Discharges from Potable Water Distribution and Water Supply Systems to Surface Waters-CAG994005
Response to Comments

#	Comment	Agree	Disagree	Response	Action
Association of California Water Agencies(ACWA)—Received: January 30,2009					
1	The Storm Water Rule (40 CFR 122.26) specifically states discharges from potable water sources need not be banned. This means that the proposed permit does not enforce a federally mandated requirement. Based on the recent Arcadia et al. ruling, the proposed requirements in the draft general permit would need to comply with the requirements of the Porter-Cologne Act (PCA). Specifically, the PCA in Water Code Section 13241(d) requires an economic analysis. Was an economic analysis performed?		X	Federal Regulations at 40CFR 122.26(d)(2)(iv)(B), require that a MS4 Operator have a program, "including a schedule, to detect and remove (or require the discharger to the municipal separate storm sewer to obtain a separate NPDES permit for) illicit discharges and improper disposal into the storm sewer. For clarification, the following is an excerpt from 40CFR 122.26(d)(2)(iv)(B)(1). "A description of a program, including inspections, to implement and enforce an ordinance, orders or similar means to prevent illicit discharges to the municipal separate storm sewer system; this program description shall address all types of illicit discharges, however the following category of non-storm water discharges or flows shall be addressed where such discharges are identified by the municipality as sources of pollutants to waters of the United States: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (program descriptions shall address discharges or flows from fire fighting only where such discharges or flows are identified as significant sources of pollutants to waters of the United States);"	None necessary

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				ACWA's assertion about the federal regulations is incorrect. 40 CFR 122.26(d)(2)(iv)(B)(1) expressly requires potable water discharges and water line flushing to be controlled where they are identified to be sources of pollutants to waters of the United States. The regulation does not exempt these discharges, as alleged by ACWA, but may allow them when they are not sources of pollutants, to be discharged to the storm sewer system. Whether or not they fall within an exemption to the MS4 permit requirements, when such discharges convey pollutants, they must be regulated with an NPDES permit, as the discharge is a point source discharge of pollutants. As such, the permit does enforces a federally mandated requirement, as it implements the express provisions of federal law. Accordingly, the rule established in *Burbank v. State Water Resources Control Board*, apparently referenced by ACWA, is inapplicable. ACWA's reference to *Cities of Arcadia et al v. State Water Resources Control Board* is in opposite. First, there is no final judgment in that case, and it therefore carries no precedential effect. Second, the court ruled that while the Regional Board undertakes a review of its standards pursuant to section 13241, all the standards shall remain operative and enforceable in the interim. Finally, and most importantly, the *Arcadia* case only relates to discharges of storm water. Discharges from potable water supply systems are not storm water discharges. The permit intends to regulate waste discharge from potable water distribution systems by issuance of appropriate water discharge requirements including tracking of large amount of discharges that could result in scouring, flushing of debris and other	

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				settled matter in the storm drain thus leading to possible high bacteria count at the beaches. The distribution system discharge regulation will provide more accountability for discharges to the storm drain, and protects receiving water quality. **<u>Unregulated discharges to storm drain may result in the following impacts to streams, rivers and coastal waters.</u>** 1. *<u>Excess residual chlorine</u>*: Disinfection of water with chlorine produces chlorine residual. Chlorine and its reaction by products are toxic to aquatic life. Basin Plan *Water Quality Objectives* states that chlorine, residual chlorine shall not be present in the surface water discharges at concentrations that exceed 0.1 mg/L and shall not persist in receiving waters at any concentration that causes impairment of beneficial uses. 2. *<u>Bacterial loading:</u>* Flushing action as a result of discharges to storm drain results in bacterial loading on receiving waters. In the past, there have been incidences of high bacterial counts on beaches as a result of large volume discharges. 3. *<u>Metals and salt loading:</u>* Especially during dry season, large volume of discharges to storm drain results in heavy metals loading to rivers and streams causing toxicity to aquatics. To prevent degradation of receiving water quality and to comply with the Basin Plan objectives including newly established TMDLs, it is appropriate to regulate the discharges to the storm drains as prescribed in the proposed Order.	

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				4. *Debris and Sand loading:* Large volume of discharges to storm drain may result in loading of dirt, debris, and sand into the rivers and streams. Implementation of BMPs would prevent these types of loading.	
2	Water Code Section 13000 states that the RWQCB must regulate activities that affect water quality "...to attain the highest water quality that is reasonable...".Has the RWQCB determined the actual costs associated with this permit for water utilities and determined that the benefits, whatever those might be,outweigh the costs, as would be reasonable?		X	Water Code section 13000 sets forth legislative findings which serve as the purpose for adopting the Porter Cologne Water Quality Control Act. The section explains what the substantive provisions of the Porter Cologne Act are intended to achieve; it does not itself set forth mandates to be used by in establishing waste discharge requirements. The costs of compliance including any BMPs set out for erosion and sediment control as well as any dechlorination, are existing costs that water districts and companies should have been implementing since 1996 when this Regional Board adopted the 2nd LA MS4 Permit requiring BMPs for potable water discharges. Board staff have evaluated the cost for obtaining the permit and the cost associated monitoring to comply with the permit requirements. Board staff estimates that the cost is about $700 for 5 years to conduct the screening test associated with obtaining the permit and about $30 for conducting sampling for planned discharges exceeding 100,000 gallons per day (gpd) (for those discharge events that must be sampled). The costs of compliance are significantly less than the cost of one bacterial indicator exceedance on a beach in Santa Monica Bay which may be a minimum of $10,000 per day, per exceedance.	None necessary

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<tr><th>#</th><th>Comment</th><th>Agree</th><th>Disagree</th><th>Response</th><th>Action</th></tr>
<tr><td></td><td></td><td></td><td></td><td>Monitoring and Reporting Requirements for Distribution System Discharges
<table>
<tr><th>Discharge (gpd)</th><th>Reporting</th><th>Sampling</th></tr>
<tr><td><25,000</td><td>None</td><td>None</td></tr>
<tr><td>>25,000<100,000</td><td>Yes</td><td>None</td></tr>
<tr><td>>100,000</td><td>Yes</td><td>Yes</td></tr>
</table></td><td></td></tr>
<tr><td>3</td><td>The Herondo Storm Drain incident is often cited as a reason for this permit. Can staff explain what part of this permit will address this issue and how this permit will prevent such events from happening in the future? If this is the intent of the permit, why aren't related issues such as bacteria, oceans, beaches, storm drain diversions, etc. mentioned in the permit?</td><td></td><td>X</td><td>The permit intends to prevent the incidences such as Herondo Storm Drain incidence by requiring Dischargers implement BMPs to prevent toxic pollutants reaching storm drain and notify appropriate agencies including MS4 permit owners when planned discharges are greater than 25,000 gpd.

The potential impacts of unregulated discharges have been discussed in response to comments #1.</td><td>None necessary</td></tr>
<tr><td>4</td><td>Statutory Authority & Water Quality Objectives. The Federal Storm Water Rule (40 CFR 122.26(B)(1)) is quite explicit that discharges from PWSs do not need to be regulated either by primacy state programs or local municipalities except under specific conditions. This is because discharges from PWSs are not known to cause environmental or public health risks. The State Implementation Plan for the California Toxics Rule (CTR) is even more specific in stating that categorical exceptions from the CTR may be granted to the discharges to PWSs for exactly the same reasons. This being the case, the Tentative Permit is not mandated under the Clean Water Act (CWA) and thus falls entirely under the statutory purview of the Porter-Cologne Water Quality Control Act (PCA). In the PCA, all Waste Discharge Requirements must identify an objective and the actions necessary to achieve that objective (Water Code Section 13242):</td><td></td><td>X</td><td>Please refer to Response to Comment #1</td><td>None necessary</td></tr>
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	The program of implementation for achieving water quality objectives shall include, but not be limited to: (a) A description of the nature of actions which are necessary to achieve the objectives, including recommendations for appropriate action by any entity, public or private. The Permit does not clearly identify any water quality objective that this WDR is attempting to achieve although several are implied. The Associations would like stated and specific clarification regarding this issue.				
5	Groundwater. In one part of the Tentative Permit, there is some text that seems to imply an objective. In Section III – Findings, C, Specific Findings for Water Supply Systems Discharge it is stated that, *"…discharges therefore have the potential to recharge groundwaters protected as drinking waters."* However, this was mentioned only this one time. This rationale for the WDR is not found anywhere else in the Permit or the Attachments. It is never established that discharges of potable water from PWSs can or have the reasonable potential to negatively impact subsurface potable water, i.e. groundwater. Further, none of the actions required of PWSs under this permit appear to prevent potable water from percolating into subsurface potable water. The Associations would like clarification as to whether this WDR is intended to prevent potable water discharges from infiltrating subsurface potable water sources and any evidence that RWQCB has utilized to conclude such an activity would result in a water quality problem.		X	The rationale for issuing the waste discharge requirements is to regulate waste discharges from potable water supply and distribution systems related operations. The potential impact of unregulated potable water operations discharge was discussed in response to comment #1. The permit intents to facilitate discharges from potable water distribution system flows to surface and groundwater. The permit requirements are based on Basin Plan objectives. The Basin Plan clearly identifies Groundwater basins in Los Angeles and Ventura counties that are designated as MUN existing and potential beneficial uses.	None necessary
6	Beach Water.		X	Please refer to response to comments #1 and #3.	None

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	In a separate section of the WDR, there is a different possible objective identified. In Section III. FINDINGS B (pages 7-8) - 3 it states: *The permit intend [sic] to regulate distribution system discharges by tracking large amount of discharges that would result in scouring, flushing of debris and other settled matter in the storm drain thus leading to possible high bacteria count at the beaches. The distribution system discharge regulation will provide more accountability of the discharges to the storm drain, and protects receiving water quality.* As with the Groundwater section, this rationale is mentioned only once in just this one paragraph, and is never alluded to in any other section of the Permit. There is no evidence that discharges of potable water from PWSs have ever been shown to cause or have the reasonable potential to cause the scouring or flushing of pre-existing debris found in a storm drain into a local beach causing "high bacteria counts" near beaches. In addition, there do not appear to be any provisions in this permit that would prevent this from occurring should the Permit be adopted. We would also like additional information on why a PWS should have any "accountability" in this situation as they were not the source of the bacteria and that same bacteria would eventually end up in the same beach water through "flushing" from either storm water or other non-PWS discharges.				necessary
7	<u>Information Collection</u> While the permit itself does not seem to identify		X	The primary goal of the permit is to protect surface and groundwater beneficial uses from impacts from water supply and distribution operations discharges	None necessary

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	any other possible objectives for this Permit, in other Board documents related to this Permit additional possible objectives have been identified. For example, a Draft Permit was issued in July 2008 to which a number or comments were submitted. One of those comments asked about the objective of this permit. On September 22, 2008, the RWQCB issued a formal response to many of the comments submitted and addressed this particular comment: *"One of the objectives of this permit is to better assess the collective volumes of these discharges."* Prior to the issuance of this letter, the RWQCB had conducted a workshop on this Permit in Long Beach in August 2008 and at that workshop the Executive Officer stated *"… that there is a significant concern about these discharges into a storm water system that has TMDLs and numeric limits as a basis for enforcement. We do not have – I think it's reflected in the Department of Public Health's testimony in front of you that – or his comments – that we don't know what is going into the system. We don't know how much. We don't know when".* This would suggest that the objective of this Permit is to collect information about the quantity, frequency, and quality of potable water discharges from PWSs, but this objective is not stated in the Permit. If the RWQCB intends to utilize the Permit to collect this type of information, they can do so through a 13267 Order and not proceed with the adoption of this Permit			through prescription of appropriate waste discharge requirements. The side benefit of this permit is that it enables the Regional Board to obtain holistic picture of cumulative discharges & impacts from water supply and distribution systems discharges.	
8	<u>Porter Cologne Act Requirements.</u> As noted above, the statutory authority under		X	Please refer to response to comments #1 and #2. The potable water discharges from distribution and	None necessary

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	which this Permit is being advanced is the PCA. Water Code Section 13260 states that the RWQCB must use WDRs to regulate discharge*s "that could affect the quality of the waters of the state".* Additionally, Water Code Section 13000 states WDRs are used by the RWQCB to regulate discharges that affect water quality and *…"to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible."* The Permit also refers to this language in section III Findings, B. Specific Finding for Distribution System Discharges: *Potable water has not been shown to be a source of pollution that would threaten or contribute to excursions above narrative and numeric water quality objectives contained in state and federal regulations. Potable water is considered to be a de minimus [sic] source of pollution.* This assertion is repeated on page 12, III Findings F (California Environmental Quality Act), the text says*… The discharges under this permit are mostly intermittent, short duration, high flow discharges that comply with DPH maximum contaminant levels for protection of human health. Therefore, water discharges as qualified under this permit have been determined to pose no significant threat to water quality* Based on these references in the Permit the Associations would again ask for clarification on the objectives of a permit not required through provisions of the PCA or Federal Storm Water Rule.			supply activities have the potential to pose threat to water quality if unregulated. Board staff conducted reasonable potential analysis using analytical data from effluent samples submitted by water purveyors. Attachment A of the Order shows pollutants that were detected at or above MCLs in the source waters. Therefore it is appropriate regulate potable water discharges under a general NPDES permit.	
9	<u>Economic Analysis.</u>		X	The primary goal of issuing the general permit is to protect the beneficial uses of the receiving waters	None necessary

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	This Permit, should it be adopted, would impose significant economic burdens upon PWSs. The PCA requires that these considerations be part of the determination of the need for regulation. Water Code Section 13241 states that factors to be included are: *(a) Past, present, and probable future beneficial uses of water.* *(b) Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.* *(c) Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area.* *(d) Economic considerations.* Included in this economic burden is the cost of analysis of water required under the Permit for enrollment and compliance. Water Code Section 13225 (c) states that a WDR may not require analyses of water where…*"the burden, including costs, of such reports [bears] a reasonable relationship to the need for the report and the benefits to be obtained there from."* However, there is no economic analysis of any of the costs or benefits of this Permit, either of the analytical costs in particular or the over compliance costs in general. The Associations would like any available information on the status of the required economic analysis.			from impacts from potable water related discharges, through appropriate waste discharge requirements. Large volume of uncontrolled discharges from potable water distribution systems poses significant environmental impact on receiving waters. These unregulated discharges are significant sources of high chlorine residual to receiving waters. It provides transport mechanism for mobilizing and flushing of bacteria from storm channels to Ocean and coastal streams, leading to beach closures. Beach closures erode the economic base for the beachside communities and deprive the citizens from enjoying the beach for their recreation. Therefore, it is prudent to regulate these types of discharges to protect aquatic life and other beneficial uses of receiving waters in Los Angeles and Ventura Counties. The proposed permit is different from the existing potable water discharge permit because it requires monitoring for significant distribution system discharges. Monitoring or permit is not required for discharges below 25,000 gallons per day (gpd) per discharge location. It is only after a discharge exceeds 100,000 gpd that chlorine residual and pH sampling is required. We believe that the additional costs to Dischargers to monitor distribution system discharges are insignificant. Dischargers can use approved field kits to test for pH and chlorine residual in the discharge. According to Department of Public Health, Environmental Laboratory Accreditation Program's price listing for water quality analysis, the average monitoring cost for pH and chlorine residual is $30. Dischargers incur a one time in five year cost of	

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				$700 to conduct water quality screening for obtaining a permit. The overall cost to Discharger for obtaining and complying with this permit is insignificant compared to the adverse economic and social impacts to coastal resources for non-issuance of the permit.	
Castaic Lake Water Agency & Group of Water Agencies(CLWA & GWA) –Received: January 30,2009					
10	The Castaic Lake Water Agency (CLWA) requests that the Los Angeles Regional Water Quality Control Board take three actions in regards to the recently released Tentative General NPDES Permit for Discharges from Potable Water Supply Systems to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties (GENERAL NPDES PERMIT NO. CAG994005). First, we request that the public comment period be extended for an additional 60 days. The Tentative Permit is very long and complex and a number of very significant changes were made as it was being drafted and refined. Further, the Tentative Permit was released late on December 24, 2008, which impacted our ability to review it due to the holiday season. Second, we request that the hearing date be postponed at least 60 days for the same reasons mentioned above. Finally, we also request that, should the Board grant the above two requests, an official Board Workshop be held on this permit in advance of the new hearing date. We are aware that the Board has already held a workshop on this permit in August 2008. However, we believe		X	As you may be aware, the first draft of the general NPDES permit was circulated on April 7, 2008. Due to significant comments received and based on the request of the water purveyors, on April 14, 2008, a stakeholders meeting was held at the Metropolitan Water District in Los Angeles to discuss the draft permit. Board staff's presentation at the meeting discussed various components of the general permit and changes being proposed such as the addition of distribution system discharges to the permit and its ramifications for the dischargers. Board staff responded to questions and comments raised by the stakeholders. On June 16, 2008, a revised draft of the permit that addressed many of the water purveyors' comments was circulated. In addition, on August 14, 2008, a workshop was held during the Regional Board meeting at the City Council Chambers, City of Long Beach, to solicit additional input and comments. During that meeting, Board staff made a presentation and answered questions from Board members and the interested parties. On November 4, 2008, per Board's direction, Board staff met with the water purveyors at Metropolitan Water District office during a workshop to further discuss outstanding issues	None necessary

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	there are still a very significant number of technical and policy issues this Tentative Permit raises that have not been resolved.			related to the permit. Board staff made a presentation on the permitting process and comprehensively addressed comments received. During the meeting Board staff presented a step by step procedure on how to complete the Notice of Intent (NOI) Form and the required submittals for obtaining the permit. On December 15, 2008, Board staff met with CLWA & GWA representatives to further discuss remaining concerns on the draft permit. Board staff have provided and responded to the written comments submitted on December 19, 2009. Board staff believes that there is no need for postponement of Board hearing date for the proposed permit. During the course of permitting process, Board staff have conducted 3 workshops on the tentative permit and several separate meetings at the Regional Board with representatives from Metropolitan Water District (MWD), Los Angeles Department of Water and Power (LADWP), American Water Works Association (AWWA), Association of California Water Agencies (ACWA) and other interested parties to address concerns and to clarify issues related to applicability of the permit. Also, on numerous occasions, Board staff have participated in verbal discussions on the permit issues through phone calls by answering questions on the tentative permit and written clarification through e-mails. Enough time and consideration were given during the permit processing to consider the concerns raised by water purveyors and to make appropriately changes to the tentative permit.	

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10	As we have commented regarding the three previous drafts of the Tentative Permit, we are unclear as to its purpose. The Tentative General Permit does not identify any specific water of the United States or California where a beneficial use has been threatened or compliance with a water quality objective has because of the discharge of potable water into MS4s in Los Angeles or Ventura Counties or where there is a reasonable potential for this to occur. For the benefit of entities that the Tentative Permit would regulate, the permit should identify those surface waters or groundwater being threatened or degraded by potable water discharges into MS4s as a result of routine water operations. Water Code Section 13000 states that the RWQCB must regulate activities that affect water quality…"to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible." A key element of this requirement that water quality regulations be "reasonable" is that the burden of a regulation is balanced by commensurate improvements to water quality. In the absence of any evidence that discharges of potable water into MS4s during routine operations of public water systems may adversely affect water quality, the regulation of such discharges is not reasonable. Additionally, Water Code Section 13260 states that the RWQCB must regulate discharges…"that could affect the quality of the waters of the state". However, there is no evidence that the small		X	See response to comments #1 and #2. In addition, the primary goal of NPDES permit/WDR is to regulate waste discharge from potable water operation. It is not required to demonstrate beneficial use impairment before WDR can be issued. The authority to issue WDR and NPDES permit are contained in the Porter Cologne and Clean Water Act and 40CFR part 402. <u>Where beneficial uses are threatened or have a reasonable potential to be impaired:</u> <u>Salts:</u> For example this permit implements TMDLs for salts. TMDLs have been established for those rivers that are impaired for specific salts. Please refer to TMDL documents established for Region 4 to see specific TMDLs (Attachment B of the Order). All types discharges including the potable water discharges from water supply system must comply with these TMDLs. This requirement does not apply to distribution system discharges. <u>Metals:</u> Dischargers are required to meet effluent limitations prescribed in this permit for metals. Discharge of metal concentration in excess of any of the listed metals in excess of effluent limitations prescribed for metals in this permit, will cause toxicity in the receiving waters irrespective of the fact that the river has been established with metal TMDLs. Board staff reasonably applied SIP's by authorizing categorical exception, thereby using MCLs to prescribe effluent limitations for metals and organics instead of more stringent TMDLs that are river reach specific.	None necessary

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	volumes of high quality water discharged sporadically from potable water systems either cause or have the reasonable potential to affect the quality of the waters of the state. Thus, they do not appear to require regulation under a separate NPDES permit and can continue to be discharged into MS4s as non-stormwater discharges that do not pose a threat to water quality. On November 4 2008 a Stakeholders Meeting was held at the Los Angeles Headquarters of the Metropolitan Water District of Southern California. This meeting included RWQCB staff and members of the regulated community. Mr. Augustine Anijielo gave a presentation on the purpose of this permit. One of his slides stated *"The primary goal of the permit is to protect surface and groundwater beneficial uses from impacts from water supply and distribution operations through prescription of appropriate waste discharge requirements"*. If this is so, the permit should be able to identify the surface waters or groundwaters where beneficial uses are threatened or have a reasonable potential to be impaired. No such waters have been identified. Further, the United States Environmental Protection Agency and the American Water Works Association Research Foundation funded a study to examine the environmental impact of "non-treatment discharges" from utilities which was just released in 2007. The study consisted of data collection and research in both the eastern and western regions. The study (AWWARF #2937) concluded that there were no significant impacts from			.	

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	potable water discharges on the receiving waters. Can the RWQCB identify any waters of the United States or California in Los Angeles or Ventura Counties that have been shown to have their beneficial uses impaired as a result of the discharge of potable water during the routine operation of a potable water system or where there is a reasonable potential for this to occur? We request that specific examples be provided.				
11	The draft permit states at the very beginning (III Findings, B. Specific Finding for Distribution System Discharges): *Potable water has not been shown to be a source of pollution that would threaten or contribute to excursions above narrative and numeric water quality objectives contained in state and federal regulations. Potable water is considered to be a de minimus [sic] source of pollution.* Again on page 12, III Findings F (California Environmental Quality Act), the text says… *The discharges under this permit are mostly intermittent, short duration, high flow discharges that comply with DPH maximum contaminant levels for protection of human health. Therefore, water discharges as qualified under this permit have been determined to pose no significant threat to water quality* If these assessments are correct, the regulation of discharges of potable water to storm water conveyances (MS4s) would not protect or		X	Regional Board has discretion on what type of permit it uses to regulate waste discharge. Regional Board believes that a project specific permit like the permit being proposed is the best and most appropriate way to regulate potable water discharges. If a discharge of wastewater is consistent with the requirements contained in the permit, then water quality and beneficial uses will be protected. The purpose of the permit is not only to collect information. The primary purpose of the permit is to regulate waste discharges from potable water supply and distribution operations. Please also see response to comments #1, #3 and #7.	None necessary

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	improve any beneficial uses. Section 13242 of the Water Code states: *The program of implementation for achieving water quality objectives shall include, but not be limited to: (a) A description of the nature of actions which are necessary to achieve the objectives, including recommendations for appropriate action by any entity, public or private.* Since the RWQCB does not believe that discharges covered under this tentative general permit cause or have the reasonable potential to cause any water to exceed any water quality objectives, it is also not clear how the actions outlined in this tentative general permit meet the requirements of Water Code Section 13242(a). Can the RWQCB identify how the actions that public water systems would need to implement to meet the requirements of this Tentative General Permit would improve the quality of water of the United States or California that are impaired or do not meet the water quality objectives in the Los Angeles Basin Plan (LABP) because of discharges of potable water from the routine operation of a potable water system and thus comply with the requirements of Water Code Section 13242(a)?				
12	The June Draft General Permit includes the same language cited in paragraph B above. On July 25, 2008, we submitted comments on that draft and asked: *How does the RWQCB justify the issuance of a permit that does not serve to improve or protect*		X	Please refer to responses to comment #7.	None necessary

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	any beneficial use of the waters of the United States (US) or California but will cost the water customers of Los Angeles and Ventura Counties significant amounts of money? On September 22, 2008, the RWQCB issued a response to comments and replied: *"One of the objectives of this permit is to better assess the collective volumes of these discharges."* Similarly, at the August 2008 Board Workshop, the Executive Officer stated *"… that there is a significant concern about these discharges into a storm water system that has TMDLs and numeric limits as a basis for enforcement. We do not have – I think it's reflected in the Department of Public Health's testimony in front of you that – or his comments – that we don't know what is going into the system. We don't know how much. We don't know when".* In both of these statements the implication is that the creation of an inventory of discharges is the purpose of this permit. However, general information collection as such is not an appropriate purpose of an NPDES permit. If the RWQCB wants to determine the volumes of water discharged by potable water purveyors into MS4s, the appropriate mechanism is found in Water Code Section 13267. That is, the RWQCB could simply request such information from public water systems under Water Code Section 13267 rather than issue a permit. In the October 2008 comment letter, the following question was asked but no written response was provided. If the goal of the RWQCB in proposing this tentative general permit is to collect general				

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	information, then why does the RWQCB not simply use its authority under Water Code Section 13267 to do that instead of issuing a permit?				
13	The RWQCB is proposing in this General Permit to apply the water quality objectives of the LABP to the discharge of potable water. However, these objectives were not created with potable water discharges in mind. In a recent ruling (*Cities of Arcadia et al. vs. State Water Resources Control Board, Orange County Superior Court Case No. 06CC02974),* the court held that the LABP objectives must meet the requirements of Water Code Section 13241 for the type of discharge being regulated. In this case, since the LABP objectives had not been intended or developed for regulating storm water or potable water discharges, they cannot be applied to such discharges. This means that the RWQCB must develop any water quality objectives applicable to the storm water or potable water discharges at issue based on a consideration of the factors in Water Code Section 13241, including: *(a) Past, present, and probable future beneficial uses of water. (b) Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto. (c) Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area. (d) Economic considerations.* The LABP objectives were not created for the		X	The Basin Plan provides the appropriate frame work for regulating all types of waste discharge to land and surface water regardless of the source of the wastewater. No new water quality objective is being implemented in the permit. Therefore, no further analysis is necessary if Basin Plan objectives are appropriately implemented in a permit. Please also refer to our response to comment #1.	None necessary

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	purpose of regulating the discharge of potable water at all, much less the discharge of potable water into MS4s. There is no evidence that the LABP objectives include the requisite analysis for them to be applicable to discharges of storm water or potable water in general or into MS4s in particular. Thus, the RWQCB may not apply the LABP water quality objectives to such discharges in this case. In the October 2008 comment letter the following question was asked but no response was received. Has the RWQCB conducted the required analysis under Water Code Section 13241 for the LABP objectives as they would apply to the discharge of potable water under the tentative general permit?				
14	Under Water Code Section 13225 (c), a RWQCB may not require local agencies to obtain and submit analyses of water where…"the burden, including costs, of such reports [bears] a reasonable relationship to the need for the report and the benefits to be obtained there from". There is no evidence that such an analysis of the costs and benefits of the sampling required in the permit was conducted much less that benefits are greater than the costs. Has the RWQCB conducted a cost benefit analysis of the sampling requirements of this permit? If so, were the benefits greater than the costs?		X	Yes, additional cost to water purveyors for implementing the permit requirements is insignificant. The additional cost is a one time in five years $700 cost to conduct screening analysis. Please also refer to our response to comments #2 and #9.	None necessary
15	The California Department of Public Health's (DPH's) Drinking Water Program (DWP) requires that all public water systems monitor their water		X	Discharger are required to provide appropriate and adequate discharge specific information in the Report of Waste Discharge or NPDES permit	None necessary

#	Comment	Agree	Disagree	Response	Action
	supply sources for almost all of the analytes listed in Attachments A and B on a routine basis and have accumulated that data into a single database covering the years 1986 – 2008. Therefore, almost all of the data that could be supplied to the RWQCB during the life of this permit already exists (with the exception of BOD, Settleable Solids, Suspended Solids, Whole Effluent Toxicity, and NDMA). This being the case, there is little need, if any, for this tentative general permit from an information collection perspective. The RWQCB staff could simply obtain a copy of the DPH-DWP database to get almost all of the chemical monitoring data they are requesting in this permit. If the goal of the RWQCB was to collect information on the quality of potable water, has the RWQCB attempted to obtain a copy of the DPH and DWP database? If not, why not?			application so that appropriate waste discharge requirements can be issued. If dischargers have current acceptable water quality data, Regional Board will accept it for screening analysis. Also dischargers are required to demonstrate that there is no reasonable potential for constituents in the discharge to exceed water quality criteria.	
16	Based upon the text in the response to comments cited in paragraph C above, the RWQCB wants to know the collective volumes of water discharged by potable water systems. The answer to this is already available to the RWQCB, at least in a comparative sense. According to the LABP in Table 4- 5, there are number of “major or significant” dischargers in Los Angeles and Ventura Counties. The three largest categories include facilities that discharge solely treated domestic sewage, domestic sewage mixed with industrial waste, and cooling waters. These three alone have a combined capacity to discharge 7,992 million gallons per day, or 333 million gallons per hour. Sewage treatment facilities and power plants of course		X	The objective of issuing waste discharge requirements is to regulate waste discharge. Primary objective of the permit is not to collect discharge volume. However, it is necessary to determine discharge volume so that accountability, responsibility and enforcement will be properly assigned. Please also refer to our response to comments #1 and #3.	None necessary

#	Comment	Agree	Disagree	Response	Action
	operate on a continuous basis; consequently, on an annual basis, these discharges contribute about 2.9 trillion gallons. If the rivers and streams of Los Angeles and Ventura Counties are effluent dominated with 80% of the flow coming from discharges like these, then stormwater constitutes another 20% of flow, or 0.6 trillion gallons. In light of these contributions to local surface and ground waters, it would seem that to contribute even 1%, potable water systems would have to discharge over 30 billion gallons each year. This amount is vastly more than is discharged in a year by potable water systems; even less is discharged into MS4s (perhaps less than 1/10th of 1 percent). This volume is trivial in comparison to other sources. It is difficult to understand how such a small volume of water can reasonably be expected to cause impairment of any surface or subsurface water body. In the October 2008 comment letter, the following question was asked but no response was received. Does the RWQCB have any reason to believe that, given the fact it already has substantial evidence in the LABP the discharges of potable water to MS4s in Los Angeles and Ventura Counties is much less than 1% of total flow of waters into these MS4s, and that the collection of additional information about discharge volumes will change this assessment and thus justify the issuance of this tentative general permit?				
17	Both the current MS4 permits for Los Angeles and Ventura County and the draft MS4 permit for Ventura County co-permittees allow certain non-storm water discharges into their MS4s. These		X	Regional Board used various permitting tools to regulate different types of discharge. For example, non-process waste permit regulates non-process waste discharge; hydrostatic permit regulates	None necessary

#	Comment	Agree	Disagree	Response	Action
	are *de minimis* risk waters such as natural springs and rising groundwater, swimming pool waters, noncommercial car washing, and discharges from potable water operations. All of these discharges are considered to have a minimal risk of contributing to in stream excursions above either state or federal water quality objectives or criteria (see paragraph B above). It is for this reason that the current MS4 permits allow the discharge of these waters into MS4s. However, in the proposed General Permit, the RWQCB is proposing in effect to ban the discharge of only one of these several *de minimis* risk waters i.e., discharges from potable water systems. The tentative general permit fails to explain why an NPDES permit should regulate this one particular type of *de minimis* risk, but not the others. Since they are all of equal, *de minimis* risk to water quality, it is not reasonable to single out one for regulation and allow the others. At the November 4 Stakeholders Meeting Mr. Anijielo presented a slide that attempted to address this issue. It stated that *"It is not appropriate to require Regional Board to provide justification for regulation of the universe of wastewater discharges (minor & major) in the specific general NPDES permit such as the general permit"*. This is essentially a non-response. The RWQCB may not act arbitrarily and capriciously, and its regulatory discretion is not unfettered. Thus, the RWQCB ostensibly has some reason or basis for singling out one of the dozen *de minimis* risk discharges now covered by the MS4 permits and requiring separate permit coverage for these discharges. The reasoning must be articulated in the permit findings and Fact Sheet.			hydrostatic discharge; dewatering permit regulates all types of groundwater discharge, VOC and gasoline general permits regulate VOC and gasoline related discharges. The Regional Board has the discretion to regulate waste discharge with whatever permit it considers the most appropriate for a particular discharge.	

#	Comment	Agree	Disagree	Response	Action
	What was the basis for the RWQCB to propose regulating one type of *de minimis* risk water (i.e., potable water), but not others since all *de minimis* waters are, by definition, of equal and minimal risk?				
18	The majority of discharges from the distribution systems of a potable water utility are not from the activities covered under this tentative general permit. Non-commercial car washing, urban irrigation run-off, emergency fire fighting activities, and other types of *de minimis* risk water discharges are in fact exactly the same water from the same sources as the discharges being proposed for coverage under this tentative general permit, but in larger volumes. If the RWQCB contends that potable water being discharged creates unacceptable risk that must be regulated by an NPDES permit, the tentative general permit misses the majority of the risk. In the service area of CLWA and SCWD, for example over 80% of water delivered is for irrigation, while less than 5% is for fire flow, flushing, line draining, or other activities covered under this tentative general permit. Of course not all, or even most, of the irrigation water ends up in the MS4s, but a substantial part does, much more over the course of a year than from the activities covered under this Tentative General Permit. Moreover, these waters are of considerably lower quality, having run over a variety of surfaces before reaching the MS4. If the RWQCB considers potable water a significant source of pollution, this tentative general permit covers only a very small portion of that source. In the October 2008 comment letter, the following question was asked but no response was		X	See response to comment #17.	None necessary

#	Comment	Agree	Disagree	Response	Action
	received. What was the basis for the RWQCB to propose regulating only one small portion of the discharge of potable water with the highest quality while not covering the much larger portion of lower quality?				
19	The Tentative General Permit would create significant economic burdens upon public water systems. The permit requires fees, one for each reach of receiving water to which a public water system may discharge from the supply system and a separate one for each distribution system, at $1,200 per permittee per reach for over 300 potable water systems in Los Angeles and Ventura Counties. This could total over a million dollars per year. Additionally, there are extensive sampling requirements as part of the Notice of Intent. Each discharge point must be assessed for its potential to discharge the analytes listed in the Order (V A and V B), Attachment A and, in some cases, Attachment B. Looking at just the volatile organic chemicals (VOCs) listed in Attachment A, this test typically costs about $100. SCWD has almost 4,000 hydrants, dead-end blow-offs, and other discharge points that release potable water into the MS4 of the City of Santa Clarita. At $100 per location, the total would be $400,000 just for VOC testing for one public water system. Additionally, annual testing of water supply sources includes Whole Effluent Toxicity testing, each of which are several hundred dollars apiece per discharge location. There are many thousands of water supply discharge points in Los Angeles and Ventura Counties. Further, the requirement to use a totalizer for at least some discharges (this is		X	<u>Number of permits required</u>: Dischargers are required to comply with only pH and residual chlorine effluent limitation and, not VOCs or metals for distribution system discharges. For distribution system discharges, Dischargers are required to obtain only one permit for their distribution system irrespective of the number of hydrants in the system. Analysis for Attachment A (limited listing for metals and VOCs) listing is required only at the time of permit application. <u>Cost of obtaining permit:</u> $5,760 is the maximum permitting fee to obtain a general NPDES permit. $1,200 is the minimum. You are only required to have a permit if you propose to discharge significant amount of water. It only cost $1,200 to cover a distribution system discharge. The water supply permit is only a short-term permit that Dischargers obtain when they need it. Dischargers are required by the permit to sample for VOC if it is present in the groundwater. Dischargers are only required to do one time screening, costing about $700, once in five years. Overall the cost of obtaining coverage and maintaining the permit is insignificant. It is so insignificant when compared to adverse social economical and ecological impact of not permitting	None necessary

#	Comment	Agree	Disagree	Response	Action
	discussed in more detail in comment AA) to measure discharge volumes, which have low maximum discharge flows and velocities, will greatly increase the amount of time needed to complete flushing activities and significantly increase the amount of labor needed to complete routine operations. Additionally, there would be significant increases in labor time needed to monitor and report discharge events and results to the RWQCB. Public water systems would spend millions of dollars to comply with this tentative general permit, which does not identify any benefits. Water Code Section 13241(d) requires the analysis of costs and benefits. Given the enormous costs associated with this tentative general permit and that it does not identify any water quality benefits, it is difficult to understand how the economic benefits, if any, outweigh the costs. In the October 2008 comment letter the following question was asked but no response was received. Was the economic analysis of the costs and benefits conducted? Could the RWQCB share in the response to this comment any cost-benefit analysis performed for the determination that this Tentative General Permit complies with Water Code 13241(d).			the discharge.	
20	This permit creates *de facto* public policy decisions that the RWQCB may not intend to implement. The water quality objectives in Attachment B are from the LABP and set at concentrations lower than the ambient levels in many potable water wells. Attachment 2 contains three graphs of the cumulative percentages of water sources in Los Angeles and Ventura		X	Regional Board's goal is to protect the beneficial uses of surface and groundwater resources using the implementation plan in Basin Plan as a regulatory tool. The general permit does not create new mineral objectives, but implements the objectives established in the Basin Plan. For clarification, the proposed permit does not prescribe mineral limitations for distribution system	None necessary

#	Comment	Agree	Disagree	Response	Action
	Counties for chloride, total dissolved solids and sulfate as well as common water quality objectives found in the Attachment B. These figures do not show how many sources exceed individual water quality objectives. However, they do convey the general point that a significant number of drinking water source waters exceed at least one of the five mineral objectives. This means that these wells could not be discharged without treatment. A great many potable water wells exist in residential or commercial areas with very limited open space or road access. Treatment would not be an option from an available space perspective. The cost of treatment may also be prohibitive as well. This would have the effect of shutting down local groundwater supplies. Public water systems would then have to shift to surface waters imported from great distances which are more expensive, generally less reliable, and have much greater carbon footprint than local supplies. This would have significant environmental and public policy implications, especially given recent passage of the Global Warming Solutions Act of 2006 (AB 32). At the November 4 Stakeholders Meeting Mr. Anijielo presented a slide that attempted to address this issue. It stated that *"The general permit does not create new mineral objectives but implements the objectives established in the basin plan. For water supply systems where in certain cases treatment may be necessary to make the water potable, the permit requires compliance with Basin Plan mineral objective"*. This response confuses two entirely separate issues. Whether a water complies with the Basin			discharges. For water supply systems where in certain cases treatment may be necessary to make the water potable, the permit requires compliance with Basin Plan mineral objectives.	

#	Comment	Agree	Disagree	Response	Action
	Plan mineral objectives summarized in Attachment B has nothing to do with whether a water is potable" as defined in the Safe Drinking Water Act. Thus a well may produce water that is in compliance with the Safe Drinking Water Act but not in compliance with the Attachment B requirements. If the well water cannot be treated to meet the Attachment B requirements, then the well would have to taken out of production despite its ability to produce potable water. The potable water system which owns that well would then need to replace that water with water purchased from somewhere else, typically imported surface water. Thus, while not the intent of the permit, the practical effect would be to shift production away from local groundwater to imported surface waters. Is it the intent of the RWQCB to reduce reliance on local groundwater and to increase reliance on imported surface water, as this will be the effect of this permit?				
21	The Tentative Permit states in Section III – Findings, C, Specific Findings for Water Supply Systems Discharge that, *"…discharges therefore have the potential to recharge groundwaters protected as drinking waters."* This seems to imply, although it does not explicitly state, that the purpose of this permit is to protect groundwaters used for potable water purposes. Is the purpose of this tentative general permit to protect groundwater used as potable water sources? If so, can the RWQCB identify any groundwater aquifers used as potable water		X	Please refer to response to comment #5.	None necessary

#	Comment	Agree	Disagree	Response	Action
	sources that are affected by recharge influenced by the discharge of potable water into MS4s during routine operation of a potable water system?				
22	In regards to the section of the tentative general permit cited in paragraph L above, we believe this is not an accurate statement. Potable water discharges overwhelmingly occur within the urbanized portions of Los Angeles and Ventura counties where the receiving bodies are concrete lined with impermeable bottoms. However, according to the Los Angeles County Department of Public Works (LACDPW), Watershed Management Division (WMD), the Los Angeles River is lined for 77 km (47.9 miles) of its 82 km (51miles) length. There are three stretches where the channel invert is not concrete lined. These are within the Sepulveda Flood Control Basin, through the Glendale Narrows, and south of Willow Street in Long Beach. Indeed, this is fairly typical for the majority of MS4 systems. The LACDPW-WMD has 2,834 miles of underground storm drain and more than 120,000 catch basins, all of which have impermeable bottoms. In light of these figures, the claim the tentative general permit makes about water entering MS4s as a source of contamination for underlying groundwater is overstated. The question below was asked in two previous comment letters to the July Draft and September Revised Draft Permits. How does the Tentative Permit protect impaired potable water sources when the vast majority of MS4s have impermeable bottoms and cannot and do not allow water to percolate into the		X	Please refer to response to comments #1, #5,#7 and #8.	None necessary

#	Comment	Agree	Disagree	Response	Action
	ground?				
23	If the purpose of this tentative general permit is to protect potable water sources, whether subsurface or surface, it is unclear why the list of chemicals used in the Order and Attachment A is used. For example, Attachment A lists total trihalomethanes (TTHMs) as a constituent of concern. However, examining the 303(d) list for Los Angeles or Ventura Counties, there do not appear to be any waters listed as impaired due to the presence of TTHMs. The DPH's Drinking Water Program's database of all potable water sources in California likewise does not list any sources of potable water with a reported value for TTHMs. Potable water systems have been using chlorine for over 100 years, so they have been discharging waters containing TTHMs for as long. There would seem to be little reasonable potential for TTHMs to be a constituent of concern for the impairment of waters in Los Angeles and Ventura Counties. In the October 2008 comment letter, the following question was asked but no response was received. Since there are no surface waters or aquifers with elevated concentrations of TTHMs after 100 years of the discharge of chlorinated potable water, how does requiring monitoring for TTHMs and establishing effluent limits protect the beneficial use of potable water sources?		X	TTHMs are regulated just as residual chlorine to protect aquatic life from toxicity. TTHMs are listed in EPA's established priority pollutants list and shall be regulated to protect receiving waters. If reasonable potential exist for any of the 126 priority pollutant including TTHMs not to mention emerging pollutants, Regional Board is mandated to prescribe effluent limitations to protect human health and aquatic life. 303(d) list is established for the toxic pollutants because rivers in Los Angeles or Ventura Counties are impaired for the listed pollutants. Because TTHMs are not listed in 303(d) list does not authorize you to discharge these toxic pollutants in excess of effluent limitations and cause toxicity in the rivers. It is our objective to regulate pollutants like TTHMs and other toxics to protect the receiving waters from being impaired by this toxic pollutant including those listed in 303(d) list.	None necessary
24	There are no surface waters in Los Angeles or Venture Counties impaired for arsenic, chromium, 1,1 Dichloroethane, 1,1 Dichloroethylene, 1,1,1 Trichloroethane, 1,1,2 Trichloroethane, 1,1,2,2 Tetrachloroethane, 1,2		X	It is not necessary to determine receiving water quality impairment before a permit can be issued. As a condition for enrollment under the general permit, dischargers are required to conduct reasonable potential analysis consistent with	None necessary

#	Comment	Agree	Disagree	Response	Action
	Dichloroethane, 1,2-Trans Dichloroethylene, Carbon Tetrachloride, Vinyl Chloride, Benzene, or MTBE according the California 303(d) list. In the October 2008 comment letter, the following question was asked but no response was received. Given the fact there are no surface waters impaired for any beneficial use for these chemicals, how would it be protective of public health and the environment or the beneficial uses of surface water to require monitoring for these chemicals or the creation of effluent limits?			*USEPA Technical Support Document* to determine the potential of exceedence of toxic pollutants in their discharge. Water purveyors are required to use streamlined Attachment "A" to conduct this analysis. This is once in 5-year pre-permitting requirements. If a discharge shows no reasonable potential for toxics as indicated in attachment "A" effluent limitations for toxics will not apply. NPDES permits are issued to be protective of human health and aquatic organisms. For clarification, no monitoring or effluent limitations are applicable if these constituents are not present in the discharge.	
25	There is only one water body impaired for Tetrachloroethylene (PCE) and Trichloroethylene (TCE). While there are indeed several water bodies impaired for pH, low DO caused by organic enrichment, sedimentation, TDS, and copper, none are drinking water sources. There is no evidence that their impairment was caused or contributed to by the discharge of potable water into MS4s during routine operations. In the October 2008 comment letter, the following question was asked but no response was received. Does the RWQCB have any evidence these surface waters are impaired by the discharge of potable water containing these chemicals into MS4s during routine operation of a potable water system? If not, how would it be protective of public health and the environment or the beneficial uses of surface water to require monitoring for these chemicals or the creation of effluent limits?		X	Please refer response to comment #24.	None necessary

#	Comment	Agree	Disagree	Response	Action
26	None of the surface waters listed as impaired in the 303(d) list for Los Angeles and Ventura Counties for the parameters listed in the tentative general permit or Attachment A are used as drinking water sources. However, the text of the tentative general permit suggests that its purpose is to protect potable water sources. In the October 2008 comment letter, the following question was asked but no response was received. Does the RWQCB have any evidence these surface waters are used as sources of potable water and that beneficial uses are impaired because of the parameters listed? If not, how would it be protective of public health and the environment or the beneficial uses of surface water to require monitoring for these chemicals or the creation of effluent limits?		X	See response to comment #24.	None necessary
27	Based on the content of the DPH's Drinking Water Program's database of source water chemical monitoring, many of the chemicals listed are found in only a very few wells. For example, between 2000 and 2006, 1,1,2 Trichloroethane was found in only eight wells in three systems in Los Angeles County. 1,1,2,2 Tetrachloroethane was not found in any wells in Los Angeles or Ventura counties. 1,2-Trans Dichloroethylene was found in 11 wells in three systems in Los Angeles County. Vinyl Chloride was found in only one well in Los Angeles County, and Benzene was not found in any wells. As noted above, these chemicals are not the cause of impairment of surface waters in Los Angeles and Ventura Counties. In the October		X	See response to comment #24.	None necessary

#	Comment	Agree	Disagree	Response	Action
	2008 comment letter the following question was asked but no response was received. Does the RWQCB have any evidence these few wells have these chemicals present as a result of recharge of discharged potable water or potable water containing these chemicals into MS4s during routine operation of a potable water system? Does the RWQCB have any evidence these wells are untreated and the cause of impairment to any water of the United States or California? If not, how do these monitoring requirements and effluent limits protect these waters?				
28	Some of the chemicals listed in the tentative general permit and Attachment A are found in groundwater wells that are used. While chromium, arsenic, 1,1 Dichloroethane, 1,1 Dichloroethylene, 1,2 Dichloroethane, 1,1,1 Trichloroethane, PCE, TCE, Carbon Tetrachloride, and MTBE have been found in more than a few drinking water wells, there is no indication these chemicals are present in the groundwater because of the recharge of potable water from discharges of potable water to MS4s during routine operation of potable water systems. In the October 2008 comment letter, the following question was asked but no response was received. Does the RWQCB have any evidence these chemicals are present in these wells because of discharges from potable water systems that then percolated into the ground, contaminating the aquifer.		X	See response to comment #24.	None necessary

#	Comment	Agree	Disagree	Response	Action
29	In the July 25th, 2008 comment letter from CLWA to the June 26, 2008 Draft General Permit, it was noted Section III – Findings, C, Specific Findings for Water Supply Systems Discharge, 5 states: *Most discharges of potable water regulated under this general permit are to storm drain systems that discharge to creeks and streams. Therefore, for many months of the year, these discharges may represent all or nearly all of the flow in some portions of the receiving creeks or streams.* The July 25th letter pointed out this is not an accurate statement. The discharge of potable water from the routine operations of public water systems, as opposed to irrigation run-off, rising groundwater, treated sewage, cooling water discharges, etc., is a trivial contribution to the flow of water in the concrete-lined MS4s, even in the summer. In comments to the September Revised Draft Permit this point was reiterated however, the December Tentative Permit still makes reference to this as a justification for this permit. To date, no response to this comment has been provided by the RWQCB. Does the RWQCB have evidence to support the claim that potable water discharges constitute the majority of stream flow in any stream in Los Angeles and Ventura counties when the LABP's Table 4-5 indicates it is a trivial source?		X	In fact, Los Angeles and Ventura Counties receives dry spells of rain only few days in the winter months, and most of the flows to the storm drain are from human activities including those discharges from well head and distribution system discharges. Therefore, the effluent limitations from water supply system discharges are calculated assuming no dilution. For most practical purposes, discharges of wastewater from wellhead or raw water systems do not flow directly into receiving water with significant flow volume to consider dilution credit or to allocate a mixing zone. Most discharges of water regulated under this general permit are to storm drain systems that discharge to creeks and streams. See response to comment #24.	None necessary
30	In Section III C 11 of the Draft Permit, the rationale for the copper effluent limit is identified as follows: *Copper is found in many drinking water sources*		X	Copper is one of the primary constituent of concern in discharges reaching receiving waters in Los Angeles and Ventura counties. Copper compounds are commonly used in lakes and reservoirs to control algae growth. As copper is	None necessary

#	Comment	Agree	Disagree	Response	Action
	in Southern California. Also copper compounds is [sic] commonly used in lakes and reservoirs to control algae growth. As copper is a pollutant of concern and poses threat to receiving water quality, this permit prescribes copper effluent limitation." This does not identify the "threat to receiving water quality" that copper purportedly poses, what receiving waters are at risk, what beneficial uses are impaired, or explain why an effluent limitation is needed. However, the effluent limit is based on the secondary maximum contaminant level (MCL) promulgated by CDPH. Since secondary MCLs are based upon aesthetic criteria for water at the tap, and not human health or aquatic toxicity, it is unclear why the RWQCB would regulate them. Since these waters are being discharged into concretelined, impermeable MS4s, there is little or no reason to be concerned with impacts on drinking water. These sections are quite unclear as to the purpose of these effluent limits. This was raised during public comment and the Board staff replied: *Secondary MCLs are used to regulate Fe & Mg [sic] because it is best available science & technically based number that could be used to control or regulate these pollutants in permitted discharge. Some water suppliers operate wellhead treatments for iron and manganese, therefore, it is necessary to regulate iron and manganese for discharges from wellhead treatments for iron and manganese is necessary. Although there may be less direct human health concerns, our charge is to protect all beneficial*			a pollutant of concern and poses threat to receiving water quality, this permit prescribes copper effluent limitation where applicable. A consent decree between the U.S. Environmental protection Agency (USEPA), Heal the Bay,Inc. and Baykeeper, Inc. was approved on March 22, 1999. This court order directs the USEPA to complete Total Maximum Daily Loads (TMDLs) for all impaired waters within 13 years. A schedule was established in the consent decree for completion of the first 29 TMDLs with in 7 years. This includes completion of a TMDL to reduce heavy metals such as copper in the Los Angeles river and its tributaries by USEPA by March 22, 2005. Amendment to the Water Quality Control Plan – Los Angeles Region to incorporate the Los Angeles River and Tributaries Metals TMDL outlined the copper limits for general permit as well as other NPDES Permits; Concentration-based dry-weather waste load allocations apply to the other NPDES permits* that discharge to the reaches and tributaries. "Other NPDES permits" refers to minor NPDES permits, general non-storm water NDPES permits, and major permits other than theTillman, LA-Glendale, and Burbank POTWs. There are no secondary MCLs limitations for iron, manganese or any other compound in this permit.	

#	Comment	Agree	Disagree	Response	Action
	uses and to protect against degradation of receiving waters. This is not accurate. The secondary MCLs are not based on any science or indirect human health concerns. They are based on the discoloration of household materials as well as taste and color concerns. While the iron and manganese requirements have been dropped from the Tentative Permit, no specific response to the issue of the copper secondary MCL has been received. Can the RWQCB identify any science on human health or aquatic toxicity used in the setting of secondary MCL? If not, what is the legal basis for the effluent limit?				
31	One of the issues with this Tentative General Permit is the difficulty in understanding the requirements for enrollment. This is compounded by the fact that the tentative general permit does not include a sample Notice of Intent (NOI) form designed specifically for this permit. There were several comments to the June Draft General Permit on this topic, but the responses did not provide additional clarity. Attachment C is a general form for other general NPDES permits, but is clearly not applicable to this proposed General Permit. It does not seem reasonable for potential permittees to evaluate a draft permit that does not include an NOI that is specific to the permit. The subsequent September revised draft and the December Tentative Permit both use generalized NOIs, albeit with some minor textual changes. However, the Attachment C remains very vague and general…….		X	A copy of the NOI form that was revised to accommodate specific water purveyors concerns was included in the draft revised permit circulated for this meeting. The NOI form was developed to parallel the NPDES permit applications USA-EPA Forms 1 and 2E. and we believe the NOI is flexible enough to accommodate water purveyors needs. Discharger can enroll in two ways, to discharge potable water from distribution systems or to discharge from water supply systems. Water quality screening is required in either case. If Dischargers have fully characterized their groundwater to CDPH requirements, then we are confident that Dischargers would know what pollutants are likely to be in the groundwater. Otherwise, Dischargers will need to do a full priority pollutant scan of groundwater.	None necessary

#	Comment	Agree	Disagree	Response	Action
	It is very difficult to understand what the requirements for enrollment are because the text of the permit is unclear and because the requirements are scattered throughout the permit. It would be very helpful if the NOI consolidated the dispersed enrollment requirements together in one place and clearly spelled them out in detail. How can potential permittees evaluate and comment on this Tentative Permit without a copy of a specific NOI? Would it not be preferable to include all of the enrollment requirements were in a single section of the Order and in an NOI specific to this permit?				
32	The Tentative General Permit appears to have confused two entirely different concepts. The Tentative Permit seems to use the term "potable" as interchangeable with "*de minimis* risk." The tentative general permit states in Section I (Discharge Description Information) *"[p]otable water refers to all water dedicated for municipal supply, including treated and untreated potable water,"* but later in the same paragraph states *"[f]or the purposes of this permit, raw water refers to all water meant for municipal supply but is not immediately potable without treatment."* This would seem to mean that the difference between "raw water" and "potable water" is whether it is potable or not. Different requirements are placed on waters depending on whether they are potable. Discharge points that release "raw waters" have no discharge reporting or sampling threshold volumes and must have a complete Reasonable Potential Assessment (RPA) under		X	The term potable and raw water as applied in this permit are well defined. The definition of the term "potable" and "raw water" applies solely for the purpose of clarifying usability of the permit. The definition does not contradict the SIP. Both raw water and potable water as used in the permit can still be categorically excepted from compliance with SIP if certain conditions are meet. Generally, drinking water meeting the definition of potable water in the permit is almost always qualified for SIP exception. The same cannot be said for raw water, therefore, the need for additional characterization requirement during the permitting process. Potable water has been treated by purveyors to meet MCLs and is ready to drink. Raw water is not treated and is not ready for	None necessary

#	Comment	Agree	Disagree	Response	Action
	all conditions while "potable waters" do not require reporting or sampling if the discharge volumes are less than the mandated threshold volumes and do not require RPA analysis if certain conditions exist. However, both "potable" and "raw" waters are *de minimis* risk waters and both currently qualify for categorical exception under the existing Los Angeles and Ventura County MS4 permits as well as the State Implementation Plan (SIP). In regards to the requirements of the CWA, Porter-Cologne Act, or LABP, both "raw" waters and "potable" waters are exactly the same. They "*do not cause, have the reasonable potential to cause, or contribute to an in-stream excursion above any applicable state or federal Water quality objectives/criteria or cause acute or chronic toxicity in the receiving water."* Whether or not a water is potable or not does not impact whether or not it poses a risk of impairment to the beneficial uses of a receiving water. Consequently, it is not clear what regulatory purpose is served to assign two otherwise identical discharges of equal risk completely different discharge requirements. In the October 2008 comment letter the following question was asked but no response was received. What regulatory purpose is served by the designating some *de minimis* risk waters as "potable" and others as "raw", when both are of equal and trivial risk of degrading beneficial uses or receiving waters or reduce water quality when discharged?			distribution as drinking water to end users.	
33	Additionally, the definition of "potable" as used in this Tentative Permit is vague, ambiguous, and		X	Nothing in this permit says that potable or raw water as used in this permit cannot be categorically	None necessary

#	Comment	Agree	Disagree	Response	Action
	not really apropos of the purposes of the permit. There are many "municipal" uses of water that do not require that the water be "potable" (e.g., swimming pool or irrigation of parks) and potable water, as defined under the Safe Drinking Water Act, is supplied by many non-municipal entities (e.g. private water companies, special districts, and mutual water companies). Thus, the term "municipal" in no way provides any understanding as to the use of water or how it may or may not be potable. The term and concept of "potable" water as a criterion for determining whether a discharge is to be regulated is not found in the CWA, Porter-Cologne Act, or SIP. The closest definition is found in the SIP which grants the RWQCB authority to give categorical exception to the California Toxics Rule*:* *[I]f determined to be necessary to implement control measures…regarding drinking water conducted to fulfill statutory requirements under the federal Safe Drinking Water Act or the California Health and Safety Code. Such categorical exceptions may also be granted for draining water supply reservoirs, canals, and pipelines for maintenance, for draining municipal storm water conveyances for cleaning or maintenance, or for draining water treatment facilities for cleaning or maintenance.* Under this definition, both raw and potable waters may be categorically exempt from the SIP. This seems a much clearer and universal definition, one with regulatory precedent. In the October 2008 comment letter the following question was asked but no response was received.			excepted. Discharger can always seek categorical exception for their discharge by following SIP procedure in fulfilling the CEQA process. This permit uses the terms raw and potable water to make implementation easier. Please also see response to comment #32	

#	Comment	Agree	Disagree	Response	Action
	Why did the RWQCB not use the definition for "drinking water" in the SIP"? How does using the term "municipal uses" provide adequate legal definition for this permit?				
34	The Tentative General Permit is extremely vague and confusing. There are many examples. One is in Attachment E, Section II B discharge flow is listed as a parameter that must be monitored and reported. The word *"totalizer"* is listed as a *"sample type"*. It is unclear what this means, which is stated in our July comment letter. In the September 23, 2008 response to comments, RWQCB staff indicated this is supposed to mean that a mechanical totalizer is to be attached at the end of each permitted discharge point during planned discharges and a total volume is to be recorded. A plain text reading of the Tentative General Permit would not allow a reasonable person, even one experienced in water distribution, to understand the intent. Additionally, in the December Tentative Permit additional text was added to the same section in the form of a footnote 5 which states "Total Flow measurements can be accomplished for planned discharges by using flow metering or by calculation methods." The text does not define the "calculation methods" or under what conditions they would be preferable to the use of "flow metering" or the use of a totalizer. A flow meter and totalizer are two different pieces of equipment. There are several terms used through the		X	We believe that through workshops and meetings, the intent and applicability of the permit have been thoroughly explained to the purveyors and accepted by most of the dischargers. The Dischargers are required to accurately measure flow at the point of discharge. Dischargers need to determine the appropriate and precise method for measuring their discharge volume. When effluent sampling is required, Dischargers need to establish a location or station where the sampling should be conducted. The permit has been modified and consolidated the terms. The permit refers to two terms; "Monitoring location" and discharge point" and its name implies its meaning. Reservoir storage could be potable water ready for distribution to end-users or could be storage of raw water that needs treatment to make it ready to drink. The "calculation methods" mentioned in footnote 5 was suggested by John C. Dettle, Engineering Manager, Public Works Department, City of Torrance. He wrote an e-mail to Regional Board's Executive Officer on August 14, 2008 and suggested the use of calculation methods in the permit which is commonly used in the water industry to determine flow volumes.	None necessary

#	Comment	Agree	Disagree	Response	Action
	tentative General Permit that appear to have similar, if not identical meanings, but it is unclear if they do. These are "discharge location", "sampling point", "monitoring location" and "outfall location" none of these terms defined and are often used only once or twice in the permit. Another example is in Sections II. A & II.B (pgs. 3-4): There seems to be an overlap between the description of Water Distribution System Discharges (which include reservoir dewatering. Also, the term "storage systems' is included in Finding III.B.12 on pg. 9, which implies that storage system discharges are also to be treated as Distribution System discharges) and Water Supply System Discharges (which include raw water discharges, including reservoir water). The lack of clarity is important because Water Distribution System Discharges are subject to different requirements than Water Supply System Discharges (e.g., Planned Distribution System Discharges of less than 100,000 gallons are treated differently from Water Supply System Discharges of less than 100,000 gallons). Does the RWQCB agree that requirements in an NPDES permit need to be clear, understandable and reasonable?				
35	There have been four different versions of this proposed permit. There was a Draft Tentative Permit in March, a Draft Permit in June, a Revised Draft Permit in September, and the current Tentative Permit in December. In each		X	It was a feedback received at the November 4, 2008, workshop, where it was suggested that the term "encourages" be changed to "requires" to strengthen the notification language. We concur that requires is the appropriate language to use.	None necessary

#	Comment	Agree	Disagree	Response	Action
	version there has been a provision in Section III Findings B. Specific Finding for Distribution System Discharges – 10 which addresses the question of the relationship between potable water systems and MS4 operators. Both the June Draft Permit and the September Revised Draft stated that the RWQCB *"encourages…dischargers providing advance notification to MS4 owners prior to discharge of significant volume of water that could impact MS4 owners facilities ability to meet MS4 regulatory requirements."* However, in the Tentative General Permit the word "encourages" was changed to *"requires"*. This is very similar to the original March Tentative Permit language which, on Page 17, required advanced notification of *"appropriate County Flood Control Agency".* The language was changed in the July Draft and October Revised Draft to *"encouraged"*. …… Why did the RWQCB change the language of this provision from "encourages" to "requires"? Under what authority in the Porter-Cologne Act does the RWQCB have authority to require a potable water system to notify a party other than the RWQCB who is not also subject to the permit such as an MS4 operator? How can the requirements of this permit be binding upon an MS4 operator when they are outside the scope of this permit? Is not lack of any specificity of how this coordination is to occur contrary to "fair notice" doctrine?				
36	III. FINDINGS B (pages 8-9) - 6 states "[t]he Dischargers are allowed to use the appropriate field kit for measurements of chlorine		X	Provided analysis is done accurately and precisely, we have no objection to Discharger using field kits as suggested by DPH or by sending the sample to	None necessary

#	Comment	Agree	Disagree	Response	Action
	concentration in the discharge. The recommended test kits include DPD Colorimetric Test Kits and ITS Free *Chlorine Test Strips that are recommended by the Department of Public Health (DPH). Chlorine measuring instruments and field kits shall be calibrated periodically to assure accuracy of measurements."* DPH does not "recommend" any field kits for the analysis of chlorine. The more appropriate citation would be regulations promulgated under the Safe Drinking Water Act such as the Surface Water Treatment Rule or Title 22 of the California Code of Regulations…….. How can this permit require the use of field kits based on DPH recommendations that do not exist? Since most field kits for the analysis of chlorine are not suitable for calibration, how does it make sense to require calibration? Should not this permit also include parallel language for the determination of pH?			approved laboratory. We do not dictate technology. It is Discharger's responsibility to use an appropriate field test kits to measure chlorine and pH and follow manufacturer's standard of operation.	
37	In Section III. FINDINGS B (pages 7-8) - 3 it states… *"The permit intend [sic] to regulate distribution system discharges by tracking large amount of discharges that would result in scouring, flushing of debris and other settled matter in the storm drain thus leading to possible high bacteria count at the beaches. The distribution system discharge regulation will provide more accountability of the discharges to the storm drain, and protects receiving water quality."* If this is the intent of the permit in regards to distribution system discharges, it is unclear how the provisions of the permit address the problems identified. First, potable water systems covered under this permit are		X	Certainly the high volume flow discharges in due course of time may cause scouring of channel bottom and may also result in mobilization of pollutants settled in the storm drain including bacteria. The permit intends to prevent the incidences such as Herondo Storm Drain incidence by requiring Dischargers to implement BMPs to prevent toxic pollutants reaching storm drain and to notify appropriate agencies including MS4 permit owners when planned discharges are greater than 25,000 gpd. The reporting component of the permit addresses the accountability of the high volume discharges.	None necessary

#	Comment	Agree	Disagree	Response	Action
	discharging into MS4s that are concrete and thus not subject to scouring. Additionally, the presence of any debris or settled matter in the MS4 is not caused by the discharges of the potable water system. Potable water systems are powerless to determine the presence of such materials or to remove them. In fact, such materials will eventually be mobilized by storm water or other discharges to the MS4 from sources other than potable water systems. MS4 operators, not potable water systems, have both the power and responsibility to prevent the mobilization of those materials. In any event, this permit would not prevent or minimize scouring, flushing of debris and other settled matter in the storm drain. The permit merely requires the monitoring of chemicals, flow, temperature, time, and location. The only variable that would impact either scouring or mobilization of debris is the velocity of the water in the MS4, which the potable water system has no control over. None of the regulated parameters has any impact on the likelihood of scouring or mobilization of debris in an MS4. Additionally, if the purpose of this permit is to reduce bacterial loading in ocean waters near beaches, then this permit is not necessary for the vast majority of potable waters systems. More than 90% of the discharges covered under this permit occur miles away from the ocean and thus cannot be a source of bacteria that would contribute to high bacteria counts in ocean waters near beaches. Moreover, discharges from potable water systems are not a source of bacteria so regulating them under this permit				

#	Comment	Agree	Disagree	Response	Action
	would have no impact on the presence or quantity of bacteria in beach water. The text appears to agree as it suggests that the bacteria of concern do not originate with the water discharged from potable water systems but with bacteria present in the MS4 prior to discharge. It is difficult to see how regulating discharges of water from a potable water system into an MS4 20 miles from the ocean would produce any reduction in bacterial densities in ocean water near any beach. Indeed, the word bacteria only occurs once in the Order and not at all in any of the attachments. If the RWQCB is concerned about bacteria in ocean water that originate from MS4s near the beach, should not the RWQCB write a permit that addresses bacteria in the MS4 near the beach? Would not such a permit focus on intercepting bacteria before they entered the MS4 rather than focusing on whether it is moved to the ocean by storm water or some other vehicle?				
38	On page 11 of the Order in III Findings D. Legal Authorities the Tentative Permit states *"…This Order is issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and chapter 5.5, division 7 of the California Water Code (commencing with .section 13370). It shall serve as an NPDES permit for point source discharges from this facility to surface waters."* On the other hand, the federal Storm Water Rule (40 CFR 122.26(B)(1) explicitly states that water from potable water systems does not need to be regulated in MS4s. Further, the California Water		X	Please refer to response to comment #1.	None necessary

#	Comment	Agree	Disagree	Response	Action
	Code Section 13260 states the RWQCB must regulate discharges *"that could affect the quality of the waters of the state"* and the discharge of water from potable water systems do not, as the permit itself states in III Findings, B. (Specific Finding for Distribution System Discharges) and on page 12 III Findings F (California Environmental Quality Act) where it says*…" The discharges under this permit are mostly intermittent, short duration, high flow discharges that comply with DPH maximum contaminant levels for protection of human health. Therefore, water discharges as qualified under this permit have been determined to pose no significant threat to water quality"* meets this standard. Thus, it is not clear that the legal authority cited is applicable to this situation. How does the RWQCB reconcile the language of the Storm Water Rule with the requirements of this permit? How does the RWQCB reconcile the findings of this permit, which states twice that discharges from potable water systems do not pose a threat to water quality, with the requirements of the Porter-Cologne Act which only require regulation of discharges "that could affect the quality of waters of the state".				
39	In two separate places, the Tentative Permit requires the discharger to apply to the RWQCB for categorical exception from the SIP. The first instance is in pages 4 – 5 of the Order II ELIGIBILITY CRITERIA FOR COVERAGE B Water Supply Systems Discharge Enrollment Criteria 3 (b) where it requires water supply system dischargers to apply for categorical exception from the State Implementation Plan if		X	If a discharge does not meet the conditions for enrollment under this permit, then that discharge does not qualify for prima facie categorical exemption under this permit. Then such discharge will seek and obtain site specific categorical exception.	None necessary

#	Comment	Agree	Disagree	Response	Action
	their reasonable potential assessment screening results are greater than an MCL listed in Attachment A. The second time is on pages 14-15 of the Order in III Findings K State Implementation Plan where the Tentative Permit requires **all dischargers** to apply for categorical exception. However, on page 12 of the Order in Section III Findings F California Environmental Quality Act the Tentative Permit states that these discharges already have categorical exception from the SIP. The two sections contradict each other, one section states only water supply system dischargers under certain conditions need to apply for categorical exception while the second section requires all discharges to apply. Moreover, if Findings F is accurate, then no discharger needs to apply for categorical exception as it is granted by the permit. If categorical exception needs to be applied for individually by each discharger, then there is no point in creating a general permit at all. Further, the language in Findings K would suggest that this application for categorical exception must be done on a discharge by discharge basis. On page 15 it specifically states*…"dischargers seeking enrollment under this general permit will be required to submit project-specific information to the Executive Officer on the discharge and its water quality effects."* It concludes with*…" upon completion of the project, the discharger shall provide certification by a qualified biologist that the receiving water beneficial uses have been restored"*. Whether or not intended, in its current form, the Tentative Permit includes a requirement that each separate discharge requires a separate application for categorical exception.				

#	Comment	Agree	Disagree	Response	Action
	If categorical exception is granted by this permit, why are two different sections included that require application for categorical exception? If it is the intent of this permit to require dischargers, either all or some, to apply for categorical exception, is it in fact on a discharge-by-discharge basis?				
40	There is a contradiction in the sampling requirements for annual testing in the MRP and the Fact Sheet. Page 5 Section R 6 of the MRP states that annual tests (Toxicity) must be collected in November while Page 11 Table 5 says that any day is possible. Further, the MRP requires only Toxicity to be performed annually while the Fact Sheet lists perchlorate, 1,4-Dioxane, NDMA, and Toxicity as annual tests. Is annual testing required only in November or anytime of year? Is Toxicity testing the only annual test or are the others listed above also required?		X	This tentative permit does not require annual monitoring for perchlorate, 1,4-Dioxin and NDMA. It does require annual sampling for toxicity which applies to continuing discharges. The table in the Fact Sheet that lists existing monitoring requirements for emerging compounds and the proposed permit exempts these requirements. Annual toxicity testing is required to be conducted in November. Part of the Monitoring and Reporting program for the tentative permit.	None necessary
	Main San Gabriel Basin Watermaste—Received January 30, 2009				
41	Why Single Out One *"de minimis risk"* from the Rest? Both the current MS4 permits for Los Angeles and Ventura County and the draft MS4 permit for Ventura County co-permittees allow certain non-storm water discharges into their Municipal Separate Storm Sewer Systems. These are *de minimis* risk waters such as natural springs and rising groundwater, swimming pool waters, non-commercial car washing, and discharges from potable water operations. All of these discharges are considered to have a minimal risk of		X	Regional Board appropriately regulates all discharges of wastes to surface waters or to groundwater using appropriate regulatory tools, NPDES permits, or Waste Discharge Requirements (WDR). Please also refer to response to comment #2.	None necessary

#	Comment	Agree	Disagree	Response	Action
	contributing to in-stream excursions above either state or federal water quality objectives or criteria. It is for this reason that the current MS4 permits allow the discharge of these waters into Municipal Separate Storm Sewer Systems. However, in the Tentative General Permit, the RWQCB is proposing to ban the discharge of only one of these several *de minimis* risk waters; i.e., discharges from potable water systems. The Tentative General Permit didn't explain why an NPDES permit should regulate this one particular type of *de minimis* risk, but not the others. Since they are all of equal *de minimis* risk to water quality, it is not reasonable to single out one for regulation and allow the others.				
42	Potable Water Source Should Not Be a Usual Suspect. On page 11 of the Order in Section III Findings D. Legal Authorities the Tentative Permit states "... This Order is issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the US. Environmental Protection Agency (USEPA) and chapter 5.5, division 7 of the California Water Code (commencing with .section 13370). It shall serve as an NPDES permit for-point source discharges from this facility to surface waters." On the other hand, it is our understanding that the federal Storm Water Rule (40 CFR 122.26(B)(1) states that water from potable water systems does not need to be regulated in Municipal Separate Storm Sewer Systems. Further, the California Water Code Section 13260 states that the RWQCB must regulate discharges "that could affect the quality oldie		X	Please refer to response to comment #1	None necessary

#	Comment	Agree	Disagree	Response	Action
	waters of the state" and the discharge of water from potable water systems does not, as the permit itself states in Section III Findings, B. Specific Finding for Distribution System Discharges - "Potable water has not been shown to be a source of pollution that would threaten or contribute to excursions above narrative and numeric water quality objectives contained in state and federal regulations. Potable water is considered to be a de minimus [sic] source of pollution." Again on page 12, Section III Findings F (California Environmental Quality Act), the text says... "The discharges under this permit are mostly intermittent, short duration, high flow discharges that comply with Department of Public Health maximum contaminant levels for protection of human health. Therefore, water discharges as qualified under this permit have been determined to pose no significant threat to water Quality. Even more, the United States Environmental Protection Agency and the American Water Works Association Research Foundation funded a study to examine the environmental impact of "non-treatment discharges" from utilities. The study consisted of data collection and research in both the eastern and western regions (AWWARF #2937-2007) and concluded that there were no significant impacts from potable water discharges on the receiving waters. We respectfully request more evidence that receiving waters are being impaired by the quality of potable water discharged into municipal storm drain systems. We believe there is no connection between the quality of discharged potable water and impairment of				

#	Comment	Agree	Disagree	Response	Action
	receiving waters.				
43	Economic Consequences to Be Considered. It is our understanding that the RWQCB must comply with Water Code Section 13241 in particular to consider the economic ramifications of this Tentative Permit. As stated in Section III (I) of the Permit - *"Requirements of this Order implement the Basin Plan."* The Permit also includes effluent and receiving water limits that implement the Basin Plan. As such, the Permit constitutes the further implementation of water quality objectives, and the RWQCB must consider the factors listed in subdivisions (a) through (f) of Section13241, including the economic consequences of the Permit. The costs of compliance with the Permit, in permit fees and testing costs, will run into millions of dollars each year. We believe, under Water Code Section 13225 (c), a RWQCB may not require local agencies to obtain and submit analyses of water where... *"the burden, including costs, of such reports [bears] a reasonable relationship to the need for the report and the benefits to be obtained therefrom".* We couldn't find such an analysis of the costs and benefits of the sampling required in the Tentative General Permit. Was a cost and benefits analysis conducted to show that benefits are greater than the costs?		X	Please refer to responses to comments #1, #14 and #19	None necessary

#	Comment	Agree	Disagree	Response	Action
	Please note that the Tentative General Permit would create significant economic burdens upon public water systems. The permit requires fees, one for each reach of receiving water to which a public water system may discharge from the supply system and a separate one for each distribution system, at $1,200 per permittee, per reach, for over 300 potable water systems in Los Angeles and Ventura Counties. There are extensive sampling requirements as part of the Notice of Intent. Additionally, there would be a significant increase in labor needed to monitor and report discharge events and results to the RWQCB: Public water systems could spend millions of dollars to comply with this Tentative General Permit which does not identify any additional benefits beyond the existing requirements. Water Code Section 13241(d) requires the analysis of costs and benefits and this was not prepared.				
44	**Available Data** The RWQCB may not be aware that there is a great deal of existing water quality data available relative to public water systems. If the RWQCB desires to determine the volumes of water discharged by potable water purveyors into Municipal Separate Storm Sewer Systems, this can be easily done by simply requesting such information from public water systems under Water Code Section 13267.		X	The primary goal of the permit is to protect surface and groundwater beneficial uses from impacts from water supply and distribution operations discharges through prescription of appropriate waste discharge requirements. The side benefit of this permit is that it enables the Regional Board to obtain holistic picture of cumulative discharges & impacts from water supply and distribution systems discharges. The Regional Board has access to certain DPH water supply well database information. However,	None necessary

#	Comment	Agree	Disagree	Response	Action
	In addition, DPH's Drinking Water Program (DWP) requires that all public water systems monitor their water supply sources for almost all of the analyses listed in Attachments A and B on a routine basis. Additionally, DPH has accumulated that data in a single database covering the years 1986 - 2008. Furthermore, the Watermaster has collected water quality data from past discharges associated with our Strategic Well Testing Program and discharges in the BPOU under the auspices of the EPA. The Watermaster is willing to share that data with the RWQCB as well. Such cooperation reduces costs and makes best use of available resources.			the burden is on the discharger to provide appropriate and adequate discharge specific information in the Report of Waste Discharge or NPDES permit application so that appropriate waste discharge requirements can be issued.	
45	**Need to be Reasonable** The Tentative General Permit does not identify any specific water of the United States or California where a beneficial use has been threatened or non-compliance with water quality objectives has occurred due to the discharge of potable water into a Municipal Separate Storm Sewer System in Los Angeles or Ventura Counties, nor has the case been made that this may occur in the future. For the benefit of entities that the Tentative Permit would regulate, the permit should identify those surface waters or groundwater sources being threatened or degraded by potable water discharges into Municipal Separate Storm Sewer Systems as a result of routine water operations. Water Code Section 13000 states that the RWQCB must regulate activities that affect water quality... *"to attain the highest water quality which is reasonable, considering all demands*		X	Please refer to response to comments # 1 and #30. The permit prescribes only pH and chlorine residual effluent limitations for distribution system discharges if discharge exceeds 100,000 gpd. These limitations are Basin Plan objectives and all discharges shall meet at a minimum these limitations. Chlorine concentration above 0.1 mg/L is toxic to aquatic organisms irrespective of which receiving water in Los Angeles and Ventura counties. For water supply system discharge, few selected pollutants which exhibits reasonable potential are required to be monitored and not the whole list of 126 priority pollutants.	None necessary

#	Comment	Agree	Disagree	Response	Action
	being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible." A key element of this requirement that water quality regulations be *"reasonable" is* that the burden of a regulation is balanced by commensurate improvements to water quality. In the absence of any evidence that discharges of potable water into Municipal Separate Storm Sewer Systems during routine operations of public water systems may adversely affect water quality, the regulation of such discharges is not reasonable.				
46	**Unclear Implementation Guidelines and Procedures** Section 13242 of the Water Code states: *"The program of implementation for achieving water quality objectives shall include, but not be limited to: (a) A description of the nature of actions which are necessary to achieve the objectives, including recommendations for appropriate action by any entity, public or private."* Since the RWQCB does not believe that discharges covered under this Tentative General Permit cause or have the reasonable potential to cause any water to exceed any water quality objectives, it is also not clear how the actions outlined in this Tentative General Permit meet the requirements of Water Code Section 13242(a). An example of one of the issues with this Tentative General Permit is the difficulty in understanding the requirements for enrollment.		X	A copy of the NOI form that was revised to accommodate specific water purveyors concerns was included in the draft revised permit circulated for this meeting. The NOI form was developed to parallel the NPDES permit applications USA-EPA Forms 1 and 2E and we believe the NOI is flexible enough to accommodate water purveyors' needs. Discharger can enroll in two ways, to discharge potable water from distribution systems or to discharge from water supply systems. Water quality screening is required in either case.	None necessary

#	Comment	Agree	Disagree	Response	Action
	This is compounded by the fact that the Tentative General Permit does not include a sample Notice of Intent (NOI) form designed specifically for this permit. Attachment C is a general form for other general NPDES permits, but is clearly not applicable to this proposed General Permit. It does not seem reasonable for potential permittees to evaluate a draft permit that does not include an NOI that is specific to the permit. Moreover, how could one of these *"constituents other than constituents limited in this permit"* possibly exceed the quality screening criteria listed in Attachment A, since the only criteria listed in Attachment A are for *"constituents limited in this permit"? It* is logically impossible for this to occur as there are no limits for any constituent other than those *"limited in this permit."* It is very difficult to understand what the requirements for enrollment are because the text of the permit is unclear and because the requirements are scattered throughout the permit. It would be very helpful if the NOI consolidated the dispersed enrollment requirements together in one place and clearly spelled them out in detail.				
47	**Encourages vs. Requires** MS4 co-permittees already have the authority in the MS4 General Permit to require any		X	Please refer to response to comment #35.	None necessary

#	Comment	Agree	Disagree	Response	Action
	discharger to a Municipal Separate Storm Sewer System, including PWSs, to notify the MS4 operator prior any discharge so this permit does not add any authority that does not currently exist. We fear that this permit does take away from MS4 operators' local authority and flexibility. Identifying and eliminating illicit discharges to Municipal Separate Storm Sewer Systems is a daunting task. Discharges from PWSs are generally of comparatively small volumes and occur infrequently, and the water discharged is generally of very high quality. The requirements spelled out in this permit would drain valuable resources from MS4 operators' efforts to track down truly dangerous discharges and force the producers to spend valuable resources on relatively benign discharges. In both the Draft and Revised Draft of this permit released earlier this year, the language had been *"encourages"* and not *"requires".* Returning the final permit to this language would be much better for the MS4 owners and operators of Los Angeles County.				
	Golden State Water Company—Received: January 30, 2009				
48	**Definition of Best Management Practices (BMP) Plan** On page 30 of the order, the definition of Best Management Practices Plan referred to the guidelines specified by the American Water Works Standards. The American Water Works Association (AWWA) is an international organization. There isn't currently a guideline provided in the Water Works Standards for a Best Management Practices Plan. The California-	X		We understand that many water purveyors have developed their own BMPs guidelines that suit their water systems. In general water purveyors may use AWWA guidelines manual in developing their BMP manual. Any appropriate BMPs that will be protective of the receiving water quality when implemented is acceptable..	None necessary

#	Comment	Agree	Disagree	Response	Action
	Nevada Section of AWWA, the largest section within AWWA with approximately 8,000 members, has served as a resource to its membership since 1920. The Section has published two guidelines on Best Management Practices. As the current chair of the Environmental Compliance Committee, I am attaching the most current version of this guide. I don't know if it was the Board's intent to refer this document, but I am offering it in hopes that you will consider it as the most current and relevant guide on BMPs available to utilities across the state. This document is available at our biannual conferences and on the CA-NV AWWA website, http://ca-nv-awwa.org.				
49	**Suitability For Storage of Water Supply Discharges** Specific findings for distribution system discharges contained within Section III(B)(5) on page 8 of the order point out that "discharge from the distribution system occur at locations that generally may not be suitable for storage". While this is certainly true for points at the distribution system such as fire hydrants located at busy intersections, this is also true for some water supply discharges. Large portions of Los Angeles and Ventura County are densely populated. Several water supply wells within our service areas are located on very small parcels sandwiched between other commercial or residential development. Drinking water wells are sometimes taken offline seasonally as water demand fluxuates. Once a well is offline, it must be purged in order to bring		X	This requirement for pre-discharge initiation sampling has been a component of our Monitoring and Reporting Program for the past 10 years plus. To our knowledge it has not been an impediment to proper developing of water wells. The purpose of the NPDES permit is to eliminate pollutants in wastewater discharge. It is counter productive to allow discharge from a well that is being completed or redeveloped without first assessing compliance with permit limitations. Depending on your well completion practice, you may only have to store the first well volume or so for testing prior to initiating discharge. It is not Regional Board's intent to limit the use of groundwater or to promote the use of imported water. Our mandate is to ensure that all sources of water supplies are protected from degradation.	None necessary

#	Comment	Agree	Disagree	Response	Action
	it back into service. Well purging activities require a minimum of three well volumes of water be purged. A well volume for an average well within our distribution system is 15,000 gallons. The storage requirement will result in three or more tractor trailer size temporary storage vessels parked on a city street while we wait for results to be returned. In some cases, space constraints or narrow streets prevent us from containing the entire volume of the discharge onsite while awaiting test results. In these cases, once the well was taken offline for maintenance it could not be sampled and therefore could not be returned to service. This has the effect of shutting down local potable groundwater supplies and shifting the balance of water supply to imported sources of water. The loss of even one local groundwater source can have a significant financial impact. Replacement water must be purchased from Metropolitan Water District. For a 1000 gpm well, this would be approximately $1800 for every day the source is not operational. Even with this considerable cost, the financial implication of losing local groundwater sources is small in comparison to the full environmental cost. We suggest that the Regional Board carefully weigh any regulatory action which increases Southern California's dependence on imported water sources, particularly State Water Project supplies routed through the California Bay-Delta against the benefits of limiting discharges that occur from potable groundwater well maintenance activities. Storage of water in temporary vessels over a period of days can result in a degradation of the				

#	Comment	Agree	Disagree	Response	Action
	quality of the discharged water and in particular, lead to a positive BOD_5 result from contamination introduced from the temporary storage container. We believe that requirement unreasonably impacts our operations without any additional water quality benefits being gained and may result in degradation of discharged water. Prior to enrollment in this permit drinking water wells must be tested for constituents listed in Attachment A. As you are aware, only a few of the hundreds of drinking water wells in the Board's jurisdiction have had detections of these constituents. If the listed constituents are not detected above the screening criteria before enrollment in the General Permit, GSWC suggests that the Monitoring and Reporting Plan (MRP) take into consideration. GSWC suggests that the same thresholds that have been applied to the distribution system discharges also apply to the water supply wells as long as screening criteria are met. By allowing for a reduced level of monitoring from the majority of wells, discharges from pristine sources would be able to proceed without barriers to perform maintenance activities while still providing a mechanism for additional monitoring as needed.				
50	**Monthly Averaging** Section I(M) on page 4 of the MRP outlines procedures for monthly averaging for sources with a monitoring frequency of less than four times per month. For maintenance purposes		X	If Dischargers have a short-term discharge lasting only one or two days, your compliance with the daily maximum limitation instead of monthly average will be determined based on the number of samples you collected during the discharge.	None necessary

#	Comment	Agree	Disagree	Response	Action
	discharges from some wells occur only one or two days every 4-5 years. In this case, it may not be possible to have sampling results available to determine if any exceedance nor would there be an opportunity to take additional samples. For this reason, GSWC again suggests that the same thresholds that have been applied to the distribution system discharges also apply to the water supply wells as long as screening criteria are met.				
51	**Water Supply System Discharge Enrollment Criteria Attachment A -THM Limit** Attachment A of the draft permit includes a Total Trihalomethane (TTHM) limit of 80 ug/L. Currently drinking water systems must comply with EPA's Stage 1 Disinfection ByProduct Rule (DBPR). Under the Stage 1 DBPR, the TTHM Maximum Contaminant Level (MCL) is 80 ug/L, yet compliance is based on the running annual average of quarterly samples. Samples are collected on a quarterly basis throughout the distribution system. All samples collected within a quarter are averaged to obtain the quarterly average. After four quarters of samples have been collected, the quarterly averages are averaged to obtain an annual average. From then on, the running annual average is calculated on a quarterly basis based on the four most recent quarterly averages. The running annual average must be below 80 ug/l in order to comply with the MCL. Therefore, a single sample with THMs greater than 80 ug/l in most cases does not result in an MCL violation……		X	Although MCLs are used for effluent limitations, using CDPH methodology of annual running average to determine compliance with THM is not practicable or appropriate in the context of waste discharge under the NPDES permit. It does not follow the guidelines established by the Statewide permit template nor supported by the USEPA Technical Support Document. NPDES permit limits should be set to be protective of human health and aquatic organisms. THM could be regulated based on its four chemical compounds which translate to much lower and very stringent criteria. Therefore, it is more appropriate to regulate THM MCL based criteria as a daily maximum limit in an NPDES permit than using the CDPH annual running average method.	None necessary

#	Comment	Agree	Disagree	Response	Action
	We understand it is the intent of the board to use MCLs as screening criteria for the permit. We suggest that the board remain consistent with this approach and provide a footnote that indicates that compliance will be based on the California Department of Public Health (DPH) regulations should there be any reasonable potential for TTHMs to be a constituent of concern for impairment of water in Los Angeles and Ventura Counties. We suggest that the Regional Board work closely with sources of information available from California DPH in determining what constituents of concern are represented in potable water sources.				
52	**Notice of Intent Requirements Consistency** Section III(B)(4) on page 8 of the order indicates that it is impracticable for purveyors to provide actual outfall locations while the Notice of Intent (NOI) Section IV requests a listing of outfall locations. In addition, since the permit covers drinking water systems that cover large areas, we suggest that Section II request a description of the permitted operation, including jurisdictions served instead of a facility address. While we can provide a list water supply locations, Department of Homeland Security regulations consider this information to be "sensitive". We request that this information be kept separate from information available to the general public.		X	The revised NOI added a footnote stating that for potable water distribution system discharge only, the discharge outfall and receiving water information are not required to be completed on the NOI form during NOI filing. Additionally, if a discharger requires that it's facility location be kept confidential per Homeland Security regulations, the Regional Board will oblige.	None necessary
	Lagerlof Senecal Gosney & Kruse—Group 0f Public Water Agencies—"The Group" Received: January				

Discharges from Potable Water Distribution and Water Supply Systems to Surface Waters-CAG994005
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#	Comment	Agree	Disagree	Response	Action
	30, 2009				
53	On behalf of the Group and the Company, we hereby join in the request dated January 14, 2009 by Castaic Lake Water Agency.("CLWA") to extend the public comment period and continue the hearing now scheduled for March 5, 2009 regarding the above-referenced Permit. We also join in CLWA's request for a further Board Workshop to discuss the proposed Permit, which has the potential to result in significant costs and impacts to public and private water suppliers throughout the region.		X	Please refer to response to comment #10.	None necessary
54	Sections II. A & II.B (pgs. 3-4): There is an overlap between the description of Water Distribution System Discharges and Water Supply System Discharges with respect to the categorization of reservoir water. The Water Distribution System description includes reservoir dewatering; and the term "storage systems' is included in Finding III.B.12 on pg. 9, which implies that storage system discharges are also to be treated as Distribution System discharges. However, the description of Water Supply System Discharges includes raw water discharges, including reservoir water, as a Supply System discharge. That overlap causes confusion, as it is not clear under what regulatory scheme discharges from a reservoir are to be covered. That confusion is very important because Water Distribution System Discharges are subject to different requirements than Water Supply System Discharges (e.g., Planned Distribution System Discharges of less than 100,000 gallons are treated differently from Water Supply System Discharges of less than		X	Reservoirs, tanks and storage system all are commonly used terms in the water supply industry. As discussed in the comment letter, there are two types of possible storages are identified in this permit. 1. Raw water storage reservoirs and discharges are covered under water supply system discharges. 2. Treated water storage reservoirs and discharges are covered under distribution system discharges.	None necessary

#	Comment	Agree	Disagree	Response	Action
	100,000 gallons). Because of the differing treatment of, and requirements of, the two types of systems covered by this Permit, such an overlap must be clarified so water suppliers can understand the exact regulatory requirements applicable to those discharges.				
55	Section II.E (pg. 6) - The 45 day waiting period for "new dischargers" is impractical. Water suppliers often have discharge requirements relating to public health issues for which they cannot wait 45 days for an NOI to be processed. That waiting period should either be significantly shortened, or the Permit should allow for provisionally approved discharges once the NOI is submitted, so long as the water quality samples submitted do not exceed any of the applicable water quality limitations.		X	After adoption of the permit, 45 day period is the time line for applying for permit that requires you to submit NOI Form and not to comply with the adopted permit requirements. All water purveyors shall continue to discharge in accordance with their existing coverage until a continuation of coverage is issued under the new permit.	None necessary
56	Section III.B.8 (pg. 9) - The first condition to the exemption of Distribution System Discharges of less than 100,000 gallons is that the discharge be "directly" into a MS4 storm drain, other storm water conveyance or directly to a receiving water. That provision should be clarified by adding "including the curb and gutter" after "storm water conveyance."		X	Staff believes those permit condition as written is adequate and serves the purpose. The part of the sentence as stated "*other storm water conveyance*" covers the statement as recommended.	None necessary
57	Section III.B.9 (pg. 9) -The 25,000 threshold for Planned Distribution System discharges should also be applied to Water Supply System discharges. Such an exemption threshold is appropriate in light of the findings made in the permit regarding the nature of the potable waters being discharged.		X	Water supply systems are allowed to discharge well start up and blow off water without a permit. It is expected that such discharge will fall under the 25,000 gpd threshold.	None necessary
58	Section III.K (pg. 15) - Regarding the categorical exemption from the SIP, the order requires the submission of "project-specific information" to the Executive Officer on the discharge and its water		X	If proper control measures are not implemented at the well head as required by Safe Drinking Water Act or California Health and Safety Code, then exemption would be granted only if CEQA	None necessary

#	Comment	Agree	Disagree	Response	Action
	quality effects. The required information includes CEQA documentation, residual waste disposal plans and upon completion of the project, certification by a qualified biologist that the receiving water beneficial uses have been restored. Based on the innocuous nature of the potable water discharges to be regulated under this Permit, this "requirement" does not belong in this Permit and must be deleted.			requirements and other conditions are met as stated in the permit.	
59	Section I.A (pg. 1) - Because of the innocuous nature of the potable water discharges, the requirement for visual inspection in the MRP should be deleted.		X	Discharges including discharge locations and areas may come in contact with objectionable materials due to unforeseen circumstances. Therefore to ensure the discharge does not create nuisance, visual observation is necessary and required.	None necessary
60	Section I.Q (pg. 4) - This section requires that "before commencing a new discharge, a representative sample of the effluent shall be collected and analyzed . .." It is unclear what, under the Permit, would constitute a "new discharge" that would require this further sampling. A broad interpretation of that term would result in significant testing costs to water suppliers, in cases where there potable water is acknowledged to be a de minimis source of pollutants. The Permit must more clearly specify what exactly will constitute a "new discharge."		X	New discharge as used in this permit refers to the first time you are discharging under this permit from a permitted facility.	None necessary
61	Section II.A (pg. 5) - This section requires "actual discharge points" to be included in the quarterly monitoring report for each planned discharge. That provision should clarify that the listing of such "actual discharge points" is only required for "each planned discharge occurrence of greater than 100,000 gallons per day per location."		X	Please note that reporting but not monitoring for pH and residual chlorine is required if discharges are between 25,000 and 100,000 gpd. The reporting shall include the discharge points and related information.	None necessary

#	Comment	Agree	Disagree	Response	Action
62	Section II.A.b (pg. F-4) - This provision conflicts with the Order, in that this provision requires "new dischargers" to submit the completed NOI at least 60 days before commencement of the discharge. As discussed above, even the 45 day period set forth in Section II.E of the permit is too long.	X		Board staff agreed to change from 60 to 45 days.	Change has been made
63	Section II.A.e (pg. F-5) - It is not clear that this provision applies only to first time discharges under the permit, or to any time that a "new discharger" commences a different type of discharge under the permit. For example, if a water supplier has previously been flushing its hydrants, but then makes a minor well release that is a Water Distribution System discharge, is it required to then notify the Regional Board of that discharge?		X	New discharge as used in this permit refers to the first time you are discharging under this permit from a permitted facility.	None necessary
County of Los Angeles—Department of Public Works Received: January 29, 2009					
64	We would like to reiterate our concerns with any discharges that may negatively impact our flood control operations and the need for dischargers to coordinate with the LACFCD and comply with local agency requirements. We also request that the language in the Fact Sheet, Attachment F of the subject permit, be revised to be consistent with the permit in requiring dischargers within a common watershed to work with the appropriate Municipal Separate Storm Sewer System Owners/Operators.	X		Regional Board staff agreed. The Factsheet will be revised to be consistent with the Order.	Change has been made
City of Camarillo Received: January 29, 2009					
65	Per section II, B.10 of the Tentative Order -		X	Advance notification requirement for significant	None

#	Comment	Agree	Disagree	Response	Action
	Findings, requires dischargers to coordinate water protection activities, including discharges, to be coordinated with the MS4 owners; these coordination efforts include "advance notification of significant volumes". The City has the following questions: What is the timeframe for advance notification? What is considered significant volumes?			volume discharges shall be negotiated with the MS4 owners, as storm water infrastructure vary from city to city.	necessary
66	Per section II, B of the Tentative Order, the enrollment criteria for water supply systems requires that the water discharged from the water supply system comply with the screening criteria for the constituents listed on Attachment A and those results shall be attached to the Notice of Intent (NOI). If analytical data exceeds the screening criteria, further sampling may be required. The City is not opposed to including the analysis results of those constituents listed on Attachment A as an attachment to the NOI. However, if our interpretation is correct, the same constituents are required to be re-analyzed during the discharge monitoring phase of the discharge event, e.g., groundwater well rehabilitation. Because the raw water quality of a groundwater source is relatively static, the City requests that the monitoring analysis during a well rehabilitation event not require re-sampling those constituents that were already sampled during the NOI process.		X	Sampling of actual discharge is required to confirm compliance with discharge requirements as long as it is a representative sample.	None necessary
67	Section II, B does not address water supply systems discharges as a result of minor well		X	Irrespective of the type of discharges from water supply system, all discharges shall comply with	None necessary

#	Comment	Agree	Disagree	Response	Action
	maintenance activities. Minor well activities would include repair or replacement of pumping equipment that, when complete would require discharges up to 250,000 gallons. In the case of minor maintenance activities, no well cleaning or rehabilitation would occur and therefore no chemicals would be introduced into the well. The discharge of water is only necessary to verify that the repaired or new pumping equipment is functioning properly. The City is requesting that water quality monitoring not be required for minor well maintenance, and only the volume of water be reported as part of the discharge event.			effluent limitations. Except for blow-off water and well start up, sampling and monitoring is required during well maintenance activities.	
	City of Thousand Oaks Received: January 26, 2009				
68	Board Order, Section I. First line. The use of term "wastewater" to describe water discharged from a potable water system. Board Order, Specific Findings, Section I, TMDLs, The Water Quality Control Policy for Enclosed Bays and Estuaries of California. The use of the term "wastewater" in a state-issued NPDES permit to describe water discharged from a potable water system is an extremely insensitive and unfortunate choice of terminology to use for an industry that faces significant daily challenges to maintain public confidence that our water supply provides a safe, secure source of potable water meeting all state and federal health standards….. The City recommends that the term "wastewater" be replaced with "water discharged".		X	Water discharged from water supply systems and distribution systems may contain pollutants of concern (metals, VOCs and chlorine residual) in excess of effluent limitations that would impair receiving water quality. Therefore, for purposes of this permit, the term wastewater is appropriately used in the permit.	None necessary

Discharges from Potable Water Distribution and Water Supply Systems to Surface Waters-CAG994005
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#	Comment	Agree	Disagree	Response	Action
69	Board Order Section IV.A1.i. Receiving Water Limitations: *The Discharge shall not cause the following to be present in Receiving Waters, Fecal coliform concentrations which exceed a log mean of 200 per 100 ml (based on a minimum of five samples equally over a 30 day period), any single sample shall not exceed 400 per 100 ml.* This limitation forever forces any water purveyor to consistently attempt to prove the `negative' without a definable course of action for demonstrating that. This liability has the potential to be quite significant. The Regional Board continues to implement broad TMDLs in many watersheds for bacteria concentration. The Board has established no provision for demonstrating a "natural source" exclusion. As bacteria has been found to demonstrate a strong affinity for sediments, any discharge at virtually any volume has the potential to mobilize sediments present in the channel or storm drain, rich in bacteria and purveyors will have to subsequently prove that their discharge was not the cause. The City recommends either to strike this provision from this Permit or amend the language from, *"...cause the..."to* be *"...determined to be a source of..."*.		X	Coliform bacteria limitation is Basin Plan objective and as such all discharges shall comply with this limitation. Although receiving water monitoring is not required in the MRP, all Discharges are required to comply with the receiving water limitations.	None necessary
70	Permit Section IV.A.3. (Receiving Water Limitations): The discharge shall not alter the color nor create a visual contrast with the natural		X	Please refer to response to comment #59.	None necessary

#	Comment	Agree	Disagree	Response	Action
	appearance, nor aesthetically undesirable discoloration of the receiving waters. Unfortunately, this provision has the potential for water purveyors to be subject to compliance liability for discharging clean fresh water to a naturally silty or turbid receiving water thereby creating a visual contrast. The City recommends the language be amended from , "...nor *aesthetically..." to* be "...and *aesthetically undesireable... ".*				
71	Permit: Definitions, Acronyms and Abbreviations: "Contamination" is not defined. "PPP" is not defined. "ng/L" is not defined. "Raw Water" is out of alphabetical sequence. "BMP" is out of alphabetical sequence.	X		1. Contamination: State of body of water after being in contact with pollutants resulting in toxicity to either aquatic organisms or human health or both. 2. Pollution Prevention Plan: The Clean Water Enforcement and Pollution Prevention Act of 1999 (Senate Bill 709) amended the California Water Code (CWC) by adding Section 13263.3. CWC Section 13263.3(d)(1) authorizes the State Water Resources Control Board (SWRCB), a Regional Water Quality Control Board (RWQCB) to require a discharger to prepare and implement a pollution prevention plan. The pollution prevention plan format for dischargers that are not POTWs has an additional requirement for a monitoring plan to monitor the effectiveness of pollution prevention efforts. The basic process for developing the pollution prevention plans is to: (1) identify pollutants of concern and their sources; (2) analyze and select methods for reducing the introduction of these pollutants into the discharge; and (3) develop a plan for implementing the selected methods.	Definitions have been added.

#	Comment	Agree	Disagree	Response	Action
				3. ng/L: nanogram per liter 4. Raw water and BMP definitions are placed in alphabetical sequence.	
72	Attachment F, d. Authorization of Coverage, For new discharges, the discharge shall not commence until receipt of the Executive Officers written determination of coverage under this NPDES permit. This General Permit incorporates several hundred newly permitted water purveyors. It additionally requires submittal by each purveyor of a NOI within sixty days of the Permit's adoption, and an additional and subsequent wait for arrival of the EO's letter of authorization, it is unrealistic to believe that purveyors can or will refrain from any discharge during this uncertain period of time. The City recommends a language amendment incorporating necessary discharges during this interval as long as they are in compliance with appropriate permit conditions.		X	After adoption of the permit, 45 day period is the time line for applying for permit that requires you to submit NOI Form and not to comply with the adopted permit requirements. All water purveyors shall continue to discharge in accordance with their existing coverage until a continuation of coverage is issued under the new permit. As long as an NOI has been submitted and discharges are in compliance with permit requirements Regional Board does not intend pursue enforcement action for discharges from potable water distribution systems.	None necessary
	City of Carson —Received: January 29, 2009				
73	The City of Carson respectfully provides the following comment regarding the subject tentative permit. As an owner of Municipal Separate Storm Sewer System (MS4) elements, we believe the subject permit is duplicative, costly and unnecessary.		X	We believe that the strategy articulated in the permit to provide an integrated coverage for discharges from drinking water supply and potable water distribution systems is a measured, reasonable regulatory approach that uniquely addresses water supply wastewater discharge issues.	None necessary

#	Comment	Agree	Disagree	Response	Action
	Page 9 Section B (10) of the subject permit states: *The Regional Water Board requires dischargers and MS4 permit owners/operators within a common watershed to coordinate their water quality protection activities; including dischargers providing advance notification to MS4 owners prior to discharge 'of significant volume of water that could impact MS4 owners facilities ability to meet MS4 regulatory requirements.* This provision results in a shared duty between water purveyors and MS4 operators. The responsibility for runoff water quality is effectively split between two permits with separate objectives and implementation measures. There is no authority for dispute resolution and little incentive for pollution source control implementation. Furthermore, the General MS4 Permit already provides copermittees with the authority to terminate unacceptable dischargers, including those from potable water suppliers. This permit appears to be duplicative and adds no new authority to protect urban runoff and receiving water quality. Board issued NPDES permits are expensive and divert scarce resources from other water quality protection programs. The City of Carson is paying tens of thousands of dollars in permit fees to the state. Initiating a new permit, which clearly overlaps with our existing permit authorities, will most likely result in a diversion of resources from our municipal stormwater programs. Finally, it is a well known fact that potable water discharges are of generally high			The primary goal of issuing the general permit is to protect the beneficial uses of the receiving waters from impacts from potable water related discharges, through appropriate waste discharge requirements. Large volume of uncontrolled discharges from potable water distribution systems poses significant environmental impact on receiving waters. These unregulated discharges are significant sources of high chlorine residual to receiving waters. It provides transport mechanism for mobilizing and flushing of bacteria from storm channels to Ocean and coastal streams, leading to beach closures. Beach closures erode the economic base for the beachside communities and deprive the citizens from enjoying the beach for their recreation. Therefore, it is prudent to regulate these types of discharges to protect aquatic life and other beneficial uses of receiving waters in Los Angeles and Ventura Counties. The proposed permit is different from the existing potable water discharge permit because it requires monitoring for significant distribution system discharges. Monitoring or permit is not required for discharges below 25,000 gallons per day (gpd) per discharge location. It is only after a discharge exceeds 100,000 gpd that chlorine residual and pH sampling is required. We believe that the additional costs to Dischargers to monitor distribution system discharges are insignificant. Dischargers can use approved field kits to test for pH and chlorine residual in the discharge. According to Department of Public Health, Environmental Laboratory Accreditation Program's	

#	Comment	Agree	Disagree	Response	Action
	water quality, which is why Part 1, Section 2, c) (2) of the current MS4 Permit provides an exemption for them. This costly new permit will not result in the elimination of illicit runoff water sources or pollutants and is therefore unnecessary. MS4 Permittees must be allowed to focus their energy on real sources of pollutants and to accomplish this we need more resources, not less.			price listing for water quality analysis, the average monitoring cost for pH and chlorine residual is $30. Dischargers incur a one time in five year cost of $700 to conduct water quality screening for obtaining a permit. The overallcost to Discharger for obtaining and complying with this permit is insignificant compared to the adverse economic and social impacts to coastal resources for non-issuance of the permit.	
	Santa Clarita Water —Received: January 30, 2009				
74	The California Department of Public health has jurisdiction to establish potable water contamination level…… In addition to the foregoing issues, from a policy perspective, the LARWQCB's attempt to regulate potable water contamination levels on a watershed by watershed basis throughout California, through the waste discharge permits process, sets a dangerous precedent that will have significant impacts on California's already scarce drinking water supply. The State of California is in the midst of a prolonged drought, with rainfall and the Sierra snowpack at approximately 60 % of normal levels thus far this year. Additional legal limitations have been imposed on the transfer of water to serve Southern California. As a result, California water companies anticipate that water rationing may be required as early as spring 2009. Allowing each regional board to set additional and differing limits for potable water, without consideration of SDWA requirements or the		X	Please refer to response to comment #13. CDPH participated in the stakeholders meetings and workshops and provided comments. There is no jurisdiction issues between CDPH and LARWQCB because NPDES General permit intends to regulate discharge of pollutants to protect human health and aquatic organisms so as to prevent ecological impacts to rivers, streams and oceans. Therefore for distribution system discharges, Dischargers are required to monitor pH and residual chlorine if discharges are greater than 100,000 gpd. For water supply system discharges, Discharger is required to meet MCLs.	None necessary

#	Comment	Agree	Disagree	Response	Action
	effects of the limits on potable water supplies, undermines the entire MCL development process and usurps the CDPH's authority to regulate drinking water quality standards and contamination levels in a manner that supports maintenance of sufficient supply. Further, the record for the Tentative General Permit reflects no attempt by the LARWQCB to coordinate its waste discharge permit adoption activities with (and/or seek the advice and approval of) the CDPH as required by California Water Code § 13001, which requires that "[t]he state board and regional boards in exercising any power granted in this division shall . . . coordinate their respective activities so as to achieve a unified and effective water quality control program in this state. We recommend that the LARWQCB, at a minimum, develop a potable water management discharge program that does not infringe on the regulatory authority of CDPH to regulate potable water standards.				
75	**Drinking water is not a waste subject to waste discharge regulations:** Under the California Water Code, the water boards may imposed waste discharge requirements on any person discharge *waste* affecting, or that could affect the quality of waters of the State. California Water Code § 13260. We are not aware of any precedent for designating potable water as waste. In fact, typically capture, treatment as use of water for potable purposes is considered the highest use of water, contrary to the Tentative		X	Please refer to response to comment #1.	None necessary

#	Comment	Agree	Disagree	Response	Action
	General Permit's characterization of potable water as waste *per se.* Further, the LARWQCB may issue waste discharge requirements to govern discharges of waste only as necessary to meet the "water quality objectives" of the receiving water. California Water Code § 13050(h) defines 'Water quality objectives" as the regulation of water quality *constituents* or *characteristics . . .* for the reasonable protection of beneficial use of water . . ." Clearly, the California Water Code allows the LARWQCB to regulate "constituents or characteristics" of water, but does not allow the regulation of clean water itself. We request that the LARWQCB reconsider the adoption of a general waste discharge permit for potable water and employ other methods at its disposal to monitor the discharge of potable water and address its primary concern: pollutants that may exist in storm drain facilities, which are not under the jurisdiction of water serving agencies, due to illicit connections, improper cleaning or maintenance procedures or other causes. As noted in prior comments, appropriate methods at the LARWQCB's disposal to address these issues include California Water Code Section 13267 orders, MS4 permit conditions, or proactive efforts to assist water agencies and MS4 operators in entering into memoranda of agreement or other appropriate instruments to address any potential for mobilization of MS4 pollutants via potable water discharges. Although mobilization of MS4 pollutants via potable water discharges have not been documented to date by the LARWQCB, and no examples of that threat to water quality appear in the record or are discussed in the Fact Sheet; however, if that is the LARWQCB's concern,				

#	Comment	Agree	Disagree	Response	Action
	mechanisms other than issuance of waste discharge requirements would be both far more effective in addressing the LARWQCB's actual concern, and, unlike the proposed Tentative General Permit, would be within the LARWQCB's jurisdiction to pursue.				
	City of Vernon—Received January 29, 2009				
76	The City is unclear as to the General Permit's purpose. The draft General Permit does not identify any specific water of the United States or California where a beneficial use has been threatened or compliance with a water quality objective has occurred due to discharge of potable water into MS4 in Los Angeles of Ventura Counties. The draft General Permit should identify those surface waters or groundwater being threatened or degraded by potable water discharges into MS4s as a result of routine water operations.		X	Please refer to response to comments #1 and #3.	None necessary
77	Water Code Section 13000 states that the RWQCB must regulate activities that effect water quality: "To attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible." An important component of this requirement is that water quality regulations be "reasonable" and that the burden of a regulation is balanced by commensurate improvements to water quality. In the absence of any evidence that discharges of potable water into MS4s during routine		X	Please refer to response to comment #2.	None necessary

#	Comment	Agree	Disagree	Response	Action
	operations of public water systems may adversely affect water quality, the regulation of such discharges is not reasonable. Moreover, Water Code Section 13260 states that the RWQCB must regulate discharges "that could affect the quality of the waters of the state." However, there is no evidence that the small volumes of high quality water discharged sporadically from potable water systems either cause or have the reasonable potential to affect the quality of the waters of the state.				
78	Under Water Code Section 13225, a RWQCB my not require local agencies to obtain and submit analysis of water where, "the burden, including costs, of such reports bears a reasonable. relationship to the need for the report and the benefits to be obtained there from." There is no evidence that such an analysis of the costs and benefits of the sampling required in the draft General Permit was conducted much less that benefits are greater that the costs. Has the RWQCB conducted a cost benefit analysis of the sampling requirements of the draft General Permit? If so, were the benefits greater than the costs?		X	Please refer to response to comment #9.	None necessary
79	Does the RWQCB have any reason to believe that, given the fact it already has substantial evidence in the LABP the discharges of potable water to MS4s in Los Angeles and Ventura Counties is much less than 1-percent of total flow of waters into these MS4s, and that the collection of additional information about discharge volumes will change this assessment and thus justify the issuance of the proposed Permit?		X	The primary goal of the permit is to protect surface and groundwater beneficial uses from impacts from water supply and distribution operations discharges through prescription of appropriate waste discharge requirements. The side benefit of this permit is that it enables the Regional Board to obtain holistic picture of cumulative discharges & impacts from water supply and distribution systems discharges.	None necessary

#	Comment	Agree	Disagree	Response	Action
	Private Citizen; Ms. Teresa Jordan from Simi Valley January 28,2009				
80	Page 6, it is stated in Section XII.A.1, Background, that "On August 7, 2003, the Regional Water Board adopted Order No. R4-2003-0108 General NPDES Permit No. CAG994005, Waste Discharge Requirements for (Discharges of Groundwater from Potable Water Supply Wells to Surface Waters. This General Permit expired on August 11, 2008, but is administratively extended until rescinded. Approximately 120 dischargers are enrolled under the General Permit. This Order now renews the requirements of this General Permit". Because the titles of Order NO. R4-2003 -0108 (Waste Discharge Requirements for Discharges of groundwater from potable water supply wells to Surface waters in Coastal Watersheds of Los Angeles and Ventura Counties), and Tentative Order No. R4-2009-XXXX(Waste Discharge Requirements for Discharges of Potable Water from Distribution and Water Supply Systems to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties) are different, this is not the same General NPDES Permit No. CAG994005. Thus, this is not a permit renewal, but a new permit.		X	The General permit R4-2009-XXXX is same as the current permit in the sense it covers exclusively potable water discharges like the current permit (R4-2003-0108). The only difference is that the proposed permit incorporates potable water distribution system discharges that are allowed under MS4 permit. The permit requirements remain same and no new pollutants are proposed to be regulated under the permit and effluent limitations for pollutants that are regulated remain same. Therefore, this is not a new permit and shall retain as a General NPDES Permit No. CAG994005.	None necessary
81	Page 7, while it is stated in Section III.A.5 that "General waste discharge requirements and NPDES permits enable Regional Water Board staff to expedite the processing of requirements, simplify the application process for dischargers, better utilize limited staff resources, and avoid" expenses, the real purpose of this proposed Tentative Order is to circumvent the "public noticing, hearings, and permit adoptions" process!!!		X	For this proposed permit, public notice was posted and comments were solicited from all interested parties. All necessary steps were taken in accordance with regulations to ensure public participation during the permit adoption process.	None necessary

Discharges from Potable Water Distribution and Water Supply Systems to Surface Waters-CAG994005
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#	Comment	Agree	Disagree	Response	Action
82	Page 7, the source of information is not given for the statement "Potable water has not been shown to be a source of pollution that would threaten or contribute to excursions above narrative and numeric water quality objectives contained in state and federal regulations. Potable water is considered to be a deminimus source of pollution".		X	As required by the CDPH, all potable waters needs to meet MCL for drinking water to protect human health. The impact to receiving water could be minimal if properly regulated under General NPDES permit.	None necessary
83	Groundwater, and Potable Water are not defined		X	The word groundwater implies the water that originated from underground below surface. Potable water is a term for drinking water.	None necessary
84	Page 9, Section III.B.7, dischargers are exempt from effluent sampling requirements "during unplanned discharges where circumstances are beyond the Dischargers control".		X	During emergencies (beyond dischargers control) the primary goal is to stop the discharge and protect public health and safety. When a discharge is planned ahead of time to correct a problem then sampling is required because discharge is controllable.	None necessary
85	Page 9, Section III. B.8, "Planned potable water discharges of less than 100,000 gpd and unplanned discharges are exempt from sampling requirements if all of the following are met:..."		X	See response to comment #84.	None necessary
86	Page 9, Section III. B.9, "Low volume discharge of potable water for the purpose of this permit less than 25,000 gallons per discharge event at a location is considered insignificant discharge and can proceed without coverage under the NPPES permit or a need to submit monitoring report…"		X	The 25,000 gpd potable water discharge is insignificant discharge, that should not create significant impact to receiving water	None necessary
87	Page 9, Section III.B. 6 (continuation), periodical calibration of chlorine measuring instruments and field test kits is being emphasized, not real statistical timelines.		X	Water purveyors shall follow the manufacturer's guidelines to calibrate the instruments they use in the field to test pH and chlorine residual.	None necessary
88	This Order is not intended to "protect the most protective water quality objectives for the surface		X	The order is meant to be protective of surface and groundwater quality if discharges are conducted in	None necessary

Discharges from Potable Water Distribution and Water Supply Systems to Surface Waters-CAG994005
Response to Comments

#	Comment	Agree	Disagree	Response	Action
	water beneficial uses in the Los *Angeles* Region"(Page 11, Section III.C.8).			accordance with the permit.	
89	Page 3, Section If "minor reservoir releases" and "minor well releases" are not clarified,		X	Minor releases from reservoirs or wells are those insignificant releases that may not contribute to deterioration of receiving water quality.	None necessary
90	Page 5, Section II.C.1, delete the word "highly" from the "Groundwater highly contaminated with drilling mud and/or well completion fluids" statement.		X	The word "highly" emphasizes the extent of contamination and thus shall retain in the sentence.	None necessary
91	Page 5, Section II,C..1, delete the word "should" from the "Such contaminated water should be disposed separately at appropriate location" statement, and change it to "must".		X	The word will be changed from "should" to "shall".	Change has been made
92	Page 5, Section II.C.1, delete the word' "appropriate" from the "Such contaminated water must be disposed separately at appropriate location" statement, and change it to "permitted".		X	No change is needed.	None necessary
93	Page 6, Section II.H,delete "30'days" from the "Coverage under this Order... statement, and change it to "45 days".		X	Change of ownership notice should be communicated to Regional Board at the earliest possible time to properly maintain and operate the permit and 30 day time period is enough to communicate such changes.	None necessary
94	Page 9, top of page, delete the word "filed" from the "Chlorine measuring instruments and filed test kits shall be calibrated periodically to **assure** accuracy of measurements" statement, and change it to "field".	X		Agrees with the commenter. The word "filed" in the sentence has been changed to "field".	Change has been made