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CITY OF ORANGE



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August 19, 2014

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Submitted via email commentletters@waterboards.ca.gov

Subject: Draft NPDES Permit for Drinking Water System Discharges to Surface Waters

Dear Ms. Townsend and Board Members:

The City of Orange appreciates the opportunity to comment on the proposed Draft NPDES Permit for Drinking Water System Discharges. As a municipality that operates a local drinking water distribution system, the Draft Permit could potentially impact City water operations.

We became aware of the proposed permit in the spring of 2014 when we attended a workshop on March 26, 2014 at the Disneyland hotel in Anaheim. At the time there were only a few pages of what the proposed permit might look like and there were many questions about the applicability and need for the statewide permit. We have tried to keep informed on this issue and most recently attended the workshop in Los Angeles on July 23, 2014 where many issues were raised by stakeholders and the need for a statewide permit was once again discussed.

17.1

The permit appears to be on a fast track for adoption with a permit hearing scheduled for September 23, 2014: one month after the close of the comment period on August 19, 2014. It is anticipated that the public will have only 10 days to review any permit changes prior to the September hearing. We believe this is unnecessarily rushing the permit adoption process and have concerns that stakeholders will not have sufficient time to review permit changes. We urge the State to carefully consider all comments and provide the normal 30-day review time period following changes to the Draft Order.

We also urge the State to re-evaluate the need for the permit. It is clear that many water purveyors do not see a need for this permit. The statewide permit arose out of a request by water purveyors to obtain coverage for their discharges and the State's wish for statewide consistency for similar discharges. Statewide consistency may be desired but it may not provide the flexibility to address local conditions and concerns. The protection of beneficial uses is everyone's goal.

17.2 The solution is to allow dischargers that do not have local permits to obtain coverage under the proposed State Order but allow dischargers with local regional boards to maintain their permits. The State should not rescind existing discharge permits issued by local regional boards.

Order Comments

17.3 1. Clarification needs to be provided to the language contained in the Order in Section II.D.1 where it is stated that local regional board permits with discharges covered by the Order will be terminated upon the issuance of a Notice of Applicability or within one year of adoption of the Order.

17.4.a There is no mention of what happens when a Notice of Non Applicability is submitted. In this case, the water purveyor is seeking exemption from the Order. For MS4s, this exemption is provided in Section I paragraph 3. However, it is not clear what will happen to a municipality where the MS4 permit incorporates the local regional board permit for these discharges.

17.3 cont. The language in Section II.D.1 should be clarified so that it is not misinterpreted to mean that local regional board coverage will be terminated for all dischargers. We do not believe this is the case since it has been made clear that a water purveyor covered by an MS4 permit would be exempt from the Order if it choose not to be covered by the proposed Order as long as its discharges were covered by a local regional board permit.

17.4.b 2. The top paragraph of Section II.A states that the permit is intended to provide coverage to water purveyor discharges from a community drinking system. However, the paragraph then goes on to identify what type of discharges are not covered in the Order in A.1) and A.2).

The formatting is confusing because it seems that everything following A .1) and A. 2) is not covered in the Order, which is not the case.

For clarification purposes it is suggested that what is not covered in the Order under A 1) and A 2) be moved below what is covered and given its own heading to clearly differentiate from the discharges covered.

- 17.5 3. Paragraph II.B.1 should be revised to clearly identify the items required for coverage under the Order.

As currently written, paragraph II.B.1 states: "a complete application package including the following items." A new sentence then starts that refers to water purveyors with multiple community water systems, which causes confusion with the previous sentence.

The clarification on water purveyors with multiple community water systems should be moved to the bottom of the section or elsewhere where it can stand alone. Alternatively, the clarification regarding multiple community water systems can be enclosed in parenthesis signifying a clarification.

- 17.6 4. Section V outlines the effluent limitations for various discharges based on their location to receiving or ocean waters.

For Turbidity, the Fact Sheet makes a distinction that the effluent limit of 10 NTUs is applicable only to groundwater discharges (Attachment F page F-9 and F-10). However, this clarification is not included in Section V.

- 17.7 5. Paragraph VIII.C.2.ii states that dissipation measures should be implemented to prevent riparian erosion and hydromodification.

Dissipation devices should only be implemented in areas where the discharge is directly on erodible surfaces. Discharges into hardened surfaces such as concrete curb gutters, paved streets and concrete channels should not require dissipation devices.

Similarly, Attachment C paragraph II.A.iii Erosion Control requires erosion control devices at the receiving waters. Unless the outlet point is constructed by the water agency, most outlets into receiving waters such as storm drain outlets into flood control channels already contain dissipation devices. Additional devices are not needed in this case.

- 17.8 6. Paragraph VIII.C.2.d requires the discharger to make available a documented log of all BMPs implemented for its discharges.

When BMPs are implemented on a systemwide basis, it is not necessary to log every discharge at every BMP location. A typical layout or configuration of how BMPs are utilized to control pollutants should suffice. Including a log

of each location where BMPs are implemented, which can be at any point within a system that includes fire hydrant flushing, becomes an unnecessary exercise and administrative burden that serves no purpose other than to expend valuable agency resources.

17.9

7. The following paragraph should be added to Section VIII.C.2:

f – Discharges that infiltrate into soils do not require additional BMPs other than BMPs to protect against scouring.

17.10

8. Clarification needs to be provided in Attachment B part G of the Notice of Intent regarding the receiving water body and its listing on a 303(d) list.

In the Los Angeles workshop it was indicated that the receiving water indicated on the Notice of Intent was the immediate water body into which the discharge will flow, not all downstream water bodies.

17.11

9. Paragraph V.B.4 of Attachment D identifies who may sign the application, reports or submittal of information for various public agencies. The paragraph identifies that it is applicable to municipalities, State, federal or other public agency.

Since most reports required by the Order do not require an elected official or principal executive officer's signature, language should be included in the Order that will allow the delegation of signatory approval to another individual within an agency for routine reports as allowed by other State permits.

17.12

10. The first paragraph in Section IV of Attachment E regarding monitoring of receiving waters that are out of compliance should be clarified to state that "out of compliance refers to a visual determination based on observations of a breach, a malfunction or lack of BMPs."

17.13

11. Section V of Attachment E regarding Post Notification of Emergency Discharges or Non-Compliant Discharges that Adversely Affect or Impact Beneficial Uses should be clear that discharges from sheared fire hydrants with potable water systems are not included in these notifications.

In urban areas sheared fire hydrants are a common occurrence due to automobile accidents. Requiring these type of discharges to be reported to the Governor's Office of Emergency Services (OES) will overwhelm the office with unnecessary calls. More importantly, it is not clear that these types of discharges pose a significant environmental threat to receiving waters.

17.14 12. Throughout the Order reference is made to "direct discharge" but it is not defined.

Direct discharge should be defined as a discharge that does not comingle with any other discharges before it reaches the surface water.

Questions regarding these comments may be directed to Gene Estrada at 714-744-5547.

Sincerely,



Joe DeFrancesco

Public Works Director

cc. Jose Diaz, Manager, Water Division