



Comments on Draft Order R9-2009-0094

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project related discharges, because projects are scheduled well in advance. It is not possible to predict 30 days in advance a response to the water quality issues in a continuously operating water supply and distribution system. The Order needs to recognize the urgency associated with response to water quality issues within the domestic water system and recognize that the majority of the discharges that occur under the conditions of the Order are routine responses consistent with standard operations and maintenance practices.

Enforcement. IRWD is concerned that the Standard Provision for Enforcement section is incomplete. Since the Order is an NPDES Permit, the Order should contain the criteria and penalties associated with federal law and regulation. In addition to federal requirements, the State of California assesses **Mandatory Minimum Penalties on NPDES Permit violations.** Review of the San Diego Regional Board agendas indicates that the majority of the administrative penalties assessed are Mandatory Minimum Penalties. It would be to the benefit of the permit holder to have full knowledge of the administrative, civil, and criminal liabilities associated with the Order including Mandatory Minimum Penalties.

Monitoring Locations and Effluent Monitoring. The Monitoring and Reporting Program requires establishment of monitoring locations for each discharge. While such a requirement is reasonable for project related discharges, it is unreasonable for short term discharges, such as hydrant flushing, occurring throughout the day. IRWD suggests that the word "each" be deleted, which will allow the development of a monitoring program that is based on a sample of the discharges.

Based on its monitoring history, IRWD questions the need to monitor for total dissolved solids and pH in potable water discharges under this permit, because potable water needs to meet the higher standards for domestic use. IRWD considers a quarterly characterization of total dissolved solids and pH to be sufficient to meet this requirement and offers to provide that information. In general, the monitoring and reporting program needs to consider the skills reasonably available and allow for the design of efficient, effective and accurate monitoring programs.

Receiving Water Monitoring Requirements. IRWD wishes to confirm that Receiving Water Requirements apply to direct discharges into the receiving water only. Most of IRWD's discharges are into the MS4 system, which combine with other flows and ultimately discharge into receiving waters. Indirect discharges are not subject to receiving water requirements.

Considering discharges near a receiving water, IRWD is concerned whether receiving criteria should apply and has the following recommendation. If the discharge is less than 100 feet from a receiving water, receiving water criteria apply. If the point of discharge into the MS4 system is greater than 100 feet from a receiving water, a compliance statement explaining why no visual monitoring was conducted should be adequate.

Reporting Requirements. IRWD wishes to confirm that water system failures, such as a vehicle hitting a fire hydrant, are not emergency discharges. However, any water that is discharged as a result of the repair of a system failure, such as lowering the water level in a storage reservoir to prevent a failure of the reservoir, would be considered an emergency discharge. Therefore, system failures need not be

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reported, but emergency discharges that satisfy flow, sedimentation/erosion or nuisance requirements would be reported.

The proposed Order contains an emergency discharge minimum monitoring limit of 100,000 gallons per day, while the previous monitoring limit was 500,000 gallons per day. IRWD requests the justification that supports the recommendation to lower the monitoring threshold from 500,000 gallons per day to 100,000 gallons per day.

As discussed above, IRWD has daily planned and unplanned discharges resulting from routine operations and maintenance of its domestic water system. From the perspective of routine operations and maintenance, it would be difficult to forecast planned discharges, however, IRWD could accommodate advanced notification for project related discharges. Most, if not all, discharge permits require a 5-day notification and IRWD requests changing the notification requirement to five days to simplify its reporting procedures.

Eligibility Criteria. IRWD is concerned that the Fact Sheet Eligibility Criterion A.5 could have a serious effect on daily operations and maintenance activities. Routine hydrant flushing, and flushing performed to address water quality issues and restoration of service results in a discharge of water into the MS4 system. The requirement, as written, places an unreasonable burden on operations and maintenance personnel to certify that alternative methods of disposal were considered and that no alternative method of disposal existed. This criterion is understandable for individual project related activities where the project manager or consultant has the time to investigate and evaluate alternative disposal methods. A procedure needs to be developed which will allow operations and maintenance staff to diligently complete their work, without imposing an unreasonable or unrealistic regulatory burden.

IRWD appreciates the opportunity to provide comments on the draft order. If you have any questions, please call me at 949-453-5850 or send an email to [hills@irwd.com](mailto:hills@irwd.com), or contact Jim Hyde at 949-453-5866, email: [hyde@irwd.com](mailto:hyde@irwd.com), who helped prepare these comments.

Yours truly,

IRVINE RANCH WATER DISTRICT



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