

City of Oceanside Comments on Tentative Order R9-2015-0013

1. For foundation drains and footing drains (Sec. I.A.1b. and d., pg. 4) add additional footnote or more information to existing footnote so that it is clear whether or not permanent groundwater drainage and seepage control projects designed to be located above the groundwater table to actively or passively extract groundwater are not regulated under the permit (i.e. coverage under permit for those systems does not have to be obtained) and are allowable discharges under Order No. R9-2013-0001, NPDES No. CAS0109266 (if draining through City MS4 and if found not to cause or contribute to a condition of pollution or nuisance (to be determined by local or state regulators)).
2. Consider adding a footnote to crawl space pumps (Sec. I.A.1.c., pg. 4), so that it is clear that discharge from crawl space pumps at single family residential homes are not regulated under permit.
3. If groundwater discharges from home owner associations (HOAs), multi-family units, and other residential communities are to be regulated under this permit, add to list of sources under Sec. I.A.1.(pg.4).
4. Need to define what a passive discharge is. Maybe add footnote to I.B.3. (pg.5) or add under definitions in Part 2 of Attachment A.
5. Consider adding additional language to Section II.A.4. requiring dischargers to not only demonstrate (through the NOI) that they have notified the MS4 operator of the point of the proposed discharge but that they have also provided the MS4 operator with the following:
 - i. Description of collection and discharge system (i.e. number of pumps, wells, vaults, etc.)
 - ii. Estimated volume and/or flow of total discharge per day
 - iii. Map of discharge point and receiving storm drain inlet
6. Consider adding reporting requirements in Section V. of Attachment E which require dischargers to provide MS4 operators with copies of monitoring data records at the same time state operators are provided records.
7. In Attachment E, consider removing footnote 4 (pgs. E-8, E-11, E-15, E-18) which states that monitoring for bacteria is only required if discharge is associated with sewage collection or treatment or otherwise indicated since many water bodies (or specific portions) are impaired for bacteria levels and it is important to identify potential sources of bacteria (especially when not associated with discharge from sewage collection or treatment since it could indicate faulty piping systems nearby, improper grey water usage, etc.) so that they can be eliminated. Alternatively, additional language could be added to the footnote which states something to the effect of “if discharger has historic records (at least three years worth) of monitoring data which indicates a pollutant is not present in the discharge, the discharger may choose to either reduce frequency of monitoring for the pollutant or stop monitoring for the pollutant indefinitely” (similar to footnote 2 above).

8. Same comment as above for footnote 1 in Attachment E (pg. E-21).
9. Have the pollutant effluent limitations listed in Section V. for discharges to freshwater inland surface waters (regardless of domestic and municipal supply (MUN) beneficial use) been calculated so that pollutant levels will not contribute to an impairment for which the water body is listed for on the 303(d)? Has the impact from combined discharges into one freshwater inland surface water body been considered? If not, consider adding language which states that a discharge (to freshwater inland surface waters) may be subject to more stringent effluent limitations for a pollutant for which the water body is impaired should regulators find that the discharge (or total combined discharges to one water body) is adding to an impairment in any segment of the water body. This may be especially important for discharges of bacteria to Buena Vista Creek or Buena Vista Lagoon which could contribute to indicator bacteria impairment in Buena Vista Lagoon. Also important for discharges of bacteria, nitrogen, and phosphorus to Loma Alta Creek or Loma Alta Slough which could possibly contribute to indicator bacteria and eutrophic impairments in Loma Alta Slough.