

**Response to Comments on May 11, 2015 Tentative Order
Provision C.8. – Monitoring**

Commenter & Comment No.	Provision No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Baykeeper (12, 13, 15)	C.8.f	<p>Pollutants of Concern (POC) Monitoring does not require stormwater outfall monitoring</p> <p>POC Monitoring should be during wet season at identified outfalls</p>	<p>C.8.f POC Monitoring does not require monitoring when or where stormwater discharges occur. Unlike the 2009 Permit, this section almost never states when or where Permittees should sample. (See Fact Sheet, A-66.) It does not require monitoring when and where stormwater discharges - the discharges regulated by the MRP - will occur, namely during storm events at or near stormwater outfalls.</p> <p>Requests that POC monitoring be modified to (1) expressly require POC monitoring during storm events, or if appropriate, during the wet season, and (2) require that Permittees identify sampling locations at MS4 outfalls that are representative of the potential pollutants being discharged (i.e., outfalls that discharge stormwater runoff from urban infrastructure).</p>	<p>POC monitoring is required to be conducted during the wet season; indeed, this sampling occurs during storm events. However, outfall sampling will not yield information about progress towards meeting TMDL wasteload allocations and POC mass loadings to the Bay, which are the primary purposes for this type of monitoring; this information is obtained through bottom-of- watershed monitoring, as required in C.8.f.</p> <p>The Tentative Order requires sufficient monitoring of a type, interval and frequency sufficient to yield data which are representative of the monitored activity, namely stormwater discharges and to assure compliance with the permit. EPA has long recognized the difficulties inherent in monitoring stormwater because stormwater dischargers are highly variable and unpredictable in terms of flow and pollutant concentrations and the relationship between discharges and water quality can be complex. (61 Fed. Reg. 57426 (November 6, 1996).) Likewise, EPA has early on encouraged permitting authorities to evaluate monitoring needs and storm water objectives so as to select <i>useful</i> and cost-effective monitoring approaches. (<i>Id.</i> at 57428.) For most dischargers, EPA said monitoring can be conducted for two reasons: “1) to identify if problems are present, either in the receiving water or in the discharge, and characterize the cause(s) of such problems; and 2) to assess the</p>	<p>Revise Fact Sheet to better explain monitoring rationale.</p>

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				<p>effectiveness of storm water controls in reducing contaminants and making improvements in water quality.” (<i>Id.</i>) The Tentative Order exceeds these two criteria. For MS4 permittees, EPA stated that stormwater permits may use a variety of storm water monitoring tools including “receiving water chemistry; receiving water biological assessments (benthic invertebrate surveys, fish surveys, habitat assessments, etc.); effluent monitoring; including chemical, whole effluent and visual examinations; illicit connection screenings; and combinationsthereof, or other methods,” recognizing that end-of-pipe monitoring is more appropriate for an industrial facility than for a municipal facility. (<i>Id.</i>) More recently, EPA has stated that the standard end-of-pipe monitoring that has taken place as the Phase I storm water program has matured “has produced data of limited usefulness because of a variety of shortcomings” identified in the National Research Council’s (NRC) 2009 report “Urban Stormwater Management in the United States.” (See EPA’s District of Columbia MS4 Permit No. DC0000221 Fact Sheet, 2011.) EPA endorsed the NRC’s strong recommendations that MS4 programs modify their evaluation metrics and methods to include (1) biological and physical monitoring; (2) better evaluations of the performance/effectiveness of controls and overall programs; and (3) an increased emphasis on watershed scale analyses to</p>	

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				ascertain what is actually going on in receiving waters. (<i>Id.</i>) The Tentative Order's monitoring requirements do exactly that to obtain useful monitoring data to ensure compliance with the permit. It requires a combination of monitoring provisions designed to monitor urban creeks as well as the ultimate receiving water, the Bay. In this fashion, the Permittees will develop information concerning the health of receiving waters as well as information that will assist in pinpointing sources of pollutants and effectiveness of source control measures. We have revised the Fact Sheet to better explain the rationale for the required monitoring and how it is consistent with the federal regulations.	
Baykeeper (14)	General	Monitoring does not provide accountability mechanism	The permit includes no procedure by which the Regional Board or third parties can hold Permittees accountable for an insufficient monitoring program.	Staff disagrees that the Tentative Order does not include clear monitoring requirements to which the Water Board and third parties will be able to determine Permittee compliance. Numbers and types of samples to collect; analytical parameters and methods; and reporting requirements are spelled out to a greater degree than in the previous Order. The type of location is given, although the exact location in which to collect samples is not mandated, in order to facilitate a meaningful monitoring program that builds upon pre-existing knowledge and additional knowledge gained each year.	none
Baykeeper (12, 16, 20,	C.8.d		C.8.d Creek Status Monitoring does not focus on	See Response to Baykeeper Comment 12, 13, 15. In requiring Permittees to monitor the	none

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21)		Creek Status Monitoring does not monitor impacts of stormwater discharges	<p>stormwater discharges but rather on determining the overall water quality of receiving waters. Dry season monitoring will not indicate whether stormwater discharges cause or contribute to any water quality issues discovered. Sampling for pathogens during dry season won't detect sewer leaks; rainfall is necessary to detect exfiltration from sanitary sewer system to the MS4. This monitoring fails to "yield data representative of the monitored activity," as required (40 C.F.R § 122.48(b). Sampling representative outfalls during storm events will allow Permittees, regulators, and third parties to determine whether stormwater discharges are the actual source of water quality violations and to take actions to remedy such violations.</p> <p>If discharges were monitored, wouldn't need Stressor & Source Identification (SSID) projects; would simply determine BMPs to address water quality problems.</p>	<p>water bodies (both water column and sediment) that receive urban runoff, and to take actions when "trigger" values are exceeded, the Tentative Order achieves a better level of protection than would be achieved by outfall monitoring, and in a more cost-effective manner.</p> <p>Further, the Tentative Order requires both wet (C.8.f and g) and dry season (C.8.d and g) monitoring. Dry season monitoring is important for several reasons: It is the only time to collect certain biologic assessment data, per method requirements; it provides information on whether creek sediments are experiencing toxicity due to urban runoff (this cannot be done at outfalls during wet weather); and it assesses pathogens in creeks during the time when people are most likely to be recreating in them.</p> <p>Regarding SSID projects, the comment is not applicable in light of the validity of the proposed monitoring approach, as explained in our responses to this comment above. In addition, merely finding a pollutant does not allow us to identify the source within the outfall's catchment; an SSID project is likely still necessary.</p>	

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Baykeeper (17)	C.8.e	Source & Stressor Identification (SSID) Project requirements should be completed during permit term	Permittees aren't required to start all SSID Projects by the end of the permit term. Half of all SSID Projects (2.5 for the largest counties) must be started by the third year of the permit term, and Permittees must attempt to complete all half of the SSIDs during the permit term, and improved BMPs are not required to actually be implemented. At a minimum, the MRP should clarify that all SSID Projects required by the permit be completed prior to end of the permit term. A permittee need only <i>consider</i> conducting an SSID Project; the Permit only requires a minimum number of SSID Projects.	Staff understands the Commenter's concern and shares the desire to speed up the SSID process. However, the reality of the timeframes for sampling, analyzing, and evaluating data, then designing and contracting for a SSID study means that initial SSID projects cannot begin until nearly the third year of the permit term. As data are collected in subsequent years, additional problems may be uncovered. Based upon the necessary sequence of events that must occur, it is actually impossible to complete all the required SSID projects by the end of the permit term. Regarding the comment that a Permittee need only consider conducting a SSID project, Staff will clarify the language to state that all results that exceed a target are candidates for SSID projects. The Commenter is correct in that a minimum number of SSID Projects is required, rather than a SSID for every monitoring result that exceeds a "trigger" threshold. Every trigger exceedance need not result in a SSID project because (1) triggers are not water quality objectives in most cases and (2) this approach requires investigation of potential water quality issues without duplicating efforts. See also the response to ACCWP (44).	Clarify the language regarding candidate SSID projects each time it occurs in the Tentative Order, to more clearly require SSID projects
Baykeeper (18)	C.8.e	SSID requirements unclear	The breakdown of SSID projects to countywide program level is confusing.	Staff understands the Commenter's confusion with the wording. The intent is that Permittees in Santa Clara County	Edit wording in C.8.e.ii.(2) to delete the phrase

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			Do all Permittees in Santa Clara Co. collectively conduct one SSID Project, but no more than 5, over the permit term? Or must each Santa Clara Co. Permittee conduct one SSID Project, but no more than 5? The Permit should clearly state the minimum # of SSID projects.	collectively conduct five SSID Projects over the Permit term.	“no more than” where it appears (three times).
Baykeeper (19)	C.8.e	SSID requirements are arbitrary	The required number of SSID Projects is arbitrary because it is not related to the number of water quality impacts discovered. Should require that Permittees conduct SSID Projects for a percentage – 50% - of all water quality impacts discovered within their jurisdiction.	The number of SSID projects required in the Tentative Order is based on staff’s experience during the last permit term, when monitoring results indicated nearly ten distinct water quality “impacts” over the permit term. At this time, in balancing costs with the information gained from SSID projects, a separate SSID project is not required each time a threshold is exceeded, e.g., a toxicity benchmark is exceeded, because toxicity has been found to be caused by the same thing (pesticides) across all urban watersheds. Thus, more knowledge about possible causes of water quality impacts is gained by studying different problems over the permit term. The knowledge gained can then be utilized to take action as appropriate where ever the same impact is found, without requiring an additional SSID project.	none
SCVURPPP (Errata), ACCWP (41) SSCWPPP	C.8.d.i	Typographical error	There are two sections C.8.d.i.; renumber C.8.d subsections.	Agreed	Renumber C.8.d subsections up through D.8.d.vii

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SCVURPPP (Errata)	C.8.f.ii - Table 8.4	Typographical error	Fix the typo in Column C of the toxicity row on Table 8.4 from 20 to 10.	Agreed	Fix the typo
SMCWPPP (33) SCVURPPP (35)	C.8.d.i.(1)	Physical Habitat assessment (PHab) method	Information collected using the full PHab method is not useful in random probabilistic- monitoring. Full PHab is more useful in targeted monitoring programs where specific sites are selected. Implementation of the full PHab methodology adds approximately 20 minutes onto the field time for each bioassessment station, eliminating most opportunities to sample two sites per day, resulting in increased costs to the sampling program. Restore the limited PHab method required in the previous permit.	Staff disagrees. Full PHab is needed to obtain SWAMP-comparable data, which is essential for understanding why a stream has poor or good benthic macroinvertebrate community structure and will be necessary if low benthic macroinvertebrate scores are followed up on in a SSID project. Full PHab data can be compared to statewide and regional SWAMP data. Permittees took great efforts to use a comparable sample draw and land classification system to SWAMP to facilitate this consistency. Further, full PHab will allow Permittees to more easily incorporate their data into CEDEN. Also, Water Board has collected full PHab at 42 Permittee sites over the past four years. Staff believes that full PHab is so important that Staff agreed to drop the stream/CRAM survey which required an additional site visit on a separate date from bioassessment in favor of collecting Full PHAB. By our assessment, full PHAB data collection takes 15-20 minutes more per site then the previous PHab; the additional 30-40 min/day does not necessarily preclude field crews from doing 2 sites in a day. SWAMP field crews with experienced staff sample two sites per day collecting full PHab.	none

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ACCWP (42) CCCWP (41) SMCWPPP (34) SCVURPPP (36)	C.8.d.ii(4)	Temperature Triggers	<p>Temperature trigger definition is based on non-California studies, does not acknowledge other environmental factors affecting variation in salmonid sensitivity to temperature. Include reference to watershed specific temperature thresholds developed through other regulatory processes (e.g., agreements with NMFS).</p> <p>Allow Permittees to determine watershed-specific temperature trigger thresholds consistent with targets established via other regulatory processes (e.g., agreements with NMFS), if applicable, and set reasonable “default” temperature thresholds for those streams where targets have not been established.</p>	<p>Staff disagrees. Triggers were derived from the most current, regionally representative, and comprehensive review of salmonid temperature thresholds (Sullivan et al. 2000). The 17°C max. weekly average trigger & 24°C acute instantaneous trigger were used as evaluation guidelines of cold freshwater habitat beneficial uses in Water Board SWAMP reports and to evaluate temperature data to place Suisun, Stevens, Arroyo Mocho, and Codornices Creeks on the §303(d) list. No other comprehensive synthesis of water temperatures as they affect salmonid populations in the SF Bay Area or Pacific northwest has been written. Stream studies in the Bay Area and Central Coast show that temperatures above 17°C WMAT may not adversely affect salmonids when the invertebrate food supply is adequate. However, the Order’s temperature trigger is independent of food supply and thus based on conservative assumption that food supplies are not abundant. The 17°C MWAT trigger is consistent with a 2003 legal settlement, the <i>Fish and Aquatic Habitat Collaborative Effort</i>, which directed USFWS, NOAA, and DFW to consider temperature and flow impacts on fish and calls for water temperatures to remain below 18°C in Coyote Creek and Guadalupe River and average temperatures below 19°C in Stevens Creek.</p>	none
SMCWPPP (35)	C.8.d.iv.	Toxicity in water column	The required water column aquatic toxicity analytical	Staff disagrees because EPA/600/R-99/064 is the correct method to use for chronic	Add a footnote to C.8.d.iv (now

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		– test methods	<p>procedure for <i>Hyalella azteca</i> & <i>Chironomus dilutus</i> does not include those organisms (except in an appendix) and does not specify the test protocol design, such as the number of replicates, number of organisms, etc.</p> <p>Replace EPA-821-R-02-012 with EPA-600-R-99-064 for <i>Hyalella azteca</i> and <i>Chironomus dilutus</i> which does provide specific protocols. A reference toxicant test method is prescribed for these organisms in water in the EPA-600-R-99-064 manual.</p>	<p>toxicity tests of <u>sediment</u>, not water column. EPA/821/R-02-012 is the correct method for acute toxicity in water column. The supplemental species list (pg 238 Appdx B) includes both <i>H. azteca</i> & <i>C. dilutes</i> and thus the method is complete for the required monitoring.</p>	<p>C.g.i) pointing to Appendix B for <i>H. azteca</i> and <i>C. dilutes</i> methods.</p>
<p>SMCWPPP (36, 37) SCVURPPP (37, 38)</p>	<p>C.8.d.iv. C.8.d.v.</p>	<p>TST statistical approach not adopted by State Board</p>	<p>The TST statistical approach has not been adopted by the State Board and therefore should not be included in the MRP. Revise to require current methods from MRP 1.0 until State Board adopts the Policy for Toxicity Assessment and Control.</p>	<p>The commenter is incorrect about where the State Board stands on the TST statistical approach and that State Board’s adoption of the Toxicity Policy is needed for implementation of the TST approach. According to a State Board memo to Water Board Managers and Staff (Breuer May 12, 2015), the State Board supports the TST statistical approach. It recognized that while the approach may not be used for effluent testing under the federal regulations, NPDES Permits may use the approach for stormwater receiving water monitoring. It stated, “[t]he benefits of requiring the TST in new or amended permits include improving</p>	<p>none</p>

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				the statistical power of the toxicity test, and it is simpler to use than either traditional hypothesis test methods or point estimates. The calculations are straightforward and provide a clear pass/fail result.” The TST approach currently is required in MS4 permits across the state.	
ACCWD (43) CCCWP (42) SMCWPPP (38) SCVURPPP (39)	C.8.d.v. Table 8.2	Delete some required analytes	Several analytes with low benefit for ambient creek sampling in comparison to analytical costs, or addressed by C.8.f, should be deleted. Specifically, PCBs, mercury and organochlorine pesticides.	Staff agrees that the 3 specified analytes do not yield useful information in the ambient monitoring design and note that these analytes remain in the Pollutants of Concern and Long Term Monitoring requirements. We agree to delete these analytes and add imidacloprid, a neonicotinoid pesticide we very recently learned is causing widespread toxicity in California urban streams.	Delete PCBs, mercury and organochlorine pesticides from creek monitoring; Add imidacloprid to Toxicity in Water Column parameters
ACCWP (44) CCCWP (42) SCVURPPP (40)	C.8.d.v.(4) (c)	Toxicity / pollutants in sediment follow up	Based on MRP 1.0 results, the “threshold effects concentration” trigger for pollutants without WQOs is too conservative -- should consider follow-up only when results exceed Probable Effects Levels. Delete “or Threshold Effects Concentrations.” For example, in San Mateo County the predominant TEC values triggered during MRP 1.0 were Chromium and Nickel. Both are found in watersheds throughout the County due to the presence	Staff disagrees with this concept, because the trigger does not require a follow up study. Instead, the trigger provides a threshold for considering follow up, and Permittees determine which “triggers” are most important. For the San Mateo County example given by San Mateo Countywide Permittees, chromium and nickel triggers would not be prioritized for SSID projects, if there is reasonable support for stating the source of the exceedance is known and is uncontrollable.	none

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			of naturally occurring serpentinite bedrock.		
ACCWP (45) CCWP (43, 44)	C.8.e.ii.(1) and (2)	Requirement for toxicity SSID follow up project is inappropriate	Requiring a minimum of one toxicity project assumes there will be at least one toxicity threshold exceedance in the region or county; it also overly constrains selection of regional projects. Delete requirement (preferred) or state that this would only apply when at least one qualifying toxicity threshold exceedance appears on the list required by Prov. C.8.d.i	Staff disagrees with deleting the requirement, but will add the qualifying phrase. Based on long-term data, at least one sample will exhibit toxicity. We continue to encourage Permittees to monitor water quality through a true regional collaborative, in which case only one toxicity SSID is required in total.	Clarify in C.8.e.ii.(1) and (2) that the requirement is not applicable when no sample exceeds the toxicity threshold
ACCWP (46) CCCWP (45)	C.8.e.iii.(1)	Initiation of SSID projects	Requiring at least half of SSID projects to be initiated by 3rd year makes project selection rely more heavily on data generated during the previous permit term or in years 1-2 of this permit. Delete requirements or state that initial workplans based on first 2 years can be modified in Year 3 of permit.	Staff agrees that requiring half of SSIDs be started by year 3 theoretically can result in poor prioritization of follow up projects. Note however, that delays in initiating SSIDs is not ideal either – see Baykeeper comment #17. We agree that ACCWP's proposed solution to allow modifications is likely to address the prioritization issue without delaying SSID progress.	Add C.8.e.iii.(1)(i) to allow the SSID work plan to be modified in later years of the permit term if monitoring results indicate a higher-priority water quality problem is discovered.
ACCWP (47) CCCWP (46) SMCWPPP (40) SCVURPPP (41)	C.8.e.iii(1)(f)	Reinstate TRE option	Toxicity Identification Evaluation (TIE) is required when no chemical pollutant is associated with the sample, skipping Toxicity Reduction Evaluation (TRE) as possible	Staff agrees. The omission of the TRE option was an oversight that occurred when this section was reformatted.	Include the option to conduct a TRE in C.8.e.iii(1)(f)

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			initial step. This skips a cost effective step that could eliminate the need for a TIE.		
ACCWP (48)	C.8.e.iii(2)	Completion of SSID projects	<p>Requirement to “complete all steps for half of the required SSID projects” does not allow for possible multiple iterations of control actions and evaluation, or the difficulty of determining effectiveness for episodic exceedance conditions. Also the second sentence regarding intent of provision is more appropriate to introduction of provision than this particular step. This provision should refer to completion of Steps 1 and 2 (SSID workplan and investigation), not all of the Step 3 follow-up actions.</p> <p>Delete second sentence and replace with: "The Permittees shall attempt to complete Steps 1 and 2 for half their required SSID projects, at a minimum, during the permit term".</p>	<p>Staff agrees that the 2nd sentence is more appropriate in the provision introduction.</p> <p>Staff disagrees that the sentence should be deleted or modified for two reasons. First, completing SSID projects is not a firm requirement, as indicated by the wording in the Tentative Order: "... Permittees shall attempt to complete.." Thus, the wording allows for the cases where multiple iterations are necessary. Second, we wish to convey that existing knowledge be used to get at the most likely problem source as quickly as possible.</p>	<p>Move the sentence “SSID projects are intended to be oriented toward taking action(s) to alleviate stressors and reduce sources of pollutants; thus the Permittees shall attempt to complete all steps for half their required SSID projects, at a minimum, during the permit term” to C.8.e introductory paragraph.</p>
CCCWP (47)	C.8.e.iii(2)	Completion of SSID projects	<p>In Step 2, the Tentative Order says “Permittees shall attempt to complete <u>all</u> steps for half their SSID projects...during the permit</p>	<p>Staff agrees with this comment, but find the sentence may provide more clarity by putting it in subprovision C.8.e.iii.(1), and specifying Step 2, rather than Step 1 as suggested.</p>	<p>Amend C.8.e.iii(1) to include the goal of completing Step 2 for half</p>

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			term.” Suggest clarifying to state “complete <u>Step 1...</u> ”		the required SSID projects
ACCWP (49) CCCWP (48) SMCWPPP (41) SCVURPPP (42)	C.8.e.iii(3) b	Executive Officer concurrence for completion of SSID project	Written concurrence of Executive Officer should not be required to determine an SSID project is completed, especially when Permittee determines MS4s do not contribute to an exceedance.	Staff disagrees that this requirement should be deleted. Oversight of SSID projects is necessary to confirm permit compliance, thus we will include this “sign off” requirement for this permit term.	none
ACCWP (50)	C.8.e.iii(3) c	Completion of SSID project	In first line, “inclusive” appears to be a typo. Concurrence should not be required for determination of completion. Replace “inclusive” with “inconclusive” and revise second sentence per above comment on C.8.e.iii(3)b.	Staff agrees that “inclusive” is a typographical error. We will maintain the “sign off” as stated in response to comment #49 above.	Replace “inclusive” with “inconclusive”
CCCWP(49) CCCWP (53)	C.8.e.iv. C.8.g.iii(2)	SSID Reports	Clarify to make the distinction that the annual required SSID reports are status reports on efforts to date.	Staff agrees and will make the suggested edits.	Change “SSID report” to “SSID status report” in each occurrence
ACCWP (51) SMCWPPP (47) SCVURPPP (47)	C.8.f.ii. Table 8.4	Yearly minimum number of samples is overly restrictive	Table 8.4’s yearly minimum number of samples is overly restrictive, particularly for the pollutants with 1-2 samples per year, since a more cost-effective and stronger sample design may group a larger # of samples in some yrs while sampling none in others. SMCWPPP & SCVURPPP	Staff disagrees that more flexibility is needed. The proposed sampling strategy is designed to be quite flexible, and is not onerous. Indeed, these requirements are significantly more flexible than they were in the previous permit. The Tentative Order allows for the collection of a larger number of samples in some years, but the yearly minimum is important to retain as a requirement, to ensure that Permittees make progress toward completing the monitoring	none

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			request: Eliminate annual requirements for copper, pesticides, toxicity, and nutrients to allow for the option of meeting the minimum Total Samples Collected during intensive watershed studies conducted over one or two years.	requirements during every year of the permit. Regarding the request to eliminate annual requirements for copper, pesticides, toxicity, and nutrients, please see the response below.	
SMCWPPP (46) SCVURPPP (46)	C.8.f.ii Table 8.4	Analyte list – reduce copper, pesticides, nutrients samples	The yearly minimum samples for copper, pesticides, and nutrients (20/2) is double the required minimums for toxicity (10/1). The cost of sending out field crews to collect that additional copper, pesticide, and nutrient samples is high and the benefit of the data is low. There are programs in place to address copper and pesticide management actions. Further, many nutrient samples will be collected concurrent with Biological Assessments required by Provision C.8.d. Additional required samples eliminates opportunities to realize cost savings by coordinating copper, pesticide, and nutrient sampling with toxicity sampling.	Staff disagrees that the requested reduction in requirements is warranted, or that the benefit of these data is low. The copper site-specific objective identified urban runoff as the largest source of copper to the Bay. The modest monitoring requirements (20 total samples per countywide program over the entire term of the permit) are necessary to address the relevant management questions of loads, presence/absence and trends. Likewise, urban runoff represents the largest contribution of pesticides to the Bay. Requiring each countywide program to collect 20 total samples over the course of the permit is a modest effort given the water quality impacts possible from these pesticides. Further, this level of effort will be necessary in order to provide sufficient information to address the relevant management questions. Further, the Tentative Order provides a cost savings with a reduced number of analytes compared to MRP 1.0, and the flexible approach whereby more of the sampling	none

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				effort can be accomplished in one year versus another provides opportunities for scheduling sampling in a way to reduce costs as well.	
CCCWP (50) SMCWPPP (45)	C.8.f.ii- Table 8.4 POC Monitoring Parameter s	Reduce the sampling requirements for Contra Costa and San Mateo Counties	The number of samples required for Contra Costa & Santa Mateo Counties should be consistent with the tiered sample number requirements in Creek Status Monitoring (C.8.d). Suggest decreasing by half the number of copper, pesticides, toxicity and nutrient samples required.	Staff disagrees. We find the level of effort for pollutants of concern is appropriate as stated in the Tentative Order. There is no basis for treating the countywide programs differently in terms of monitoring effort for pollutants of concern, and the management questions apply equally to each countywide program.	none
SMCWPPP (42) SCVURPPP (43)	C.8.f.ii Table 8.4	Footnote conflicts with Table	Footnote “a” states that the Total Samples Collected column applies to the permit term; however, this conflicts with the paragraph preceding Table 8.4 which states that the total shall be collected by the end of the fourth Water Year. It is unclear by what date the total number of samples should be collected.	Staff agrees with this comment.	Revise text paragraph preceding Table 8.4 (now Table 8.2) to be consistent with footnote “a.”
SMCWPPP (48) SCVURPPP (48)	C.8.f.ii Table 8.4	Allow for statewide pesticide monitoring	Table 8.4 does not address potential changes to POC Monitoring in the event that a statewide coordinated pesticides and pesticides-related toxicity monitoring program begins collecting data during the permit term. Request: Add a footnote to	Staff agrees with this comment.	Add requested footnote, allowing Executive Officer to “modify, reduce or eliminate this monitoring provided the resultant change,

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			the Pesticides row stating that “In the case that a statewide coordinated pesticides and pesticides-related toxicity monitoring program begins collecting data on an ongoing basis during the permit term, Permittees may request the Executive Officer reduce or eliminate this monitoring requirement.”		viewed in context of the state-wide program, would improve pesticide monitoring data collection.” Add same footnote to Status Monitoring Table 8.1 and 8.2 (now Tables 8.4 & 8.5), because the footnote was inadvertently omitted. Reformat C.8 so that all pesticide and toxicity monitoring is in one place to facilitate coordination with state-wide monitoring.
ACCWP (52) CCCWP (52) SMWCPPP (49) SCVURPPP (49)	C.8.f.iii Table 8.5	Pollutants of Concern - PCB analytical methods	Table 8.5 requires 40 PCB congeners be analyzed using USEPA method 1668. While the 2008 PCB TMDL Staff Report recommended this method for data collection in the Bay, it also notes that PCB levels in different sample matrices can vary widely. Method 8082A is acceptable to SWAMP and is being used for congener	Staff agrees with this comment. There are sampling regimes in which methods other than 1668 are appropriate.	Revise Table 8.5 (now Table 8.3) to allow congener analyses by other USEPA methods including 8082A (and 8270D modified by Method 1625) when appropriate for addressing management

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			analyses with sufficient resolution for POC monitoring related to management information need #1 (Source Identification). Also, the second sentence in provision erroneously refers to "Table 8.2" instead of Table 8.5		information needs. Fix second sentence to refer to the correct table (Table 8.3).
CCCWP (51) SMCWPPP (43) SCVURPPP (44)	C.8.f.	Error in Table 8.4	An error in Table 8.4 states that the minimum yearly sample should be 20 for toxicity. This minimum number should be reduced to 10 samples in order to coincide with the total number of samples required.	Staff agrees that this was an error. In response to comments from ACCWD, CCCWP, SMCWPP, and SCVURPPP, all toxicity monitoring has been reformatted to improve monitoring design, reporting and data usefulness. In doing so, staff realized the number of sediment samples was well beyond what is necessary to determine impacts from MS4 discharges, particularly in light of the fact that creek sediment toxicity is very closely associated with pyrethroid pesticides. The total annual number of samples proposed in the revised is six or seven, depending on the year.	In Table 8.4 (now in C.8.g.ii), change minimum number of sediment toxicity samples to 6-7.
SMCWPPP (44) SCVURPPP (45)	C.8.f.ii Table 8.4	Wet season sediment sampling	Sediment toxicity sampling is required during the wet season but not necessarily during storms. Typically sediment samples are collected during the dry season both to characterize sediment transport that has occurred throughout the year and to coordinate sampling with other dry season	Staff agrees that sediment toxicity sampling is best conducted during the dry season, because sediment is in motion during storm events, and the value in monitoring sediment is in determining whether pollutants have been deposited.	Change toxicity sediment monitoring to dry season in Table 8.4 (now in Table 8.5)

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			<p>parameters. There is no scientific justification for sediment sample collection during the wet season.</p> <p>Request: Delete the required timing of the sediment sample, change it to the dry season, or provide a technical justification for wet season sediment sampling.</p>		
<p>ACCWP (53) CCCWP (54) SMCWPPP (51)</p>	<p>C.8.g.iv</p>	<p>Pollutants of Concern Monitoring data submittal</p>	<p>The last sentence requires submittal by Oct. 15 of data types not accepted by CEDEN, collected during the previous Water Year which ends on September 30. This is an unrealistic timeframe for data collected during the last 3 months of the Water Year, especially involving analysis of PCB congeners. Change date for submittal of non-CEDEN data to March 15, which is consistent with reporting requirements in the rest of C.8.g.</p>	<p>Staff agrees that it is not essential to have the types of data not accepted by CEDEN in the Water Year report.</p>	<p>Change C.8.g.iv (now C.8.h.iv) to require the data not accepted by CEDEN be reported in the following March's Urban Creeks Monitoring Report</p>
<p>CCCWP (54) SMCWPPP (50) SCVURPPP (50)</p>	<p>C.8.g.iv.</p>	<p>Consolidate reporting due dates with Status Monitoring</p>	<p>Remove the duplicative POC reporting and allow this monitoring to be reported with the UCMR.</p>	<p>Staff disagrees with this approach because the content of the POC report due in October, as stated in the Tentative Order, is a description of the POC monitoring scheme for the water year starting that same month. Experience shows us that Permittees are not prepared to commit to a POC monitoring</p>	<p>none</p>

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				strategy until they have had ample time to analyze the previous water year's data, so Permittees would not be ready for an earlier submittal (the previous March) and the following March would be too late to provide the Water Board and public with the upcoming sampling scheme.	