CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

RESPONSE TO WRITTEN COMMENTS

on the Tentative Order for
the City of San Jose, City of Santa Clara,
San Jose/Santa Clara Water Pollution Control Plant and sanitary sewer systems
Santa Clara County

The Regional Water Board received written comments from the City of San Jose (City) and San Francisco Baykeeper (Baykeeper) on a tentative order distributed for public comment on June 5, 2025. The comments are summarized below in *italics* (paraphrased for brevity) and followed by a staff response, except for City comments 2, 5, 6, 7, and 8, which requested minor editorial and formatting changes that we incorporated into the Revised Tentative Order. For the full content and context of the comments, refer to the comment letters. To request a copy of the comment letters, see the contact information in Fact Sheet section 7.7 of the Revised Tentative Order.

Revisions are shown with <u>underline</u> text for additions and ~~strikethrough~~ text for deletions.

City Comment 1: *The City comments that Finding 2.3 of the tentative order, Fact sheet section 3.2, Fact Sheet section 5.3.4.2, and Fact Sheet section 5.4 should refer to Provision 5.3.4.2 instead of Provision 5.3.4.2.1.*

Response: We did not make changes in response to this comment. Finding 2.3 of the tentative order, Fact sheet section 3.2, Fact Sheet section 5.3.4.2, and Fact Sheet section 5.4 refer specifically to Provision 5.3.4.2.1, which implements state law only. The other parts of Provision 5.3.4.2 (Provisions 5.3.4.2.2 and 5.3.4.2.3) implement the federal regulations in 40 C.F.R. section 122.41(d).

City Comment 3: *The City requests that we require it to revert to monthly routine chronic toxicity monitoring only after an exceedance of the chronic toxicity MDEL or MMEL, not a single "fail" test result.*

Response: We agree and revised Monitoring and Reporting Program Table E-3 footnote 11 as follows:

> The monitoring frequency shall become 1/Month after any ~~result of "fail"~~ <u>exceedance of the MDEL or MMEL</u> at the instream waste concentration.

We also revised Monitoring and Reporting Program section 5.1.3.1 as follows:

> The routine monitoring frequency shall immediately revert to once per month after ~~any result of "fail"~~ <u>exceedance of the MDEL or MMEL</u> at the IWC.

City Comment 4: *The City requests that we extend the Annual SMR due date to March 1 each year.*

Response: We agree and revised the Monitoring and Reporting Program section 9.2.2.2. as follows:

> Annual SMRs shall be due ~~February~~ March 1 each year, covering the previous calendar year.

Baykeeper Comment: *Baykeeper recognizes the robust Reasonable Potential Analysis that ensures discharges authorized by the tentative order will not impair receiving waters. Baykeeper suggests there may be data gaps for permittees under certain regional NPDES permits, specifically the Municipal Regional Stormwater NPDES Permit. Baykeeper recommends that the Regional Water Board require municipal stormwater permittees to collect more data during the remainder of the Municipal Regional Stormwater NPDES Permit term.*

Response: Comments concerning the Municipal Regional Stormwater NPDES Permit are beyond the scope of this permit reissuance. We have shared Baykeeper's suggestions with staff responsible for overseeing the Municipal Regional Stormwater NPDES Permit.