CITY OF SUNNYVALE CALIFORNIA

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8-19-14
SWRCB Clerk

August 18, 2014

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

Subject: **Comment Letter – Draft Drinking Water Systems General Permit and Resolution**

Dear Ms. Townsend:

The City of Sunnyvale appreciates the opportunity to provide comments regarding the State Water Resources Control Board (SWB) Draft Drinking Water Systems General Permit and Resolution (Draft Permit). The City of Sunnyvale is a member of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and supports and incorporates by reference the comments of SCVURPPP on the Draft Permit. The City has been successfully managing its potable water system discharges through the implementation of best management practices for more than 10 years. The City greatly appreciates that the current Draft Permit recognizes that some systems are already covered and implementing effective strategies. Though exempted from the direct application of this permit, the City also expresses its concern with particular elements of the Draft Permit as described below.

22.1 As an initial matter, the City of Sunnyvale wishes to convey its strong support for Section I.3 of the Draft Permit, which will exempt it (as an MS4 co-permittee to the Bay Area Municipal Regional Stormwater Permit (MRP)) from having to obtain additional coverage for potable water discharges under the SWB General Permit. As the MRP already contains provisions requiring the City to manage and monitor potable water discharges in its jurisdiction, and we have done so effectively and without water quality impacts, we wish to continue the program we have implemented under the MRP when it is reissued and avoid the administrative and management costs that would be associated with having to obtain separate, duplicative permit coverage.

22.2 To further minimize unnecessary administrative and management costs, the City requests that the Draft Permit's requirement to file a Notice of Non-Applicability (NONA) per Section II.B.2 using the form in Attachment B.2 by December 1, 2014 (Section II.D) be deleted. Given that the MRP contains potable water discharge requirements that have already proven to be effective in protecting receiving water quality in the Bay Area, and given that the State Board already knows the identity of the MRP's 76 co-permittees from Order No. R2-2009-0074, the City sees no added value in applying the NONA requirement to it or the other 75 MRP co-permittees – the State Board can quickly determine on a wholesale basis that we qualify for the Section I.3 exemption based on information that is already in its possession. This would eliminate the unnecessary filing and the unnecessary wait for affirmative confirmation from State Board staff of NONA acceptance.

ADDRESS ALL MAIL TO: P.O. BOX 3707 SUNNYVALE, CALIFORNIA 94088-3707
TDD (408) 730-7501

As a general policy matter, the City supports the additional statement in Finding III.C. that:

22.3 *"The State Water Board's intention in the issuance of this statewide NPDES Permit is to provide consistent and efficient regulation of discharges from drinking water systems statewide."*

However, the State Board should clarify that the potable water discharge requirements in MS4 permits need not be exactly parallel to those in the Draft Permit in every respect (such as with respect to the inclusion of numeric effluent limitations in MS4 permits) as long as they provide an equivalent level of water quality protection. We therefore recommend that the State Board encourage the Regional Water Boards to exercise flexibility in potable water discharge provisions in reissued MS4 permits (including with respect to notification, monitoring, and reporting) so long as, taken as a programmatic whole, they provide an "equivalent level of protection" to those in the State-wide permit.

22.4 Additionally, the City believes that the Draft Permit's inclusion of WQBELs for chlorine and turbidity are inappropriate and not practical. The City holds that such parameters should be replaced as benchmarks. This is consistent with current implementation under the MRP and has proven to be a sufficient use of numeric values to inform successful implementation of best management practices.

In conclusion, the City of Sunnyvale appreciates the opportunity to comment on the Draft Permit and asks that the State Board maintain its Section I.3 exclusion for MS4s that already have potable discharge requirements. 22.5 We also ask that the State Board delete the Section II.B.2 requirement that would necessitate us and other MRP co-permittees having to file a NONA. 22.3 cont. Additionally, we ask the State Board to allow Regional Board's flexibility in writing potable water discharge provisions into MS4 permits as long as they result in an equivalent level of water quality protection overall.

The City of Sunnyvale also supports and incorporates by reference the comments of SCVURPPP on the Draft Permit, and especially concurs with SCVURPPP's strong belief that, even as to non-MS4s (with whom we must coordinate in implementing our programs), the proposed chlorine and turbidity WQBELs are inappropriate and not practicable and should be replaced with benchmarks.

Sincerely,

John Stufflebean
Director
Environmental Services

cc: SCVURPPP Management Committee