extension to the 70% trash load reduction attainment schedule by one year, to July 1, 2018.

- Provision C.10.a, ii.b. Trash Generation Area Management

The requirement to create a map of private lands that are greater than 5,000 sq.ft. and are plumbed to the City's storm drain system would require substantial effort for no benefit. The City contends that a more relevant action would be enhanced visual assessments for these areas instead.

- Provision C.10.a.iii. Minimum Full Trash Capture Systems

The inherent design standards for C.3 facilities exceed the capacity required for the "one-year, one-hour" design storm standard. The addition of mesh screens to the overflow pipe is unnecessary since the soil matrix of these facilities retain more debris than a 5mm mesh screen.

- Provision C.10.e.i. Optional Trash Load Reduction Offset Opportunities
Additional Creek and Shoreline Cleanup

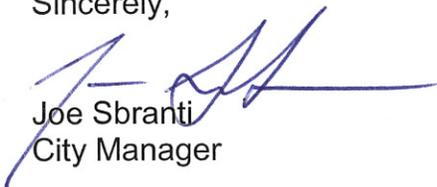
The proposed 5% offset ratio for these actions is too small. The recently adopted resolution by the Water Board, Adverse Water Quality Impacts of Homeless Encampments emphasizes the expectation that permittees must put forth more effort regarding the abatement of homeless encampments on publicly and privately maintained properties or be subject to enforcement action by the Water Board. The City already puts forth significant efforts to help these individuals get services, but inevitably many return to camp at these creek sites. Permittees should not be penalized for its inability to prevent homeless encampments from re-establishing themselves in the creeks. The City requests the Water Board acknowledge the amount of effort and resources required to abate the debris attributed to homelessness, and allow a larger offset ratio of 10% for this effort.

- Provision C.12a. Implement Control Measures to Achieve PCBs Load Reductions

Further guidance needs to be developed for this Provision to be implementable. It is expected that permittees meet specific interim, county-specific reductions in accordance with the schedule provided in Table 12.1. Reductions are expected through a combination of implemented retrofit projects as required by Green Infrastructure Program (which will also be in development during this timeframe), as well as the strategic demolition of private and public historic buildings that may have been constructed with PCB-containing materials. Accounting and procedures to validate PCB reductions through these mitigation measures have not yet been developed. Permittees have no control over the rate of demolition, and further guidance is necessary for effective implementation of the Green Infrastructure. The City respectfully proposes elimination of the numerical interim load reduction schedule, in favor of the ultimate and more relevant goal of total reduction by the end of the permit term. This change will measure interim compliance by levels of effort expended rather than a numerical limit.

I appreciate the opportunity to share the City's comments and concerns. If you have any questions regarding these comments, please contact me or the City's NPDES permit coordinator Jolan Longway at (925) 252-4803 or jlongway@ci.pittsburg.ca.us.

Sincerely,



Joe Sbranti
City Manager