



Alameda Countywide Clean Water Program

A Consortium of Local Agencies

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April 3, 2009

Via Email (mrp@waterboards.ca.gov)

**Member
Agencies:**

Alameda

Albany

Berkeley

Dublin

Emeryville

Fremont

Hayward

Livermore

Newark

Oakland

Piedmont

Pleasanton

San Leandro

Union City

Alameda
County

Alameda
County
Flood Control
and Water
Conservation
District

Zone 7 of
the Alameda
County
Flood Control
District

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

**SUBJECT: COMMENTS ON MUNICIPAL REGIONAL STORMWATER
NPDES PERMIT REVISED TENTATIVE ORDER**

Dear Mr. Wolfe:

These comments are filed on behalf of the Alameda Countywide Clean Water Program (Program)¹ with regard to the Revised Tentative Order for the Municipal Regional Stormwater NPDES Permit for Discharges from Municipal Phase I Permittees in the San Francisco Bay Region (Revised Tentative Order) issued on February 11, 2009. We request that you distribute a copy of these comments to the Regional Water Quality Control Board (Water Board) members and include the comments in the record of this administrative proceeding. Our legal counsel, Gary Grimm, has filed legal comments separately on behalf of the Program². In addition, we support and concur with the comments filed by the Bay Area Association of Stormwater Management Agencies (BASMAA). Many of our member agencies also are submitting comments separately.

¹ The Alameda Countywide Clean Water Program is composed of 17 cities and county entities in Alameda County including the Cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City, Alameda County (for the unincorporated area), Alameda County Flood Control and Water Conservation District and Zone 7 of the Alameda County Flood Control and Water Conservation District. These entities each have jurisdiction over and/or maintenance responsibility for their respective municipal separate storm drain systems and/or watercourses in Alameda County.

² Gary J. Grimm, April 3, 2009, "Revised Tentative Order for the Municipal Regional Stormwater NPDES Permit for Discharges from Municipal Phase I Permittees Legal Comments on behalf of ACCWP and Co-Permittees"

We appreciate many of the changes incorporated in the Revised Tentative Order, in particular: (1) the deletion of the requirement to purchase certain types of street sweepers; (2) the deletion of the requirement to install treatment systems for road reconstruction projects within the existing footprint; (3) the deletion of the requirement to conduct an impervious surface data collection pilot project; (4) the deletion of the prescriptive list of businesses requiring inspections; and, (5) the deletion of some of the prescriptive trash requirements. However, many of our concerns with the previous Tentative Order have not been addressed and some of the new requirements in the Revised Tentative Order are of great concern. Many of our concerns are regarding requirements that impose significant cost on our member agencies without providing a commensurate improvement in water quality.

At the March 11, 2008 hearing on the draft Tentative Order, many municipal representatives commented on the difficult budget situation they were in. Since that time, our member agencies financial situation has deteriorated significantly, for example, the City of Oakland is now facing a \$58 million revenue shortfall and has initiated furloughs and layoffs, the City of San Leandro is facing an \$11.4 million revenue shortfall and is implementing a 15% budget reduction and cutting 58 positions³, and the County of Alameda is projecting a 2% (\$4.1 billion) reduction in the County's property tax base.⁴ The financial condition of our member agencies should not be disregarded. It is truer now than ever that we cannot afford to implement costly requirements that provide little or no water quality benefit. As Board member Peacock stated at the conclusion of the March 11 hearing, municipalities are not the federal government. They can't print money. If they don't have the money to do it, they can't do it.

We highlight several requirements below that impose significant cost without providing a commensurate water quality benefit. We also have concerns regarding requirements that exceed the authority of the Permittees' jurisdiction with respect to pollutants conveyed through their municipal separate storm sewer system. These concerns are addressed below as well as in the letter submitted by our legal counsel. Additional specific comments are included in Attachment 1.

Requirements Imposing Significant Cost without Commensurate Water Quality Benefit

Monitoring Provision (C.8):

We provided extensive comments on the monitoring provision in the previous draft Tentative Order⁵. Our primary concern was that the provision represented a huge

³ San Leandro Finance Committee Summary, February 17, 2009, pages 2-4:
<http://64.173.35.83/weblink7/DocView.aspx?id=230829&dbid=1>

⁴ Bay Area Newspaper Group, March 11, 2009:
http://www.insidebayarea.com/search/ci_11891896?IADID=Search-www.insidebayarea.com

⁵ Alameda Countywide Clean Water Program, February 29, 2008, "*Comments on the Municipal Regional Stormwater NPDES Permit Tentative Order*"

increase in our monitoring costs. While there have been some minor improvements to Provision C.8 in the Revised Tentative Order, additional and unnecessary requirements also have been added. In fact, our estimated cost for implementing the monitoring provision of the Revised Tentative Order is higher than that of the previous draft Tentative Order.

Water Board staff has stated in the summary response to comments that the cost to implement the monitoring provision of the previous Tentative Order would require only 60% of the funds allocated to the 2007-2008 monitoring effort. (*Comments and Responses Summary, Section C.8, page 1 of 24*). The summary response to comments also states that the cost to implement the monitoring requirements throughout the Region would be \$1,268,500 per year. However, no documentation of how the estimate was developed was provided. This is a gross underestimate of actual costs. We have estimated that the cost to implement the monitoring requirements for Alameda County would be approximately \$1,150,000 per year for a total cost of \$5,762,595 over the term of the permit. This represents a near tripling of our current \$400,000 per year monitoring budget. (A detailed cost estimate is provided in Attachment 2.)

Board member McGrath stated at the March 11, 2008 hearing that his first priority is TMDL pollutants. We agree, and believe the monitoring requirements should be focused on those pollutants. Unfortunately, there are many costly requirements in the monitoring provision that relate to issues that are not a priority, such as: sampling for and conducting taxonomic identification of algae; sampling for silica, dry weather suspended sediment concentration, temperature, and pathogens; and, additional sediment chemistry and toxicity monitoring to evaluate ambient conditions. Many of these requirements need to be reduced or deferred to allow us to have the resources necessary to accomplish high priority objectives such as mercury and PCB TMDL implementation and trash reduction.

In addition to a \$750,000 per year increase in monitoring costs, we estimate that the Revised Tentative Order would require an additional \$250,000 per year to cover the mercury and PCB provisions. Our current annual budget for the entire Program is \$1.8 million. Our member agencies cannot afford a 55% increase in their contributions to the Program to cover these additional costs. Implementing these provisions as drafted would require us to slash all other components of the Program including our public outreach campaigns for litter and pesticide reduction.

Proposed Resolution: Revise Provision C.8 as described in Attachment 2: *Proposed Revisions to and Detailed Cost Estimate for Provision C.8*. Even with the cost cutting measures we have proposed, the cost for implementing provision C.8 would still require an additional \$280,000 per year and a total cost of \$3,394,910 over the term of the Permit.

Reporting and Recordkeeping Requirements:

There have been improvements to the requirements, in particular, removing the reporting template. However, the reporting and recordkeeping requirements are still onerous and many do not provide significant improvements for accountability. Examples of excessive reporting and recordkeeping requirements include: (1) for each construction site inspection, record the inches of rain since the last inspection (Provision C.6.e.ii.(4).(d)); (2) extensive reporting and evaluation requirements on many of the Public Information and Outreach provisions; (3) monthly reporting on planned and unplanned potable water discharges (Provision C.15); (4) a requirement to provide a rationale for each corrective action that will take more than 10 days to complete (C.5.b.ii(2)); and, (5) an unrealistically short timeframe for submitting monitoring data and reports (C.8.h.iii).

The Comments and Responses Summary states that Board staff scaled back the recordkeeping and reporting requirements to what they “absolutely need to measure compliance.” The examples above demonstrate that this is not the case. For construction inspections the information regarding rainfall since the last inspection is not needed for compliance determination. For the Public Information and Outreach provision, the standard of compliance is conducting the activity. So, although we conduct effectiveness evaluations as needed to improve our program, they are not necessary to measure compliance.

While these individual requirements may not seem too onerous if each one is looked at separately, the cumulative burden of all the reporting requirements can be overwhelming especially for municipalities with shrinking staff resources. Not only are the Annual Reports very time-consuming to produce, they are also difficult to review. Some of our Annual Reports have been given very little if any timely review. In addition, the Water Board has broad authority to request additional information from specific Permittees as may be needed in specific situations.

Proposed Resolution: Revise the recordkeeping and reporting requirements as outlined in Attachment 3. (For your convenience, we have consolidated our reporting and recordkeeping comments from this letter and Attachment 1 in Attachment 3.)

Conditionally Exempt Discharges (C.15):

We have four primary concerns with Provision C.15: (1) individual residential car washing has not been included in the list of conditionally exempt discharges; (2) monitoring and reporting is required for discharges from crawl space pumps and footing drains; (3) Permittees are put in the position of managing potable water supply agencies; and (4) onerous monitoring and reporting requirements for sheared fire hydrants.

Individual Residential Car Washing: The Revised Tentative Order would no longer allow the discharge of individual residential car wash water. The Fact Sheet does not describe why these types of discharges should no longer be allowed. The Federal Register that adopted the stormwater permitting requirements states the following: “... in general,

municipalities will not be held responsible for prohibiting some specific components of discharges or flows listed below [list includes 'individual residential car washing'] through their municipal separate storm sewer system even though such components may be considered non-storm water discharges, unless such discharges are specifically identified on a case-by-case basis as needing to be addressed." (Vol. 55, No. 22, Friday, Nov. 16, 1990, page 47995)

Proposed Resolution: Individual residential car washing should continue to be allowed by the permit as conditionally exempted provided minimal amounts of water and pollutants are generated.

Crawl Spaces and Footing Drains: Provision C.15.b.i states that the Permittees must require that discharges from crawl space pumps and footing drains be monitored on the first two consecutive days of dewatering and once a month thereafter and maintain records of the monitoring data. There are presumably thousands or tens of thousands of these in the county, many from single family residences. Requiring monitoring and reporting on these is not feasible and should be deleted.

Proposed Resolution: The Comments and Responses Summary states that new language is likely to be added to the Provision to exempt discharges from single family homes and other small, temporary, and unpolluted discharges. We support in concept those proposed revisions and ask that detailed revised language be included in a supplemental Executive Officer report prior to the May 13 hearing.

Water Supply Agency Discharges: Provision C.15 states that the Permittees must monitor and report or require potable water dischargers to monitor and report on every planned and unplanned discharge from a potable water source. Within Alameda County, potable water suppliers are often regional entities such as East Bay Municipal Water District, and Alameda County Water District. The Permittees do not have the resources to monitor and report on all of the planned and unplanned discharges from these agencies and do not have a mechanism to require these agencies to report to the Water Board.

Proposed Resolution: The Water Board should regulate potable water agencies directly. The monitoring and reporting requirements should be eliminated.

Fire Hydrant Shearing: The requirements to treat, monitor, and report on fire hydrant shearing discharges are not appropriate and place an unnecessary burden on our fire fighting personnel. The requirement to treat the discharge is infeasible due to the large volume and uncontrolled nature of the discharge. If the flows are not being treated, there is no reason to monitor the discharge as the reason to monitor is to assess the effectiveness of the treatment. (We know that the chlorine and pH of the discharge will be typical of the potable water source.) As there should be no treatment or monitoring, there is no reason to report.

Proposed Resolution: Fire hydrant shearing should be included in Provision C.15.b.iii(3) Emergency Discharge.

5,000 Square Foot Treatment Threshold (Provision C.3.b.i(1)):

Many of our member agencies provided comments on this issue during the public comment period on the previous draft Tentative Order and Board members Young, Singh, and Eliahu supported keeping the 10,000 square foot threshold. As we have stated previously, the costs associated with operating and maintaining small treatment devices is too high relative to the benefit. A disproportionate amount of the implementation costs would be directed at inspecting small treatment devices and conducting enforcement actions against parties that are not conducting adequate maintenance. Once these devices are installed, they would need to be inspected and maintained in perpetuity; thus, the cost of inspection and enforcement would continue to increase dramatically over time. It is inefficient and wasteful to dedicate this level of public resources toward the maintenance of small devices that would be of questionable usefulness even if they were rigorously maintained. There is also an excessive administrative burden associated with executing operations and maintenance agreements for each of these devices. Especially considering our current fiscal situation, it is not appropriate to impose this burden on municipalities considering the marginal water quality benefit that may be obtained.

Proposed Resolution: The 5,000 square foot threshold should be removed. If it is not eliminated then the requirement to establish a maintenance agreement and inspect the treatment systems should not apply to sites between 5,000 and 10,000 square feet.

Pump Station Monitoring:

There have been rare instances in the Bay Area where discharges from pump stations have caused a water quality problem. However, the monitoring and reporting requirements are more onerous than necessary.

Proposed Resolution: Change the maximum sampling required to twice per year for two years and allow an exemption from monitoring in situations where it can be demonstrated that there is no potential water quality problem, such as in Livermore, where the summer discharge is to a dry arroyo or where the discharge rate is too minimal to impact water quality.

Requirements outside Appropriate Scope of MS4 Permits

Executive Officer Approval of Development Projects Using Vault Based Treatment Systems (Provision C.3.c.i.(6)):

We support Board staff's objective of promoting the use of landscape based treatment systems. However, requiring approval from the Executive Officer may delay development and puts municipalities at risk of not meeting their

obligations to review and process the permit application under the time limits imposed by State Permit Streamlining Act. Also, lack of flexibility in design of treatment measures and a requirement for at least 50% treatment landscape treatment measures will be difficult for infill and redevelopment projects to achieve, since these sites may not have land to set aside for vegetated treatment measures. As a result, some of these projects may no longer be feasible. This would seem counterproductive to the Permit's encouragement of Low Impact Development, since development on infill sites or redevelopment of existing sites helps prevent urban sprawl and associated water quality impacts.

Proposed Resolution: This provision should be deleted. Water Board staff should work with the Permittees to develop a workable policy on non-landscape-based treatment systems.

Green Streets Pilot Project (Provision C.3.b.iii):

Some of our member agencies have been actively promoting the types of projects outlined in this provision. However, we have concerns regarding both the feasibility of implementing this requirement as well as the appropriateness of including some portions of this requirement in a stormwater permit, as some requirements go beyond water quality considerations. Below are our recommended changes to the provision that would make implementation feasible, notwithstanding our legal concerns. Our legal concerns are covered in the letter from our legal counsel.

C.3.b.iii(2): It would be nearly impossible for one project to contain all of the key elements listed. We believe it is the intent of the provision that the elements be included in the ten projects as a whole rather than in each project.

Proposed Resolution: Clarify that, as a whole, the ten projects should contain the listed elements rather than each project containing the listed elements.

Parking Requirements: Parking management is handled through land use regulation as part of an overall strategy to reduce transportation demand generated by retail, office, industrial and other land uses. It is not part of street design.

Proposed Resolution: Delete Provision C.3.b.iii(2)(d) Parking management.

Monitoring Requirements: Provision C.8 already places extensive monitoring requirements on the Permittees. Unless grant funding becomes available, it will be hard enough for the Permittees to implement green streets pilot projects, plus the necessary long-term operations and maintenance and verification inspections. Monitoring water quality benefits from individual LID installations is a cumbersome and costly requirement. If some of these projects are funded by grants such as Proposition 84, monitoring will be required under the conditions of the grant.

Proposed Resolution: Eliminate monitoring requirement.

Existing Projects: Some municipalities have been aggressive in implementing green development as part of their stormwater treatment implementation and have installed projects that meet the requirements of the provision.

Proposed Resolution: Consider existing projects, which meet the treatment sizing criteria and incorporate the green street components, as counting toward the required pilot projects.

Other Concerns

Mercury and PCB Controls:

Addressing TMDL pollutants, in particular mercury and PCBs, should be a priority for this next permit term; and, we generally recognize the need for and support conducting the various types of pilot projects outlined in the Revised Tentative Order. However, differing interpretations of Provisions C.11 (Mercury Controls) and C.12 (PCB Controls) could result in many more pilot projects required than are feasible. It is our understanding that Water Board staff's intent is that many of the pilot projects in C.11 and C.12 can be completed through the same project, assuming samples are collected and analyzed for both mercury and PCBs. However, there are often slight differences in the language of the two provisions that we believe may cause some confusion.

Proposed Resolution: We request the Provisions C.11 and C.12 be combined into one provision to make it clear what is required. We also request that it be made explicit that a pilot project can be credited towards more than one provision (for example, a pump station diversion project could be credited toward both C.12.d and C.12.f.) and that ongoing projects such as the Ettie Street Project could be credited toward completion of the required pilot projects. Our estimated cost of \$250,000 per year is based upon these assumptions. Without clarifying the provision in this manner, it will not be feasible to meet these requirements. We also request that you incorporate the proposed revisions in Attachment 1.

Trash Controls:

As with the TMDL pollutants, trash reduction is an appropriate focus for this permit term. We recognize that municipalities need to play a role in reducing the amount of trash entering our creeks and the Bay. However, this is not a problem municipalities can solve by themselves. We agree with the suggestion made by your board several years ago that a statewide task force including State and local representatives should be formed to address the trash problem.

We appreciate the increased flexibility provided in the Revised Tentative Order. We also appreciate the reduced scope of the structural control requirements. As with other pollutants we believe that source control is more cost effective than treatment and we appreciate the flexibility to pursue source control measures in addition to the

implementation of structural controls. Again, these are extremely difficult economic times for our municipalities and the installation and maintenance of the required structural controls place a somewhat unknown and potentially severe economic burden on our municipalities. We also have concerns regarding the Trash Action Level and the Rapid Trash Assessment requirements.

Trash Action Level: We have two concerns with the Trash Action Level. The first is that we believe terminology may cause confusion between a Trash Action Level and a Municipal Action Level or a Water Quality Standard. The Trash Action Level is not intended to be either.

Proposed Resolution: To avoid this possible misinterpretation, we request that the terminology be changed to “Trash Hot Spot Reduction Goal.”

Our second concern is that we do not believe that the hot spot reduction target of 100 pieces of trash per 100 feet of creek will be attainable in all cases. As an example, in 2008, the Program conducted the Rapid Trash Assessment Protocol at ten sites throughout the county. (A technical memo summarizing the results is included as Attachment 4.) At one of the sites, approximately 3,000 pieces of trash were collected from a 100 foot stretch of creek. Almost all of the pieces were very small Styrofoam pellets that had been trapped in the ivy on the banks. These pellets are trapped along the creek bank for a long distance upstream of this site as well due to an illicit discharge that has now been corrected. At this site it will be nearly impossible to meet the pieces of trash per 100 feet target for the foreseeable future.

Proposed Resolution: Express the Trash Hot Spot Reduction Goal as “either 100 pieces per 100 feet or an 80% reduction from the baseline level.”

Rapid Trash Assessment: The Revised Tentative Order would require that these assessments would be conducted at each hot spot twice per year for five years. We have two concerns with this requirement. The first is that the protocol is very labor intensive and not necessary to determine if the trash hot spot reduction target is being met. The second concern is that the protocol is still evolving and there may be more effective methods of assessing the trash.

Proposed Resolution: Revise provision to require only counting the pieces of trash rather than categorizing them, and reduce the number of assessments required to once per year.

We believe it is essential that the Tentative Order be further revised as we have outlined above and in the attachments in order for local agencies to achieve maximum water quality benefit with the resources available. These changes are necessary in order to avoid waste and reflect the realities of municipal budgets. We look forward to continuing our dialog with you and your staff on the issues described in this letter, and we request your consideration of the Program’s recommended changes to the Revised Tentative

ACCWP Comments on MRP Revised Tentative Order

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Order. We also request that your proposed revisions be distributed prior to the May 13 hearing. Thank you for your consideration of our comments.

Sincerely,



Kathy Cote
Management Committee Chair

Cc: ACCWP Management Committee Representatives (via email)

Attachments: 1) Table of Proposed Specific Changes to Revised Tentative Order
2) Proposed Revisions to and Detailed Cost Estimate for Provision C.8
3) Table of Proposed Revisions to Reporting Requirements
4) Trash Assessment Pilot Project Technical Memorandum

No.	Provision	Provision Heading	Issue	Requested Change
Provision C.2: Municipal Operations				
1	C.2.d.ii(2)	DO data	Collect DO data from all pump stations twice a year during the dry season.	Change the maximum sampling required to twice per year for two years and allow an exemption from monitoring in situations where it can be demonstrated that there is no potential water quality problem, such as in Livermore, where the summer discharge is to a dry arroyo or where the discharge rate is too minimal to impact water quality.
2	C.2.d.ii(4)	SW Pump Stations – Implementation Level	Inspect pump stations in the first business day after ¼ inch storm	Change to ½ inch storm
Provision C.3: New Development and Redevelopment				
3	C.3.a.i.(2) Page 15	Task Description	“303(d) listed waterbodies” may not be understood by everyone.	Include a list of current listed water bodies/pollutants in the Fact Sheet.
4	C3.b.ii.(1)d Page 18	Regulated Projects are defined in the following categories	Beginning 07/01/2011 all references in Provision C.3.bi.(1) change to 5,000 sq. ft.	<u>Maintain project size threshold at 10,000 sq. ft.</u> A study by Regional Board staff found that the existing 10,000 sq.ft. threshold captured 97% of all the impervious surfaces installed in the Cities of Livermore, Dublin, and Pleasanton. Also, the implementation of effective treatment controls becomes significantly more difficult, and less cost-effective, on small sites. <u>Alternatively,</u> Do not require maintenance agreements or inspections for these sites.
5	C.3.b.ii.(1) Page 18	Effective Date	For development projects in this category that have received final, major, staff-level discretionary review and approval for adherence to applicable local, state, and federal codes and regulations, before July 1, 2011, the	<u>Exclude from the 5,000 square foot threshold projects with applications deemed complete per the Permit Streamlining Act</u> prior to July 1, 2011. The State legislature enacted the Permit Streamlining Act in response to a “statewide need to ensure clear understanding of the specific requirements which must

No.	Provision	Provision Heading	Issue	Requested Change
			lower 5,000 square feet impervious surface threshold (for classification as a Regulated Project) shall not apply.	be met in connection with the approval of development projects and to expedite decisions on such projects.” When an application is deemed complete under the Permit Streamlining Act, expectations are created and a clock starts ticking. If an agency should, in the middle of the review process, impose a new stormwater treatment requirement that was not applicable when the application was deemed complete, this would require the re-design the project and defeat the Legislature’s efforts to ensure clear understanding of development permit requirements.
6	C.3.b.ii.(1) Page 18	Effective Date	For development projects in this category that have received final, major, staff-level discretionary review and approval for adherence to applicable local, state, and federal codes and regulations, before July 1, 2001, the lower 5,000 square feet impervious surface threshold (for classification as a Regulated Project) shall not apply.	<u>Better coordination with local permitting processes is needed.</u> If the Effective Date section is not revised to coordinate the applicability of the 5,000 square foot threshold with applications deemed complete per the Permit Streamlining Act (see above comment), then Water Board staff should specifically involve Permittees in the rewriting of this provision. As written it is confusing to development review staff and reflects the fact that state regulators, given the nature of their job, lack familiarity with the day-to-day functioning of the development review process.
7	C.3.b.ii(3)	Other Redevelopment Projects	<u>Street Pavement Exemption.</u> The Program understands that the Water Board intends to maintain in the MRP the existing exemption for paving work in the right-of-way. This is expressed in the Water Board's document <u>General Comments and Responses - MRP November 2007 Tentative Order</u> (E-Mail communication from Dale	<u>Proposed Resolution:</u> Replace the exemption language in the Draft Tentative Order with the language from the current permit, specifically "Excluded routine maintenance and repair includes roof or exterior surface replacement, pavement resurfacing, repaving and road pavement structural section rehabilitation, within the existing footprint, and any other reconstruction work within a public street or road right-of-way where both

No.	Provision	Provision Heading	Issue	Requested Change
			Bowyer, March 2009). However, the Draft Tentative Order abbreviates the exemption language of the current permit to only "pavement resurfacing within the existing footprint". This language is far short of the affirmative language in the current permit which includes structural section rehabilitation and any other reconstruction.	sides of that right-of-way are developed."
8	C.3.b.ii(3) Page 19	Other Redevelopment Projects	This section does not mention roadway reconstruction projects, however the Fact Sheet (page 24) states that because Water Board staff expects that most road widening projects will not be able to separate runoff flows from existing lanes of travel from the runoff from new lanes of travel, road widening projects are not allowed the same 50% rule that applies to other redevelopment projects. This rule allows any redevelopment project altering less than 50% of the impervious surface of a previously existing development with no post-construction controls to design stormwater treatment only for the impervious surface being replaced and/or added as part of the project.	<u>Allow roadway widening projects that alter less than 50% of existing impervious surface to treat only the replaced and/or added impervious surface.</u> The MRP should not restrict the ingenuity and resourcefulness of municipal staff and design professionals. It is particularly difficult to provide onsite stormwater treatment facilities in the roadway right of way. It is not reasonable or practicable to burden roadway widening projects with an inflexible requirement to treat all stormwater runoff from the entire roadway.
9	C3.b.iii. Page 20	Green Streets Pilot Projects	Permittees shall cumulatively complete 10 pilot green street projects that	<u>Eliminate Requirement.</u> The Permit already establishes a requirement for municipalities to comply with

No.	Provision	Provision Heading	Issue	Requested Change
			incorporate LID techniques.....	treatment requirement for road projects that create 10,000 sq. ft. of impervious surface and compliance with hydrograph modification requirement for new road projects that create an acre or greater of impervious surface. Given the current economic conditions faced by municipalities, expensive Pilot Projects, which are also redundant with other established requirements, should be eliminated from the Tentative Order.
10	C3.b.iii. Page 20	Green Streets Pilot Projects	Permittees shall cumulatively complete 10 pilot green street projects that incorporate LID techniques.....	<u>Include projects implemented since 2003.</u> If the green streets pilot project provision is not eliminated, please allow green streets projects implemented since the last permit was issued, in 2003, to count toward this requirement.
11	C.3.b.iii.(2) Page 20	Green Streets Pilot Projects	Green street pilot projects shall contain “key elements” (a) through (e).	In the event that the green streets pilot project provision is not eliminated, please <u>clarify that (c) urban greenway segment is offered as an example</u> of an element that a green street may under special circumstances be able to incorporate, but is not required in order for a project to be considered a green street.
12	C.3.b.iii.(2) (d) Page 20	Green Streets Pilot Projects	A “key element” of green streets is described as “Parking management that includes maximum parking space requirements as opposed to minimum parking space requirements, parking requirement credits for subsidized transit or shuttle service, parking structures, shared parking, car sharing, or on-street diagonal parking.	<u>Eliminate section (d) parking management.</u> Parking management is not a component of a street and is handled through land use regulation as part of an overall strategy to reduce transportation demand generated by retail, office, industrial and other land uses. It is not part of street design.
13	C.3.b.iii.(2) (d) Page 20	Green Streets Pilot Projects	Permittees are required to conduct “appropriate monitoring of these projects to document the water quality benefits	<u>Eliminate monitoring requirement.</u> Provision C.8 already places extensive monitoring requirements on the Permittees. Unless grant funding becomes

No.	Provision	Provision Heading	Issue	Requested Change
			achieved.”	available, it will be hard enough for the Permittees to implement green streets pilot projects, plus the necessary long-term operations and maintenance and verification inspections. Monitoring water quality benefits from individual LID installations is a cumbersome and costly requirement that will not improve water quality.
14	C.3.b.iii(2) (a) and elsewhere Page 20	Green Streets Pilot Projects	In “key element” (a), the term “natural feature” is used to describe a landscape based facility that treats and/or infiltrating stormwater.	“Natural feature” seems like the wrong term because even landscape-based systems are not “natural” per se, they are designed and engineered systems. The term landscape-based is recommended, since it is a term that is associated with design.
15	C.3.b.iii	Green Streets Pilot Projects – Due Date	All pilot green streets projects shall be completed by July 1, 2013.	<u>Extend due date to at least July 1, 2014.</u> The unrealistic time frame for identifying projects, obtaining funds, planning, design and construction demonstrates a lack of familiarity with the construction project development process. No one expects regulatory staff to understand the roadway project development process, therefore, the MRP would benefit from better communication and collaboration with Permittees who work on roadway improvements on a routine basis.
16	C.3.b.v.(1)(d) Page 21	Reporting	The reporting requirements for regulated projects include total area of land disturbed.	<u>Remove requirement for reporting area of land disturbed.</u> These data have no relevance to Regulated Projects for post-construction stormwater management. Collecting these data is unnecessary and cumbersome.
17	C.3.v.(2)	Reporting	Permittees shall report the capital costs, operation and maintenance costs, and legal and procedural arrangement in place to address the management of completed Green Street Pilot Projects.	<u>Eliminate Green Streets Reporting Requirement.</u> This is a cumbersome and non-essential reporting task; and therefore, should be eliminated. Green streets projects will be reported in the Table of New Development projects, as required in C.3.v(1).

No.	Provision	Provision Heading	Issue	Requested Change
18	C.3.c.i.(1)a	Low Impact Development-Source Control	Minimization of stormwater pollutants of concern in urban runoff through measures that may include plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards.	Provide a statement that clearly establishes that the requirements to plumb discharges to the sanitary sewer are dependent upon the local sanitary sewer agencies approval. <u>Recommend changing "authority" to "approval"</u> .
19	C.3.c.i(2)(e)	Low Impact Development-Site Design and Stormwater Treatment	After completion of the site design measures specified in Provision C.3.c.i(2)(d), treat as much of the remaining stormwater runoff...	<u>Add the words "as practicable" between "stormwater runoff" and "this includes any runoff leaving..."</u> . This is consistent with paragraphs (f) and (g).
20	C3.c.i.(4)	Low Impact Development-Site Design and Stormwater Treatment	Notify the Water Board Executive Officer prior to granting final discretionary approval to any regulated project that proposes to install vault-based treatment systems to provide primary treatment for 10-20% of the total Provision C.3.d specified runoff from site. Notification shall include a justification for the use of vault-based system.	<u>Eliminate Requirement.</u> This requirement adds a burdensome and unnecessary step in the project review process.
21	C3.c.i.(5) Page 23	Low Impact Development-Site Design and Stormwater Treatment	Notify the Water Board Executive Officer prior to granting final discretionary approval to any regulated project that proposes to install vault-based treatment systems to provide primary treatment for more than 20% and up to 50 % of the total Provision C.3.d specified runoff from site. Notification shall include a justification for the use of vault-based system. Justification shall	<u>Eliminate Requirement.</u> This requirement adds a burdensome and unnecessary step in the project review process. The requirement to provide justification of the infeasibility to provide equivalent offsite treatment is another burdensome and unnecessary task placed on developers.

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			include documentation of site constraints and infeasibility of providing Equivalent Offsite Treatment.	
22	C3.c.i.(6) Page 24	Low Impact Development-Site Design and Stormwater Treatment	Obtain approval from the Water Board Executive Officer prior to granting final discretionary approval to any regulated project that proposes to install vault-based treatment systems to provide primary treatment for more than 50% of the total Provision C.3.d. specified runoff from site.	<u>Eliminate Requirement.</u> The ACCWP is opposed to this provision as it is an interference with local land use decision making. This is a new requirement that was not in the previous Tentative Order, and there is no rationale provided to justify this new requirement. Requiring approval from the Executive Officer puts municipalities at risk of not meeting their obligations to review and process the permit application under the time limits imposed by State Permit Streamlining Act. The Board states that the C.3 requirements are not intended to restrict or control local land use decision-making authority. This requirement, however, is in direct conflict with that statement, and therefore, should be removed from the Tentative Order. Water Board staff should work with Permittees to develop a workable policy on the use of vault-based systems.
23	C.3.e.i Page 26	Alternative Compliance with Provisions C.3.b	Conditions associated with road widening and reconstruction projects, such as, lack of space and underground utilities often make it extremely difficult to install stormwater treatment systems at the site.	Allow Alternative Compliance for road widening and reconstruction projects.
24	C.3.e.i Page 26	Alternative Compliance with Provisions C.3.b	Alternative compliance is only available for infill projects and redevelopment projects.	<u>Allow alternative compliance in any location.</u> Limiting alternative compliance to infill and redevelopment projects appears to be based on the assumption that currently undeveloped areas should be developed in a manner that reserves ample green space for onsite facilities. Many municipalities with undeveloped areas

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				are seeking to maximize density with smart growth development to avoid the “sprawl” that results from surrounding each separate project with ample landscaping. Also, stormwater runoff from roadways is particularly difficult to manage with onsite treatment. For such projects alternative compliance will be a useful tool.
25	C.3.e.i(1)(a) Page 27	Alternative Compliance with Provisions C.3.b	The Brownfields exemption is limited to brownfields projects that receive a subsidy or similar benefits.	<u>Eliminate subsidy requirement for brownfields projects to be exempt from hydraulic sizing requirement.</u> This seems unrelated to the goal of facilitating brownfield remediation. Most brownfield redevelopment does not receive subsidies or similar benefits.
26	C3.e.i.(1)d (i) Page 27	Alternative Compliance with Provisions C.3.b	Transit Village Exemption: A housing or mixed-use development project with a minimum density of 30 residential units per acre	Reduce density requirement to 25 units per acre. This is more feasible for the less urbanized areas within the county. For example, the TOD at the Eastern Dublin BART station is has 25.1 units per acre.
27	C3.e.i.(1)d (ii) Page 27	Alternative Compliance with Provisions C.3.b	Transit Village Exemption: Parking restrictions: Restaurants, no more than 3 spaces/1000 sq.ft Offices, no more than 1.25 spaces/1000 sq. ft. Retail, no more than 2.0 spaces/1000 sq. ft.	<u>Revise Parking requirement to allow greater flexibility.</u> These ratios are unrealistically low and will not serve the goal of encouraging transit oriented development. A more appropriate maximum parking for transit-oriented commercial development would be the following: Restaurants = 5 spaces per 1,000 sq. ft. Offices = 2 spaces per 1,000 sq. ft. Retail = 2.5 spaces per 1,000 sq. ft.
28	C3.e.i.(2) Page 28	Alternative Compliance with Provisions C.3.b	Offsite projects must be constructed by the end of the construction of the regulated project. If more time is needed to construct the offsite project, for each additional year, up to three years, after the construction of the regulated project,	<u>Develop a workable alternative to this unworkable penalty.</u> It is reasonable to have as a goal incentivizing the timely construction of the offsite project. However the penalty of requiring additional treatment for tardiness is not reasonable. If, in the middle of the project, unpredicted delays prevent its timely

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			the offsite project must provide an additional 10% of the calculated equivalent offsite treatment.	construction, the proposed penalty would require a change to the project, resulting in further delays, and possibly exceeding space limitations on the designated site. Please work with the Permittees to develop alternate incentives and/or penalties.
29	C.3.g Page 30	Hydromodification Management	The HM provision does not include exclusions to the HM requirements that are included in Provision C.3.f.v(a)-(d) of the current municipal stormwater permit as amended by Order No. R2-2007-0025. These exclusions have been omitted in the Tentative Order, despite assurances that the existing HM requirement would not be changed, in view of the fact that HM requirement went into effect very recently. These exclusions are important for retaining cost incentives that favor infill redevelopment in contrast to new development with higher impacts on water quality.	<u>Include in the MRP the existing exclusions to HM requirements.</u> The current municipal stormwater permit (as amended) includes the following exclusions from the HM requirement: projects consisting of one single-family home that are not part of the larger common plan of development; sidewalks, bicycle lanes, trails, bridge accessories, guardrails, and landscape features associated with streets, roads, highways, or freeways under the Permittees' jurisdictions; transit village type of development; a project within a "Redevelopment Project Area" that redevelops an existing brownfield site, or the portion of a project that creates housing units affordable to persons of low or moderate income.
30	C3.h.ii.(6) Page 35	Operation and Maintenance of Stormwater Treatment Systems	Inspection of at least 20 percent of the total number (at the end of the preceding fiscal year) of installed stormwater treatment systems and HM controls. Inspection by the Permittee of all installed stormwater treatment systems subject to Provision C.3. at least once every 5 years.	<u>Revise requirement for prioritized inspection plan.</u> If Permittee is required to inspect all within 5 years, allow Permittee to develop an appropriate inspection plan. Eliminate the yearly 20% requirement. Require Permittee to submit an inspection plan indicating how they will inspect all at least once during the 5 year permit cycle.
31	C.3.h.iii	Maintenance Approvals	The provision states that if the responsible party has worked diligently and in good faith, the Permittees are in	<u>Revise to state that if the PERMITTEE (not the responsible party) is working diligently and in good faith then the Permittee will be in compliance.</u> What if

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			compliance with the provision.	the responsible party is <u>not</u> working diligently or in good faith but the Permittee is working diligently and in good faith (for example, by taking enforcement action to rectify the situation)? In that situation, the Permittee should not be held in violation of the provision.
32	c.3.h.iii	O&M verification C3 treatment systems – maint. approvals	Due date for full implementation: “immediate” is not feasible. Requirement for a new database or tracking system and greatly expanded reporting in section c.3.h.iv(1) cannot be accomplished immediately	Delete section iv (1) from reporting. The only two items that the WB should be concerned with is design problems with specific types of BMPs and O&M problems with associated enforcement actions. The discussions required in section iv (3) of the reporting should be able to address and provide this information.
33	C.3.i	Required Site Design Measures for Small Projects and Detached Single Family Homes	Permittees shall require all development projects, which create and/or replace >2,500 sq. ft. to <10,000 sq. ft of impervious surface and detached single family home projects to install one or more site design measures.	<u>Eliminate Requirement.</u> All projects are already required to implement stormwater design/treatment requirements to the maximum extent practicable. This requirement is unnecessary, results in additional tracking/monitoring, and will have little or no real impact on water quality given that the majority of projects are already covered under the requirements based on the 10,000 sq. ft. threshold.
34	C.3.i.vi.	Reporting	A report containing the standard specifications for lot-scale treatment BMPs shall be submitted by July 1, 2012	Delete requirement for submittal, Water Board can always request to review as needed. Alternatively: Change submittal date to September 15 to align with Annual Report.
Provision C.4: Industrial and Commercial Site Controls				
35	C.4.a.ii.(1)	Legal Authority for Effective Site Management - Implementation Level	Legal authority is too broad as regards ability to oversee, inspect, and require expedient compliance and abatement at <u>all</u> sites that cause or contribute to pollution of stormwater runoff. The ordinances that municipalities adopted in the early 1990s were for the municipally	Revise the legal authority to what is required by federal Clean Water Act requirements to control pollutants that flow to municipally owned/operated MS4s.

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			owned/operated municipal separate storm sewer systems (MS4), not for stormwater runoff in general.	
36	C.4.a.ii.(2) and C.4.c.ii.(2)	Implementation Level and Enforcement Response Plan – Timely Correction of Violations	The requirement that violations shall be corrected during certain specified time periods is unrealistic and should be replaced with a more realistic estimate of 30 days.	Replace the requirement to correct violations “prior to the next rain event or within 10 business days” with a more realistic timeframe of 30 days.
37	C.4.b.i.	Industrial and Commercial Business Inspection Plan – Task Description	The inspection plan should not be for sites within each Permittee’s jurisdiction because the flood control districts do not have businesses within their jurisdiction. Also, the sites covered by the plan should be ones that drain to an MS4 owned or operated by a municipality that is a Permittee.	Modify the language to limit the creation of an inspection plan to municipalities that have commercial and industrial sites. In addition, modify language about sites within a Permittee’s jurisdiction to just sites within a municipality that have stormwater drainage that flows to an MS4 owned or operated by the municipality.
38	C.4.b.ii	Implementation Level	This section requires each Permittee to annually update and maintain a list of businesses that could cause or contribute to pollution of stormwater runoff without limiting this requirement to certain Permittees and without limiting the requirement to businesses that drain stormwater to an MS4 owned or operated by a municipality.	Make similar modifications as suggested above to this permit section.
39	C.4.b.ii.(4)	Types/Contents of Inspections	This section requires that each Permittee conduct inspections, and this requirement should be limited to municipalities and not flood control agencies.	Make similar modifications as suggested above to this permit section.

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40	C.4.b.ii.(6)	Record Keeping	The record keeping listed under this section is not as comprehensive as the recordkeeping required under the Enforcement Response Plan (C.4.c.ii.(4)). All of the inspection related record keeping should be listed in one place in this section and not be listed in different places and expressed in different ways.	Consolidate all of the recordkeeping requirements in this section.
41	C.4.b.iii.	Reporting	The annual reporting requirements listed under this section are not as comprehensive as the annual reporting required under the Enforcement Response Plan (C.4.c.iii). All of the annual reporting should be listed in one place in this section. It is uncertain what the purpose is of including language about the percent of violations resolved within 10 working days or in a timely manner.	Consolidate all of the annual reporting requirements in this section. If there are annual reporting items that merit additional discussion and consideration, these should be worked out following adoption of the MRP.
42	C.4.c.	Enforcement Response Plan	It is inefficient to have requirements expressed for different Enforcement Response Plans in Provisions C.4.c., C.5.b., and C.6.b. Requirements for recordkeeping and reporting should not be incorporated into the Enforcement Response Plan section as occurs in C.4.c.	Express the requirements for an Enforcement Response Plan (ERP) in one section of the permit and refer to this ERP, as needed, in other sections of the permit so that there is consistency in the requirements for an ERP.
43	C.4.c.i	Enf. Response Plan – Task Desc	Typo	Replace “public and private construction” with “industrial and commercial”
Provision C.5: Illicit Discharge Control				
44	C.5.a.ii.(1)	Illicit Discharge	The requirement to have adequate legal	Modify the legal authority requirement to having the

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		Detection and Elimination; Legal Authority; Implementation Level	authority for “non-stormwater pollution” is overly broad. The authority should be more specific to non-stormwater discharges to MS4s owned/operated by Permittees.	ability to control non-stormwater discharges to the Permittees’ MS4 as required by the federal Clean Water Act.
44	C.5.a.ii.(2) and (3)	Implementation Level	The requirement to have adequate legal authority for discharges to “storm drains” is too broad.	Modify the legal authority requirement to having adequate legal authority to control discharges to the Permittees’ MS4.
45	C.5.b.ii.(2)	Enforcement Response Plan - Timely Correction of Violations	The requirement that violations shall be corrected within prescribed time periods is unrealistic and should be replaced with a more realistic estimate of 30 days.	Replace the requirement to correct violations “prior to the next rain event or within 10 business days” with a more realistic estimate of 30 days.
46	C.5.c.i	Spill Response	“If 911 is selected, also maintain and publicize a staffed, non-emergency phone number with voicemail, which is checked daily.” Requiring Permittees to check a voice-mail box on weekends and holidays would generally require payment at over-time rates. Municipalities cannot afford this and it is unnecessary.	Revise to “checked on work days.”
47	C.5.d	Illicit Discharge Mobile Sources	“establish oversight and control of pollutants from mobile sources” As a city, cannot even track or collect business licenses for these mobile businesses. Yet have participated in or shared information leading to enforcement of several mobile sources through collaboration with the Alameda County Environmental Crimes Task	Implementation level should consist of developing BMPs and reporting on successful partnering where it is available with entities/agencies that do have control. Example is the recent addition of owner certification to comply with ACCWP BMPs achieved by ACCWP partnering with Al. Co. Env Health Agency who permits mobile catering trucks.

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			Force and County District Attorney's office. The more this permit demands of individual agency staff time; the more staff may be forced to pull back on unfunded regional participation.	
48	C.5.e.ii.	Collection System Screening – MS4 Map Availability Implementation Level	The requirement to utilize the USEPA/Center for Watershed Protection publication "Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment" is unclear and should simply encourage the use of guidance, such as that provided by this manual.	Modify language to state that the "Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment" and other similar manuals may be used for guidance.
49	C.5.e.ii.	Collection System Screening – MS4 Map Availability – Implementation Level	The requirement to make MS4 maps publicly available should be simplified to allow fulfillment of this requirement by making the Creek & Watershed Maps produced by the Oakland Museum of California available. These maps depict storm drain lines that are 2-feet or larger in diameter, which should be sufficient for most public interest/educational purposes.	Modify this requirement to allow the use of the Oakland Museum of California Creek & Watershed maps.
50	C.5.f.ii.	Tracking and Case Follow Up – Implementation Level	The information tracked is overly prescriptive and unnecessary. For example, information tracking about the response times will divert resources from doing the actual illicit discharge detection and elimination work.	Remove the detailed information listed in this permit section.
Provision C.6: Construction Site Controls				
51	C.6.ii.(4)	Implementation	All inspections must be recorded on a	<u>Excessive Reporting.</u> This reporting requirement is too

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		Level; Tracking and Reporting	written or electronic inspection form...Permittees shall track in an electronic database or tabular format all inspections. This electronic database or tabular format shall be made readily available to the Executive Office and during inspection and audits by Water Board Staff	detailed and requires the development and maintenance of an additional “construction” inspection database. It appears that in order to comply with this reporting requirement, a new construction inspection form that captures the requested data will need to be developed. A database similar to the “Industrial and Commercial Inspection Database” will need to be developed to track these inspections and provide such data for the Annual Report. Revise reporting requirement to include a report on the total number, a summary of the construction inspections performed, and a summary of the violations observed/corrected.
52	C.6.ii.(4)	Implementation Level; Tracking and Reporting	The electronic database or tabular format shall record the following information:	If the requirement to report on individual inspections is not replaced with a requirement to report on a total number with summary information (see above), then <u>reduce the data that must be reported.</u> The “inches of rain since last inspection” is particularly unreasonable and cumbersome to implement.
Provision C.7: Public Information and Outreach				
53	C.7.b	Advertising Campaign	“a goal of significantly increasing overall awareness of stormwater runoff pollution prevention messages...” The goal of the advertising campaigns will be to change behavior. The best way to do that may not be to tie it to a stormwater message.	Delete the reference to increasing awareness of stormwater messages.
54	C.7.c.iii	Media Relation/ Reporting	Typo	Delete the “s” on Permittee, should be singular. Typo is repeated in the next several sections.
55	C.7.e.iii	Public Outreach /Reporting	Requires assessment of effectiveness for each of the events. This type of assessment will not be useful to Water	Delete requirement to report on effectiveness.

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			Board staff or to the Permittees and will be a waste of resources.	
56	C.7.g.iii	Citizen Involvement /Reporting	Requires assessment of effectiveness for each of the events. This type of assessment will not be useful to Water Board staff or to the Permittees and will be a waste of resources.	Delete requirement to report on effectiveness.
57	C.7.h.iii	School Children Outreach /Reporting	Requires assessment of effectiveness for each of the events. This type of assessment will not be useful to Water Board staff or to the Permittees and will be a waste of resources.	Delete requirement to report on effectiveness.
Provision C.8: Water Quality Monitoring – Covered in Attachment 2				
Provision C.9: Pesticide Toxicity Control				
58	C.9.a.	Adoption of IPM ordinance or policy	The use of pesticides falls under the federal and state respective departments of pesticide. The purpose of adopting something into ordinance is to make it enforceable local law. Since the City will never have the expertise necessary to attempt to supersede these state and federal agencies it is preposterous for the waterboard to attempt to circumvent their own counterpart agency via this permit. Permittees can and should be accountable for their own pesticide usage through adoption of an internal policy. Permittees can adopt a resolution supporting others in implementing IPM. Permittees in Alameda County have been very successful in partnering with the County	Remove the added “and others” as Permittees can only enforceable control their own operations on this issue. Remove the reference to ordinance entirely or replace with resolution.

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			Ag Commission and retailers in public education of IPM	
59	C.9.e	Track & Participate in relevant regulatory process	Bay Area Permittees and regional groups; such as BASMAA & BACWA; have a long and successful history of doing all the tasks in this section collectively. Individual agencies have widely variable resources and levels of participation. Mandating all these tasks does not change an agencies capability.	The regional, statewide and national collaborative groups and processes will continue to work has they have. The only effective way the Waterboard can accelerate this process is through more consistent participation and dedication of its resources. Section C.9.e should be deleted from the permit.
60	C.9.f	County Ag Commission – Report violations	The Waterboard needs to develop effective relationships with DPR and the County Ag Commissions directly, not attempt to mandate this upon NPDES Permittees	The task descriptions of section i should be recommendations, not mandates, otherwise it should be deleted from the permit. The reporting requirement should be information provide to the Water Board by the County Ag Commissions and/or DPR and should be removed from this permit.
Provision C.10: Trash Reduction				
61	C.10	Trash	Install trash capture devices on catchment area equal to 30% of the Retail/Wholesale Commercial Land use as defined by ABAG 2005 Land Use Statistics. Trash capture devices shall be designed to retain particles by 5mm mesh screen with hydraulic capacity of not less than peak flow rate resulting from a one-year, one-hour storm event in the drainage catchment area.	<u>Allow green streets pilot projects to count toward trash capture.</u> Given the effort and expense that various municipalities will make if the green streets provision is kept in the permit, these projects should count toward trash capture. Filtering roadway runoff through a bioretention area or swale before it enters the storm drain system naturally filters out trash. This would be in keeping with the Water Board staff's preference for landscape-based systems over mechanical systems.
62	C.10	Trash	The requirements of this section cannot be met financially by the Permittees.	State and/or Federal funding for this un-funded mandate must be in place before placing this requirement on

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			<p>Water Board staff has estimated a \$6.06 per capita cost to Permittees which in actuality is \$27,473,822.04. Permittees, just like the State, are in massive budget deficit and the stormwater programs even this depression was already under funded due to Prop 13 restrictions on increasing revenues.</p>	<p>local public agency Permittees.</p>
63	C.10.a.i	Trash Reduction	<p>“While Permittees have completed some assessment of trash impacts in Santa Clara and San Mateo counties...”</p>	<p>Add Alameda to the list of counties (See Attachment 4).</p>
64	C.10.a ii	Trash Hot Spot selection & commercial/retail acres	<p>The data in the 2005 ABAG Land Use database is inaccurate. One problem that is on their description web page is that all their land area calculations are to the middle of the public street.</p>	<p>Arbitrary doubling of population based hot spot locations for San Leandro from 2 to 4 is out of line with the majority of other agencies. It appears that the variance between population and retail/wholesale acreages for most agencies is 1 or less.</p>
65	C.10.a.v.	Trash Capture	<p>Previously Installed Trash Capture Device Credit: “Credit can be claimed for trash full capture devices...”</p> <p>Other devices such as sea curtains that have been previously installed should be eligible for credit as well.</p>	<p>Revise to clarify that trash capture devices other than full capture devices are also eligible for credit.</p>
Provisions C.11 and C.12: Mercury and PCB Controls				
66	C.11 and C.12	Mercury and PCB Controls	<p>While the revised Fact Sheet does clarify that the proposed pilot studies in C.11.c through C.11.f should be targeted primarily towards identifying potential</p>	<p>Combine C.11 and C.12 into one provision, with separate subsections only where the provisions actually differ for the two pollutants.</p>

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			<p>reductions to PCB loads with evaluation of potential mercury reductions as a piggyback aspect of their design, the separate permit provisions are still confusing.</p>	
67	C.11.a	Mercury Controls – Regional collection & recycling	<p>Mercury in all forms; fluorescent lamps, batteries, thermometers, medical devices dental amalgam or elemental; is a universal waste under state and federal law. It must be recycled or disposed as hazardous waste and as such is tracked and under the jurisdiction of DTSC. Through BACWA and CIWMB efforts consumer mercury is already being collected.</p> <p>Due to data gaps and in order to assist the Water Board most agencies are already making significant progress and reporting this requested information via BACWA’s BAPPG committee and in individual NPDES P2 reports.</p>	<p>Section i should be changed to acknowledge the existing program and consolidate those few stormwater Permittees into the existing framework and effort to facilitate efficiency and consistency.</p> <p>Section ii should contain an exemption for Permittees that are already reporting this information to the Water Board in their P2 reports or via BACWA regional reporting to eliminate double reporting and costs associated with the inefficient government mandates.</p>
68	C.12.a	PCB Controls – PCB identification training	<p>Per our previous comments, we disagree with the Fact Sheet assertion that “there is enough experience and/or background knowledge” to go directly to region-wide implementation. This is inconsistent with the Basin Plan Amendment recently adopted for the PCB TMDL which states “in the first five-year permit term, stormwater Permittees will be required to implement control measures on a pilot</p>	<p>Revise title of provision to “Conduct Pilot Projects” and make following revisions to text:</p> <p>Section i – Task Description – delete the last sentence “Permittees shall incorporate such PCB identification into industrial inspection programs.” Scope should be limited to a few pilot projects in different communities reflecting the diversity of organizational approaches and experience with inspection and hazardous waste management.</p>

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			<p>scale to determine their effectiveness and technical feasibility.” The Water Board appears to be attempting to mandate local agencies to circumvent existing hazardous waste laws such as RCRA & CIRCLA at the federal level and CCRs at the state level. Building inspectors and stormwater industrial facility inspectors do not have authority or jurisdiction in this area.</p> <p>Cross discipline training within a Permittees agency as information emerges regarding PCB containing construction materials is a great idea and may yield some tangible results in time. As a multi-discipline inspector that includes industrial stormwater, pretreatment and CUPA programs is a rare occurrence rather than the norm among agencies, it is likely that the only information to be derived from surveying industrial sites for PCBs or PCB containing equipment is going to be re-identification of the few remaining electrical transformers, capacitors and light ballasts. These industrial facilities are well aware of their inventory and diligent in proper disposal of this equipment at end of service life or failure. This equipment is sealed and represents minimal threat to water quality.</p>	<p>Section ii – Implementation Level – delete “document incident in inspection report and” as under the law a CUPA, Environmental Health Inspector or DTSC has no action it can take just because a facility has PCB containing electrical components on its site.</p> <p>Section iii – change to “Permittees shall report successes and failures with training and intra-discipline efforts of expanding knowledge regarding PCB containing materials.</p>

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69	C.11.b	Monitor methyl mercury	Sampling method is inconsistent with updated C.8.f.iv.	Revise provision to reference methods in C.8.f
70	C.12.b	PCB Controls – Pilot projects to Evaluate managing PCB-containing materials during demolition and renovation	<p>a) Per previous comment, this provision is overly prescriptive and inconsistent with the scope and stakeholder process of a regional project already begun to develop these BMPs via a Proposition 50 grant to the San Francisco Estuary Project.</p> <p>b) Present tense in Fact Sheet implies continuing use of PCBs in building materials. This adds to confusion arising from task description language that appears to include PCB equipment types such as those discussed in C.12.a, which are already covered by existing hazardous waste regulations.</p> <p>c) The reporting date for Task 1 has been updated from the previous Tentative Order, but not those for Tasks 2, 3 or 4. Due to the suspension of bond-funded grants the Prop 50 project may not be able to meet even the updated timelines.</p>	<p>a) Per our previous request, this provision should be revised to require good faith regional participation by Permittees in the Proposition 50 grant project, and allow flexibility to follow the actual scope and sequencing of the Proposition 50 project, which is under discussion between SFEP and Water Board TMDL staff due to liability problems and access issues associated with the proposed Sampling and Analysis Plan.</p> <p>b) Revise the first sentence of the Fact Sheet to “PCBs were historically used in a variety of building materials...” and revise C.12.b.i Task Description to read “Permittees shall evaluate potential presence of PCBs in legacy construction materials such as caulks and adhesives at construction sites...”</p> <p>c) Revise C.12.b.iii so that reporting dates for Tasks 2-4 are 1 year later, and to recognize uncertainty in actual delivery dates for grant products</p>
71	C.11/12.c.	Mercury and PCB Controls – Pilot Projects to Investigate and	a) C.11.c inconsistent with C.12.c, with inappropriate reference to private property and incorrect section numbering. See also general comment	a) If not combined with C.12 per above recommendation, revise title of provision C.11.c to delete the words “private property”. Second section numbered i should be ii.

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		Abate On-land Locations	<p>above on C.11/12 coordination.</p> <p>b) The number of pilot projects is excessive in light of current economic problems and lack of viable grant programs.</p> <p>c) Requirement that Permittees “must ensure that cleanup occurs” is ambiguous and may imply excessive liability for Permittees. The Water Board has no authority via this permit to change federal law enacted via CERLA regarding who is a potentially responsible party due to a release or spill and contamination. As holders of public lands in trust for its constituency, local agencies who exercise due diligence and perform all appropriate inquiries are actually protected from being named responsible parties. Deleting out the word parties after responsible from the previous draft does not change the context or make this statement legal.</p>	<p>Third section numbered ii should be iii.</p> <p>b) Cap number of pilot projects in C.11/12.c.ii at 1 per county for this permit term.</p> <p>c) Revise provision C.11/12.c.ii(1) to reflect limits of Permittees’ authority. Delete the last sentence of section ii, “Permittees are responsible for contaminants located on public right-of-way and the stormwater conveyance system.</p>
72	C.11/12.d	Pilot Projects to Evaluate and Enhance Municipal Sediment Removal and Management Practices	Final reporting date has been updated in c.12.d.v but other dates for compliance or reporting are unchanged from previous version. This is a concern since it was assumed the initial evaluations would incorporate reports and analyses from the Proposition 13-funded Urban Runoff BMPs project.	Revise C.12.d.iii and iv so that reporting dates are 1 year later, and to recognize uncertainty in actual availability dates for grant-funded products.
73	C.11/12.e	Pilot Projects to	a) Number of pilot projects is excessive.	a) Reduce required number pilots to 1 per county.

No.	Provision	Provision Heading	Issue	Requested Change
		Evaluate On-Site Stormwater Treatment via Retrofit	See also comment (a) under C.11/12.c. b) C.12.e.iii presupposes that feasibility evaluations in C.12.e.ii will find all 10 sites have high potential for technical feasibility and effective reductions via retrofit.	b) Revise provision so that an alternate list of pilot study sites may be approved by Executive Officer based on outcomes of the feasibility study.
74	C.11/12.f	Diversion of Dry Weather and First Flush Flows to POTWs	a) The infrastructure and system to cross connect stormwater pump stations to POTWs does not exist and there is no funding to accomplish this. City and County of San Francisco has spent millions of dollars trying to manage a combined storm & wastewater system, had numerous sewer overflows and wastewater plant overloads. POTWs are designed to treat conventional pollutants; i.e. BOD, TSS, Fecal Coliform and minimal pH stabilization. They are not designed to treat the priority pollutants of concern in this MRP. Hence the very restrictive NPDES limits on the POTW discharge and the mandated need for a pretreatment program and local limits implementation. The response to comments stating that it is the intent to use excess capacity of the POTW to treat stormwater appears to have a disconnect with the functional operation of POTWs in order to not violate their NPDES Permits. POTWs in order to meet their effluent limits and	a) We appreciate the statements made in the Comments and Responses Summary that: “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.” We ask that this language also be incorporated in the Fact Sheet along with recognition that capacity limitations other than flow volume, mercury or PCBs may affect feasibility. In addition, C.11/12.ii(1) and/or the Fact Sheet should be modified to emphasize the importance of developing consensus on a consolidated strategy between BASMAA, BACWA, all Permittees and all POTWs during the term of this permit, as the prerequisite to pilot studies.

No.	Provision	Provision Heading	Issue	Requested Change
			<p>remain in compliance have already allocated all capacities. The only excess capacity in the allocation methodology is a safety factor that the Water Board sets standards for. The only way to add additional capacity is to expand the POTW and the only way to allocate existing capacity to stormwater is completely redevelop local limits, permanently providing allocation to stormwater and permanently removing that allocation from the industrial discharger sector to the POTW..</p> <p>b) The previous Tentative Order had inconsistent wording in C.11 vs. C.12, but now both C.c.11/12.f.ii(3) have been changed to specify implementation of “flow diversion” instead of “pilot studies”. This is illogical because the permit now presupposes that feasibility evaluations will identify 5 sites where diversions can be implemented as pilots. It also precludes potential alternative approaches that may generate valid estimates of potential reductions at pilot sites where structural diversions to POTW cannot be implemented during the required timeframe. Given the limited timeframe, any extrapolation of monitored flows will produce estimates and not measures of long-term average reductions in PCB loads.</p>	<p>b) Revise C.12.f.ii(3) to require implementation of pilot studies and monitoring-based estimation of load reductions.</p>

No.	Provision	Provision Heading	Issue	Requested Change
75	C.11/12.i	Development of a Risk Reduction Program Implemented throughout the Region	Provision should reflect recent and ongoing regional discussions among storm water and wastewater Permittees	Revise scope to focus on public education per BASMAA comments
Provision C.13: Copper Controls				
76	C.13.a	Architectural copper	a) Construction activities can be handlers with a SWPPP under C.3 and C.6. Post-construction activities cannot be reasonably controlled by Permittees. b) Fact sheet implies that copper is a feature of most or all roofs, gutters and downspouts	a) Revise C.13.a.ii(1) to eliminate reporting requirements for post-construction b) Revise Fact Sheet provision to refer to “some roofs, gutters and downspouts”
77	C.13.b	Pools, spas and fountains	This is redundant with C.3 provisions.	Eliminate requirement or insert text in provision or Fact Sheet to clarify that this is a reference to source control activities already incorporated elsewhere in the permit.
78	C.13.c	Vehicle brake pads	Fact sheet does not mention recent introduction of proposed legislation (SB 346-Kehoe) to phase out copper in vehicle brake pads sold in California	Revise Fact sheet to refer to “voluntary or legislated reductions”
79	C.13.d	Industrial Source	This is redundant with C.4 provisions	Eliminate requirement or insert text in provision or Fact Sheet to clarify that this is a reference to source control activities already incorporated elsewhere in the permit.
80	C.13.e	Studies to reduce uncertainties	Date for submitting proposed work plan has been updated but not reporting date for findings and results.	Revise last sentence to specify report on findings in 2013 Annual Report.
Provision C.15 Exempted and Conditionally Exempted Discharges				
81	C.15.b.i.(1)(a)	Conditionally Exempted Non-Stormwater	The requirement to “render pumped groundwater free of pollutants” is unnecessarily onerous and inconsistent	Modify the language to qualify that the discharge should not have pollutants of concern at concentrations that cause an exceedance of a water quality standard.

No.	Provision	Provision Heading	Issue	Requested Change
		Discharges – Required BMPs/Control Measures	with Discharge Prohibition A.1. The prohibition characterizes Provision C.15 as providing assurance that the discharge contains no pollutants of concern at concentrations that will impact beneficial uses or cause exceedances of water quality standards.	
82	C.15.b.i.(1) . (b)	Conditionally Exempted Non-Stormwater Discharges – Required BMPs/Control Measures	The language about being “consistent with Order No. R2-2007-033 NPDES No. CAG912004 requirements” should be deleted because NPDES-permitted discharges are exempt from the discharge prohibition.	Delete the new, proposed language about being consistent with Order No. R2-2007-033.
83	C.15.b.i.(1) (d) and (e)	Conditionally Exempted Non-Stormwater Discharges – Required BMPs/Control Measures	The monitoring of small, incidental discharges of pumped groundwater, foundation drains, crawl space pumped water, and footing drains for the full suite of chemicals listed at a frequency of a minimum of once a month is unnecessary and overly burdensome.	Delete the very prescriptive and burdensome monitoring requirements to the rare situations where a large discharge of potentially contaminated water merits the types of monitoring proposed.
84	C.15.b.ii.(1) (b)	Discharge Type – Air Conditioning Condensate – Required BMPs/Control Measures	Discharges of air conditioning condensate from new commercial and industrial air conditioning units are only allowed to landscaped areas or the sanitary sewer, where this is allowed, which is more stringent than the requirements for new large commercial and industrial air conditioning units described under (c). The option to discharge to storm drains should be	Modify the language to allow discharge to storm drains provided the discharge does not cause an exceedance of a water quality standard.

No.	Provision	Provision Heading	Issue	Requested Change
			allowed.	
85	C.15.b.ii.(1)(c)	Discharge Type – Air Conditioning Condensate – Required BMPs/Control Measures	The discharge of air conditioning condensate from new large commercial and industrial air conditioning units should not be prohibited to discharge to storm drains only when “adequate treatment measures are in place to meet water quality standards” because Discharge Prohibition A.1 only requires that the discharge not impact beneficial uses or cause exceedances of water quality standards.	Modify the language to state that these discharges may be allowed provided the discharge does not cause an exceedance of a water quality standard.
86	C.15.b.iii.(1).(b)(i), (ii), and (iii)	Discharge Types – Planned, Unplanned, and Emergency Discharges of Potable Water	These sections require that the either the Permittees notify and report specific information or require that the potable water discharger report to the Water Board staff. The Permittees should only be responsible for reporting their own activities to the Water Board staff, and additional notification and reporting by third parties should be handled by the Water Board through an NPDES permit or other regulatory mechanism. The Federal Register that adopted the stormwater permitting requirements states the following: “Ultimately, such non-storm water discharges through a municipal separate storm sewer must either be removed from the system or become subject to an NPDES permit.” (Vol. 55, No. 22, Friday, Nov. 16, 1990,	Modify this language to make it clear that the Permittees must only notify and report to the Water Board staff information about these discharges that they are responsible for implementing.

No.	Provision	Provision Heading	Issue	Requested Change
			page 47995)	
87	C.15.b.iii.(1).(c)(i), (ii), and (iii)	Discharge Types – Planned, Unplanned, and Emergency Discharges of Potable Water - Monitoring Requirements	The section establishes monitoring requirements that the Permittees shall do or require of planned discharges. The Permittees should only be responsible for monitoring of potable water discharges that they are responsible for and not discharges by third parties.	Modify this language to make it clear that the Permittees are only responsible for monitoring discharges that they are responsible for and not discharges by potable water dischargers who are not Permittees.
88	C.15.b.iii(2)	Discharge Types – Planned, Unplanned, and Emergency Discharges of Potable Water - Unplanned Discharges	This section contains requirements for the Permittees to implement or require potable water discharges to implement BMPs, notify, monitor, and report to the Water Board staff unplanned potable water discharges. Similar to the preceding comments, the Permittees should only be responsible for these requirements for their own discharges and not discharges by third parties. If the Water Board needs the information listed, it should be addressed through the adoption and implementation of an NPDES permit for potable water dischargers.	Modify this language to make it clear that the Permittees are only responsible for BMP usage, notifications, reporting, and monitoring of discharges they are responsible for and not dischargers by potable water dischargers who are not Permittees.
89	C.15.b.iii.(2)	Discharge Types – Planned, Unplanned, and Emergency Discharges of Potable Water - Unplanned	Some of the requirements are overly prescriptive, such as notifying the Water Board within two hours of becoming aware of any aquatic impacts and reporting times of discovery, notification, and responding crew arrival time, and these requirements may interfere with	Modify these requirements to eliminate overly prescriptive record keeping and reporting that interferes with responding to unplanned potable water discharges. In addition, the monitoring requirements should be conditioned with the qualifier that the monitoring should only be done to the extent that time and resources allow and only where and when it is safe to

No.	Provision	Provision Heading	Issue	Requested Change
		Discharges	responding to the unplanned discharge. In addition, there may be instances where the monitoring is infeasible because monitoring the discharge is unsafe or the discharge has ceased prior to being able to monitor.	do.
90	Deletion of Individual Residential Car Washing	No longer included as Conditionally Exempted	The permit would no longer allow the discharge of individual residential car wash water. Some of the language formerly in this section of the permit has been moved to Provision C.7.e.i. This conditionally exempted discharge should continue to be allowed by the permit provided minimal amounts of water and pollutants are generated. The Fact Sheet does not describe why these types of discharges should no longer be allowed. The Federal Register that adopted the stormwater permitting requirements states the following: "... in general, municipalities will not be held responsible for prohibiting some specific components of discharges or flows listed below [list includes 'individual residential car washing'] through their municipal separate storm sewer system even though such components may be considered non-storm water discharges, unless such discharges are specifically identified on a case-by-case basis as needing to be addressed." (Vol. 55, No.	Restore this conditionally exempted discharge to the MRP.

No.	Provision	Provision Heading	Issue	Requested Change
			22, Friday, Nov. 16, 1990, page 47995)	
91	C.15.b.iv.(1)(c)	Discharge Type –Swimming Pool, Hot Tub, Spa, and Fountain Water Discharges	The additional language added about enabling “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” is awkwardly worded, unclear, and needs to be modified.	Modify the language in this section to make it clear that the Permittees are only responsible for providing owners of these features with information about how they may apply for the proper permits to discharge to the sanitary sewer.

The revised Provision C.8 has been improved by deletion of trash monitoring and the redundant pump station project, and a more realistic and logical approach to selecting watersheds and locations for monitoring under C.8.c. The following additional modifications would address our major concerns with this portion of the Revised Tentative Order:

1. Revise C.3.a to allow alternative modeling designs by regional collaboratives that address the monitoring objectives stated in the permit. This is particularly important for initiatives by the Regional Monitoring Program and other groups that have a wider stakeholder base and independent scientific review processes. The RMP's Small Tributaries Loading Strategy is the prime example of a regional design that will incorporate lessons from recent RMP Pilot Studies into a pollutant loads monitoring approach coordinating future RMP activities with stormwater program monitoring.
2. Streamline Status Monitoring/Rotating Watersheds in C.8.c by removing redundant, inappropriate and/or low-priority parameters from Table 8.1, and retaining only the key complementary indicators that make up the Sediment Triad assessment of water body condition. For certain parameters, an addition to C.8.e Monitoring Projects can require development of more focused special studies that use these indicators to address potential water quality problems or enlarge understanding of environmental processes. For algal bioassessment and nutrients, a regional study plan should be designed in consultation with SWAMP program staff to incorporate lessons from SWAMP's baseline investigations on seasonal, annual, and geographic variability in periphyton assemblages (identified as a multi-year project in the SWAMP work plan for 2007-08). For pathogen indicators, it would be more cost effective to develop one or more screening projects targeted at areas where there is significant risk of human exposure through non-swimming contact recreation.
3. Eliminate nonessential or duplicative storm event monitoring provisions from C.8.c and C.8.d; storm event sampling of high-priority pollutants can be transferred from Table 8.3 to the Category 2 parameter list in Table 8.5 of Provision C.8.f.
4. Revise C.8.h to provide for reasonable reporting timeframes.

The following table on pages 2-9 provides additional discussion of specific provisions in C.8 and suggestions for corrections or improvements. Pages 10-11 contain three additional tables showing our cost estimates for C.8 as proposed in the Revised Tentative Order, compared with the changes suggested in this Attachment. Experience with the RMP has shown that for data to be useful, monitoring budgets should account for costs of managing and coordinating the program, including review by scientific advisers and collaborative involvement of stakeholders.

Provision	Provision Heading	Issue	Requested Change
C.8.a	Compliance Options	Language in paragraph 3 attempts to address the Program's previous comment, but still constrains a regional collaborative to obtaining the "types, quantities and quality of data" prescribed in the MRP, even if alternative designs are supported by the collaborative's scientific panels or expert reviewers. This may effectively prevent permittees from participating in collaboratives if other participants don't accept all of the MRP prescriptions.	Revise paragraph to allow programs to submit an alternative monitoring design prepared by a regional collaborative, which includes specific justification for collecting alternative types, quantities and qualities of data which will provide equivalent or capability for addressing the objectives or questions stated in the permit. (See related comment for C.8.f below)
C.8.c.ii	Status Monitoring/Rotating Watersheds – Parameters/Methods	Specified time frames are ambiguous; text could be interpreted to mean monitoring must be conducted in each of the named months rather than a time window.	Revise 2 nd sentence to specify spring sampling during "April or May", dry weather during "June, July, August or September"
C.8.c.iii	Status Monitoring/Rotating Watersheds – Table 8.1	<p>General: Most of the Program's previous comments still apply regarding</p> <p>a) excess specificity and</p> <p>b) inclusion of parameters that are inappropriate or not justifiable in terms of costs vs. benefits.</p> <p>Particular concerns, especially those related to new additions and revisions, are noted below.</p> <p>c) Biological Assessment: Addition of taxonomic identification for 2 types of</p>	<p>a) see also comments by legal counsel and BASMAA</p> <p>b) In view of extreme funding restrictions on Permittees, this permit should limit creek monitoring to the core parameters used in the Sediment Quality Triad (benthic macroinvertebrate bioassessment, bedded sediment toxicity and bedded sediment chemistry). These parameters have been scientifically validated as a suite of complementary indicators for basic physical, chemical and biological conditions of streams, for much less cost than proposed in the Revised TO (see cost estimates on pages 10-11 below).</p> <p>c) Delete algae from footnote including added physical habitat measures, and substitute under</p>

		<p>algae in Footnote 28 is a significant cost increase, offsetting the reduction in number of sites for the earlier parameter list. Also added are additional physical habitat parameters including “reachwide algal percent cover” which does not correspond to any parameters in the draft “SWAMP Reachwide Benthos Method for Stream Algae Sampling and Associated Physical Habitat Data Collection” (Version 3, February 2009, Version 4 still in prep).</p> <p>Per our previous comments, requiring the following additional site measurements is excessive and frequently inappropriate for the urban stream reaches targeted in C.8.c.ii:</p> <ul style="list-style-type: none"> • Depth and pebble count+CPOM requires 420 individual measurements or observations that must be recorded for stones at each sampling site. • cobble embeddedness prescribes a “random walk” search for stones of a certain size to augment the preceding measurements if a minimum of 25 cobbles have not been found. Visual assessment that cobbles are absent 	<p>Monitoring Projects design of a characterization study to be conducted next permit term for nutrients and algae together.</p> <p>Delete requirements for other physical habitat procedures that are not included in the SWAMP “basic” level protocol. Coordinate any remaining parameter names to match terminology in reference documents.¹</p>
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¹Contrary to the statement in the Water Board’s Comments and Response Summary dated March 2009 (page 13 of 24), SWAMP bioassessment procedures are not based on the 1999 US EPA method in "Rapid Bioassessment Protocols for Use in Wadable Streams and Rivers". Draft protocols that have been circulated internally and summarized in public presentations are adapted from the much more detailed and time-consuming procedures used by the Environmental Monitoring and Assessment Program, described in “Surface Waters: Western Pilot Study Field Operations Manual for Wadeable Streams, 2001” edited by Peck, Lazorchak and Klemm (2001). EMAP protocols were designed for use by dedicated professional EPA staff in implementing a particular wide-scale probabilistic monitoring design.

		<p>from the reach is not allowed.</p> <p>d) Nutrients: despite removal of the words “storm event” the Revised Tentative Order still requires sampling “in conjunction with water column toxicity” which includes storm event sampling (see item (e) below) as well as two other times per year. The revised table entry appears to require a significant increase in number of sampling sites from 3 to 20 for both storm event sampling and dry weather sampling. The Revised Tentative Order has also expanded the Nutrient sampling to include additional chemical analytes plus a field grab sample for suspended sediment concentration at each site, without clear justification of why these should be part of an ambient monitoring program.</p> <p>e) Water Column Toxicity & Diazinon/Chlorpyrifos: per previous comment, “Storm event sampling methods and approach for toxicity and diazinon prescribed in this provision are inconsistent with the regional Urban Creeks Monitoring Plan”</p> <p>f) Bedded Sediment Toxicity and Pollutants: Annual number of sites has been increased to 10.</p> <p>Also, Footnote 34 still includes by indirect reference several analytes not specifically named in the T.O., some of which may not be considered to have reasonable potential for stormwater impacts in the Bay Area,</p>	<p>d) Delete Nutrients from table and substitute under Monitoring Projects design of a characterization study to be conducted next permit term see c) above</p> <p>e) Delete grabs for water toxicity and diazinon/chlorpyrifos from Table 8.1, and add them to the list of Category 2 pollutants in Table 8.5.</p> <p>f) Restore number of sites to 6 as in previous version.</p> <p>Revise footnote and/or table to exclude unnecessary analytes.</p>
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		<p>noted in previous MP-2 comment were:</p> <ul style="list-style-type: none"> • Trace Metals: As, Cd, Cr, Pb, and Zn • Organochlorine Pesticides: Endrin, Heptachlor epoxide, and Lindane (gamma-BHC) <p>g) Pathogen indicator method is intended for swimming uses.</p>	<p>g) Delete requirement for Pathogen indicator sampling and add design for a screening study to C.8.e.</p>
C.8.c.v	Status Monitoring/Rotating Watersheds-Results	<p>Requirement for follow-up Monitoring Projects triggered by single-factor exceedances in Table 8.1 is excessive. Also, Footnote 32 requires results to be compared to Pacific Northwest criteria for salmonids regardless of whether the waterbody actually supports salmonids at the time and place of temperature measurements.</p>	<p>Delete continuous temperature recording from this section per comment on Table 8.1 above. If not, <i>revise or delete Footnote 22 so that temperature reference corresponds to Basin Plan objective</i></p>
C.8.d.i-ii	Long-Term Monitoring-Parameters & Methods, Frequency	<p>a) General: High cost for efforts that are partly duplicative or would be more efficiently achieved by incorporation in other provisions; per MP-6, “Prescriptive monitoring requirements are not tied to specific objectives, and not coordinated with similar provisions elsewhere in C.8. In particular, a separate wet-weather flow-weighted composite sampling station with capability to sample suspended sediment concentration (SSC) is extremely costly and labor-intensive for little recognizable added benefit.”</p> <p>b) Water column toxicity sampling for</p>	<p>a) Delete all of C.8.d. High priority pollutants may be added to Category 2 in Table 8.5, which will still permit significant cost savings by eliminating station setup.</p> <p>b) See comment under Table 8.1 above which will</p>

		<p>years 2 and 4 of the permit increased from 1 to 4 wet weather events.</p> <p>c) Recommendation for three-week antecedent dry period between storms is confusing and unrealistic. Four evenly spaced isolated storms at this interval would be a minimum of 2.5 months in an “ideal” artificial system.</p>	<p>move water toxicity sampling to C.8.f, for 2 events in years 2 and 4.</p> <p>c) If provision is not deleted, delete this phrase.</p>
C.8.d	Long-Term - Table 8.3	<p>Concern re follow-up trigger is similar to that for C.8.c.v above. Table is unclear whether repeated sampling after an exceedance can be one of the four annual events.</p>	<p>Delete along with provision; see previous comments re triggers.</p>
C.8.d	Long-Term - Table 8.4	<p>Sites listed are not appropriate for wet weather sampling using methods prescribed. The assertion in the Water Board staff’s Summary Response To Comments that “We have discussed Long-Term Monitoring locations with Permittees” is a misstatement since stormwater programs have consistently objected to this provision as poorly constructed and ill-supported². As a specific example, USGS personnel have years of experience monitoring discharge at the newly added “site option” for</p>	<p>If this provision is retained as a separate monitoring activity, the proposal in Summary Response To Comments to make Table 8.3 non-prescriptive would allow selection of a more suitable site, but C.8.d would then be even more redundant and confusing..</p>

²Workgroup meetings for the MRP did not discuss specific methods or locations for long term trends monitoring of creeks. In August 2007 the regional SWAMP coordinator invited monitoring coordinators from ACCWP and SCVURPPP, as individuals, to “contribute to the discussion” of candidate sites for the SWAMP Long-term Trends Monitoring program then in development. This program, described in “SWAMP Statewide Stream Contaminant Trend Monitoring at Integrator Sites” (July 2008) only samples bedded sediment during dry weather and is not intended to monitor “mass emissions”. The MRP was not a topic of those discussions and the site list that resulted should not be automatically assumed suitable for other types of monitoring just because of superficial similarity in program title or some monitoring objectives.

		Alameda Creek at Alvarado Blvd and they consider suspended sediment concentration (SSC) sampling to be infeasible there due to vegetation and backwater conditions varying among multiple channels at different discharge levels. In addition, the width and depth of channel exceed the recommended tubing length and lift for pumps to collect representative flow-weighted composite samples of SSC.	
C.8.e.i	Monitoring Projects - Stressor/Source Identification	<p>Added provisions regarding follow-up investigations are overly prescriptive and/or inappropriate.</p> <p>a) C.8.e.i(1) requires Toxicity Reduction Evaluations or Toxicity Identification Evaluations. Added option for TRE is a positive change but TRE/TIE can still be inappropriate and potentially ineffective high-cost responses if thresholds are exceeded for parameters other than water toxicity</p> <p>b) C.8.e.i(3) requirement to “implement one or more controls” is inappropriate for this document.</p> <p>c) C.8.e.i(6) legal language is inappropriate for this section.</p>	<p>See also legal comments by ACCWP counsel regarding C.1.</p> <p>a) Streamlining C.8.c and d provisions as described above will also concentrate on monitoring data types with greater potential for productive follow-up.</p> <p>b) Delete provision</p> <p>c) Delete provision and/or incorporate cross-reference to corrected C.1</p>
C.8.e.ii	Monitoring Projects - BMP Effectiveness Investigation	New requirement for BMP effectiveness study is unnecessary and redundant. Language requiring any BMPs used for both this provision and C.3.b.iii., C.11.e and C.12.e to be evaluated for “the range of pollutants generally found in urban	Delete provision; if retained, allow the investigation to focus on pollutants relevant to Bay Area.

		runoff” is too broad, would unnecessarily amplify costs instead of leveraging other BMP studies.	
C.8.f	Pollutants of Concern Monitoring-General	Sampling design including locations, methods and frequency should be consistent with the Small Tributaries Loading Strategy being developed through the RMP.	Insert Management Questions developed by Small Tributaries Loading Strategy Team based on information needs statement provided by Water Board TMDL section; see also comments on C.8.a (above) and C.8.f.i-iv (below).
C.8.f.i	Pollutants of Concern Monitoring-Locations	a) Number of required sites too high; see general ACCWP/BASMAA comments regarding prioritization. b) Reference to “Regional SWAMP program” is inappropriate, since this strategy design is not driven by SWAMP needs or monitoring types.	a) Change requirement to equivalent of 1 station per county in addition to stations operated by the Regional Monitoring Program. b) Revise provision as noted in General comment on this section; alternative design will involve conferring with RMP and Regional TMDL staff.
C.8.f.ii	POC Monitoring-Table 8.5	Pyrethroid and other pesticides added to the Category 2 list of analytes will increase field and analytical costs.. Carbaryl and fipronil belong to two different chemical classes and are not pyrethroids as implied by the wording in the table.	Revise wording of table listing to distinguish carbaryl and fipronil from pyrethroids.
C.8.f.iv	POC Monitoring - Methods	a) Methods should be coordinated with Small Tributaries Loading Strategy for maximum data effectiveness. b) Direction for sampled storms to be separated by 21 days of dry weather is unrealistic and inappropriate, see comment (c) under C.8.d.i-ii (above).	a) Revise provision to permit alternative methods addressing the Management Questions for Pollutants of Concern Loadings. See general comments above on C.8.a and C.8.f. b) Delete phrase.
C.8.h.i	Reporting - Water Quality Standard	Second sentence requiring 30 day timeframe for reporting to Water Board	Revise to conform with or reference C.1.

	Exceedence [sic]	"when receiving water data indicate an exceedance of applicable water quality standards" is unrealistic and inconsistent with Provision C.1.	
C.8.h.ii	Status & Trends Electronic Reporting	Earlier September 30 due date is unrealistic for summer data.	Restore due date to November 30 as in previous Tentative Order.
C.8.h.iii	Urban Creeks Monitoring Report	a) Due date changed to December 15 but the permit needs to maintain an interval after electronic data submittal. b) Under discussion of data, broad requirement to "Develop hypotheses to investigate regarding pollutant sources, trends, and BMP effectiveness" is too open-ended.	a) Revise due date to March 15 (of following year). b) Qualify to require hypothesis development "where appropriate and feasible using available information".

Table 1: Estimated costs for C.8 in Revised TO	Estimated ACCWP costs					5 Year total	Note
	FY 09/10	FY 10/11	FY 11/12	FY 12/13	FY 13/14		
C.8.a - Compliance Options (program/project management)	\$110,416	\$280,094	\$223,882	\$272,594	\$205,582	\$1,092,568	Assume 30% of non-RMP costs
C.8.b - SF Bay Monitoring (RMP)							
RMP Participation (directly to SFEI)	\$168,684	\$172,057	\$175,498	\$179,008	\$182,588	\$877,836	workgroup, strategy meetings
Program/BASMAA Representation	\$22,100	\$22,100	\$22,100	\$22,100	\$22,100	\$110,500	
C.8.b SubTotal	\$190,784	\$194,157	\$197,598	\$201,108	\$204,688	\$988,336	
C.8.c - Creeks Status/Trends Monitoring							
Data Collection/Laboratory Analysis	\$43,054	\$304,568	\$304,568	\$304,568	\$304,568	\$1,261,326	
Data Quality Evaluation	\$12,000	\$20,000	\$20,000	\$20,000	\$20,000	\$92,000	
Data Compilation and Entry	\$12,000	\$20,000	\$20,000	\$20,000	\$20,000	\$92,000	
C.8.c SubTotal	\$67,054	\$344,568	\$344,568	\$344,568	\$344,568	\$1,445,326	
C.8.d - Long-Term Monitoring							
Annual Setup/Preparation	\$60,000	\$60,000		\$20,000		\$140,000	
Data Collection/Laboratory Analysis		\$88,047		\$88,047		\$176,094	
Data Quality Evaluation	\$5,000	\$20,000		\$20,000		\$45,000	
Data Compilation and Entry		\$16,000		\$16,000		\$32,000	
C.8.d SubTotal	\$65,000	\$184,047	\$0	\$144,047	\$0	\$393,094	
C.8.e - Monitoring Projects							
i. Source Identification (C.1 Trigger)	\$0	\$50,000	\$50,000	\$50,000	\$0	\$150,000	Placeholders (minimum)
ii. BMP Effectiveness	\$0	\$0	\$30,000	\$0	\$0	\$30,000	
iii. Geomorphic Project	\$0	\$20,000	\$20,000	\$10,000	\$0	\$50,000	
iv. Emerging Pollutants	\$0	\$0	\$0	\$15,000	\$0	\$15,000	
C.8.e SubTotal	\$0	\$70,000	\$100,000	\$75,000	\$0	\$245,000	
C.8.f - Pollutants of Concern Monitoring (Loading)							
Annual Setup/Preparation	\$20,000	\$40,000	\$30,000	\$35,000	\$30,000	\$155,000	
Data Collection/Laboratory Analysis	\$0	\$130,032	\$120,704	\$130,032	\$120,704	\$501,472	
Data Quality Evaluation	\$12,000	\$35,000	\$30,000	\$35,000	\$30,000	\$142,000	
Data Compilation and Entry	\$12,000	\$30,000	\$30,000	\$30,000	\$30,000	\$132,000	
C.8.f SubTotal	\$44,000	\$235,032	\$210,704	\$230,032	\$210,704	\$930,472	2 Sites with existing station setup
C.8.g - Citizen Monitoring	\$6,000	\$7,000	\$7,000	\$10,000	\$10,000	\$40,000	Encourage observations
C.8.h - Reporting							
Status and Trends Electronic Reporting	\$0	\$20,000	\$20,000	\$20,000	\$20,000	\$80,000	
Urban Creeks Monitoring Report	\$20,000	\$25,000	\$40,000	\$40,000	\$40,000	\$165,000	
Integrated Monitoring Report	\$0	\$0	\$0	\$25,000	\$40,000	\$65,000	
C.8.h SubTotal	\$20,000	\$45,000	\$60,000	\$85,000	\$100,000	\$310,000	
C.8.i - Monitoring Protocols & Data Quality							
- Creek Status and Trends	\$55,000	\$20,000	\$15,000	\$15,000	\$15,000		
- Long-Term Monitoring	\$30,000	\$0	\$1,000	\$0	\$0		
- POC Monitoring (Loading)	\$57,000	\$15,000	\$15,000	\$15,000	\$15,000		
C.8.i SubTotal	\$172,000	\$55,000	\$31,000	\$30,000	\$30,000	\$385,000	
Total Estimated Cost (without RMP)	\$506,570	\$1,242,841	\$999,254	\$1,213,341	\$922,954	\$4,884,960	
Total Estimated Cost (with RMP)	\$675,254	\$1,414,898	\$1,174,752	\$1,392,349	\$1,105,542	\$5,762,795	

Table 2: Estimated costs for C.8 using ACCWP suggested changes to Revised TO	Estimated ACCWP costs					5 Year total	Net difference vs. RTO (5 year total)
	FY 09/10	FY 10/11	FY 11/12	FY 12/13	FY 13/14		
C.8.a - Compliance Options (program/project management)	\$77,716	\$120,544	\$123,715	\$123,844	\$100,315	\$546,133	-\$546,435
C.8.b - SF Bay Monitoring (RMP)	\$190,784	\$194,157	\$197,598	\$201,108	\$204,688	\$988,336	\$0
C.8.c - Creeks Status/Trends Monitoring							
Data Collection/Laboratory Analysis	\$33,054	\$74,030	\$74,030	\$74,030	\$74,030	\$329,174	
Data Quality Evaluation	\$10,000	\$13,000	\$12,000	\$12,000	\$12,000	\$59,000	
Data Compilation and Entry	\$10,000	\$13,000	\$12,000	\$12,000	\$12,000	\$59,000	
C.8.c SubTotal	\$53,054	\$100,030	\$98,030	\$98,030	\$98,030	\$447,174	-\$998,152
C.8.d - Long-Term Monitoring	\$0	\$0	\$0	\$0	\$0	\$0	-\$393,094
C.8.e - Monitoring Projects	\$0	\$70,000	\$130,000	\$75,000	\$0	\$275,000	\$30,000
C.8.f - Pollutants of Concern Monitoring (Loading)							Assume 1 non-RMP site
Annual Setup/Preparation	\$20,000	\$20,000	\$18,000	\$20,000	\$18,000		
Data Collection/Laboratory Analysis	\$0	\$86,782	\$60,352	\$86,782	\$60,352		
Data Quality Evaluation	\$12,000	\$20,000	\$18,000	\$20,000	\$18,000		
Data Compilation and Entry	\$12,000	\$18,000	\$18,000	\$18,000	\$30,000		
C.8.f SubTotal	\$44,000	\$144,782	\$114,352	\$144,782	\$126,352	\$574,268	-\$356,204
C.8.g - Citizen Monitoring	\$6,000	\$7,000	\$7,000	\$10,000	\$10,000	\$40,000	\$0
C.8.h - Reporting							
Status and Trends Electronic Reporting	\$0	\$14,000	\$10,000	\$10,000	\$10,000		
Urban Creeks Monitoring Report	\$20,000	\$18,000	\$30,000	\$30,000	\$30,000		
Integrated Monitoring Report	\$0	\$0	\$0	\$25,000	\$40,000		
C.8.h SubTotal	\$20,000	\$32,000	\$40,000	\$65,000	\$80,000	\$237,000	-\$73,000
C.8.i - Monitoring Protocols & Data Quality	\$142,000	\$55,000	\$30,000	\$30,000	\$30,000	\$354,000	-\$31,000
Total Estimated Cost (without RMP)	\$364,870	\$551,456	\$565,197	\$568,756	\$466,797	\$2,517,075	-\$2,367,885
Total Estimated Cost (with RMP)	\$533,554	\$723,513	\$740,695	\$747,764	\$649,385	\$3,394,910	

Table 3: comparison of C.8 costs to FY 07/08 budget (with RMP, excluding Pollutants of Concern projects)	Estimated ACCWP costs					5 Year average
	FY 09/10	FY 10/11	FY 11/12	FY 12/13	FY 13/14	
Baseline FY07/08 budget	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	
Cost increase for Revised Tentative Order	169%	354%	294%	348%	276%	288%
Cost increase using ACCWP suggested changes	133%	181%	185%	187%	162%	170%

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Provision	Provision Heading	Issue	Requested Change
Reporting	General	<p>Preparation of the annual report will require significant efforts to coordinate and compile information from multiple staff from different departments. The level of effort grows exponentially with each piece of data required in the annual report.</p> <p>The effort put into completing the reports may not be fully appreciated by Water Board staff. Board consideration of these requests for reduction in the breadth and depth of reporting requirements will have a significant positive impact on the staff resources needed to comply with reporting requirements, and will free up considerable staff time for other activities required under the permit.</p>	Revise reporting requirements as described below and in the Program's comment letter.
Provision C.2: Municipal Operations			
C.2.d(iii)	Pump Stations	Reporting on the levels of trash and debris removed from the pump stations unnecessary. If this information is needed for a specific purpose, a one-time assessment would suffice.	Delete the requirement to collect and report on trash and debris removed from pump stations.
Provision C.3: New Development and Redevelopment			
C.3.b(v)(1)	Annual Reporting, Projects	Reporting requirements are overly detailed	Eliminate categories of data, or make listing optional if not appropriate (such as street addresses that may not exist for new subdivisions), cross streets if an address is given, application date (approval date should be sufficient)
C.3.b.v.(1)(d)	Reporting	The reporting requirements for regulated projects include total area of land	<u>Remove requirement for reporting area of land disturbed.</u> These data have no relevance to

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		disturbed.	Regulated Projects for post-construction stormwater management. Collecting these data is unnecessary and cumbersome.
C.3.v.(2)	Reporting	Permittees shall report the capital costs, operation and maintenance costs, and legal and procedural arrangement in place to address the management of completed Green Street Pilot Projects.	<u>Eliminate Green Streets Reporting Requirement.</u> This is a cumbersome and non-essential reporting task; and therefore, should be eliminated. Green streets projects will be reported in the Table of New Development projects, as required in C.3.v(1).
C.3.b(v)(2)	Annual Reporting, Green Streets	Reporting overly detailed, much data is not relevant to water quality	Report on status only (design, construction, complete) only until project is complete; only report on O&M provisions if entity other than City is responsible, eliminate cost reporting
C.3.c(iii)	Implementation Level, LID	Reporting of implementation efforts is redundant with reporting under C.3.b(v)(1), which demonstrates LID elements of each approved project. Reporting is also redundant with ongoing reporting to Board staff regarding use of vault-based treatment measures	Eliminate requirement
C.3.e(iv)	Alternate Compliance	Reporting on legal authority/ procedural changes provides no value	Eliminate requirement
C.3.f(iii)	Alternative Certification	Reporting on who conducted a plan review is overly prescriptive; city engineer's approval of plans should be evidence of adequate plan review	Eliminate requirement
C.3.g(iv)	HM	Reporting is redundant with reporting under C.3.b(v)(1)	Eliminate requirement
C.3h(iv)(3)	O&M	Reporting on inspections is redundant with C.3h(iv)(1)	Eliminate requirement; any issues should be reported in C.3h(iv)(1)
C.3.i(iii)	Small Projects	Reporting on this material provides nominal benefit to water quality	Eliminate requirement

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Provision C.4: Industrial and Commercial Discharge Control			
C.4.b.ii.(6)	Record Keeping	The record keeping listed under this section is not as comprehensive as the recordkeeping required under the Enforcement Response Plan (C.4.c.ii.(4)). All of the inspection related record keeping should be listed in one place in this section and not be listed in different places and expressed in different ways.	Consolidate all of the recordkeeping requirements in this section.
C.4.b.iii.	Reporting	The annual reporting requirements listed under this section are not as comprehensive as the annual reporting required under the Enforcement Response Plan (C.4.c.iii). All of the annual reporting should be listed in one place in this section. It is uncertain what the purpose is of including language about the percent of violations resolved within 10 working days or in a timely manner.	Consolidate all of the annual reporting requirements in this section. If there are annual reporting items that merit additional discussion and consideration, these should be worked out following adoption of the MRP.
C.4c(iii)	ERP	Requirement for reporting on inspection results is redundant with C.4b(iii)	Eliminate requirement
C.4d(iii)	Staff Training	Reporting % of staff attending training is not of value and difficult to calculate	Modify requirement
Provision C.5: Illicit Discharge Detection and Elimination			
C.5.e(iii)	Collection Screening	Inspections and reporting are redundant with C.2, C.8, and C.10	Eliminate Requirement
C.5.f(ii)	Tracking and case follow up	Record keeping requirements are overly detailed	Allow agency to determine means of tracking incidents; annual reporting will indicate number of unresolved issues, if any
Provision C.6: Construction Site Controls			
C.6.a(iii)	Legal Authority	Reporting is not of value	Eliminate requirement
C6.e(iii)	Inspections	Reporting requirements are overly detailed	Provide flexibility in reporting as needed to track and correct problem sites

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C.6.ii.(4)	Implementation Level; Tracking and Reporting	The electronic database or tabular format shall record the following information:	If the requirement to report on individual inspections is not replaced with a requirement to report on a total number with summary information (see above), then <u>reduce the data that must be reported</u> . The “inches of rain since last inspection” is particularly unreasonable and cumbersome to implement.
C.6f(iii)	Staff training	Reporting % of staff attending training is not of value and difficult to calculate	Modify requirement
Provision C.7: Public Information and Outreach			
C.7.e(iii)	Public Outreach Events	Reporting requirements are overly detailed	Revise requirements to just the facts and eliminate guessing at effectiveness
C.7.f(iii)	Watershed Stewardship	Reporting requirements are overly detailed and may be redundant with reporting by other groups	Limit reporting to listing the activity or group which the Permittee supports. Consolidate this reporting with C.7e(iii)
C.7.g(iii)	Citizen Involvement Events	Reporting requirements are overly detailed	Revise requirements to just the facts and eliminate guessing at effectiveness
C.7h(iii)		Reporting requirements are overly detailed	Revise requirements to just the facts and eliminate guessing at effectiveness
Provision C.9 Pesticide Toxicity Control			
C.9.b(iii)	IPM Implementation	Reporting requirements are overly detailed	Revise to allow a qualitative instead of quantitative discussion of IPM efforts
C.9.c(iii)	Staff Training	Reporting % of staff attending training is not of value and difficult to calculate	Modify requirement
C.9.d(ii)	Contractor Compliance	Does the Board <u>really</u> want copies of our standard specs and individual contracts? The additional attachments will further complicate permit submittal	Eliminate submittal of documents and allow agencies to summarize IPM requirements
C.9.e(ii)	Track regulatory process	This requirement is inappropriate to put in a stormwater permit. Pesticide regulation is beyond the jurisdiction of local agencies. The Board should be providing	Eliminate requirement

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		input on these issues to the appropriate State and Federal agencies that regulate pesticides.	
Provision C.10: Trash Reduction			
C.10.b	Hot Spot Assessment	Overly detailed reporting.	Eliminate photo documentation requirement, due to cost, difficulty of submitting with report, and questionable value in showing true condition of site. Also, correct the typo (10 pieces should be 100 pieces, in accordance with URTA standards for “optimal”).
C.10.d (ii-v)	Annual Reports	Requirements for reporting on existing laws related to trash is vague, overly broad, and difficult to achieve.	Restrict to reporting on any new laws or ordinances created by Permittees that are relevant to trash reduction.
Provision C.13: Copper Controls			
C.13.a(ii)	Copper Materials in Construction	Construction activities can be handled with a SWPPP under C.3 and C.6. Post-construction activities cannot be reasonably controlled	Eliminate reporting requirements for post-construction
C.13.b(ii)	Copper discharge from pools	This is redundant with C.3 provisions	Eliminate requirement
C.13.d(ii)	Industrial Source	This is redundant with C.4 provisions	Eliminate requirement