



CITY OF
HAYWARD
HEART OF THE BAY

July 7, 2015

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

Subject: MRP 2.0 Comments

Dear Mr. Wolfe:

The City of Hayward (City) appreciates the opportunity to comment on the draft Municipal Regional Permit Tentative Order (MRP 2.0). We also appreciate the time Water Board staff has spent drafting the MRP 2.0 and working collaboratively with all Permittees during the new permit process. The City agrees with the clarifications and deletions proposed in the MRP 2.0 draft. These edits have improved the Permit by aligning requirements with lessons learned.

The City has the following general concerns/comments:

The MRP 2.0 does not appear to provide a clear and feasible pathway to attain compliance with the load reduction requirements. Specially, no feasible activities or best management practices have been described in the MRP 2.0 to show how the City can attain compliance. This leaves the City on uncertain ground regarding how to proceed to plan and implement programs for the near future. With this uncertainty, the MRP 2.0, in its current term, may cause the City to begin programs that will ultimately not lead to achieving compliance with the permit. Overall, the schedule proposed in the MRP 2.0 for new and current load reductions is infeasible and should allow more time for development, surveying, allocation, and collaborations to meet those reductions. Finally, the adoption date should be July 1, 2016 to avoid confusion of implementing both the MRP and MRP 2.0 during fiscal year 2015/2016 and complicating reporting for both the MRP and MRP 2.0 in the annual report. If adoption is scheduled for July 1, 2016, then subsequent dates of implementation in MRP 2.0 should be adjusted accordingly.

In addition, the City has the following specific concerns/comments regarding the following provisions:

C.3 New Development and Redevelopment

- C.3.h: The language for inspection frequency is duplicative. The language should be simplified and clear such as “inspection once per permit term or once every five years.”

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Water Pollution Source Control

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- C.3.j: The green infrastructure plan requirement has no clear feasible pathway to attain compliance. City planning is not directed by pollutant reduction but focused on orderly growth and public safety. The City, however, can incorporate green infrastructure where feasible, but will require more time and guidance from the Water Board to meet the intent of the permit. The timeframe for the plan approval by the City's governing body within 12 months of adoption of the MRP 2.0 is infeasible and should be extended at least another year.

C.4 Industrial and Commercial Site Controls

- C.4.d: Including all potential violations as subject to the 10-day correction and compliance requirements is an unnecessary level of oversight by Water Board staff and should be removed. This level of regulatory oversight will cause additional reporting and workload in the field with no additional environmental benefit to the City's already successful, compliant, and praised commercial/industrial inspection program that has been established for decades. The City should be able to retain the discretion to determine compliance schedules and continue to abate illicit discharges proactively under its current inspection program.

C.10 Trash Load Reduction

- C.10.a: Benchmarks included for the years 2016 and 2019 create an additional reporting burden for Permittees, are duplicative on top of the City's already detailed long-term trash reduction plan, and detract from actual trash reduction implementation (i.e. trash assessments). The benchmarks should be removed.
- C.10.a: Compliance dates for the 70% and 100% reduction requirements should be extended and should be aligned with the California State trash TMDL and Caltrans's trash requirements. An extension for compliance would allow the City the time to collaborate with agencies such as Caltrans and neighboring Permittees to install strategic trash capture devices under difficult and time-consuming construction and administrative constraints. For example, if compliance dates were aligned, it would facilitate installation of trash capture devices in Jackson Street/State Highway 92. The City has made good progress towards its goals of trash reduction. Please allow for this momentum to be extended so we can achieve our goals.
- C.10.a: Compliance dates for the 70% and 100% should also be extended to allow time to complete BASMAA's study regarding retractable drop inlet screens in combination with frequent street sweeping as comparable and effective to full trash capture. If proven and approved, the City fully intends to implement this control measure as it is far cheaper than inlet or large trash capture devices and is a feasible alternative to devices where the City's infrastructure does not have contiguous areas for efficient and large stormwater filtration. Please allow for the time needed for this study and align it with reduction compliance requirements in the permit.
- C.10.b: The prescriptive requirements for the frequency of trash capture device maintenance are unnecessary and should be removed or altered to focus on inspection of devices and not actual cleanup. Trash capture devices are cleaned based on inspection, not based on trash generation rates where they are located. This requirement will create added work when the City has demonstrated adequate cleaning frequencies based on observations and needs.

- C.10.e: True source control such as product bans as well as additional creek and shoreline cleanups should be encouraged and given more credit than the proposed percentages in the permit. The City allocates a tremendous amount of resources towards these activities and should receive more credit towards its trash reduction requirements.
- C.10.e: It is unacceptable that public outreach is not included as credit towards trash reduction. Water Board staff should develop criteria for trash reduction credit for outreach efforts with demonstrated results via surveys or other traditional methods that determine a change in awareness, in public opinion and understanding in regards to pollution as these cultural changes are related to true source control. If no trash reduction credit is allowed for outreach efforts, then the requirement for trash outreach in C.7 should be removed.

C.12 Polychlorinated Biphenyls (PCBs) Controls

- C.12.a: The PCBs control requirements have no clear feasible pathway to attain compliance. The requirement for 0.5kg/yr and 3kg/yr reduction should be removed as there is no feasible way the City can achieve those goals. Development and redevelopment within the City is not focused on PCB reduction nor to a large extent planned as the City has no control of when or where private developments occur.
- C.12.b: The PCB requirements do not allow a sufficient amount of time to study, quantify or report locations of PCB sites, the City's contribution of PCBs, control measures planned or implemented, and the time to develop assessment methodology much less implement that methodology to assess if control measures are achieving PCB reduction. More time should be allowed to study environmental benefits with possible PCB reducing control methods available to achieve PCB reduction.
- C.12.f: The City has no control over when and where demolition projects occur and limited oversight over the environmental evaluations in regards to these projects. Creating a comprehensive PCB-containing building program is going to require working with state and federal agencies. The City cannot be the lead agency for creating a federal or state PCB program for demolition. A comprehensive program analogous to current programs for asbestos and lead-based paint will likely take much longer than three years to create. The City needs more time to collaborate within the Alameda County-Wide Clean Water Program collectively to work with the state and federal agencies to regulate demolition projects.

If you have any questions regarding the City's comments please don't hesitate to contact the City's Water Pollution Control Administrator, Elisa Wilfong, at (510) 881-7960 or at elisa.wilfong@hayward-ca.gov.

Sincerely,



Alex Ameri

Director of Utilities & Environmental Services