



CITY OF MOUNTAIN VIEW

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July 10, 2015

Mr. Bruce Wolfe – Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, No. 1400
Oakland, CA 94612

MUNICIPAL REGIONAL STORMWATER NPDES PERMIT FORMAL COMMENT SUBMITTAL

Dear Mr. Wolfe:

Thank you for the opportunity to review and submit comments on the Tentative Order for the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (Municipal Regional Permit), which was reissued by the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) on May 11, 2015. The purpose of this letter is to submit the City of Mountain View's (City's) formal comments in accordance with the Regional Water Board's "Notice of Public Workshop Hearing and Public Comment Period." The City appreciates efforts by Regional Water Board staff, Bay Area Stormwater Management Agencies Association (BASMAA), the six Bay Area stormwater programs, as well as the individual co-permittees, to develop the reissued Municipal Regional Permit.

The City also appreciates Regional Water Board staff's willingness to incorporate many of the suggestions made by the co-permittees during the informal process to develop the reissued Municipal Regional Permit. While progress was made on many of the issues, the City does have some remaining concerns. The City supports the comments provided in the Santa Clara Valley Urban Runoff Pollution Prevention Program's Municipal Regional Permit comment letter dated July 10, 2015. The highest priority items for the City are listed below:

Municipal Regional Permit Provision Comments

C.3. New Development and Redevelopment

C.3.e.ii. Special Projects

The Special Projects criteria for LID treatment reduction credits include criteria for density expressed as floor area ratio (FAR)¹ or dwelling units (DU) per acre. Both criteria are

¹ Floor area ratio is defined (in the Tentative Order) as the ratio of the total floor area on all floors of all buildings at a project site (except structures, floors, or floor areas dedicated to parking) to the total project area.

computed based on the size of the project site. The current permit allows jurisdictions to define FAR and calculate DU/acre consistent with their standard practices. MRP 2.0 prescribes specific definitions for each and requires that they be computed based on the total area of the site (e.g., DU/acre based on gross density²). The Permittees requested changes to the definitions as part of early input on the Administrative Draft and the changes were not incorporated.

- **Issue:** The definition proposed in the Tentative Order (TO) is counter to professional land use planning standards and should be revised to exclude public rights-of-way. Using gross density as defined in the TO will result in a lower density value that may prevent some valuable high-density projects from qualifying for LID treatment reduction credits. Similarly, Permittees would like to exclude public rights-of-way and public plaza areas from the computation of FAR. Open space areas, such as plazas and parks, are an important aspect of creating livable high-density development projects. Excluding these public areas from the density calculations will provide flexibility to comply with the stormwater treatment requirement and fulfills the intent of the Special Project LID reduction credit provision.

Requested Revision: Change the definitions of FAR and gross density to exclude public plazas, public rights-of-way, and civic areas.

C.3.h. Operation and Maintenance of Stormwater Treatment Systems

- **Issue:** C.3.h.ii.(7) contains requirements for Operation and Maintenance (O&M) Enforcement Response Plans. Section (c) requires that corrective actions for identified O&M problems with pervious pavement, treatment, and HM systems be implemented within 30 days of identification, and if more than 30 days are required, a rationale must be recorded in the Permittee's inspection tracking database. The process of contacting and educating the property owner, allowing the property owner to arrange for maintenance work to be completed, and following up with a reinspection typically takes more than 30 days. In Phase I Manager's early input on the Administrative Draft, a correction period of 90 days was requested, consistent with current practice by some Permittees and some existing maintenance agreements.

Requested Revision: Allow 90 days for completion of permanent corrective actions.

C.3.j. Green Infrastructure Planning and Implementation

This provision will be one of the most challenging portions of C.3. to implement and has a significant level of uncertainty in terms of what will constitute compliance. It also appears

² Gross density is defined (in the TO) as the total number of residential units divided by the acreage of the entire site area, including land occupied by public rights-of-way, recreational, civic, commercial, and other nonresidential uses.

that the level of effort and resources required to implement Provision C.3. could be dramatically higher than implementing MRP 1.0 due to the new Green Infrastructure (GI) requirements.

Provision C.3.j.i. requires each Permittee to develop a GI Plan. The GI Plan must include: mechanism to prioritize and map potential GI project areas; maps and lists generated by this mechanism for implementation within 2, 7, and 12 years of the permit effective date; targets for amounts of retrofitted impervious surface within 2, 7, 12, 27, and 52 years; tracking and mapping of installed GI systems; streetscape design and construction details and standards; a list of updates and modifications to existing related Permittee planning documents; and reporting on all of the above elements. Permittees must also prepare and submit annually a list of planned and potential GI projects, based on a review of capital improvement projects, and a summary of how each project will include GI to the maximum extent practicable or why it was impracticable to implement GI.

- **Issue:** The language in Provision C.3.j. needs to be more consistent with the expectations in Provisions C.11. and C.12. for achieving PCB and mercury load reductions with GI. Discussions with Regional Water Board staff on C.11. and C.12. have suggested that load reductions can be accomplished by private development and redevelopment, whereas C.3.j. only refers to public retrofits.

Requested Revision: Make more explicit in C.3.j. (as well as in C.11./12.) that private development and redevelopment as well as public projects will count toward meeting PCB and mercury load reductions.

- **Issue:** Because developing a comprehensive GI Plan will take time and significant resources, and the time frames in the TO for completion of the Plan are unrealistic. For example, the framework for the GI Plan has to be developed and approved by local governing bodies or city/county managers within one year of the permit effective date. This is a very short time frame given the effort required to coordinate and educate internal departments, educate upper-level staff and elected officials, prepare the framework, conduct resource planning, and accommodate lead times for bringing the framework to governing bodies. Additionally, the GI Plan must be completed and submitted with the 2019 Annual Report (3-½ years from the expected permit effective date). Completing a GI Plan will be a complex and time-intensive process which will require a great deal of municipal interdepartmental coordination and resources. Prioritization and mapping of potential and planned projects may not be able to be completed within 2 years of the permit effective date.

Requested Revision: Provide 2 years to complete and obtain governing body approval of the GI framework. Provide the entire permit term to complete the GI Plan. Eliminate the 2-year deadline to complete prioritization and mapping and begin implementation of planned/potential projects (before the GI Plan is completed), and include these efforts in the GI Plan development period. Implementation should begin after the GI Plan is completed.

- **Issue:** Prioritization and mapping of potential and planned projects will be a major resource-intensive effort, especially for those smaller jurisdictions that do not have GIS data layers already available. Additional flexibility in approaches to mapping and prioritization is needed. In addition, the time intervals for planning should be aligned with fiscal years and made consistent with the time intervals for load reductions in C.11./12.

Requested Revision: The mechanisms used to develop the GI Plan and priorities should include other less-complex tools in addition to the GreenPlan-IT tool. The time intervals should be changed to Fiscal Year 2019-20, Fiscal Year 2024-25, and Fiscal Year 2029-30 (to align with C.11./12. load reduction reporting intervals of 2020 and 2030).

- **Issue:** Provision C.3.j.i.(1)(c) requires GI Plans to include “targets for the amount of impervious surface within the Permittee’s jurisdiction to be retrofitted” within 2, 7, 12, 27, and 52 years of the permit effective date. It is unclear how these “targets” are to be established by each Permittee. In addition, the time frames for establishing “targets” (we would prefer the term “projections”) for the amount of impervious surface retrofitted do not line up with the C.11./12. load reduction time frames, making it difficult to calculate projected load reductions.

Requested Revision: Allow the development of “projections” instead of “targets,” and allow Permittees to include projected private development as well as public projects. Allow projections to be developed for the years 2020, 2030, 2040, and 2065, consistent with C.11./12. and with other municipal planning documents.

- **Issue:** Provision C.3.j.ii. requires early implementation of GI, focused on identifying and implementing public projects that have potential for GI measures (including LID treatment) within the permit term. It is unclear how compliance with this section will be determined. The process for review of planned capital projects needs to be more defined and objective in order to avoid disagreements with Regional Water Board staff as to what are “missed opportunities.” There also needs to be the recognition that while it may be technically feasible to add LID features to a capital project, the funding for the additional features and the ongoing maintenance of the LID features may not be available. Implementation (i.e., design and construction) during the permit term of GI projects that are not already planned and funded will be very challenging for most Permittees.

Requested Revision: Efforts during the MRP 2.0 term should focus on development of long-term GI Plans and opportunistic implementation of GI projects where feasible and where funding is available. Add the following language (proposed by the Permittees as early input to the Administrative Draft Permit) that would allow for consistent review of capital projects for GI opportunities, based on specified criteria:

“Permittees shall review and analyze appropriate projects within the Permittee’s capital improvement program, and for each project, assess the opportunities and associated costs of incorporating LID into the project. The analysis shall consider factors such as grading and drainage, pollutant loading associated with adjacent land uses, uses of available space with the project area, condition of existing infrastructure, opportunities to achieve multiple benefits such as providing aesthetic and recreational resources, and potential availability of incremental funding to support LID elements along with other relevant factors. Permittees will collectively evaluate and develop guidance on the criteria for determining practicability of incorporating green infrastructure measures into planned projects.”

C.10. Trash Load Reduction

C.10.a.i. Trash Reduction Requirement Schedule

- **Issue:** Reductions become increasingly more challenging the closer Permittees move toward the trash reduction goal of “no adverse impacts.” Provision C.10.a.i (Schedule) requires a 70 percent load reduction by 2017. This schedule is too rigorous and should be extended to allow for more time to develop/implement sustainable control measures. Most of the areas remaining to address are moderate trash-generating areas and will likely require more innovative controls that will have to be piloted.

Requested Revision: We request that the 70 percent load reduction time schedule, set for 2017 in the TO, be extended at least to 2018.

- **Issue:** A current development trend is to construct buildings above underground parking lots. In general, parking lots seem to be trash source areas. Since the underground parking lot areas for this type of development are not connected to the storm drain system, and exposed impervious areas above the surface drain to treatment controls such as biotreatment basins or planters, the risk of trash discharging to the storm drain system is low.
- **Request for Consideration:** Since development projects with buildings constructed above underground parking garages do not pose a risk for trash to discharge to the storm drain system, the project areas should be considered “low” trash-generation areas on the Trash Generation Rate Maps.

C.10.b.iv. Source Controls

The most important actions that can be taken by Permittees are those that eliminate the generation of litter-prone items in perpetuity. Bay Area Permittees have been national leaders on taking actions to eliminate the sale or distribution of litter-prone items. Nearly every Permittee in the Bay Area has adopted an ordinance focused on eliminating certain

types of trash in our creeks and the Bay. These actions took significant political support and public resources, and were done in partnership with environmental nongovernmental organizations (NGOs).

- **Issue:** Permittees to date have focused on instituting a number of different types of source control actions. Data collected by Permittees indicated that each individual action reduces between 5 percent and 10 percent of the trash found in stormwater on average. These reductions are likely not observed by visual assessment protocols because they are only precise enough to detect reductions greater than 25 percent. Therefore, without a specific reduction value for source controls, reductions associated with these actions may never be valued.

The maximum of 5 percent reduction for all source control actions is arbitrary and inconsistent with our current knowledge of the percentage of trash in stormwater comprised of specific litter-prone items associated with source control actions. The programs put into place to address these litter-prone items are effective and directly impact stormwater quality.

Requested Revision: We request that the TO be revised to increase the maximum reduction value for all source control actions combined to 25 percent. Supporting evidence would be required to claim reductions associated with source controls.

C.10.b.v. Receiving Water Observations

- **Issue:** The TO requires the Permittees to conduct receiving water observations downstream from trash-generation areas converted to “low” trash generation. By requiring Permittees to focus on areas downstream of control actions, it appears that receiving water observations could be used to judge compliance with reductions associated with municipal stormwater. This is confusing because the process to judge compliance with stormwater reductions is outlined in the TO as full capture, visual assessments, source control values, and offsets associated with cleanups.

Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) Permittees recognize and have interest in developing an ambient monitoring program that would continue to evaluate trash conditions or levels in local creeks and rivers using a cost-effective and practical protocol. This protocol, however, has not yet been developed.

Requested Revision: We request that the TO language be revised to state that purpose of receiving water observations is “...to evaluate the level of trash present in receiving waters over time, and to the extent possible, determine whether there are ongoing sources outside of the Permittee’s jurisdiction (e.g., State and Federal facilities) that are causing or contributing to adverse trash impacts in the receiving water(s).” Additionally, we are willing to be a partner with the Regional Water

Board and NGOs in developing and pilot testing a protocol during the permit term to achieve this purpose.

C.10.e.i. Optional Trash Load Reduction Offset Opportunities – Creek and Shoreline Cleanups

Creek and shoreline cleanups are important actions that promote community involvement, create awareness of trash issues, and improve water quality. These actions have water-quality value, are supported by the community and environmental NGOs, and should be accounted for accordingly in the load reduction accounting method.

- **Issue:** While SCVURPPP Permittees appreciate the inclusion of load reduction benefits associated with creek and shoreline cleanups, the 5 percent maximum offset for these important actions is too small and inconsistent with the environmental benefit. Additionally, the arbitrary 10:1 ratio of trash removed to offset value is too large and undervalues the benefits of these actions.

The requirement for a minimum cleanup frequency of 2x/year at each specific site creates inflexibility and is too constraining. Some Permittees may choose to cleanup many sites 1x/year rather than a small number of sites 2x/year. What is important is that trash is being removed from creeks and shorelines, not how many times at a specific site.

Requested Revision: We request that the TO be revised to:

- Increase the maximum offset for creek and shoreline cleanups to 10 percent;
- Reduce the ratio of trash removed to reduction value to 3:1, similar to other types of mitigation programs; and
- Remove the requirement that a site be cleaned up at least 2x/year before claiming an offset.

C.10.e.i. Optional Trash Load Reduction Offset Opportunities – Direct Discharge Trash Controls

This offset is intended to address trash impacts associated with nonstormwater pathways to creeks and rivers such as illegal dumping directly into water bodies. These pathways directly impact water bodies and at some sites serve as the dominant source of trash. Programs that address trash from direct discharges should be accounted for accordingly in the load reduction accounting method.

- **Issue:** While SCVURPPP Permittees appreciate the inclusion of load reduction benefits associated with direct dumping, the 10 percent maximum offset for these important programs is too low and inconsistent with the environmental benefit of these programs. Additionally, the arbitrary 10:1 ratio of trash removed to offset value is too large and undervalues the benefits of these actions. Lastly, Permittees

may identify direct discharges as an important source of trash to receiving waters after 2016, and therefore the 2016 Annual Report should not be the only time when Permittees can submit a plan to address these sources.

Requested Revision: We request that the TO be revised to:

- Increase the maximum offset for programs addressing direct discharges to 25 percent;
- Reduce the ratio of trash removed to reduction value to 3:1, similar to other types of mitigation programs; and
- Allow for submittals of plans to control direct discharges identified after 2016.

C.11. Mercury Controls

Provisions C.11.a. - c. in the TO generally parallel C.12.a. - c. Therefore, the below comments on those provisions for C.12. (PCB Controls) also generally apply to C.11. (Mercury Controls).

C.12. PCB Controls

C.12.a. Implement Control Measures to Achieve Load Reductions

The TO appears to require Permittees to reduce PCB loads to the Bay by 3 kilograms/year by the end of the permit term. The approach includes developing an accounting system for Executive Officer approval early in the permit term that would form the basis for the load reductions credited to the various PCB controls.

- **Issue:** There is a lack of a clear and feasible pathway for Permittees to attain compliance with the load reduction requirements. Most factors that would be key to meeting the criteria are uncertain and many are not within Permittee control (e.g., extent of source properties that will be found, building demolition rates, and redevelopment rates), making achievement of compliance uncertain.

Requested Revision: Load reduction performance criteria should not be the point of compliance. Compliance should be based upon implementing PCB control programs designed to achieve a load reduction target (such as a Numeric Action Level or similar mechanism for triggering requirements for additional action and reporting), based on an interim accounting method (see next section). The target would be informed by what the Best Management Practices (BMP) programs could achieve, based on the accounting system, which would be agreed upon upfront and incorporated into the permit.

- **Issue:** Several reporting requirements in Provision C.12.a. are unrealistic:
 - Provision C.12.a.iii.(1) – February 1, 2016 report providing “a list of watersheds (or portions therein) where PCB control measures are currently being

implemented and those in which control measures will be implemented (C.12.a.ii.(1)) during the term of this permit as well as the monitoring data and other information used to select the watersheds.”

- Provision C.12.a.iii.(2)–2016 Annual Report providing “the specific control measures (C.12.a.ii.(2)) that are currently being implemented and those that will be implemented in watersheds identified under C.12.a.iii.(1) and an implementation schedule (C.12.a.ii.(3)) for these control measures. This report shall include: ... [scope, start dates, progress milestones, schedules, roles and responsibilities of Permittees, etc. ...]....”

Requested Revision: Extend the deadlines for the above reports to the 2017 Annual Report.

- **Issue:** Significant efforts have been made to date by Permittees and through the Regional Monitoring Program (RMP) to better understand the distribution of PCBs and mercury in watersheds. PCB hot spots are generally associated with older (pre-1980) industrial areas and other areas where PCBs were used, transported, or managed during the early to mid 20th Century. Reductions in the permit are assigned to County Stormwater Programs based on population. PCBs are not directly associated with population. Rather, they are associated with areas where they were used, transported, or otherwise managed.

Although the population of Santa Clara County is equal to or larger than the other three main counties included in the MRP, based on over a thousand sediment and water samples analyzed Baywide, PCBs are not as abundant in the Santa Clara Valley as some other areas. Low levels in the Southern Bay Area are likely due to the limited amount of older industrial areas and the fact that development largely occurred after PCBs were phased out of production.

Requested Revision: If a load reduction target (as a Numeric Action Level) is retained in the permit, Regional Water Board staff should use a better metric than population to allocate load reduction responsibilities, such as the amount of older industrial areas currently present in each county, and accounting for old industrial areas that have been redeveloped. This revision would more closely correlate with our current understanding of the distribution of these contaminants in watersheds and more equitably distribute compliance responsibility among different counties and Permittees.

C.12.b. Assess Load Reductions from Stormwater

SCVURPPP, other stormwater programs, and Regional Water Board staff recently worked together to develop an interim accounting method. It was intended to provide a basis for stipulated load reduction benefits for implementation of the primary PCB control programs that Permittees anticipate implementing during the MRP 2.0 permit term (this interim accounting method would be revised before the next permit term). SCVURPPP

appreciates that Regional Water Board staff included much of the information developed for the interim accounting method in the fact sheet.

- **Issue:** Values for certain key accounting parameters for managing PCB-containing materials and wastes during building demolition activities were left out.

Requested Revision: Include in the interim accounting method values for all parameters to allow for scrutiny during the public permit review process, given the uncertainty in these values. It is especially important to include values for all parameters associated with managing PCB-containing materials and wastes during building demolition activities, including the fraction of PCBs mass in a building that enters the MS4 during demolition in the absence of enhanced controls, which is particularly uncertain. Stormwater programs can also provide similar values for mercury to include in the fact sheet as well.

- **Issue:** Requirement to formally submit load reduction assessment methodology early in the permit term for Executive Officer approval creates uncertainty in the load reduction benefit for each PCB control program.

Requested Revision: Omit the requirement to submit load reduction accounting method early in the permit term. Instead, the interim accounting method should be finalized, incorporated into the permit, and then used to calculate PCB load reductions during Permittee annual reporting.

- **Issue:** Regional Water Board staff has acknowledged that load reduction performance criteria are not numeric effluent limits. This should be made clear in the permit. In addition, further clarity is needed regarding the legal definition of the performance criteria and implications with regard to enforcement and potential third-party lawsuits.

Requested Revision: PCB load reduction performance criteria should be in the form of Numeric Action Levels or a similar mechanism for triggering requirements for additional action and reporting. In addition, the permit should include contingency language that would allow for achieving compliance if a good faith demonstration of efforts and actions by Permittees consistent with permit requirements falls short of achieving the load reduction performance criteria.

- **Issue:** Provision C.12.b.iii. requires that Permittees submit Permittee-specific proportions of load reduction responsibilities and supporting data to the Regional Water Board by April 1, 2016—four months after the effective date of the permit. Although Permittees and the RMP have spent considerable time and resources toward identifying PCB hot spots and watersheds producing greater levels of PCBs to the Bay, data has not been collected at a level to which proportions of load reduction responsibilities could confidently be assigned to Permittees. Furthermore, assigning Permittee-specific responsibilities with high levels of uncertainty upon which compliance could be based is not good public policy and could inadvertently

unduly place responsibilities upon certain Permittees requiring the spending of public resources toward fictitious goals not based in reality.

Requested Revision: Delete the requirement to develop and submit Permittee-specific proportions of load reduction responsibilities.

C.12.c. Plan and Implement Green Infrastructure to Reduce PCBs Loads

Provision C.12.c. of the TO requires Permittees to implement GI projects during the term of the permit to achieve PCB load reductions of 120 grams/year over the final three years of the permit term. Additionally, Permittees are required to prepare a reasonable assurance analysis to demonstrate quantitatively that PCB load reductions of at least 3 kilograms/year throughout the permit area will be achieved by 2040 through implementation of GI plans required by Provision C.3.j.

- **Issue:** It is unnecessary to include performance criteria for PCB load reductions through implementation of GI over the reissued permit term. PCB load reductions will not be the driver for GI implementation during the reissued permit term. Regional Water Board staff has noted that based on extrapolation of data from the current permit term, the proposed metrics should be met via redevelopment in old industrial areas. Thus, the proposed criteria would not influence GI implementation during the reissued permit term and meeting them would instead be dependent upon an activity that is not under Permittee's control. While we expect to learn valuable lessons via opportunistic early implementation of GI retrofit projects through Provision C.3.j.ii., the pollutant load reductions associated with these retrofits implemented over MRP 2.0 is anticipated to be relatively small.

Requested Revision: Provision C.12.c. should be deleted.

- **Issue:** It does not make sense to prejudge that PCB load reductions of at least 3 kilograms/year throughout the permit area should be achieved by 2040 through implementation of GI plans. The actual load reductions that Permittees expect to achieve via GI will be determined during the planning and reasonable assurance analysis required by Provision C.12.d., as part of planning for achieving the overall PCB TMDL allocations.

Requested Revision: Provision C.12.c. should be deleted.

C.12.f. Manage PCB-containing Materials and Wastes During Building Demolition

Provision C.12.f. requires development of a program to manage PCBs in building materials and wastes during demolition. Given the large standing stock of PCBs known to be present in certain buildings in the Bay Area, there could potentially be significant benefits to implementing the proposed control program. However, we are not aware that any data exists regarding the amount of PCB-containing materials that are released to the

ground during demolition and then mobilized into the MS4 by urban runoff, making it challenging to project with any certainty the actual water quality benefit of the proposed control program. Cost-effectiveness relative to other PCB controls is also highly uncertain at this time.

- **Issue:** The various potential problems associated with PCBs in building materials (i.e., water quality, human exposure at the site, and disposal) should be addressed holistically on a Statewide or Federal basis rather than focusing on water quality controls in the Bay Area only. Meeting the TO's three-year time frame to develop a program to manage PCBs in building materials and wastes during demolition would likely require administration at the local level. This inappropriate and rushed approach would result in highly inefficient use of scarce public funds and likely be ineffective at comprehensively addressing the problems. It would also likely result in inconsistent programs across the Bay Area.

Recommended Solution: Allow at a minimum the entire permit term for Permittees to work with the State, U.S. EPA, the building industry, and other stakeholders to attempt to develop a comprehensive Statewide or Federal program analogous to current programs for asbestos and lead paint. Given the multiple environmental and public health issues in play, U.S. EPA should play a large role in development of this program.

C.15. Conditionally Exempted Discharges

C.15.b. Conditionally Exempted Non-Stormwater Discharges

- **Issue:** There is no evidence in the record or otherwise available that suggests the Santa Clara program's existing conditionally exempt nonemergency planned and unplanned potable water discharge program is not effective, or that to continue to protect water quality, the co-permittees require regulation in an alternative manner through State Water Board Order WQ 2014-0194-DWQ (State NPDES Permit for Drinking Water System Discharges), which represents a second, separate, and as to their discharges, completely unnecessary NPDES permit. The State permit was, in fact, specifically amended prior to adoption to provide that drinking water system discharges which are or can be addressed through a municipal stormwater permit issued by a regional water board will be regulated in that manner so as to avoid a situation where a municipality has to obtain separate coverage under two permits and pay two separate permit fees or be on two separate reporting cycles.

In responding to public comments, the State Water Board directed all regional water boards to continue to specify potable discharge requirements in municipal stormwater permits and, on a going-forward basis, it left it up to them as to how best to craft such requirements: "[The State Water Board] takes no position on provisions or requirements within specific permits for MS4 owners and operators who are also water purveyors and whose MS4 permits also authorize drinking water discharges.

Regional Water Boards adopting such permits are charged with determining appropriate requirements to protect water quality and address the needs of both the MS4 and drinking water discharges on a system-specific basis.”

Requested Revision: The Regional Water Board should either restore Provisions C.15.b.iii. (1) and (2) from the current MRP or craft new subprovisions that would specify that “Potable water discharges that meet the Discharge Specifications set forth in Section IV.A or the Multiple Uses or Beneficial Reuse terms set forth in Section VI of the Statewide General NPDES Permit for Drinking Water Systems Discharges, Order WQ 2014-0194-DWQ, shall be deemed to be conditionally exempt provided that the Permittees maintain records of these discharges, BMPs implemented, and any monitoring data collected.”

The City of Mountain View is committed to continuing efforts to implement and improve its stormwater pollution prevention program in a strategic and cost-effective manner. Implementation of stormwater pollution programs and actions, and construction of stormwater pollution controls (GI and trash controls, in particular) will have a significant burden on City resources. Careful planning and thoughtful decision making are important to ensure that the City’s limited resources are directed to projects that will have the greatest water quality benefit. The City will evaluate potential funding mechanisms to pay for long-term improvements that are required in the Municipal Regional Permit. Revisions to the Municipal Regional Permit that allow necessary time for strategic planning over this permit term and looking ahead to future permits are critical to successful implementation.

The City appreciates your consideration of the comments and recommended revisions.

Sincerely,



Eric Anderson
Environmental Safety Coordinator

EA/3/FIR
151-07-10-15L-E

cc: Mr. Adam Olivieri, SCVURPPP Program Manager

City Council

CM, PWD, CDD, CSD, ACM, CA, FC (Interim) – Diaz, FM, APWD – Solomon