



April 3, 2009

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

**RE: Comments on the Revised Tentative Order for the San Francisco Bay
Region Municipal Regional Stormwater NPDES Permit**

Dear Mr. Bowyer:

The East Bay Municipal Water District (the District) appreciates the opportunity to submit comments once again on the Revised Tentative Order for the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (Revised MRP). We have greatly appreciated your willingness to meet with Bay Area water utilities in the past to discuss our collective concerns with previous drafts of the MRP, and are pleased that our comments have been considered and addressed, to some extent, in the Revised MRP. The comments provided herein acknowledge your efforts to incorporate our comments to date and summarize our remaining concerns related to planned and unplanned potable water discharges.

As we have discussed during stakeholder meetings, and as several cities have previously commented, the MRP imposes burdensome and labor intensive analytical testing and reporting requirements on discharges that pose a limited threat to water quality. There have been very few documented water quality incidents from planned and/or unplanned discharges within Region 2 that justify such extensive monitoring and reporting requirements. In the past, potable water discharges have been classified as exempted or conditionally exempted discharges for this reason.

The District and other Bay Area water utilities have developed and implemented BMPs that have been field tested and shown to be practical and effective for a wide range of planned and unplanned potable water discharges. These BMPs, and their effectiveness, are well-documented in the reports titled *Guidance Manual for Disposal of Chlorinated Water* (American Water Works Association Research Foundation 2001); *Guidelines for the Development of Your Best Management Practices (BMP) Manual for Drinking Water System Releases* (California/Nevada Section of the American Water Works Association Environmental Compliance Committee 2005); and *Evaluation of Water Main Repair Best Management Practices* (Woodward-Clyde 1998), which we have previously submitted to your office. Given the extent of the field testing contained in these documents and elsewhere, we find the monitoring and reporting requirements in the Revised MRP to be an unnecessary burden that provide limited benefit, particularly during an economic climate that represents very real and serious fiscal challenges to water utilities and our ratepayers.

Mr. Dale Bowyer

Page 2

April 3, 2009

The District's specific comments on the Revised MRP are as follows:

Provision No. C.15.b.iii.(1)(b)(i) - Thank you for including specific and appropriate thresholds for planned discharge notifications (>250,000 gpd or >500,000 gallons total), which greatly reduces uncertainties in providing such notifications.

Provision No. C.15.b.iii.(2)(c)(i) - Eliminate the requirement to notify Water Board staff when unplanned discharges might endanger or compromise public health and safety because this is a highly subjective judgment and does not seem to be a water quality issue under the Water Board's jurisdiction. District field crews are trained and equipped to minimize potential impacts upon public health and safety and consistently do so.

Provision No. C.15.b.iii.(2)(c)(ii) - Eliminate the requirement to notify Water Board staff by telephone or e-mail as soon as possible, but not later than 24 hours after becoming aware of any unplanned discharge having a total chlorine residual >0.08 mg/L and >50,000 gallons. This requirement is overly burdensome to both water utilities and Water Board staff, particularly given the requirement to report all unplanned discharges monthly under Provision No. C.15.b.iii.(2)(c)(iv). Furthermore, the reportable quantity for chlorine under water quality regulations is 10 pounds, which is equivalent to approximately 600,000 gallons of distribution system water having a chlorine concentration of 2 mg/l.

Provision No. C.15.b.iii.(2)(c)(iii) - When complaints are received concerning unplanned discharges, change the requirement to document and report complaints and corrective actions from "within 5 working days after the 24-hour telephone or e-mail report" to "within 5 working days after receiving the complaint". This comment is included to be consistent with the above comment to eliminate the requirement for telephone or e-mail notifications within 24 hours.

Provision No. C.15.b.iii.(2)(c)(v) - Eliminate the requirements to identify and report receiving water body(ies), duration of discharge, estimated volume, time of discharge discovery, time of notification, and time of inspector/responding crew arrival times for all unplanned discharges. Requiring all of this information for all unplanned discharges is extremely burdensome and of limited value. Obtaining and documenting this information is difficult and resource intensive, and some of these estimates will be imprecise and subject to uncertainty.

Provision No. C.15.b.iii.(2)(d)(i) - We appreciate the Water Board's consideration of water utility concerns regarding the infeasibility and impracticability associated with receiving water quality monitoring for unplanned discharges, as described in the joint comment letter submitted on February 28, 2008 by the Alameda County Water District, Contra Costa Water District and the District. Although we agree with the requirement for monitoring for pH and chlorine residual and visually assessing turbidity downstream of BMPs, the requirement to conduct pre- and post-BMP monitoring of "turbidity in NTU"

Mr. Dale Bowyer

Page 3

April 3, 2009

for at least 10% of all unplanned discharges should be reduced significantly because it is highly burdensome, resource intensive, and of limited benefit. In addition, we have significant concerns regarding the types of BMP improvements that the Water Board might consider for unplanned discharges based on the following Revised MRP requirement: "After the implementation of appropriate BMPs, the discharge pH levels outside the discharge ranges (i.e., below 6.5 and above 8.5), chlorine residual above 0.08 mg/l, or moderate and high turbidity shall trigger BMP improvement." Specifically, any BMP requirements to address the pH of unplanned discharges will require significant discussion, because corrosion control within water conveyance and distribution systems is of critical importance and unplanned discharges, by their nature, cannot be anticipated. Significant practical and technical limitations exist in implementing pH and sediment control BMPs for unplanned discharges.

Thank you for your consideration of these comments. Should you have any questions, please call me at (510) 287-0345.

Sincerely,



JOHN H. SCHROETER, P.E.
Manager of Environmental Compliance

JHS/jk