

July 13, 2007

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

Subject: Municipal Regional Permit (MRP) – Administrative Draft

Dear Mr. Wolfe:

Santa Clara Valley Water District (District) would like to express its appreciation to you and your staff for giving us the opportunity to provide review comments of our Municipal Regional Permit (MRP). We found that this Draft Permit is organized and formatted well with detailed information including the Finding and Provisions. We recognize the hard work that required taking a lead in preparing a unique regional permit within nine Regional Boards. The District has been involved in the development of this MRP as a co-permittee as well as a partner for the past few months. As you know, we have three missions for the District, flood protection, water supply management and environmental stewardship. With these three missions and our Board's policies to accomplish these missions, our operation is distinctive compared to other co-permittees in south bay. With this mind, we offer the following comments of the Draft MRP.

1) C.3.b. Regulated Projects

(3) Any newly constructed street, road and highway;

- Consider deleting the “creekside (within 50 feet of the top of bank)” stormwater treatment requirement for areas exceeding 10,000 square feet or more of contiguous impervious surface.

Reason: Any proposed Creekside trails/access roads that would comprise large impervious areas should be scrutinized for environmental Impacts as a part of CEQA as well as to comply with the Environmental Stewardship mission of the District. Trails would be normally located adjacent to a vegetation buffer strip that provide natural filtration before any stormwater reaches the creek. New access road/ trail combination projects are generally joint projects with the District and cities to serve recreational needs of the community. Local communities are typically involved during the planning of the projects that may require additional environmental enhancements beyond these permit requirements. With the addition of the proposed provision, C.2.j. vi requiring to re-grade roads to slope outwards, the intended treatment for the runoff generated from the creekside trails could occur naturally.

2) C.3.i. Limitations on Use of Infiltration Devices as Stormwater Treatment Systems

- Consider adding performance measures related infiltration devices



Reason: This Order defines infiltration devices as stormwater treatment systems and assumes the unsaturated soil layer between the bottom of infiltration devices and groundwater table will effectively remove pollutants in stormwater. However, the removal capacity of unsaturated soil layer may be limited, depending on stormwater quality, soil properties, and thickness. As there is a potential of groundwater contamination via the infiltration of stormwater runoff, it should not be assumed that infiltration devices are entirely effective in removing pollutants. The Order should contain performance measures related to infiltration devices to ensure protection of groundwater resources.

- Consider development of specific requirements for various types of infiltration devices.

This Order does not clearly define or differentiate between various infiltration devices. Some infiltration devices have greater potential impacts to groundwater quality than others. The Order should contain specific definitions for dry wells, retention basins, and other infiltration devices. As the potential impacts to groundwater quality vary, a single set of standards for infiltration devices would not be sufficient for protection of groundwater quality. The Order should discuss and differentiate requirements for the various types of infiltration devices.

- Consider adding groundwater monitoring requirements triggered by large land development, land use, and large impervious areas and the size and type of stormwater infiltration devices.

Reason: The Order does not require groundwater monitoring around infiltration devices. As groundwater is a major water supply source in Santa Clara County (particularly in the southern portion, where it is the sole drinking water source), any groundwater pollution could pose a health risk to local residents and impact water supply reliability. Groundwater monitoring near high risk infiltration devices could provide early warning of potential groundwater contamination.

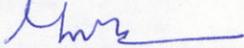
- Consider adding requirements for minimum 600 feet separation for water supply wells and abandoned wells from the infiltration devices.

Reason: C.3.i.ii.5 states that infiltration devices shall not be placed within 100 feet of a water supply well. This restriction should also apply to abandoned wells. The District recommends that infiltration devices not be placed within 600 feet of a water supply well or abandoned well, in accordance with California Department of Health Services Drinking Water Source Assessment Protection Program guidelines

We have communicated these review comments to Santa Clara Valley Urban Runoff Pollution Prevention Program. We welcome any opportunity to continue to discuss these review comments during the development of this permit.

If you have any questions, please contact me at (408) 265-2607 ext. 2736 or
jfiedler@valleywater.org.

Sincerely,

for Dave Chesterman


(ROGER NARSIM)

Dave Chesterman
Deputy Operating Officer
Santa Clara Valley Water District

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