



November 8, 2006

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

RE: Comments on Draft Municipal Regional Permit (MRP)

Dear Mr. Bowyer:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to submit comments on the San Francisco Bay Regional Water Quality Control Board's (RWQCB's) draft Municipal Regional Urban Runoff Phase I NPDES Stormwater Permit (MRP). EBMUD is a publicly owned utility formed under the Municipal Utility District Act, which supplies potable water and provides wastewater treatment for parts of Alameda and Contra Costa counties. EBMUD's water system serves approximately 1.3 million people in a 325-mile square-mile area extending from Crockett on the north, southward to San Lorenzo (encompassing the major cities of Oakland and Berkeley), eastward from San Francisco Bay to Walnut Creek, and south through the San Ramon Valley. Our wastewater system serves approximately 640,000 people in an 83-square-mile area of Alameda and Contra Costa counties, extending from Richmond on the north, southward to San Leandro.

EBMUD has an excellent record of protecting public health and the environment, and has been a leader in developing and advancing the state-of-the-art for Best Management Practices (BMPs) to manage stormwater and non-stormwater discharges. EBMUD manages drinking water releases in strict accordance with current countywide municipal separate storm sewer system (MS4) permits for Alameda County and Contra Costa County. We only recently became aware of this MRP effort that is intended to replace current MS4 permits in Region 2, and have some concerns regarding the current draft permit that are summarized below.

New Reporting Requirements

Our primary concern with the draft MRP is that it imposes new reporting requirements that will require a significant level of effort from water utilities, the RWQCB, and local municipalities. Specifically, the draft MRP contains a requirement to immediately report all unauthorized and/or unplanned discharges to local municipalities and the Water Board within 24 hours after the incident and for the report to include a "full assessment of the incident and corrective actions taken to abate and mitigate the problem". Considering that Bay Area water utilities are already using BMPs to prevent or eliminate adverse impacts from drinking water discharges to the Maximum Extent Practicable (MEP), it is unclear what environmental benefits, if any, would result from such new reporting requirements, what action(s) the RWQCB and/or local agencies would take in response to such reports, and how timely such regulatory agency responses would

be. Such a requirement could easily generate over a hundred reports daily from Bay Area water utilities that RWQCB and local agency staffs would need to review and evaluate, even reports for small unplanned water line breaks that have limited or no potential to impact surface water quality and for which BMPs are already being effectively employed.

In order to address this issue, we ask that the RWQCB establish a reporting threshold for planned and unplanned discharges, commensurate with the response actions that the RWQCB and local municipalities intend to take, with reporting frequencies that are consistent with reporting and response objectives. We also ask that a cost-benefit analysis be performed to define region-wide environmental benefits that will result from daily reporting, relative to the costs of providing region-wide daily reports. We are concerned that the proposed reporting requirements would place a significant burden on our ratepayers or state taxpayers without a corresponding benefit to the environment.

Other Concerns

- The draft MRP requires the installation of flushing diffusers with dechlorination tablets so that discharges meet water quality standards. This requirement is overly prescriptive, as other dechlorination methods may be used to meet water quality standards, such as dechlorination mats, dechlorination strips, dechlorination solutions (e.g., sodium bisulfite, ascorbic acid, sodium metabisulfite), etc. depending on the nature of the individual discharge.
- The draft MRP encourages discharges of 50,000 gallons (placeholder) or more to sanitary sewer systems under POTW approvals. Such discharges are typically costly, and are subject to flow constraints to ensure adequate sanitary sewer capacity (e.g., discharge rate less than 50 gpm, no discharge during storms). Such low flow rates are typically unacceptable in meeting water system operational needs. In addition, sanitary sewer manholes may not be available near the point of discharge. The MRP should describe the criteria that will be used to determine that a discharge to sanitary sewer is infeasible.
- The requirement to clean out storm drain inlets/catch basins where discharges may enter is problematic for EBMUD, because storm sewer systems are typically owned and operated by cities and counties, not by the District.

Please contact me at (510) 287-0345 or jschroet@ebmud.com if you have any questions concerning these comments.

Sincerely,



John H. Schroeter, P.E.
Manager of Environmental Compliance

JHS:lrc